



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 20 OCTOBER 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 13 October 2009

Minutes to be circulated separately

## 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 **Procurement Policy** **1**

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File: S04073

To adopt a revised Procurement Policy.

##### **Recommendation:**

That the Procurement Policy be adopted.

#### GB.2 **Investment Report as at 30 September 2009** **14**

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File: S05273

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

##### **Recommendation:**

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

#### GB.3 **National Trust Heritage Festival 2010 - Sponsorship Proposal** **33**

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File: S05650

To advise Council of a proposal from the National Trust of Australia for sponsorship for the National Trust Heritage Festival 2010, by placing a half page advertisement in the festival program.

**Recommendation:**

That Council consider the sponsorship proposal from the National Trust of Australia to advertise in the 2010 National Trust Heritage Festival program.

**GB.4 Community Reference Committee - Minutes of Meeting 37**

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File: S07621

To advise Council of the minutes of the Community Reference Committee meeting held on 16 September 2009.

**Recommendation:**

That Council receive and note the Community Reference Committee meeting minutes from 16 September 2009.

**GB.5 8 Arnold Street, Killara - Lighting of Tennis Courts 43**

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File: DA0492/09

Ward: Gordon  
Applicant: Ken Demlakian  
Owner: Killara Lawn Tennis Club

To determine Development Application No 0492/09 which is for lighting of 4 tennis courts. This application was called to full Council for determination by Councillor Keays on 11 August 2009.

**Recommendation:**

Refusal.

**GB.6 Nominations for & Remuneration of Joint Regional Planning Panel Members 99**

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File: S04554

To present nominations for council membership of the Sydney West Joint Regional Planning Panel and determine appropriate remuneration rates.

**Recommendation:**

That Council consider expressions of interest received from the local community for council membership of the Sydney Metro West Joint Regional Planning Panel and determine appropriate remuneration rates.

**GB.7 Draft Ku-ring-gai Bushland Reserves Plan of Management 139**

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File: S06604

To recommend adoption of the draft Ku-ring-gai Bushland Reserves Plan of Management.

**Recommendation:**

That Council adopt the Ku-ring-gai Bushland Reserves Plan of Management with minor amendments.

**GB.8 Draft Miscellaneous Lands Plan of Management 262**

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File: S06604

To recommend adoption of the draft Miscellaneous Lands Plan of Management.

**Recommendation:**

That Council adopt the Miscellaneous Lands Plan of Management with minor amendments.

**GB.9 Draft Council Chambers Plan of Management 287**

.  
File: S06604

To recommend adoption of the draft Council Chambers Plan of Management.

**Recommendation:**

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

**GB.10 Draft Ku-ring-gai Art Centre Plan of Management 312**

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File: S06604

To recommend adoption of the draft Ku-ring-gai Art Centre Plan of Management.

**Recommendation:**

That Council adopt the draft Ku-ring-gai Art Centre Plan of Management with minor amendments.



GB.11 **No 1 Millewa Avenue, Warrawee - Extinguish a Redundant Drainage Easement** 338

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File: SD1

Ward: Wahroonga

To seek approval to extinguish a redundant Council drainage easement at No 1 Millewa Avenue, Warrawee.

**Recommendation:**

That Council approves the extinguishment of the drainage easement subject to Conditions A to C noted in the recommendation of the report.

GB.12 **Waste Services - Novation of Contract** 343

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File: S07616

To seek approval for authorisation of the Novation of Contract with Kimbriki Environmental Enterprises Pty Ltd for Council's operational waste.

**Recommendation:**

That the Mayor and General Manager be delegated authority to sign the Novation Deed and apply the seal of Council.

GB.13 **Independent Assessment of Council's Development Control Plan (Town Centres)**

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File: CY00054

Report by Director Strategy & Environment dated 13 October 2009 to be circulated separately.

**EXTRA REPORTS CIRCULATED AT MEETING**

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

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

### **Section 79C**

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

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

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

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

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

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

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## PETITION

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### OPPOSITION TO LIGHTS AT KILLARA LAWN TENNIS CLUB - (TWENTY-THREE [23] SIGNATURES)

**The following Petition was presented by Councillor Elise Keays:**

"We, the undersigned, strongly oppose the Development Application by the Killara Lawn Tennis Club to install lighting on four courts and urge the Councillors to reject the application.

Our concerns include:

1. The visual impact of the 8 metre high light poles.
2. The visual impact of the lighting over such a large area.
3. The hours of operation.
4. The noise impact of late night playing.
5. The automatic switching of lights on all courts regardless of play or weather conditions.
6. The late night noise of players and others leaving in their cars from Arnold Street, this includes slamming of doors, turning on radios and engine noise."

### RECOMMENDATION

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

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## PROCUREMENT POLICY

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To adopt a revised Procurement Policy.
<b>BACKGROUND:</b>	Council's existing Purchasing Policy and Procedures Manual, developed in 2004, has been reviewed.
<b>COMMENTS:</b>	A revised Procurement Policy has been prepared.
<b>RECOMMENDATION:</b>	That the Procurement Policy be adopted.

## PURPOSE OF REPORT

To adopt a revised Procurement Policy.

## BACKGROUND

Council's existing Purchasing Policy and Procedures Manual, developed in 2004, has been reviewed.

The Manual was no longer considered to be sufficiently comprehensive to guide staff through the necessary internal procedures for the procurement of goods and services.

An internal working group was formed in March 2009 to review Council's procurement practices with a view to developing an updated procurement Policy and related procedures.

The group comprised 10 staff assisted by an external resource. The staff members were:

- Internal Ombudsman
- Internal Auditor
- Manager Information Technology
- Manager Finance
- Manager Procurement and Risk Management
- Manager Engineering Services
- Manager Open Space Services
- Manager Open Space Project and
- Two Procurement staff

## COMMENTS

A revised Procurement Policy has been prepared.

The Procurement Policy is an over-arching document that sets out the framework for the procurement of goods and services by Ku-ring-gai Council. The Policy is submitted to Council for adoption (**attached**).

The objectives of the Policy are:

- to ensure that Council complies with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and all related legislation in the procurement of goods and services;
- to ensure that Council has procurement practices that meet the highest levels of public accountability;
- to define a consistent procurement framework that is understood by staff and suppliers and assists in achieving the most advantageous procurement and pricing conditions;

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- to overcome duplication of effort and research throughout the organisation.

The Policy sets out four procurement principles with the main policy statement being:

Ku-ring-gai Council will follow the principles of economy, equity, efficiency and environmental sustainability when procuring goods and services.

Briefly these principles are explained as follows:

1. **the Economy principle** – the need to obtain the best possible value for public money;
2. **the Equity principle** – the need for fairness and impartiality in all stages of the procurement process;
3. **the Efficiency principle** – the need to have a superior procurement system that eliminates waste and rework;
4. **the Environmental Sustainability principle** – the need to have a procurement system that will result in high quality environmental outcomes.

The Policy also sets out the following standards of behaviour and ethics to be observed by staff, suppliers, contractors and tenderers:

- Honesty and fairness
- Accountability and transparency
- Consistency
- No conflict of interests
- Rule of law
- No anti-competitive practices
- No improper advantage
- Intention to proceed
- Commitment to safety and risk management

The Policy notes that there are three companion procedures:

- Purchasing Procedure
- Engagement of Consultants Procedure
- Tendering Procedure

The Policy also identifies related Council policies and codes.

The Policy is submitted to Council for consideration. Adoption of the Policy by Council will demonstrate to existing and potential suppliers, as well as the community, that the Council has a commitment to an ethical and accountable procurement framework.

As the three companion procedures are operational documents not requiring Council endorsement they will be finalised following adoption of the principal Policy by Council. The Policy and Procedures will then be disseminated across the organisation with appropriate refresher training.

## **CONSULTATION**

No external consultation is required.

## **FINANCIAL CONSIDERATIONS**

There are no specific costs associated with the adoption of the Policy. The companion Procedures are aimed at strengthening the competitive processes for the supply of goods and services to Council which could be expected to generate cost savings for Council.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

An inter-departmental working group undertook the development of the new Policy and Procedures. Initial drafts were circulated for feedback and the final drafts have been endorsed by the General Manager and Directors.

## **SUMMARY**

A new Procurement Policy has been prepared and is submitted to Council for adoption so as to demonstrate to existing and potential suppliers, as well as the community, that the Council has a commitment to an ethical and accountable procurement framework.

## **RECOMMENDATION**

That the Procurement Policy be adopted.

Tino Caltabiano  
**Manager Finance**

John Clark  
**Director Corporate**

**Attachments:**      **Draft Procurement Policy - 2009/092630**



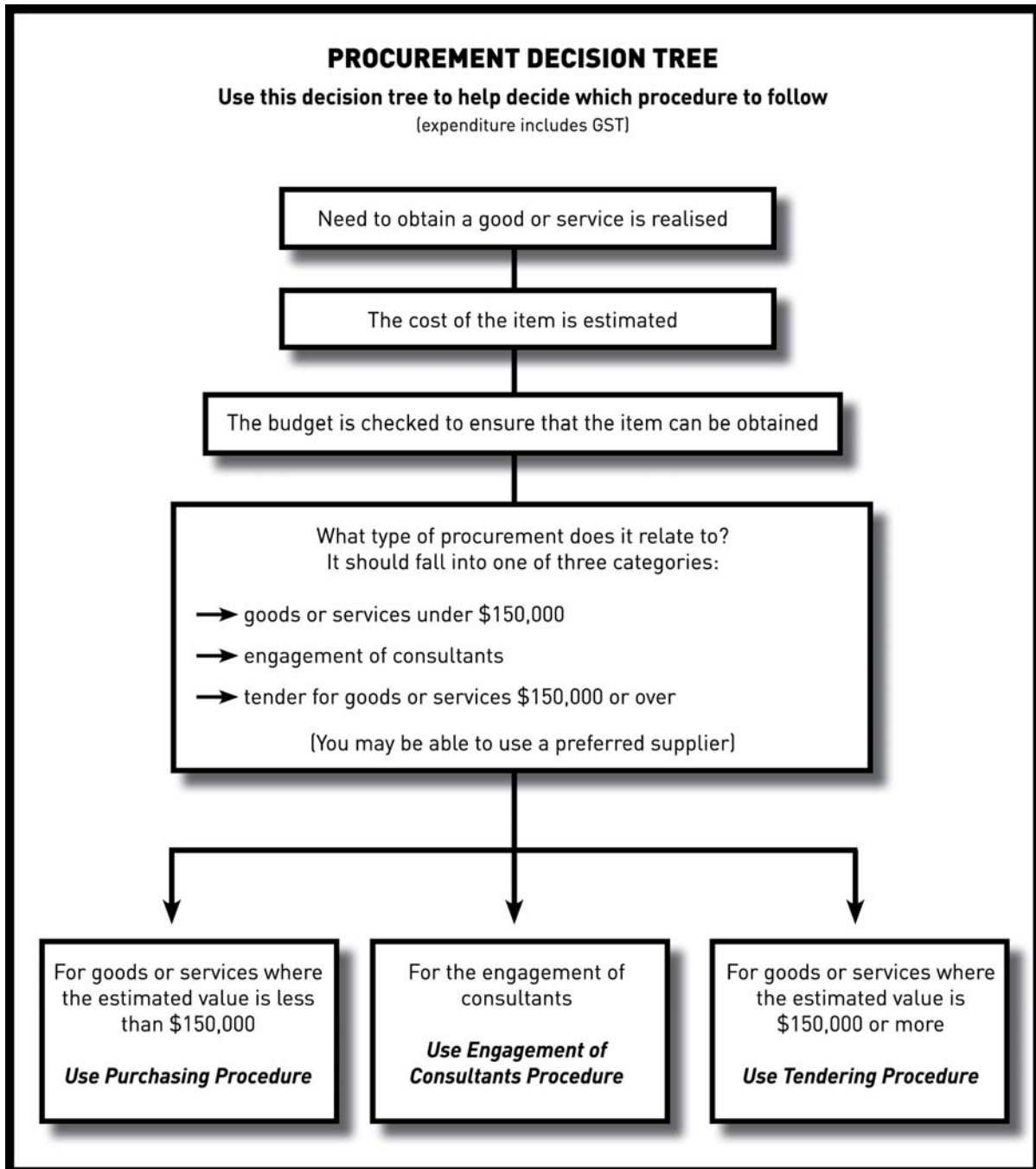
# Ku-ring-gai Council

PROCUREMENT MANAGEMENT

## Procurement Policy

Draft August 2009





Doc distribution	Internal/external	Doc status	Draft	File No	S04073
Document owner	Manager Finance	Contact officer/s	Procurement Team		
Approval date		Approved by			
Effective date		Review period	3 years	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
1.0	December 2004	Original Purchasing Policy and Procedures Manual			
2.		Major review			

## 1. Purpose

The purpose of this policy is to ensure that the procurement of goods and services by Ku-ring-gai Council is undertaken in compliance with all legislative requirements and Council's procurement principles.

This Policy applies to the purchase of goods and services from external organisations.

## 2. Objectives

The objectives of this policy are:

- to ensure that Council complies with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and all related legislation in the procurement of goods and services
- to ensure that Council has procurement practices that meet the highest levels of public accountability
- to define a consistent procurement framework that is understood by staff and suppliers and assists in achieving the most advantageous procurement and pricing conditions
- to overcome duplication of effort and research throughout the organisation.

## 3. Policy statement

Ku-ring-gai Council will follow the principles of economy, equity, efficiency and environmental sustainability when procuring goods and services.

## 4. Procurement principles

There are four principles that apply to the procurement of goods and services by Council. They are:

1. **the Economy principle** - the need to obtain the best possible value for public money
2. **the Equity principle** - the need for fairness and impartiality in all stages of the procurement process

3. **the Efficiency principle** - the need to have a superior procurement system that eliminates waste and rework
4. **the Environmental Sustainability principle** - the need to have a procurement system that will result in high quality environmental outcomes.

**Under the Economy principle** getting best value for money means considering all factors relevant to a particular purchase. Although price is particularly important, consideration must also be given to whole of life costs and non-price factors such as quality, reliability, product safety, delivery time, ongoing service and support. When procuring services, other factors such as experience, qualifications of personnel, knowledge of Council's needs and previous work performance are also important. Value for money does not necessarily mean lowest price. However the lowest price might offer the best value if it meets other essentials such as quality and reliability.

Value for money will be pursued through fair and effective competition. Other things being equal, the extent of competition sought by Council will be consistent with the financial value of the procurement, with higher value cases normally subject to open invitations to quote, bid or tender.

**Under the Equity principle** impartiality means endeavouring to be objective and even handed in making assessments against predetermined criteria. The skill, knowledge and responsibility of the staff involved in the procurement process will be appropriate to the nature, complexity and magnitude of the procurement.

Council will act fairly. The process of inviting and assessing quotations, bids and tenders will safeguard against favouritism, improper practices and opportunities for corruption. Private interests will not be allowed to influence decisions about procurement. Staff will be aware of their responsibilities and will be accountable for their actions and decisions. Written records will be kept including the reasons for selecting or rejecting quotations, bids and tenders.

**Under the Efficiency principle** Council will have in place documented procurement procedures to ensure that there are consistent processes aimed at the efficient procurement of goods and services. Where procurement procedures are complex, as occurs with some tendering, mentors will be assigned to assist and guide staff through all stages of the process.

**Under the Environmental Sustainability principle** Council will give appropriate consideration in the circumstances to:

- protection of natural resources such as soil, vegetation, water, air quality
- rare or threatened flora or fauna/biodiversity
- efficient energy usage
- efficient use of renewable resources
- effective waste management, minimisation and recycling
- restoration of damaged areas of the natural environment
- contributions to the reduction in greenhouse gases
- restoration of damaged areas of the built environment.

As a consequence Council supports the following standards of behaviour and ethics which are based on those developed for procurement and tendering activities by all NSW State Government agencies. Council requires its suppliers, contractors and tenderers to behave in accordance with these standards at all times.

**Honesty and fairness** – Council conducts all procurement and business relationships with honesty, fairness and probity at all levels. Council will not disclose confidential or proprietary information.

**Accountability and transparency** – Council shall ensure that the process for awarding contracts is open, clear, fully documented and defensible.

**Consistency** – Council shall ensure consistency in all stages of a procurement process. For example, conditions of tendering shall be the same for each tenderer on any particular tender; all requirements shall be clearly specified in the tender documents and criteria for evaluation shall be clearly indicated; all potential tenderers shall be given the same information; and the evaluation of tenders shall be based on the conditions of tendering and selection criteria as defined in the tender documents.

**No conflict of interests** – A council official with a potential conflict of interests shall address that conflict without delay.

**Rule of law** – Council shall comply with all legal obligations. These include the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

**No anti-competitive practices** – Council shall not engage in practices that are anti-competitive nor engage in any form of collusive practice.

**No improper advantage** – Council shall not engage in any practices that aim to give a potential tenderer an advantage over others.

**Intention to proceed** – Council shall not invite quotations, bids or tenders without a firm intention and capacity to proceed with a contract, including having funds available.

**Co-operation** – Council shall encourage business relationships based on open and effective communication, respect and trust and adopt a non adversarial approach to dispute resolution.

**Commitment to safety and risk management** – Council shall ensure the safety and welfare of others through a commitment to occupational health and safety and general public safety with appropriate management of risks.

Council has a *Statement of Business Ethics* made available to all potential and existing suppliers, contractors and tenderers. The Statement is also on Council's website.

In summary Council strives to:

- buy goods and services at the required standard and at the best possible prices
- give all suppliers a real opportunity to do business with Council
- be highly efficient in the procurement of goods and services
- buy goods and services that minimise the impact on the environment.

Council will make use of Commonwealth Government, State Government, Local Government Procurement (LGP), Northern Sydney Regional Organisation of Councils (NSROC) and other preferred supplier contracts to which it has access. Such contracts remove obligations to invite quotations, bids and tenders in certain circumstances.

## **5. Legislative framework**

The procurement of goods and services is governed mainly by the following:

- *Local Government Act 1993* – particularly section 55 dealing with the calling of tenders; section 422(5) deals with appointment of Auditors by tender
- *Local Government (General) Regulation 2005* – particularly clauses 163 to 179 dealing with the calling of tenders and clauses 209 and 211 dealing with financial management and authorisation of expenditure.

Of relevance also is:

- *Freedom of Information Act 1989* – in relation to the protection given to commercially sensitive material
- *Privacy and Personal Information Protection Act 1998* – in relation to the protection given to personal information
- *Health Records and Information Privacy Act 2002* – in relation to the protection given to health information.

## 6. Companion procedures

Council has procedures that guide staff in procurement processes. These procedures must be used and complied with by staff.

The particular procedure to be followed will be governed by the type of good or service to be obtained and the estimated cost of the procurement.

As a consequence there are, in addition to this policy, three companion procedures that make up the suite of Council's procurement documents. They are:

- **Purchasing Procedure.** This is applicable to the purchase of goods or services where the estimated value of purchase is less than \$150,000, including GST.
- **Engagement of Consultants Procedure.** This is applicable to the engagement of consultants.
- **Tendering Procedure.** This is applicable where the estimated value of purchase is \$150,000 or more, including GST (although can also be used where the estimated value is less than this).

A Procurement Decision Tree is included in this policy and in each of the procedures to assist staff in determining the appropriate procedure to be followed.

Order splitting, or the otherwise breaking down of a procurement process intentionally so as to avoid compliance with the policy and procedures, is not permitted and may be a breach of the *Code of Conduct*.

## 7. Related codes and policies

The following documents are of relevance to procurement and must be considered when dealing with procurement issues:

**Code of Conduct.** This code sets the minimum requirements of conduct for council officials in the carrying out of their functions.

**Conflict of Interests Policy.** This policy explains pecuniary and non-pecuniary conflict of interests and how they should be managed in the public interest.

**Gifts and Benefits Policy.** This policy explains gifts and benefits and how council officials need to deal with them to avoid being compromised or appearing to be compromised.

**Statement of Business Ethics.** This statement provides ethical guidance to individuals, organisations and companies that are in, or proposing to be in, a business relationship with Council. It sets out the standards of ethical behaviour that will be followed by staff and what is expected from others in all Council business dealings.

**Councillor Access to Information and Interaction with Staff Policy.** This policy deals with the different roles undertaken by Councillors and staff in all aspects of Council's operations including procurement.

**Sponsorship Policy.** This policy outlines the principles applying to sponsorship negotiation and implementation and outlines the mechanisms used to obtain and grant sponsorships.

**Privacy Management Plan.** This plan explains how Council handles personal and health information and the obligations of contractors who have access to such information.

**Human Resources policies.** All relevant human resource policies such as those dealing with anti-discrimination, equal employment opportunity and occupational health and safety must be complied with by contractors, in particular the *Contractor OHS and Environmental Risk Management Procedures*.

**Internal Reporting Policy - Protected Disclosures.** This policy encourages the reporting of serious breaches of policies and procedures that may amount to corrupt conduct, maladministration or a serious and substantial waste of public money and provides protection from reprisal action.

## **8. Support for staff**

Within the Finance Section of the Corporate Department there is a Procurement Team available to coordinate procurement processes and give assistance and support to all staff involved in these processes.

Staff will be given training in procurement as required.

## **9. Associated external references**

*Department of Commerce, NSW Procurement website, [www.nswprocurement.com.au](http://www.nswprocurement.com.au)*

*Independent Commission Against Corruption, Managing Risk: Reducing corruption risks in local government, checklist and related documents, September 2001*

*Local Government and Shires Associations of NSW, Local Government Procurement website, [www.lgp.org.au](http://www.lgp.org.au)*

*Local Government Managers Australia, New South Wales, Local Government Good Practice Toolkit website, Procurement Module, [www.lgtoolkit.com.au](http://www.lgtoolkit.com.au)*

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## INVESTMENT REPORT AS AT 30 SEPTEMBER 2009

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007.

**COMMENTS:**

The Reserve Bank of Australia (RBA) retained the official cash rate at 3.00% in September 2009. Subsequent to this reporting period, the RBA increased the official cash rate to 3.25% in October 2009.

**RECOMMENDATION:**

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

## PURPOSE OF REPORT

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

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 28 August 2007 (Minute No. 319).

## COMMENTS

During the month of September, Council had a net cash inflow of \$3,380,887 and a net investment gain (interest and capital) of \$367,278.

Council's total investment portfolio at the end of September 2009 is \$83,949,992. This compares to an opening balance of \$75,066,501 as at 1 July 2009, an increase of \$8,883,491.

### Implications and recommendations of the Cole report

As previously reported to Council, in April 2008 the Department of Local Government (DLG) issued Circular 08-10 'Council Invested Funds and the Cole Inquiry Report', which advised that the report by Michael Cole on a review of NSW Local Government Investments had been released. The Circular summarised the recommendations contained within the report and the implementation process for those recommendations that the DLG was undertaking.

A new Ministerial Order dated 31 July 2008 has been legislated. Draft investment policy guidelines for consultation were released by the DLG on 25 May 2009 (Circular No. 09-20). An Expression of Interest for Investment Advisory Services was advertised in the Sydney Morning Herald on 21 July 2009 and Expressions of Interest was closed on 11 August 2009.

An Expression of Interest for Investment Advisory Services report has been prepared for Council meeting on 13 October 2009. As part of this process, a revised investment strategy and policy will be developed and reported to Council.

## PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**  
The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.
- **Funds Performance against the UBS Bank Bill Index**  
This measures the annualised yield (net of fees and charges) for Council's portfolio. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

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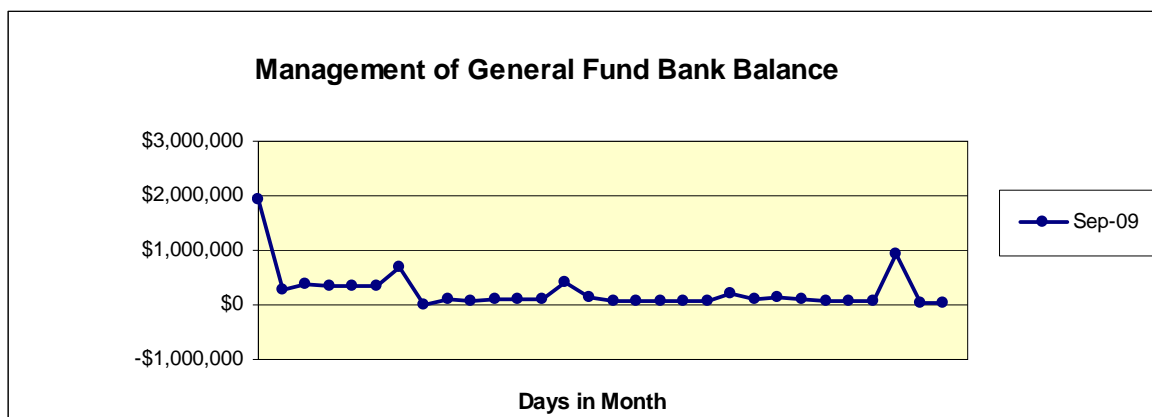
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▪ **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's fund managers and direct securities.

**Management of General Fund Bank Balance**

During September Council had a net inflow of funds of \$3,380,887.



**Investment Portfolio**

Council's investment portfolio consists of the following types of investments:

**1. Floating Rate Notes (FRN)**

FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

The following investments are classified as FRNs

ANZ sub-debt AA-	purchased 18/12/07 at discount
ANZ sub-debt AA-	purchased 20/12/07 at discount
Bendigo Bank BBB	purchased 9/11/07 at par
ANZ sub-debt AA-	purchased 17/1/08 at par
HSBC Bank AA-	purchased 14/3/08 at par
BOQ senior-debt BBB+	purchased 08/09/08 at discount
Phoenix Notes A (downgraded from AA+ by S&P)	purchased 31/07/07 at par
St. George Bank FRN AA	purchased 11/09/09 at discount
ING Bank Australia FRN A+	purchased 14/09/09 at discount

With the exception of Phoenix Notes, these FRNs are all sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

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1. Term Deposits
2. Senior Debt
3. Subordinated Debt
4. Hybrids
5. Preference shares
6. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

These types of investment are classified as Held to Maturity assets and they are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement.

In terms of reporting, these investments are shown at their purchase price which is then adjusted up or down each month in accordance with the amortisation of the discount or premium. The effect of this is to show the investment at face value at maturity.

## 2. Fixed Interest Notes, Term Deposits, Transferable Deposits and Bonds

Fixed interest notes and term deposits pay a fixed amount of interest on a regular basis until their maturity date.

Westpac Fixed sub-debt AA-	purchased 25/02/08 at discount
Investec Bank Term Deposit BBB	purchased 03/09/08 at par
Westpac Bank Term Deposit AA	purchased 16/06/09 at par
St George Bank Term Deposit AA	purchased 19/06/09 at par
St George Bank Term Deposit (11 Months) AA	purchased 02/09/09 at par
National Australia Bank Term Deposit (11 Months) AA	purchased 02/09/09 at par
National Australia Bank Term Deposit (6 Months) AA	purchased 15/09/09 at par

As with FRNs, these investments are shown at purchase price with the discount or premium amortised over the period to maturity.

Council has one fixed interest deposit:

Bendigo Bank BBB+	purchased 27/02/09 and held at par
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A Transferable Certificate of Deposit is a bank deposit (i.e. fixed interest) that may be transferred from one party to another. Council has four transferable deposits.

ANZ Transferable Deposits AA-	purchased 22/04/08 at par
Elders Rural Bank (Transferable Deposit) BBB	purchased 18/06/08 at par
Deutsche Bank Transferable Certificates of Deposit A+	purchased 04/09/09 at discount
Commonwealth Bank Transferable Certificates of Deposit AA	purchased 11/09/09 at premium

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A bank bond is a debt security, in which the authorised bank owes the holders a debt and is obliged to repay the principal and interest (the coupon) at a later date, termed maturity.

The revised Ministerial Investment Order dated 31 July 2008 section (d) states that councils may invest in "bonds issued by an authorised deposit-taking institution (as defined in the Banking Act 1959), but excluding subordinated debt obligations".

Council has three fixed rate bank bonds with senior debt obligations:

BOQ Bank Bond BBB+	purchased 04/09/08 at discount
Suncorp Metway Bank Bond A+	purchased 04/09/08 at premium
ANZ Senior Debt Fixed Bond AA	purchased 02/06/09 at discount

### 3. Collateralised Debt Obligations (CDO)

The following investments are classified as CDOs:

Titanium AAA	purchased at discount
Maple Hill 11 B- (downgraded from AA by S&P)	purchased at par
Oasis Portfolio Note CCC- (downgraded from AAA by S&P)	purchased at par

(Please refer to Comments on Individual Investment Performance section for details)

A CDO is a structured financial product whose returns are linked to the performance of a portfolio of debt obligations. It is split into tranches, whereby the riskiest or lowest tranche, the "equity tranche", receives the highest returns. Higher rated tranches offer protection against the risk of capital loss, but at proportionately diminishing returns.

These investments are also classified as held to maturity assets and are therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement. These investments are reported in the same manner as FRNs.

### 4. Constant Proportion Debt Obligations (CPDO)

The following investment is classified as a CPDO:

ABN AMRO CPDO PP AA-	purchased at par
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This is an investment whose returns were based on trading credit default swap (CDS) contracts. A CDS is a contract between two parties where one agrees to accept the risk that a company will default on its loan repayment obligations in return for payment of a fee. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council was that if enough of the companies default on their loan payment obligations, Council's regular payments of interest may be reduced or cease. On 3 March 2009 this occurred resulting in a cash-out event meaning no more coupon payments will be made on this investment until maturity in September 2016. Opportunities are currently being investigated to trade out of the note and re-invest in a higher yielding asset. It should be stressed that the return of principal is guaranteed by ABN AMRO bank (rated AA-).

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Investments that have been purchased on the basis of an anticipated growth in asset value rather than returns being based on an interest coupon have been classified as Growth Investments. The following investments are included in this category:

- Longreach CPWF AAA
- Longreach STIRM A+ (downgraded from AA- by S&P)
- Longreach s26 Property A+ (downgraded from AA by S&P)
- KRGC TCorp LTGF unrated

These investments are valued at fair value where the capital gain is credited to the Income Statement and a capital loss is debited to the Income Statement. All of these investments except for the KRGC TCorp LTGF are principal guaranteed. The value shown in the monthly investment report is based on the redeemable Net Asset Value (NAV). The NAV is the total current market value of all securities plus interest or dividends received to date. This is the price or value of the investment at the time of preparing the report. Although the investments are principal guaranteed, reports are based on the NAV even when it falls below the par value.

The principal is guaranteed by the investment issuer monitoring the net asset value and selling the investments if the NAV falls below the level where a risk free investment will return the principal at the maturity date. Thus the worst case scenario, provided that the issuer remains solvent, for these investments is that overall return will be returns received to date plus return of principal at maturity date and no further interest payments for the remaining period. An exception to this is the Longreach CPWF product, where the principal is guaranteed as well as a 2% semi annual coupon.

While accounting and reporting for these investments is in accordance with the above, the following information is provided for each:

**Longreach CPWF:** This investment pays a guaranteed 2% coupon semi-annually and is principal guaranteed by Rabobank who are rated AAA. Actual returns depend upon growth of the investment. The worst case performance scenario is a 2% coupon and principal returned at maturity.

**Longreach STIRM:** This investment pays a fixed coupon of 2.5% and a floating coupon of 125% of the quarterly performance. A cap is applied to the total coupon at BBSW+25bps with any additional income going into the NAV. The worst case performance scenario is no coupon is paid due to 100% of investors' funds being redeemed from the STIRM strategy and invested in a discount security to guarantee principal is returned at maturity.

**Longreach Global Property:** This investment pays a fixed coupon of 7% pa payable semi annually. This coupon is contingent on 100% of funds being invested in the Global Property basket. The worst case performance scenario is no coupon is paid and 100% is redeemed from the Global Property basket and invested in a discount security to guarantee principal is returned at maturity.

**KRGC TCorp LTGF NSW Treasury Corporation:** This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds,

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listed property and cash 38%. The return is based on the fund's unit price at month end supplied by the fund. There is no principal guarantee with this fund and it is unrated.

## Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @30th September 2009 \$'000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Valuation M=Mark to Market H=Hold to Maturity	Maturity
<b>Working Capital (0-3 Months)</b>									
BlackRock Investment	BlackRock Diversified Credit	A	1,822	-0.25	3.47	*	2.17	M	0-3 mths
Westpac Bank	Council Westpac Business Cheque Plus Account	AA	3,939	0.26	2.92	*	4.69	M	0-3 mths
Westpac Bank	Westpac 120 Days Term Deposit	AA	6,000	0.35	4.30	*	7.15	M	0-3 mths
St. George Bank	St. George Bank Term Deposit	AA	5,000	0.34	4.20	*	5.96	M	0-3 mths
<b>Short Term (3-12 mths)</b>									
National Australia Bank	National Australia Bank 6 Months Term Deposit	AA	4,000	0.39	4.75	*	4.76	M	3-12 mths
St. George Bank	St. George Bank 11 Months Term Deposit	AA	3,000	0.42	5.20	*	3.57	M	3-12 mths
National Australia Bank	National Australia Bank 11 Months Term Deposit	AA	3,000	0.42	5.20	*	3.57	M	3-12 mths
Elders Rural Bank	Elders Rural Bank Transferable Deposit	BBB	2,000	0.38	4.57	6.48	2.38	H	3-12 mths
<b>Short - Medium Term (1-2 Years)</b>									
Select Access Investments	Titanium AAA	AAA	2,000	0.35	4.19	7.09	2.38	H	1-2 yrs
Bendigo Bank	Bendigo Bank Term Deposit	BBB+	500	0.32	3.90	4.44	0.60	H	1-2 yrs
Bank of Queensland	Bank of Queensland Bond	BBB+	1,958	0.67	8.30	8.28	2.33	H	1-2 yrs
Suncorp Metway	Suncorp Metway Bond	A+	2,023	0.65	8.06	8.05	2.41	H	1-2 yrs
Bank of Queensland	Bank of Queensland FRN	BBB+	1,979	0.39	4.59	5.74	2.36	H	1-2 yrs
ING Bank Australia	ING Bank Australia FRN	A+	993	0.33	4.05	4.05	1.80	H	1-2 yrs
<b>Medium Term (2-5 Years)</b>									
Longreach/Rabobank	Longreach CPWF	AAA	2,912	0.78	-0.71	-0.98	3.47	M	2-5 yrs
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	1,894	2.45	60.34	-1.79	2.26	M	2-5 yrs
UBS AG London	Longreach STIRM	A+	1,078	2.23	29.74	3.01	1.28	M	2-5 yrs
ABN AMRO/Nomura	Pheonix Notes	A	2,000	0.44	5.43	8.35	2.38	H	2-5 yrs
ANZ Bank	ANZ Sub FRN	AA-	2,957	0.36	4.31	6.71	3.52	H	2-5 yrs
Westpac Bank	Westpac Subdebt	AA-	947	0.79	9.78	9.77	1.13	H	2-5 yrs
HSBC Australia	HSBC MTN (Medium Term Notes)	AA-	4,000	0.46	5.64	8.03	4.76	H	2-5 yrs
ANZ Bank	ANZ Transferable Deposit	AA-	2,000	0.37	4.47	6.74	2.38	H	2-5 yrs
Investec Bank	Investec Term Deposit	BBB	3,000	0.49	5.88	7.13	3.57	H	2-5 yrs
ANZ Bank	ANZ Snr Fixed Income Bond	AA	998	0.44	5.43	5.42	1.19	H	2-5 yrs
Commonwealth Bank	Commonwealth Bank TCD FRN	AA	2,034	0.31	3.74	3.74	2.42	H	2-5 yrs
St. George Bank	St. George Bank FRN	AA	3,723	0.33	3.99	3.99	4.43	H	2-5 yrs
Deutsche Bank	Longreach s26 Prop	A+	768	0.90	2.73	-9.97	0.91	M	2-5 yrs
Deutsche Bank	Deutsche Bank TCD FRN	A+	1,954	0.37	4.48	4.48	2.33	M	2-5 yrs
<b>Long Term (5 Years+)</b>									
CBA/Helix Capital Jersey	Oasis Portfolio Note	CCC-	2,000	0.35	4.17	7.06	2.38	H	5 yrs +
HSBC Bank	Maple Hill 11	B-	3,000	0.46	5.62	8.45	3.57	H	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.38	4.51	7.08	0.60	H	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,973	0.33	4.07	6.71	3.54	H	5 yrs +
ANZ Bank	ANZ Subdebt 2018	AA-	1,000	0.36	4.37	6.92	1.19	H	5 yrs +
ABN AMRO Bank London	CPDO PP	AA-	6,000	0.00	0.00	5.61	7.15	H	5 yrs +
<b>TOTAL /WEIGHTED AVERAGE</b>			<b>83,952</b>	<b>6.32</b>	<b>5.69</b>		<b>100</b>		

Matured/Traded Investments - Weighted YTD Average Return (%)

4.23

Weighted Average Overall Return Year To Date (%)

5.60

Benchmark Return: UBSWA Bank Bill Index(%)

3.22

Variance From Benchmark (%)

2.38

The weighted average return for the total portfolio year to date was 5.60% compared to the benchmark of the UBS Bank Bill Index of 3.22%.

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Since Council's investment policy was changed in August 2006, a wider range of investments has been made involving diversification of the portfolio into different investment types, longer maturities and different markets. Council's investments now include several growth investments, where returns are principally derived from growth in the value of capital invested, rather than income payments. These investments can be expected to show higher volatility in price movement on a month to month basis. With the exception of the NSW Treasury Corporation investment, Council has only purchased growth investments which have a capital protection provided by a bank of at least AA ratings. As these investments are long term and not intended to be traded monthly, volatility is of less concern.

**Comments on Individual Investment Performance**

**Term Deposit:** In the month of September 2009, the following term deposit has matured

- National Australia Bank Term Deposit AA \$6,000,000 at 4.25% p.a. for 90 days

**Longreach CPWF 1-2006:** This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of September 2009, the investment has returned -0.98% with a 0.78% increase in net asset value for September 2009 and an annualised year to date return of -0.71%.

The Fund's Unit NAV at month end provided to the investment manager by the calculation agent was \$0.9705. This NAV represents a 0.78% increase from the previous month end. This valuation represents the price at which a unit holder could have redeemed fund units at month end inclusive of fund ordinary expenses. General information on the fund is included in the monthly Unit Holder Report **attached**.

**Longreach Series 26 Global Property:** This investment was made in June 2007 in a basket of property spread globally across seven geographical areas: Due to the volatility and poor performance of the property market during the current global economic crisis the allocation in the property basket is now zero with 100% of the funds in the discount debt security, and Deutsche Bank has informed Longreach that Series 26 Global Property has completely de-levered. The funds are now notionally invested in a fixed income bond until maturity.

All other aspects of the note are unchanged:

- Capital protection at maturity
- Buy back facility through Deutsche Bank

The current unit price of Series 26 is \$76.80, up from \$76.12 in August. The principal guarantee mechanism means that the note will be matured to \$100.00 in June 2014. As the capital loss on the note has been brought to account through the income statement in accordance with the relevant accounting standards, the note will now provide for a return of approximately 5.79% over the next 4.75 years. In the current market 5.79% is considered a reasonable return. It is recommended at present, to hold on to this investment in the short term, however if opportunities arise to trade out of the note into higher yielding investments they will be considered.



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General information on the fund is included in the monthly Noteholder Performance Report **attached**.

**Longreach Series 23 STIRM:** This investment is a capital protected note with exposure to a short term interest rate yield enhancement strategy. The redeemable NAV of the notes is \$107.82 whereas last month it was \$105.5. An annualised year to date return on the investment is 29.74% annualised and 3.01% since inception. The credit rating for this investment was downgraded from AA- (neg) to A+ (stable) in December 2008. General information on the fund is included in the monthly Noteholder Performance Report **attached**.

**NSW Treasury Corporation:** The investment was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The fund's annualised return is 60.34% and is - 1.79% since purchase. The increase in investment during September 2009 was due to underlying market returns.

**Blackrock Diversified Credit Fund:** In August 2008, Blackrock Investment Management informed Council of its decision to close the Blackrock Diversified Credit Fund. This action was taken due to the Cole Report recommending removal of the option for local councils to invest in managed funds. The fund was specifically created for, and targeted toward, NSW local councils' requirements. At that time Council had approximately \$9.5M invested in the fund.

Since then, the fund has been slowly winding down by selling its assets; however the illiquidity of markets over the past few months has resulted in the wind down taking considerably longer than first anticipated.

In closing down the fund, BlackRock is required to conduct the sell down process in an orderly fashion to achieve the best possible outcome. Whilst liquidity has not improved dramatically, BlackRock have managed to sell down more of the portfolio.

BlackRock is still attempting to sell down the remaining portfolio which is comprised of largely domestic assets. The domestic credit markets are still highly illiquid and BlackRock will liquidate this portfolio at the earliest opportunity being cognisant of getting "reasonable" value for the securities sold. All the securities held within the portfolio will continue to pay coupons and BlackRock sees no further credit impairment of the portfolio.

During September 2009, BlackRock has managed to sell more of the global assets and made another distribution of \$696,722.54. The balance of funds remaining in Blackrock at 30 September was \$1.82M.

**ABN AMRO CPDOs PP:** This is an investment whose returns were based on trading credit default swap (CDS) contracts. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices were permissible. The risk to Council was that if enough of the companies default on their loan payment obligations, Council's regular payments of interest would be reduced or cease.

Past months falling interest rates combined with widening credit spreads have increased this risk. This means that the note reverts to a risk free bond investment to guarantee principal on maturity. Although the principal is guaranteed, no interest would be paid on the investment in the event of cash-out.

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In an effort to reduce the risk of this occurring, it was decided to lock in a zero coupon bond at the rates on offer in early November 2008. The benefit of doing this was that if rates fell going forward then investors will have locked into a zero coupon bond at a lower price with a higher yield. While this reduced the risk of a cash-out event by locking in interest rates, the investment was still exposed to the impact of widening credit spreads. Since November 2008, credit spreads have widened dramatically and Council was advised by ABN AMRO Morgan on 3 March 2009 that a cashout event had occurred. It needs to be stressed that the total principal is protected, but Council will not be receiving any more coupon payments until maturity in September 2016. Opportunities are currently being investigated to trade out of the note and re-invest in a higher yielding asset.

**CDOs:**

As a result of the global financial market crisis and in particular the collapse of Lehman Brothers the following CDO investments have been downgraded as follows:

Maple Hill 11 B- (downgraded from AA by S&P)  
Oasis Portfolio Note CCC- (downgraded from AAA by S&P)

The risk of losing principal in a CDO is based on the number of defaults in the portfolio of debt obligations combined with weighting of the entity in the portfolio and the recovery rate of the entities that default. The following information is provided for these two CDOs:

Maple Hill 11

- Losses absorbed: 5.67%
- Losses remaining: 3.34% (manager's estimate, which CPG believes is reasonable)
- Recovery: Floating
- Portfolio: 139 (unequal weight)
- Credit events to date: 4 (Lehman Brothers, Fannie Mae, Freddie Mac and Idearc)
- Credit events supported: 12.8 average sized, assuming average 33% recovery
- Credit events remaining: 7 average sized, assuming average 33% recovery

Oasis Portfolio Note

- Losses absorbed: 4.30%
- Losses remaining: For the AAA tranche 1.45%
- Recovery: Fixed Rate at 40%
- Portfolio: 118 reference entities (unequal weight and started with 120)
- Credit events to date: Lehman Brothers, Fannie Mae, Washington Mutual, Kaupthing Bank
- Credit events supported: Variable = 14 minimum sized; 8.5 average weightings; 4 maximum sized
- Credit events remaining: Depends on the weighting of the credit event – maximum size (1.5% exposure) then 1 more; minimum size (0.5% exposure) then 4 more. The note can withstand 2.9% of the portfolio defaulting.

As this note has a 40% fixed recovery the default of Fannie Mae had a much larger impact on the note's subordination. Fannie Mae and Kaupthing Bank each represented 1.5% of the references and Lehman Brothers was 1.25%.

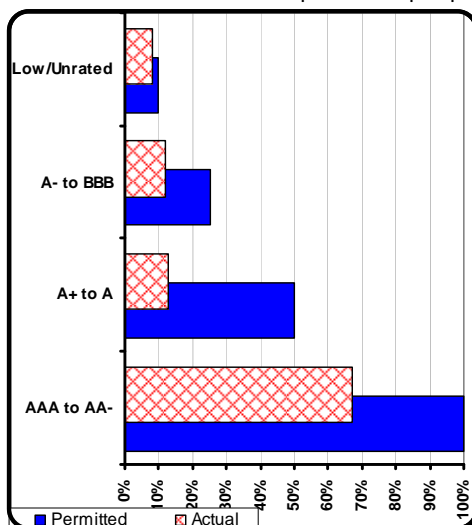
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Allocation of funds

The following charts show the allocations of Council's investment funds by the categories shown:

1) **Credit Rating:** Actual level of investment compared to proportion permitted by policy.

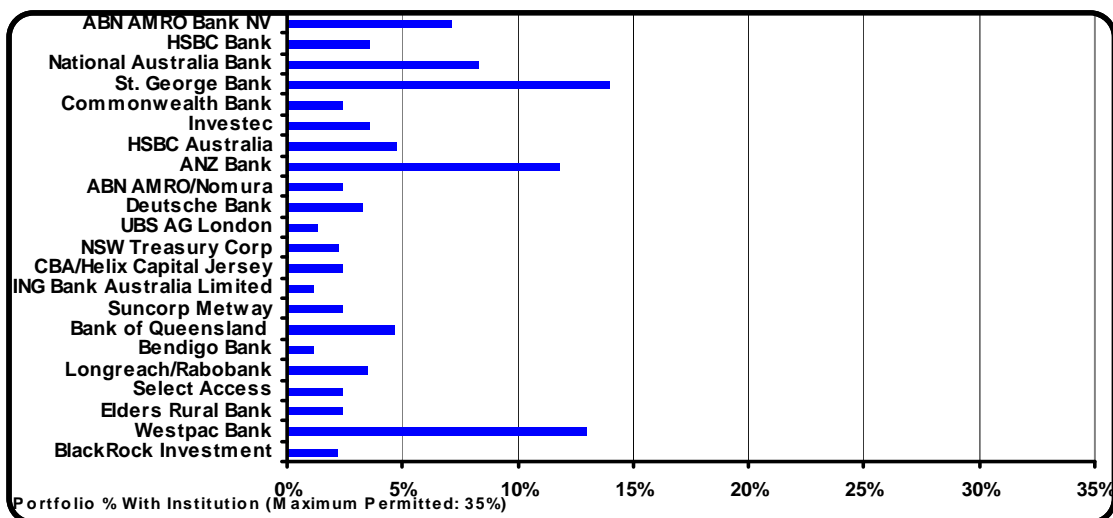


**Investment Rating Proportion**

AAA to AA-	67.28%
A+ to A	12.67%
A- to BBB	11.84%
Less than BBB	8.21%

2) **Proportional Split of Investments by Investment Institution:** Actual portion of investments by investment institutions.

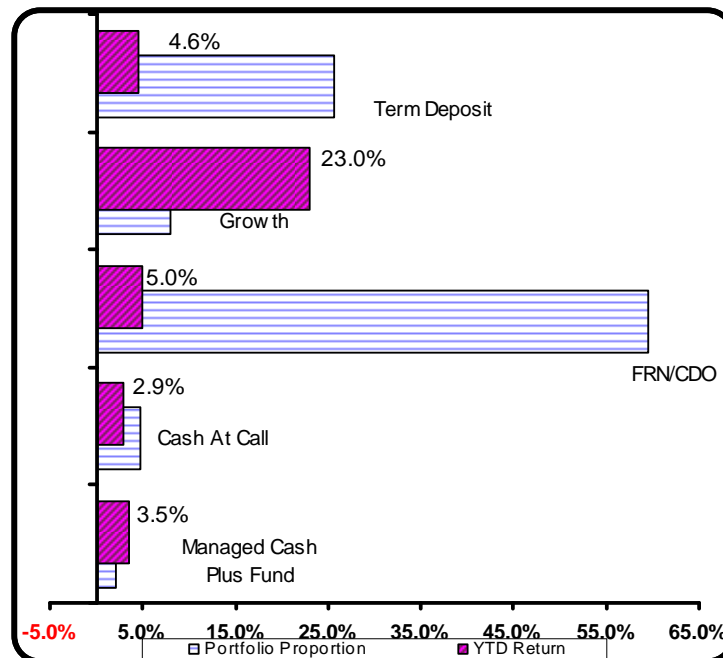
Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.



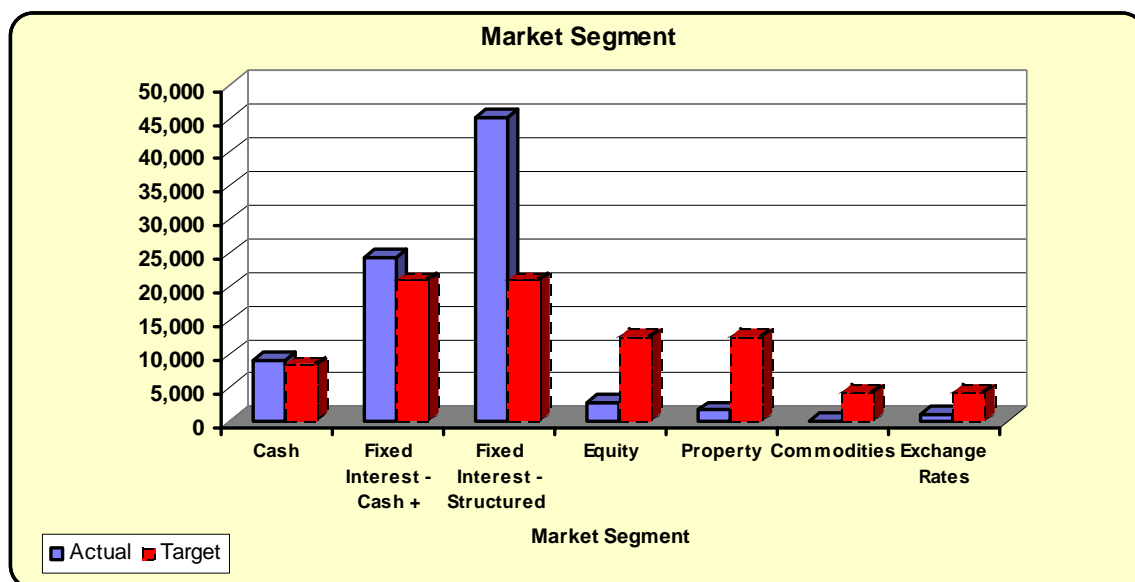
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- 3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



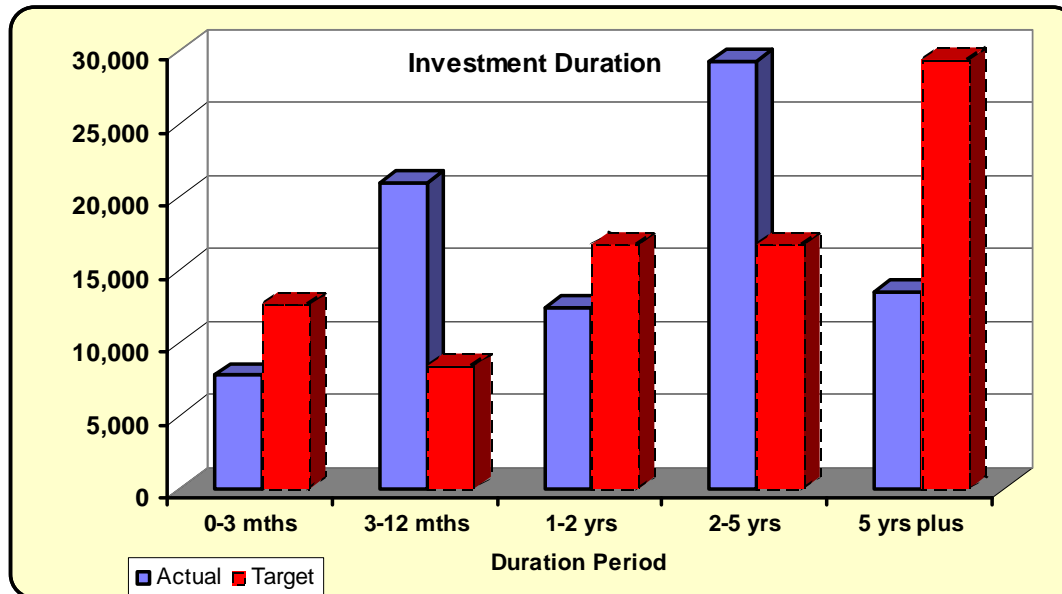
- 4) **Market Segment:** Strategic allocation of investments by market segment compared to current level.



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- 5) **Duration:** Strategic allocation of investments by duration compared to current level.



### Cumulative Investment Return

The following table shows Council's total return on investments for September and financial year to date, split into capital and interest components and compared to budget:

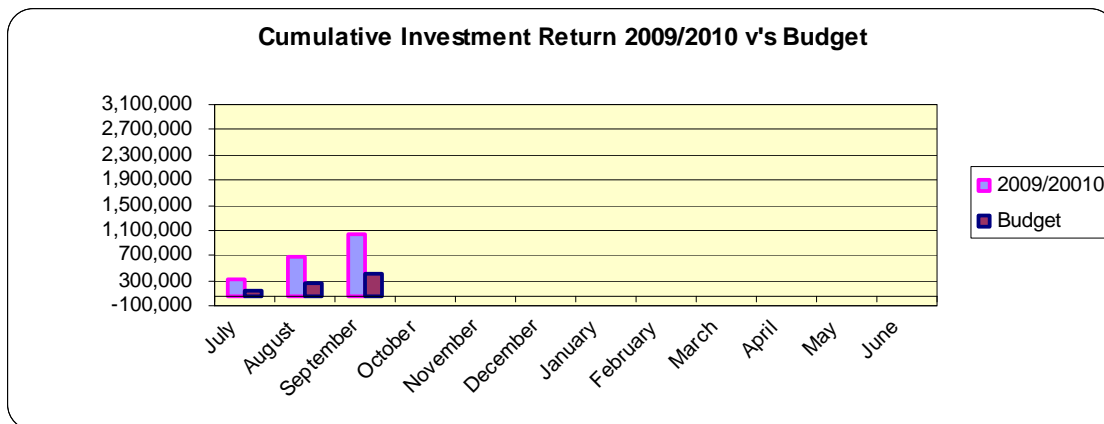
\$000's	Month	Financial YTD
Interest	965	2,171
Cap Gain	107	344
Cap Loss	-705	-1,469
Net Return	367	1,046
Budget	135	404
<b>Variance</b>	<b>232</b>	<b>642</b>

At the end of September 2009, the net return on investments totalled \$1,046,000 against a year to date budget of \$404,000 giving a positive variance of \$642,000. At the end of September, year to date returns on investments were 5.60% compared to 5.91% in August, a decrease of 0.31%.

It is anticipated that the year end actual return on investment will exceed budget, therefore a budget adjustment will be reported to Council as part of the September Quarterly Budget Review.

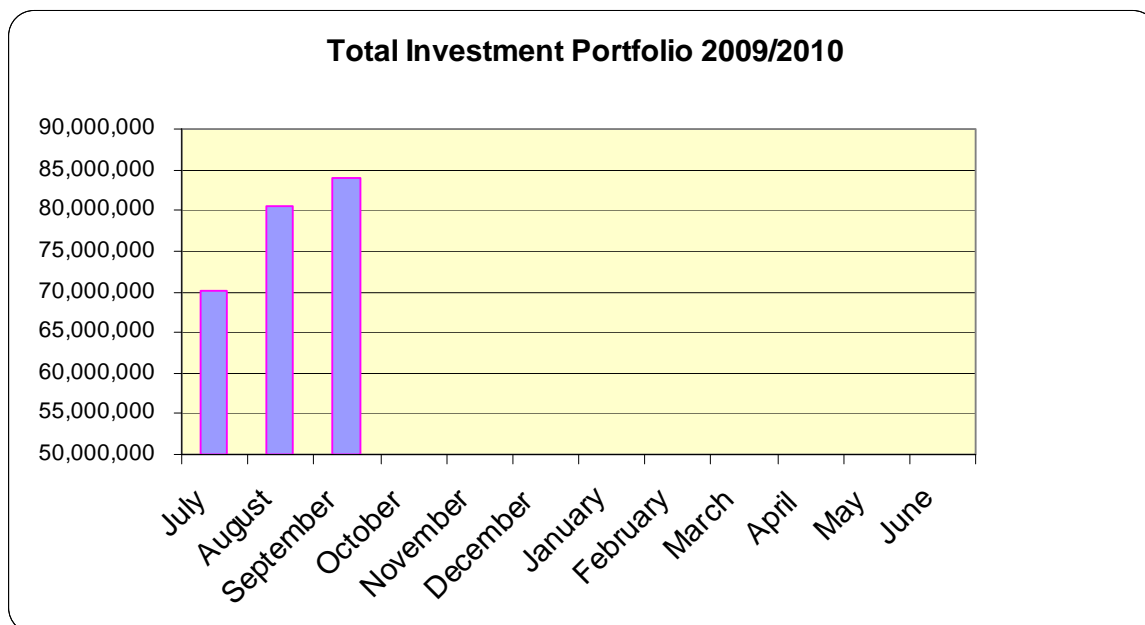
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**Total Investment Portfolio**

The following chart compares the year to date investment portfolio balances for 2009/2010.



During September 2009 Council's investment portfolio increased by \$3,380,887.

**Some key points in relation to investments and associated markets during September are:**

**International Market**

Ongoing revised forecasts for the global economy allowed equities to continue their positive momentum. Most observers are suggesting that the major economies appear to be approaching a turning point and anticipate only modest growth in the world economy in 2010.

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During September, in the US, the S&P 500 Index and Dow Jones gained +3.6% and +2.3% respectively. Across Europe, the UK's FTSE 100 added +4.6%, while Germany's DAX and France's CAC gained +4.0% and +3.9% respectively. In Asia, Hong Kong's Hang Seng surged +6.2% while Japan's Nikkei Index fell -3.4%. This was attributed to the setbacks suffered by the major Japanese banks after the government proposed to offer debt relief to some corporate borrowers and on fears they may raise equity-dilutive capital. Overall, the MSCI World Index, a broad measure of global shares, added +3.8% for the month of September.

The signs for global growth were conducive following US Treasury Secretary Timothy Geithner's remarks that the US was beginning to discuss exit strategies, while still conceding that the implementation stage was still "too early". During September:

- According to the US Labour Department, the unemployment rate of 9.7% in August resulted in 6.9 million jobs being shed since the start of the recession in December 2007;
- The Organisation for Economic Cooperation and Development (OECD) predicted that the combined economy of the Group of Seven nations will shrink 3.7% this year, less than the 4.1% contraction it projected in June. The OECD forecasted that the US, Japan, Germany and France will all show growth in the September quarter, while Canada and UK will continue to shrink;
- US retail sales rose 2.7% in August, attributed to a jump in auto purchases as consumers took advantage of the government's "cash-for-clunkers" program. This was a US federal program intended to provide economic incentives to U.S. residents to purchase a new, more fuel efficient vehicle when trading in a less fuel efficient vehicle. The program was promoted as providing stimulus to the economy by boosting auto sales, while putting safer, cleaner and more fuel-efficient vehicles on the roadways.
- Japan's economy grew at an annual 2.3% in the June quarter, the first expansion in more than a year. However, Japan's jobless rate rose to an unprecedented 5.7% in July as machinery orders fell and consumer prices dropped a record 2.2% amid weakening household demand;
- According to the Commerce Department, housing starts in the US rose 1.5% in August to an annual rate of 598,000, led by construction of multifamily dwellings;
- Home values in 20 US cities climbed in July by the most in almost four years. The S&P/Case-Shiller home-price index rose 1.2% in July from the prior month, the biggest gain since October 2005;
- Brazil's credit rating was raised to investment grade by Moody's Investors Service after Latin America's largest economy built record foreign reserves and averted a prolonged recession amid the global financial crisis;
- The Federal Open Market Committee (FOMC) voted unanimously to maintain the base rate of 0-0.25% in place since last December to help the economy recover from its worst recession in decades

### Domestic Market

The Reserve Bank of Australia (RBA) kept interest rates yet again on hold in September. Nevertheless, credit markets are strongly anticipating for the rising interest rate cycle to

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commence within the upcoming quarter. Futures markets are currently pricing in a cash rate of 5% by the fourth quarter of 2010. Subsequent to this reporting period, the RBA increased the official cash rate to 3.25% in October 2009.

The unemployment rate for August remained stable at 5.8%, with falls in the jobless figures for Queensland and Western Australia offsetting the rises in Victoria and Tasmania. The jobless rate in Queensland dropped from 5.7% to 5.5%, while in Western Australia it fell from 5.7% to 5.4%. Victoria overtook NSW to have the nation's highest jobless rate with a 0.4% rise to 6.3%, while NSW was steady at 6.1%.

The domestic equity market continued its surge, with the S&P ASX 200 gaining +5.9% and the All Ordinaries Index adding +5.7%.

### Credit Markets

Credit markets rallied in September with the US CDX Investment Grade credit index contracting by 17bps to 102bps. The European iTraxx remained relatively flat, narrowing by 4bps to 86bps, while the Australian iTraxx rallied strongly, contracting by 33bps to 108bps.

### Other

With futures markets pricing in rate hikes over the next year, the Australia dollar's (AUD) rally against the US dollar (USD) continued. The AUD gained another 4 US cents in September, from US84 cents to finish the month off at US88 cents.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

The budget for interest on investments for 2009/2010 is \$1,617,800. Of this amount approximately \$1,149,180 is restricted for the benefit of future expenditure relating to developers' contributions, \$468,620 transferred to the internally restricted Infrastructure & Facility Reserve, and the remainder is available for operations.

At the end of September 2009, the net return on investments totalled \$1,046,000 against a year to date budget of \$404,000 giving a positive variance of \$642,000.

It is anticipated that the year end actual return on investment will exceed budget, therefore a budget adjustment will be reported to Council as part of the September Quarterly Budget Review.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None undertaken or required.



## SUMMARY

As at 30 September 2009:

- Council's total investment portfolio is \$83,949,992. This compares to an opening balance of \$75,066,501 as at 1 July 2009, an increase of \$8,883,491.
- Council's year to date net return on investments (interest and capital) totals \$1,046,000. This compares to the year to date budget of \$404,000, giving a positive variance of \$642,000.
- It is anticipated that the year end actual return on investment will exceed budget, therefore a budget adjustment will be reported to Council as part of the September Quarterly Budget Review.

## RECOMMENDATION

- A. That the summary of investments and performance for September 2009 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
Financial Accounting Officer

Tino Caltabiano  
Manager Finance & Responsible  
Accounting Officer

John Clark  
Director Corporate

**Attachments:**      **Investments arranged by Longreach Capital Markets and held by Ku-ring-gai Council - Valuation Date 30 September - 2009/173332**

Longreach Global Capital Pty Limited  
 ABN: 27 080 373 762  
 AFSL: 247 015  
 Phone: (02) 9241-1313  
 Email: info@longreachcp.com.au

Investments arranged by Longreach Capital Markets and held by  
 Ku-ring-gai Council  
 Valuation Date 30-Sep-09



Email to: tly@kmc.nsw.gov.au

Capital Protection Status Issue Description	Maturity Date	Issuer Calculation Agent	S+P Rating	Principal Outstanding:	NAV:	Issue Status	Allocation to active asset Class
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### **Capital Protection at Maturity**

Series 20	Longreach Capital Protected Wholesale Fund 1-2006 Property, Infrastructure and Utilities Fund	29-Sep-11	Equity Trustees Limited (as RE)	AAAf	\$3,000,000	0.9705	Exposed to Active asset class	100.00%	Next closing day for Redemption applications 24-Oct-2009
			Rabobank						
Series 23	5 year Capital Protected Short Term Interest Rate Model (STIRM)	10-Feb-12	UBS AG, London Branch	A+	\$1,000,000	107.8200	Exposed to Active asset class	100.00%	
			UBS AG, London Branch						
Series 26	7 year Capital Protected Global Property Basket Linked Note	07-Jun-14	Deutsche Bank AG, London Branch	A+/Stable	\$1,000,000	76.8000	Fully Delevered	n/a	
			Deutsche Bank AG, London Branch						

Longreach Global Capital Pty Limited  
ABN: 27 080 373 762  
AFSL: 247 015  
Phone: (02) 9241-1313  
Email: info@longreachcp.com.au

Investments arranged by Longreach Capital Markets and held by  
Ku-ring-gai Council  
Valuation Date 30-Sep-09



07-Oct-09

Email to: tly@kmc.nsw.gov.au

Capital Protection Status	Maturity	Issuer	S+P	Principal	NAV:	Issue Status	Allocation to
Issue Description	Date	Calculation Agent	Rating	Outstanding:			active asset Class

Important Information

The valuations in this report represent the mid point valuations provided by the Calculation Agent and do not take into account any unpaid fees due on the issue or any other costs that the issuer may charge by way of a bid/offer spread to buy back the stock. Redemption prices can be obtained from Longreach Global Capital Pty Limited.

All issues can be redeemed early. Issues identified as Capital Protected At Maturity will be subject to market prices at that time and redemption prices may be below par.

Issues that have been fully delevered will not pay any further interest. Other issues still may pay interest, subject to the issue's terms and conditions. Please refer to issue documentation for more information.

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## NATIONAL TRUST HERITAGE FESTIVAL 2010 - SPONSORSHIP PROPOSAL

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise Council of a proposal from the National Trust of Australia for sponsorship for the National Trust Heritage Festival 2010, by placing a half page advertisement in the festival program.

**BACKGROUND:**

In 2007 and 2008 Council purchased advertising in the festival program valued at \$2,500 per year. Additionally, Council purchased Gold Corporate Membership of the national Trust, valued at \$2,500 in September 2008.

**COMMENTS:**

The cost for a half page advertisement in the 2010 National Trust Heritage brochure is \$3,000.

**RECOMMENDATION:**

That Council consider the sponsorship proposal from the National Trust of Australia to advertise in the 2010 National Trust Heritage Festival program.

## PURPOSE OF REPORT

To advise Council of a proposal from the National Trust of Australia for sponsorship for the National Trust Heritage Festival 2010, by placing a half page advertisement in the festival program.

## BACKGROUND

In 2007 and 2008, Council purchased advertising valued at \$2,500 per year in the National Trust Heritage Festival brochures. Additionally, in September 2008 Council purchased Gold Corporate Membership of the National Trust of Australia, valued at \$2,500. Council has recently received a letter from the National Trust seeking expressions of interest for potential sponsors for the 2010 National Trust Heritage Festival and associated events.

## COMMENTS

The theme for the 2010 National Trust Heritage Festival is "The Making of Our Nation". The festival will run from 9 to 24 April 2010.

The festival aims to build support and awareness for heritage conservation through facilitating the staging of over 350 events listed in the festival program. The festival program is distributed to 22,000 National Trust members, participating event organisers, RTA branches, Tourism Visitor Information Centres, Councils, libraries and other supporters throughout NSW. A total of 35,000 copies of the brochure are printed.

For more details on the half page advertisement in the 2010 Festival Program see correspondence from the National Trust. (Attachment)

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Council's sponsorship budget for 2009-2010 was \$10,600. From this budget Council has sponsored the North Shore Times True Local Business Awards for \$3,600. There is \$7,000 currently remaining in the 2009-2010 Sponsorship Budget.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Corporate Department was consulted during the writing of this report.

## SUMMARY

The National Trust of Australia has approached Council requesting sponsorship for the 2010 Heritage Festival. Sponsorship comes in the form of a half page advertisement in the Heritage Festival Program for \$3,000.

There is \$7,000 currently remaining in the 2009-2010 Sponsorship Budget.

## RECOMMENDATION

That Council consider the sponsorship proposal from the National Trust of Australia to advertise in the 2010 National Trust Heritage Festival program.

Tiffany Kellar  
**Manager Communications**

Janice Bevan  
**Director Community**

**Attachments:** Letter from National Trust regarding advertising costs - 2009/125086



6 August 2009

Janice Evan  
Director Community  
Ku-ring-gai Council  
Locked Bag 1056  
Pymble NSW 2073

Dear Janice

The National Trust of Australia (New South Wales) is currently seeking expressions of interest from potential sponsors for the 2010 National Trust Heritage Festival and its key events. The Heritage Festival was a fantastic success this year with a great variety of over 290 events showcasing our heritage under the theme of '*Our Place in Space*'. In 2010, a broad theme of, '*The Making of Our Nation*' has been chosen for Heritage Festival, which ties in with the 2010 Bicentenary Celebrations of Governor Lachlan Macquarie.

As per the 2009 Heritage Festival, I am writing to offer Ku-ring-gai Council the opportunity to sponsor the Heritage Festival by placing an advertisement in our Heritage Festival Program (with 35,000 copies printed) which is distributed across NSW.

The cost of this for 2010 is \$3,000 ex GST for a half page advertisement, logo placement on our sponsor's page of the program, poster and National Trust website as well as mentioned in our National Trust quarterly magazine.

I look forward to hearing from you Janice in regards to whether you think you will be able to put this opportunity forward at the next Council meeting.

As a non government not-for-profit charity, the National Trust could not stage this annual community initiative without the help of sponsors and look forward to having you on board for the 2010 National Trust Heritage Festival.

Kind Regards

Natalie Gross  
Events Manager  
Ph: 9258 0181  
E: [ngross@nationaltrust.com.au](mailto:ngross@nationaltrust.com.au)



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## COMMUNITY REFERENCE COMMITTEE - MINUTES OF MEETING

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To advise Council of the minutes of the Community Reference Committee meeting held on 16 September 2009.
<b>BACKGROUND:</b>	The role of Council's Reference Committees is to provide a mechanism by which interested residents and people with specialist knowledge can play an active role in the formulation of Council policy, direction and practice
<b>COMMENTS:</b>	The main focus of the meeting was to hear from the members about their ideas for any future initiatives for the committee to consider.
<b>RECOMMENDATION:</b>	That Council receive and note the Community Reference Committee meeting minutes from 16 September 2009.



## **PURPOSE OF REPORT**

To advise Council of the minutes of the Community Reference Committee meeting held on 16 September 2009.

## **BACKGROUND**

The objectives of the Community Reference Committee are to discuss, advise and offer guidance on matters relating to community services and community programs, strategies and policies.

## **COMMENTS**

Matters discussed at the meeting included minutes from previous meetings, feedback from staff about items that went back to Council meetings, including the outcomes of the two matters that had previously been referred by Council to the Committee – the JCC Bradfield Museum and the brass band proposals and the library overdue fees.

The main focus of this meeting was to hear from the members about their ideas for any future initiatives for the committee to consider.

## **CONSULTATION**

No additional consultation has been undertaken in the writing of this report.

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

No other Council Departments were consulted in the writing of this report.

## **SUMMARY**

The third meeting of the Community Reference Committee was held on 16 September 2009. Minutes of that meeting are attached to this report for Councillor's information.

## RECOMMENDATION

That Council receive and note the Community Reference Committee Meeting Minutes of 16 September 2009.

Janice Bevan  
**Director Community**

**Attachments:**        **Community Reference Committee Minutes 16 September 2009 - 2009/174807**



## COMMUNITY REFERENCE COMMITTEE

Ante Room, Level 3, 818 Pacific Highway, Gordon  
Wednesday 16 September 2009 3.30pm

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### Minutes

Present:	Name	Position
	Cr Elaine Malicki	Chairperson
	Cr Cheryl Szatow	Deputy Chairperson
	Cr Elise Keays	
	Janice Bevan	Director Community
	Danny Houseas	Manager Community Development
	Sue Davies	Minutes
	Miguel Andrade	
	Philippa Bean	
	Ivan Cribb	
	Joyce Cribb	
	Don Durie	
	Morrison Hammond	
	Tarloak Kudhail	
	Margie McCrae	
	Matthew Cannon	

**Apologies:** Anne Barry  
Samantha Williamson  
Cr Tony Hall

Cr Malicki introduced Deputy Chairperson, Cr Szatow to members.

1. Two matters from the previous minutes of 22 July were discussed:

*JJC Bradfield Museum and brass band proposal* - The proposal for a museum will certainly be looked at and considered in future cultural planning initiatives.

*Library Overdue Fees* – A report for Library overdue fees is going to Council on 22 September.

2. Minutes from previous meeting of 22 July 2009 were adopted.

3. Ideas and initiatives from committee members:

- i) Matthew Cannon

- \* Positive feedback on Twilight Concerts concept. Best venue being Wahroonga Park, public transport readily available, size of park for amount of people.  
*Comment from Council staff is that logistically, Wahroonga Park is more suitable for a number of reasons.*

- \* A request that the training rooms in the old school building at Gordon be considered for additional youth space in the future as part of Council's commitment to increasing the facilities for the youth in Ku-ring-gai. It would be a fantastic improvement for youth in Ku-ring-gai, especially considering the proximity to public transport (train and bus), the library and many other services and shops.
- ii) Elise Keays
  - \* Showcase young people orchestras/bands as a free concert
  - \* Bi-Annual Volunteer Expo – showing young people what we do.
  - \* Community Garden – Sharing backyards with apartment dwellers
- iii) Phillipa Bean
  - \* Promote school bands – agreed with above initiative
- iv) Tarlock Kudhail
  - \* Community understanding what Council does – Councillors being available for residents to ask questions.
  - \* Opening hours for libraries – 9am opening and earlier closing time. Perhaps trial at Gordon
- v) Miguel Andrade
  - \* Promotion of Multicultural Women's Program
  - \* Promote young people in sport – Volunteers from sporting clubs.
- vi) Margie McCrae
  - \* Performance piece involving multicultural groups
  - \* Festival of Culture in Ku-ring-gai – 'Cultural Week' – different cultures performing
    - \* Use of indoor and outdoor spaces
    - \* Festival involving schools and other groups (U18/21) – 10 minute plays eg Tropfest*Perhaps Youth Week – March/April*
- vii) Don Durie
  - \* Focus on Australian customs and languages
  - \* Youth employment
  - \* Need to keep young people active eg cricket
  - \* Council to show leadership through additional activities for young people
  - \* Parking – becoming more difficult
- viii) Morrison Hammond
  - \* Community social issues
  - \* Information evenings
  - \* Guest lecturers

Any further ideas from committee can be emailed to Sue Davies within the next week.

Danny Houseas advised committee that Council has hosted information sessions for English at Gordon and the Neighbourhood Centre, which covered a range of subjects such as, activities and services provided by Council, helping the community by volunteering, assistance provided by the Migrant Settlement Officer (works 2 days/week in Ku-ring-gai area), importance of Local Government and bush environment. Council is looking at increasing this program.

A delegation from Japan will also be visiting Council late October to learn about Council and what we do.

4. General Business

- a) Janice Bevan advised the committee that a draft policy - 'Management of Community & Recreation Land and Facilities' has been developed by the Community & Recreation Services team. The policy is now in the process of being updated by Mark Taylor, in conjunction with Strategy & Environment staff, and once completed, will go to the senior management team, then Councillors for briefing, user groups will also be asked for comments on the policy.

The draft policy will also be provided to Community Reference Committee members for comment.

- b) Date for next meeting – Wednesday 4 November 2009

Meeting concluded 5.00pm

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## DEVELOPMENT APPLICATION

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### SUMMARY SHEET

<b>REPORT TITLE:</b>	8 ARNOLD STREET, KILLARA - LIGHTING OF TENNIS COURTS
<b>WARD:</b>	Gordon
<b>DEVELOPMENT APPLICATION N<sup>o</sup>:</b>	0492/09
<b>SUBJECT LAND:</b>	8 Arnold Street, Killara
<b>APPLICANT:</b>	Ken Demlakian
<b>OWNER:</b>	Killara Lawn Tennis Club
<b>DESIGNER:</b>	Ingham Planning Pty Ltd (Neil Ingham)
<b>PRESENT USE:</b>	Recreational (tennis courts)
<b>ZONING:</b>	Residential 2(c2)
<b>HERITAGE:</b>	No
<b>PERMISSIBLE UNDER:</b>	Environmental Planning and Assessment Act 1979 – Existing Use Rights
<b>COUNCIL'S POLICIES APPLICABLE:</b>	Tennis Court Policy
<b>COMPLIANCE WITH CODES/POLICIES:</b>	No
<b>GOVERNMENT POLICIES APPLICABLE:</b>	Environmental Planning & Assessment Act 1979, Protection of the Environment Operations Act 1997, Noise Guide for Local Government
<b>COMPLIANCE WITH GOVERNMENT POLICIES:</b>	No
<b>DATE LODGED:</b>	4 August 2009
<b>40 DAY PERIOD EXPIRED:</b>	13 September 2009
<b>PROPOSAL:</b>	Lighting of tennis courts
<b>RECOMMENDATION:</b>	Refusal.

<b>DEVELOPMENT APPLICATION N<sup>o</sup></b>	<b>0492/09</b>
<b>PREMISES:</b>	<b>8 ARNOLD STREET, KILLARA</b>
<b>PROPOSAL:</b>	<b>LIGHTING OF TENNIS COURTS</b>
<b>APPLICANT:</b>	<b>KEN DEMLAKIAN</b>
<b>OWNER:</b>	<b>KILLARA LAWN TENNIS CLUB</b>
<b>DESIGNER</b>	<b>INGHAM PLANNING PTY LTD (NEIL INGHAM)</b>

## PURPOSE FOR REPORT

To determine Development Application No 0492/09 which is for lighting of 4 tennis courts. This application was called to full Council for determination by Councillor Keays on 11 August 2009.

## EXECUTIVE SUMMARY

<b>Issues:</b>	Noise, lighting, residential amenity, car parking, intensification of an existing use.
<b>Submissions:</b>	Yes – 17 submissions
<b>Land &amp; Environment Court Appeal:</b>	No
<b>Recommendation:</b>	Refusal

## HISTORY

The site has been used as a tennis club since approximately 1912. The tennis courts are available for hire by the public (subject to availability) and the premises is operated on a commercial basis.

### Application history:

#### Previous application DA1246/06:

9 November 2006 – DA 1246/06 for tennis court lighting lodged.  
23 January 2007 – DA 1246/06 refused for 5 reasons as follows:

- 1. Insufficient evidence has been provided as to the impacts of the proposed tennis court lighting with surrounding properties. The application does not satisfactorily demonstrate that light spill and/or glare from the light poles will not adversely impact the sleeping patterns and visual amenity of adjoining property owners.*
- 2. The proposed development involves extension of a non-conforming/prohibited use under the Ku-ring-gai Planning Scheme Ordinance and an increase in hours of operation. Insufficient justification is provided by the applicant in this respect. The extension of use, particularly outdoor activity, is considered unreasonable within a low density residential context.*

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3. *Noise generated up until 10pm Monday to Saturday and 8.30 on Sundays will disrupt the sleeping patterns of surrounding residents and will generate 'offensive noise' as described under the POEO Act 1997.*
4. *The lighting proposal (and associated extension of operational hours) will detract from views and the 'peace and quiet' enjoyed by residents and conflicts with Council's Residential Design Manual and Policy for Tennis Courts, Half Courts, Sports Patios and the Like.*
5. *The proposal is not considered to be in the public interest.*

Previous application REV0007/07:

- |                  |   |  |
|------------------|---|--|
| 15 March 2007    | - | Section 82A review of determination application lodged (REV0007/07).   |
| 10 July 2007     | - | Delegated report recommending refusal prepared.  |
| 27 July 2007     | - | Report called to Council for determination by Mayor Nick Ebbeck  |
| 20 November 2007 | - | A resolution was passed at the Ordinary Meeting of Council as follows.<br><i>"That an independent Noise Assessment Report, to be submitted by the objectors, be considered as part of the Officer's supplementary report on the Killara Lawn Tennis Club application."</i> |
| 21 January 2008  | - | Independent noise report submitted to Council.   |
| 23 January 2008  | - | 12 month period for a section 82A review of determination expires and application REV0007/07 can no longer be determined.  |

Previous application DA0299/08:

- |               |   |   |
|---------------|---|---|
| 8 April 2008  | - | DA0299/08 lodged for lighting of 6 tennis courts  |
| 19 April 2008 | - | Response to independent noise report submitted to Council by applicant.   |
| 15 May 2008   | - | Applicant advises Council that the club would accept a condition of consent limiting approval to 4 courts only, being courts 1, 2, 3 and 5. |
| 29 June 2008  | - | DA0299/08 was called to full Council for determination by Councillor Ryan. The application was determined by refusal on 29 June 2009.       |

Current application DA0492/09:

- |                   |   |  |
|-------------------|---|--|
| 4 August 2009     | - | DA0492/09 (current application) lodged for lighting of 4 out of 6 tennis courts  |
| 7 August 2009     | - | Application was notified for 14 days   |
| 7 August 2009     | - | Additional information was requested by Council which included elevations of the proposed light poles  |
| 19 August 2009    | - | Additional information was received from the applicant   |
| 14 September 2009 | - | The applicant advised Council of a modification to the proposal which involved a manual override switch to be provided for the lights as well as the applicant's intention to only light up the courts that will actually be used. |



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## THE SITE AND SURROUNDING AREA

### The site

Zoning:	Residential 2(c2)
Visual Character Study Category:	1920-1945
Lot Number:	Pt. 11
DP Number:	1083606
Area:	4892m <sup>2</sup>
Side of Street:	Western
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Yes – Sydney Blue Gum High Forest. The proposed works do not impact upon this endangered community
Urban Bushland:	No
Contaminated Land:	No

## SITE DESCRIPTION

The Killara Lawn Tennis Club is located on the western side of Arnold Street, between Werona Avenue and Locksley Street. The site is irregular in shape, with an area of 4892m<sup>2</sup> and a frontage of 123.58m to Arnold Street. The site falls to the rear.

The site contains 6 tennis courts and a clubhouse, with no on-site parking for patrons. The tennis courts do not currently have any form of artificial lighting and are therefore only used during daylight hours. The club has operated in this manner for approximately 95 years.

### Surrounding development

Surrounding development includes the Killara Lawn Bowling Club, immediately to the west of the site, and dwelling houses adjoining the north of the site. Development on the opposite side of Arnold Street is predominantly comprised of dwelling houses and also includes St Martins Anglican Church.

## THE PROPOSAL

Details of the proposed lighting are as follows:

- Lighting of 4 out of the 6 existing tennis courts.
- 18 x 8 metres high mounting poles are required, located at the edge of the court opposite the service line.
- 18 x 1000 watt metal halide luminaires to be attached to the mounting poles. The luminaires will be horizontally mounted.

Extended hours of operation

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- The intended hours of operation of the lighting will be from approximately sunset to 10.00pm Monday to Saturday inclusive and to 8.30pm on Sundays, extending the existing hours of outdoor play which have to date been restricted to daylight hours only.
- This effectively increases the hours of operation of the tennis courts in the evenings by approximately 5 hours in mid-winter (4.52pm sunset) and approximately 2 hours in mid-summer (8.10pm sunset).

The applicant has also advised Council of the following:

- Each court shall be wired on a separate switch, enabling them to be switched on separately and as required.
- Only courts that are required to be played on shall have the lights turned on so that not all four courts will be lit at the one time unless required.
- The court lights shall be sequenced so that they will be turned on in a particular sequence when being used. That means that the courts with the least impact to adjoining properties will be turned on first and so on.

The lights for the courts would be turned on as per demand in the following order:

- Court 1,
- Court 2,
- Court 6,
- Court 3

However, the application proposes lighting on courts 1, 2, 3 and 5 only, it does not include lighting on court 6. The reference to court 6 appears to be an error on the applicants part.

## CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP No. 56, owners of the adjoining properties were given notice of the application. In response submissions were received from the following:

1. Dr Brian Booth - 4 Arnold Street, Killara
2. The Rev M.B. Robinson - 9b Arnold Street, Killara (St Martins Killara)
3. Craig and Elizabeth Miller - 11 Arnold Street, Killara
4. Jozef and Maria Zazulak - 15 Arnold Street, Killara
5. Dr Ron and Gretel Brancatisano - 17 Arnold Street, Killara
6. Bob and Joan Knox - 22 Arnold Street, Killara
7. Marjorie Bailey - Unit 1, 23 - 25 Arnold Street, Killara
8. Pat Lesslie - Unit 3, 23 Arnold Street, Killara
9. Michael G Timbrell - 7 Locksley Street, Killara
10. David Lee and Lily Khor - 11 Locksley Street, Killara
11. The Honourable PA McNemey QC - 15 Locksley Street, Killara
12. James and Paula Kelly - 21 Locksley Avenue, Killara
13. Lawrence Moses - 23 Locksley Street, Killara

Additionally, a petition with 13 signatures was submitted and included the above submitters and the following additional 4 submitters:

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1. Stephanie Brancatisano – 17 Arnold Street, Killara
2. George and Katherine Larcher, Unit 2, 23 Arnold Street, Killara
3. Anthony Shih – 8 Locksley Street, Killara
4. 19 Locksley Street Killara

The submissions received raised the following concerns:

***noise levels, close proximity of houses to courts, lack of screening/separation, interruptions to sleep***

There is an existing lack of separation and screening between the courts and the adjoining properties. In this regard, tennis courts 3, 4 and 6 adjoin the rear boundaries of Nos 11, 15, 19 and 21 Locksley Street. The dwelling house at No.19 Locksley Street is set back approximately 3.5m from Court 4, No.15 Locksley Street is set back approximately 12m from Court 6 and No.11 Locksley Street is set back approximately 20m from Court 4. Objections have been received from the owners of these properties. Given the very close proximity of these dwellings to the tennis courts, the extended hours of activity and associated increased noise levels will unreasonably impact upon the amenity of the adjoining residences.

***proposal not consistent with Section 1.2 of Council's Tennis Court Policy***

Clause 1.2 of Council's Tennis Courts Policy stipulates that courts shall be sited a minimum of 3.0 metres from the side or rear boundaries and comply with the existing or fixed building line to the front of the property.

This Clause generally relates to the design and siting of new tennis courts for single dwelling sites. The subject courts were established prior to the implementation of the Policy and no change is proposed to the current location of the tennis courts.

The objection does, however, highlight the close proximity of the courts to adjoining residential properties. Council's Tennis Court Policy specifically prohibits the lighting of "private" tennis courts or tennis courts surrounded by residential housing, in order to protect residential amenity. The proposed development is located in an existing residential area and is clearly inconsistent with the planning objectives of this policy, with particular regard to maintaining residential amenity, as discussed in detail later in this report.

***proposal is not consistent with section 4.6.2 of DCP 38***

Section 4.6.2 of DCP 38 states that a

*"... tennis court should be located to ensure that there is sufficient area between the court and the property boundary to...minimise potentially adverse impacts such as noise, overlooking and visual intrusion..."*

The proposed lighting of the courts will cause unsatisfactory impacts with regard to the close proximity of the courts to the adjoining residential dwellings (3.5m-20m), resulting in increased noise impacts, potential overlooking of the adjoining dwellings from the clubhouse and visual intrusion of the lights.

***parking pressure and safety***

A traffic impact study prepared by a suitably qualified person has not been provided with the application. The applicant provided traffic counts for a period between 21/9/96 and 6/10/06. These counts were conducted by a resident of Arnold Street. The counts are invalid for this application for the following reasons:

- They were not conducted by a suitably qualified person
- The last count occurred in October 2006, three years ago. The current parking situation along Arnold would have changed since this time
- The first count began in 1996 with only 1 observation until 2006, this 10 year gap would have skewed the overall results.

The lighting of the courts would increase the number of patrons and vehicles visiting the site during the extended hours. No parking facilities have been provided within the club's grounds which forces street parking. Coupled with commuter street parking and parking for the club at extended hours, this would place additional parking pressures around Arnold Street.

The proposal will clearly increase the activity levels of the club, including vehicular movements and parking demand, during the extended hours. Objectors have expressed concern that school children commonly use the area around the front of the club in the afternoon for crossing coming home from school and that this poses a danger with the increased traffic.

***visual impact on heritage quality of the surrounding streetscape***

The site is located within Killara Urban Conservation Area 9 (UCA9) and has been identified as a contributory item. The adjacent site of 15 Arnold Street is a listed heritage item. The provision of functional elements to the tennis courts, such as light poles and associated fixtures would not have an adverse impact on the heritage significance of the site or surrounding area, and Council's Heritage Advisor has raised no objection to the proposal on heritage grounds.

***public danger of the lights at night***

Objectors have expressed concern that the lights will cause danger to road users at night, as evidenced by the existing flood lit sign in the church grounds opposite the Tennis Club courts. In this regard, there is no evidence to support this claim. Council's development engineer has not raised an issue in this regard.

***social responsibility***

Objectors have expressed concern that it is socially irresponsible that the Tennis Club should put forward this proposal for a significantly high use of energy for the benefit of so few in a time when global warming is a real issue. The application is not being supported due to the impacts outlined throughout the report.

***impact on property values***

Impacts on property values are not valid matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

## CONSULTATION - WITHIN COUNCIL

### Compliance health and building

Council's Environmental Health Officer, Trudi Coutts, commented on the proposal as follows:

*"A noise assessment report No: 08831, prepared by Wilkinson Murray Pty Ltd, has been submitted with the development application in relation to the potential noise impacts of the proposed use of the tennis courts up to 10pm Monday to Saturday and 8:30pm Sundays.*

*A review of the report has identified the following deficiencies and concerns:*

- (a) Unattended background noise readings were undertaken the week prior to Christmas 2008. It was determined that the rating background noise level was 41dBA in the evening between 6pm and 10pm and 40dBA in the daytime between 7am and 6pm. It is unusual in a residential area that the background noise level would be higher later in the evening than during the daytime. As the noise readings were unattended, no explanation has been provided for what might have contributed to the elevation of the background noise level in the evening, however additional activities or services may have been occurring at the church in the lead up to Christmas.*
- (b) The report also states that the background noise level in the evening was consistent with a previous background noise level established in 2006. It should be noted, however that the reading in 2006 was taken for a shorter period and in a different location which was much closer to the road and therefore potentially exposed to increased noise from vehicle movements.*
- (c) All predicted noise compliance levels are based on the assumption that the background noise level in the evening is 41dBA and therefore the report states that the use of the courts at night will not create offensive or intrusive noise to the occupants of the surrounding properties. Review of the noise readings provided reveals that the background noise level readings for Sunday evening were lower than on other nights and appeared to be below 40dBA for most of the period of the recording. In this circumstance the noise levels predicted in the report from the use of the tennis courts would exceed the background noise level by greater than 5dBA and would therefore be likely to cause disturbance to the nearest residences.*
- (d) Noise readings taken throughout the Ku-ring-gai area by various acoustic consultants and Council's Environmental Health Officers have found that the background noise levels at night time for similar residential areas are generally lower than daytime levels and are regularly lower than 40dBA in the evening and often below 35dBA at night. Further investigation, including attended readings of the background noise levels in the area is required between the period of 6pm to 10pm. This is particularly important for establishing any variation that may exist between weekdays and weekends and any subsequent report should identify trends.*
- (e) On site observations reveal that there are no structures that would provide any noise mitigation between the tennis courts and the potentially affected residential properties on Arnold Street and Locksley Street. Use of the tennis courts until 10pm on any of the*

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*proposed nights is likely to cause disturbance to the residents in particular from voices and vehicle movements. Consideration should be given to reducing the hours of use to 8pm in order to minimise the impact of noise. The cessation of use at this time would also be consistent with other requirements under the Protection of the Environment Operations Act where activities must cease at 8pm if they are audible within the habitable room of a residential premises."*

## PROVISIONS OF RELEVANT LEGISLATION

### Protection of the Environment Operations Act 1997 (POEO) / Noise Guide for Local Government

The Protection of the Environment Operations Act 1997 (POEO Act) provides regulatory tools for managing noise impacts. The applicant has submitted a noise assessment prepared by Wilkinson and Murray. This assessment makes reference to the POEO Act and the Noise Guide for Local Government 2004.

As detailed in the Noise Guide for Local Government, this Act is only useful in dealing with existing or new noise problems and is at the end of the "*noise management spectrum*". It is clearly preferable to avoid the creation of the noise problem in the first instance, as elaborated in Section 1.2 of the Noise Guide for Local Government:

*Successful noise management is based on a spectrum of considerations and options. At one end of the spectrum is prevention using long-term strategic approaches that aim to avoid or minimise potential noise impacts before they occur. Land use planning has a key role in helping to prevent potential noise impacts, both at the strategic planning level for an area and at a project-specific level.*

*At the other end of the noise management spectrum is the need to remedy existing noise impacts that are unacceptable and causing disturbance to the community. The Protection of the Environment Operations Act 1997 (POEO Act) provides regulatory tools for managing noise impacts from new and existing noise-producing developments.*

In addition to the above, the noise assessment report submitted with the application states that:

*"Based on a measured background noise level during the departure evening / night shoulder period of 10pm to 10.30pm of 41dBA an applicable sleep disturbance noise criterion of 56 dBA has been established."*

The report bases all predicted noise compliance levels on the assumption that 41dBA is the true normal background noise level in the evenings. However, the report fails to explain why this background noise level is unusually high in the residential area. Council's Environmental Health Officer has raised this as a concern.

The subject and surrounding sites are zoned residential and various residential zones prohibit commercial sporting facilities such as the subject tennis courts, essentially because of incompatibility with low density residential development. Given the environmental impacts and insufficient information it is not considered appropriate to support the intensification of the use, particularly because of the noise impacts to the nearby residences.

Item 5

Peer review noise report submitted by objectors in response to applicants noise report

A peer review noise report prepared by Renzo Tonin & Associates was submitted by the objectors in response to the noise report submitted in this application. The peer review raises a number of concerns with the proposal and concludes that

*“the calculations underestimate the noise impacts and that significant noise mitigating measures would therefore be required to reduce noise to acceptable levels.”*

The peer review examined the source noise (tennis noise) and in particular the assumption that 54dBA at 5 metres is representative of the tennis court use. The peer review concluded that this value was not correct and was too low by 4.6dBA. It was also noted in the report that noise associated with court use, including the impact of balls, shouts and other associated noise, is not at a constant. The noise is impulsive and regarded as a higher level of disturbance than if the same noise was emitted as a constant level. The report notes that, when assessing an impulsive noise, correction factors are used to adjust the impulsive noise to modify it to a constant noise value. The Department of Environment Climate Change and Water (DECCW) has released a guide on assessing impulsive noise which provides a formula for determining the modifying factor (the value used to modify the impulsive noise). The noise assessment submitted with the application assumes a modifying factor of zero. The peer review report concludes the modifying factor to be 5dBA not 0dBA based on previous studies of lawn tennis courts. The report concluded that, given the source noise level is too low by 4.6dBA and a modifying factor of 5dBA should be used, then all the noise source measurements in the Wilkinson and Murray report should be increased by 9.6dBA. This would significantly alter the overall noise source readings.

### **Ku-ring-gai Planning Scheme Ordinance**

The subject site is zoned Residential 2(c2) under the provisions of the Ku-ring-gai Planning Scheme Ordinance. The tennis club ('recreational facility') is a prohibited use in the 2(c2) zone and the club has been operating under existing use rights since the gazettal of the Ku-ring-gai Planning Scheme Ordinance on 1 October 1971.

The tennis club use is accepted as an existing use as defined in Section 106 of the Environmental Planning and Assessment Act 1979. Section 108(3) of the Environmental Planning and Assessment Act 1979 essentially prevents Council from assessing the proposal with regard to the provisions of the Ku-ring-gai Planning Scheme Ordinance and Clause 41 of the Environmental Planning and Assessment Regulation 2000 allows an existing use to be altered or expanded, and intensified, subject to development consent being obtained. However, this does not restrict Council from assessing the merits of the proposed expansion and intensification.

The Land and Environment Court has established a planning principle in relation to existing use rights, including the following component concerning amenity impacts which is considered to be relevant to this application:

*What are the impacts on adjoining land?*

*The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.*

Item 5

In this instance there will be adverse amenity impacts on the adjoining dwellings, including noise impacts in the evenings, light spill/glare, visual impact and potential privacy impacts. Given that the proposal is likely to significantly and detrimentally affect the amenity of adjoining residents, it is not considered to be acceptable or reasonable to extend the hours of operation to intensify the use of the development particularly in close proximity to residences.

### **Development Control Plan 38 – Residential Design Manual**

Although, strictly speaking Development Control Plan 38 (DCP 38) does not apply, it is reasonable to use the provisions within this document, as they apply to tennis courts located within residential areas. Clause 4.6.2 of DCP 38 stipulates that

*“lighting of tennis courts for night tennis will generally not be permitted”.*

The proposal will adversely impact upon the residential amenity of residents. The extended use of the courts after daylight hours is incompatible with the surrounding residential area and is considered unreasonable.

The applicant submitted an obtrusive light review with the application, prepared by a qualified lighting consultant, which discusses the issues of direct and indirect illumination. The report concludes that *“the design prepared by Spectra Lighting manages obtrusive light well and complies with the recommendations of AS4282-1997”*. The combination of direct and indirect lighting in places exceeds 10 lux (up to 13 lux) at the upper level windows of the adjoining houses on Locksley Street, being in excess of the Australian Standard (AS) limit of 10 lux for direct illumination. However, there is no AS limit for indirect illumination.

The report also concludes in relation to visual impact that

*“Any lighting on the courts at night will be obvious to the people living around the courts. I believe that initially it will be more obvious as it is new, but given the compliance with the Australian Standard it should not be considered obtrusive.”*

In the context of an existing use located within an established residential area, the proposed illumination and visual impacts of the proposal are unsatisfactory.

### **Policy for Tennis Courts, Half Courts, Sports Patios and the Like (Tennis Court Policy)**

As for the DCP 38 relevance to the subject application, it is also appropriate to consider the provisions contained in the above policy. The Policy aims to protect the amenity of adjoining properties by establishing appropriate setback and siting controls.

In relation to lighting, the policy states the following:

#### *“2.0 Lighting*

##### *Private Tennis Courts*

*2.1 Council will not approve temporary or permanent lighting of a private tennis court for night play. This is due to the possible unreasonable detrimental effect on the amenity of the neighbourhood:*



*2.1.1 By causing additional noise at times when it would not otherwise occur, that noise being "offensive noise" as defined in the Noise Control Act 1975.*

*2.1.2 By introducing illumination that would detract from the amenity of views of homes within the locality.*

*2.1.3 By placing at risk the peace and quiet of the local environment."*

The intent of this section of the Policy is to prevent adverse impacts caused by additional noise due to lighting at times when it would not otherwise occur within a residential context. The tennis courts are proposed to be illuminated and are adjoined by residential dwellings on three sides. Significant objection has been expressed by neighbouring residents in relation to additional impact on neighbourhood peace and quiet, visual impact, light spill, privacy and noise levels.

The proposal is contrary to the provisions of this policy given significant detrimental impacts, associated with the extended use. The impacts will unacceptably detract from the residential amenity of nearby residents. Given the lighting proposal and associated extension of hours will unreasonably detract from the peace and quiet currently enjoyed by residents, the application cannot be supported.

## **LIKELY IMPACTS**

Through the assessment of this development application, it has been concluded that the proposed development has an unreasonable impact upon the amenity of neighbouring properties.

## **SUITABILITY OF THE SITE**

The site is not considered to be suitable for the proposed intensification of use for the reasons given throughout the report.

## **ANY SUBMISSIONS**

All submissions received have been considered in the assessment of this application.

## **PUBLIC INTEREST**

The proposal is not in the public interest given the significant detrimental impacts discussed throughout the report.

## **CONCLUSION**

Upon consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, it is concluded that the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the application refused.

## RECOMMENDATION

That Council, as the consent authority, refuse consent to Development Application No. 00492/09 for extended hours of operation and the erection of lighting standards and luminaires on land at 8 Arnold Street, Killara, for the following reasons:

1. The proposed development involves intensification of a non-conforming use under the Ku-ring-gai Planning Scheme Ordinance. The intensification of the existing use within a low density residential area would have an adverse impact on the amenity of surrounding residents, particularly with regard to noise impact, visual impact, indirect illumination and privacy impacts.
2. Noise generated up until 10pm Monday to Saturday and until 8.30pm on Sundays would adversely affect residential amenity and would disrupt the sleeping patterns of surrounding residents.
3. The submitted environmental noise assessment is unsatisfactory as the assessment and conclusions rely on the LAeq (15 minute) noise levels rather than the LMax noise levels, which are the most appropriate noise descriptors for intermittent noise sources when considering sleep disturbance. As a consequence, the recommended acoustic measures will not adequately limit noise generated directly from the use of the tennis courts.
5. The submitted noise assessment is unsatisfactory for the following reasons:
  - a. Unattended background noise readings were undertaken the week prior to Christmas 2008. It was determined that the rating background noise level was 41dBA in the evening between 6pm and 10pm and 40dBA in the daytime between 7am and 6pm. It is unusual in a residential area that the background noise level would be higher later in the evening than during the daytime. As the noise readings were unattended no explanation has been provided for what might have contributed to the elevation of the background noise level in the evening, however additional activities or services may have been occurring at the church in the lead up to Christmas.
  - b. All predicted noise compliance levels are based on the assumption that the background noise level in the evening is 41dBA and therefore the report states that the use of the courts at night will not create offensive or intrusive noise to the occupants of the surrounding properties. Review of the noise readings provided reveals that the background noise level readings for Sunday evening were lower than on other nights and appeared to be below 40dBA for most of the period of the recording. In this circumstance, the noise levels predicted in the report from the use of the tennis courts would exceed the background noise level by greater than 5dBA and would therefore be likely to cause disturbance to the nearest residences.

Item 5

6. The lighting proposal and associated extended hours of operation will detract from views and the 'peace and quiet' enjoyed by residents, and conflicts with Council's Residential Design Manual and Policy for Tennis Courts, Half Courts, Sports Patios and the like.
7. The submitted lighting report (obtrusive light review) states that that the illuminated courts will be visible from the adjoining dwellings and that a combination of direct and indirect illumination (of up to 18 lux) will affect the rear of adjoining properties in Locksley Street.
8. The proposal is not in the public interest.

J Fletcher  
Development  
Assessment Officer

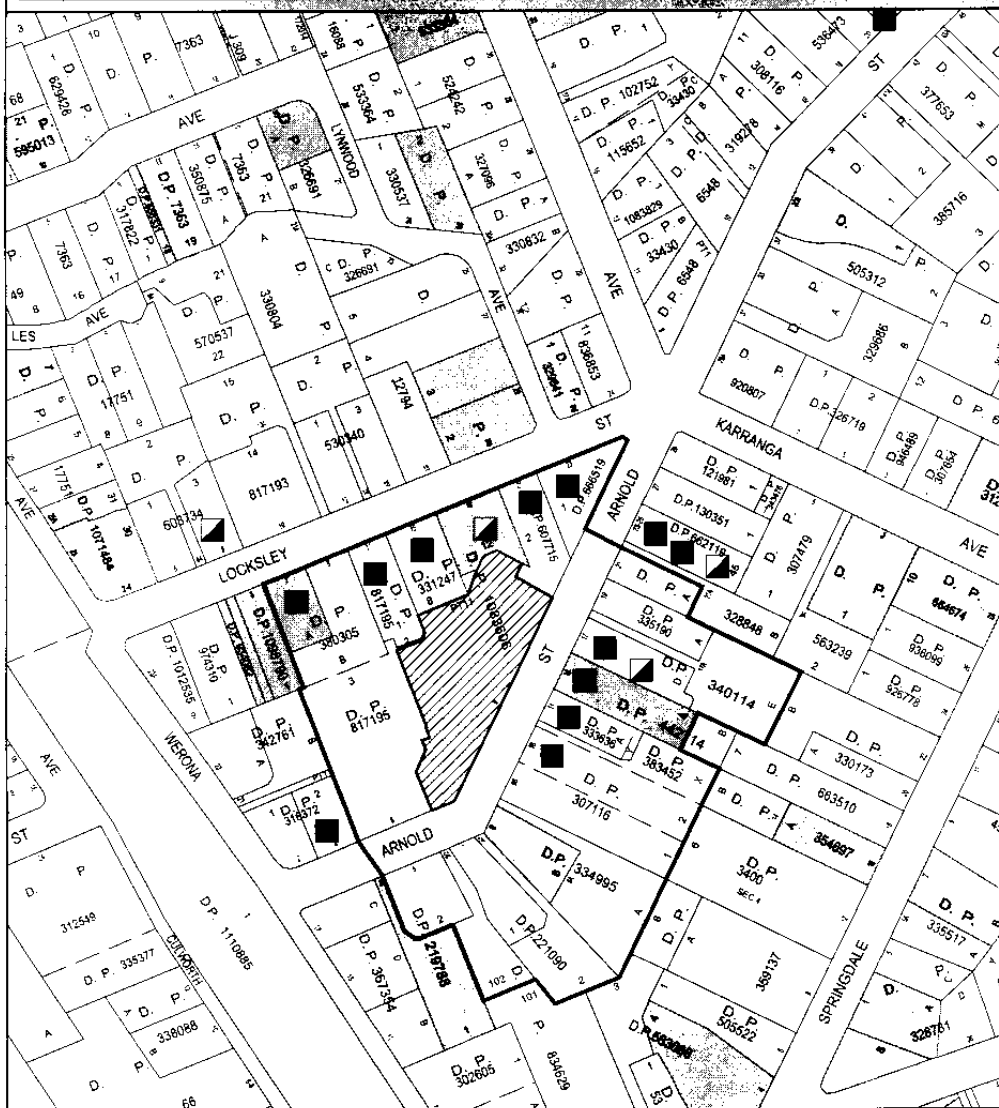
S Garland  
Team Leader  
Development Assessment –  
South

C Swanepoel  
Acting Director  
Development & Regulation

Attachments:      Locality map – 2009/176026  
                         Zoning extract – 2009/176039  
                         Architectural plans – 2009/176023  
                         Noise assessment report – 2009/176033  
                         Peer review noise report – 2009/176038

**8 Arnold Street, KILLARA**

**DEVELOPMENT APPLICATION No 0492/09**



**The Submitters were also included in the Petition**



## AGREEMENT



## PETITION



## SUBMISSION



SUBJECT LAND



CIRCULATED AREA



HERITAGE PROPERTY

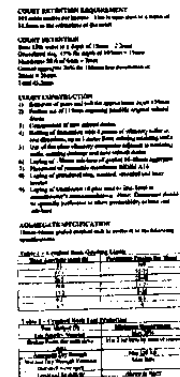


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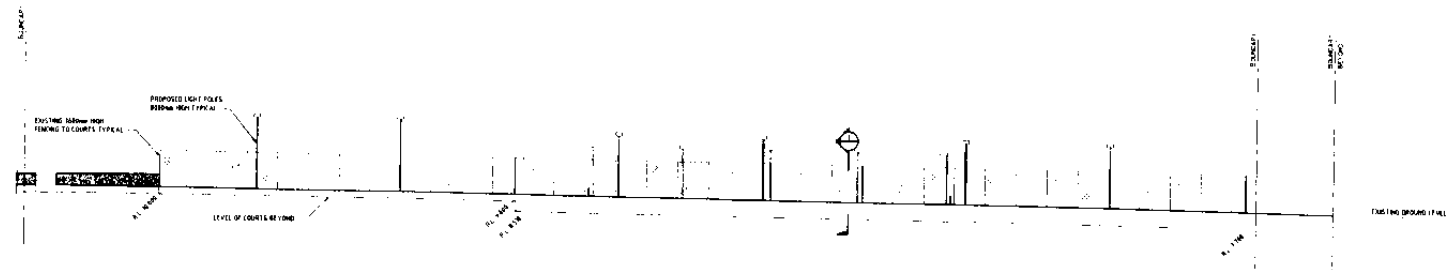
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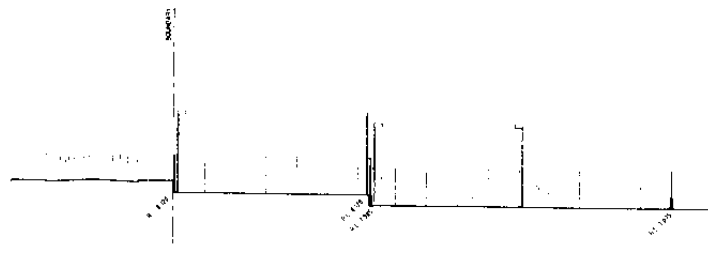




RECEIVED  
4 AUG 2009  
INTEGRATION SERVICE CENTER



ARNOLD STREET ELEVATION  
START LINE



SECTION 1  
START LINE



REV	DATE	BY	CHKD	DESCRIPTION
1				
2				
3				
4				
5				

FOR APPROVAL

DATE: 19 AUG 2009  
PROJECT: KILLARA TENNIS CLUB

RECEIVED 19 AUG 2009 DEMLAKIAN ENGINEERING & DESIGN	
PROJECT: KILLARA TENNIS CLUB'S BA ARNOLD STREET, KILLARA	ORIGINAL AT DWG: 10
TITLE: LIGHTING PROPOSAL ELEVATION, SECTION & DETAILS	DATE: 19 AUG 2009

DEMLAKIAN

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# KILLARA LAWN TENNIS CLUB

ARNOLD STREET, KILLARA  
NOISE ASSESSMENT

**REPORT NO. 08381  
VERSION B**

**JUNE 2009**

## **PREPARED FOR**

KILLARA LAWN TENNIS CLUB  
ARNOLD STREET  
KILLARA NSW

Wilkinson Murray Pty Limited

ABN 41 192 548 112 • Level 2, 123 Willoughby Road, Crows Nest NSW 2065, Australia • **Asian Office: Hong Kong**  
t +61 2 9437 4611 • f +61 2 9437 4393 • e [acoustics@wilkinsonmurray.com.au](mailto:acoustics@wilkinsonmurray.com.au) • w [www.wilkinsonmurray.com.au](http://www.wilkinsonmurray.com.au)



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## **1 INTRODUCTION**

Wilkinson Murray has been engaged by Killara Lawn Tennis Club to conduct a noise assessment of the impact associated with extended hours of operation of selected tennis courts at Arnold Street, Killara. The installation of lighting on courts will enable year round tennis to be played on selected courts up to 10 pm in the evening.

Noise associated with the playing of tennis and subsequent departure of players has been assessed with respect to appropriate noise criteria. This report has been prepared subsequent to two previous acoustic reports being:

- Environmental Noise Assessment No nss 20887 Rev A – Final prepared by Noise and Sound Services (NSS) in July 2006 for Killara Lawn Tennis Club.
- Noise Impact from the Proposed Extended Hours of Use – Killara Lawn Tennis Club, Arnold Street Killara prepared by Renzo Tonin Associates (RTA) in January 2008 reference TD857-01F02(Rev2) prepared for Mrs Jane Hickling at 11 Arnold Street, Killara

This report has been prepared with reference to the above reports where applicable.

## 2 SITE DESCRIPTION AND OPERATIONS

Killara Lawn Tennis Club has six lawn tennis courts located at Arnold Street, Killara. These courts currently operate during daylight hours. It is proposed to install lighting on courts 1,2,3 and 5 so that evening tennis can be played up to 10 pm in the evening.

Currently tennis is played during daylight hours, therefore whilst tennis can generally be played up to 8:30 pm during summer nights whilst in winter the playing of tennis ceases around 5pm in the evening.

The following Figure 2-1 shows the location of the tennis courts and the court numbering.

**Figure 2.1 Killara Lawn Tennis Club Site**



All courts operate during daytime hours when light permits, which may be up to 8:30 pm on summer evenings. The installation of lighting on selected courts will allow use of these courts up to 10 pm all year round.

Courts 4 and 6 are not proposed to be used for evening tennis as these are in close proximity to surrounding residence. This decision has been made as a result of the previous noise assessment conducted by NSS which indicated it would be advantageous from an acoustic perspective to avoid play on these courts during the evening.



### 3 NOISE MEASUREMENTS

Long term noise measurements were conducted on site and are presented in the following sections. Previous operator attended noise measurements were conducted by NSS Pty Ltd in Arnold Street in 2006. These measurements were of a short duration which drew into question the validity of these measurements, accordingly long term measurements were conducted to confirm ambient noise levels of the area.

#### 3.1 Ambient Noise Levels

Unattended ambient noise measurements were conducted using an ARL Environmental Noise Logger type EL-215. Noise logging was conducted from Tuesday 16 December to Tuesday 23 December 2008 on the North Eastern side of tennis club between courts 4 and 6 as shown in Figure 2.1. Figure 3-1 shows the noise logger deployment. The logger was placed approximately 5-6 metres from the side of court 6.

**Figure 3-1 Noise Logger**



The results of noise measurements were processed in accordance with the NSW Department of Environment & Climate Change (DECC) procedures to establish relevant noise descriptors. The results of measurements are shown in graphical form in Appendix B.

Of particular issue is the Rating Background Level (RBL) which is used to established relevant noise emission criteria. Table 3.1 summarises the RBL's for the site.

**Table 4.1 Site Ambient Noise Levels**

Noise Descriptor	Noise Level – (dBA) re 20 µPa			
	Daytime	Evening	Shoulder Period	Night Time
	7.00am-6.00pm	6.00-10.00pm	10.00pm-10.30am	10.00pm-7.00am
L <sub>Aeq</sub>	57	49	45	44
RBL	40	41	41	34

The analysis of results indicates that evening background noise levels are in the order of 41 dBA. This noise levels is consistent with noise measurements conducted by NSS on site in 2006.

### 3.2 Tennis Noise Levels

A review of the noise measurements conducted by NSS and those presented by RTA indicate a general agreement that a L<sub>Aeq(15 minute)</sub> of 54 dBA at 5 metres is representative of tennis noise.

Further to this we have reviewed the noise logger data to determine the 10 th percentile Daytime L<sub>Aeq(15 minutes)</sub>. This equates to a value of 55 dBA at 5 m from the side of the court which is considered an appropriate sound level to represent noise emissions from a grass tennis court.

It is noted that the RTA report indicated some variation whereby noise from tennis could be up to 4 dBA higher which may be due to varying playing surfaces. However in the case of grass courts the noise from balls on the court is considered to be a lower contributor to overall court noise emissions whereby noise from players is the greater contributor to overall noise emissions. Therefore the source noise level of 55 dBA at 5 m for tennis noise is considered representative of Killara Tennis Club court noise.



## 4 NOISE CRITERIA

This section discusses criteria for the assessment of tennis noise as well as noise from visitors departing after at night time.

### 4.1 Tennis Noise

There are no specific guidelines for assessing noise from tennis courts. The DECC's Noise guide for local government (NGLG) identifies intrusive noise as;

*"A noise source is generally considered to be intrusive if noise from the source, when measured over a 15-minute period, exceeds the background noise by more than 5 dB(A). The intrusiveness criterion can be summarised in more detail as follows:*

*$L_{Aeq, 15 \text{ minute}}$  is less than or equal to the rating background level plus 5 dB(A) where:*

*$L_{Aeq, 15 \text{ minute}}$  represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.  $L_{Aeq, 15 \text{ minute}}$  is assessed at the most-affected point on or within the residential property boundary, or, if that is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence."*

Accordingly a criterion of **46 dBA** (i.e. 41 dBA plus 5 dBA) is applicable at surrounding residential receivers

### 4.2 Use of correction factors

As identified in the RTA review, the NGLG provides the following guidance;

*The particular characteristics of a noise, such as an audible impulsive or tonal component, may result in a higher level of disturbance and annoyance than would be suggested by the measured sound pressure level alone. In this situation, a correction factor should be applied to the measured noise level."*

It was suggested that on the assumption that tennis noise can be classified as "impulsive" a modifying factor of 5 dBA should be applied to the measured (or predicted) noise level.

However this correction is not considered warranted and has not been applied for the impulsive noise as suggested in the RTA assessment. It is considered that  $L_{Aeq}$  tennis noise levels at the surrounding residences will be dominated by player noise rather than noise from tennis balls. As a result a modifying factor is not considered applicable as the contribution of ball noise to overall noise levels is likely to be less on a grass surface than on hard playing surface.

### 4.3 Sleep Disturbance

At the completion of evening tennis patrons will depart from the tennis courts by Arnold Street. Departure is likely to be either by foot or by cars parked in Arnold Street. As departure may occur after 10 pm the issue of sleep disturbance should be considered. Appropriate criteria are provided in the DECC's Noise guide for local government (NGLG) to address sleep disturbance, which states;

*Where sleep disturbance is being assessed, the  $L_{A1(60 \text{ seconds})}$  or  $L_{Amax}$  noise level is most appropriate, and the measurement position might be outside the bedroom window. Sleep may be disturbed if the source noise level exceeds the background noise by more than 15 dBA.*

Based on a measured background noise level during the departure evening / night shoulder period of 10 pm to 10:30 pm of 41 dBA an applicable sleep disturbance noise criterion of **56 dBA** has been established.

## 5 NOISE ASSESSMENT

The following sections detail the assessment of potential noise impact to surrounding residences associated with extended hours of operation due to residences.

### 5.1 Tennis Noise

Site related noise emissions were modeled using the CONCAWE algorithms implemented in the "Cadna A" acoustic noise prediction software. Factors that are addressed in the noise modeling are:

- Source sound level emissions and location;
- Screening effects from buildings;
- Receiver locations;
- Ground topography;
- Noise attenuation due to geometric spreading;
- Ground Absorption; and;
- Atmospheric absorption.

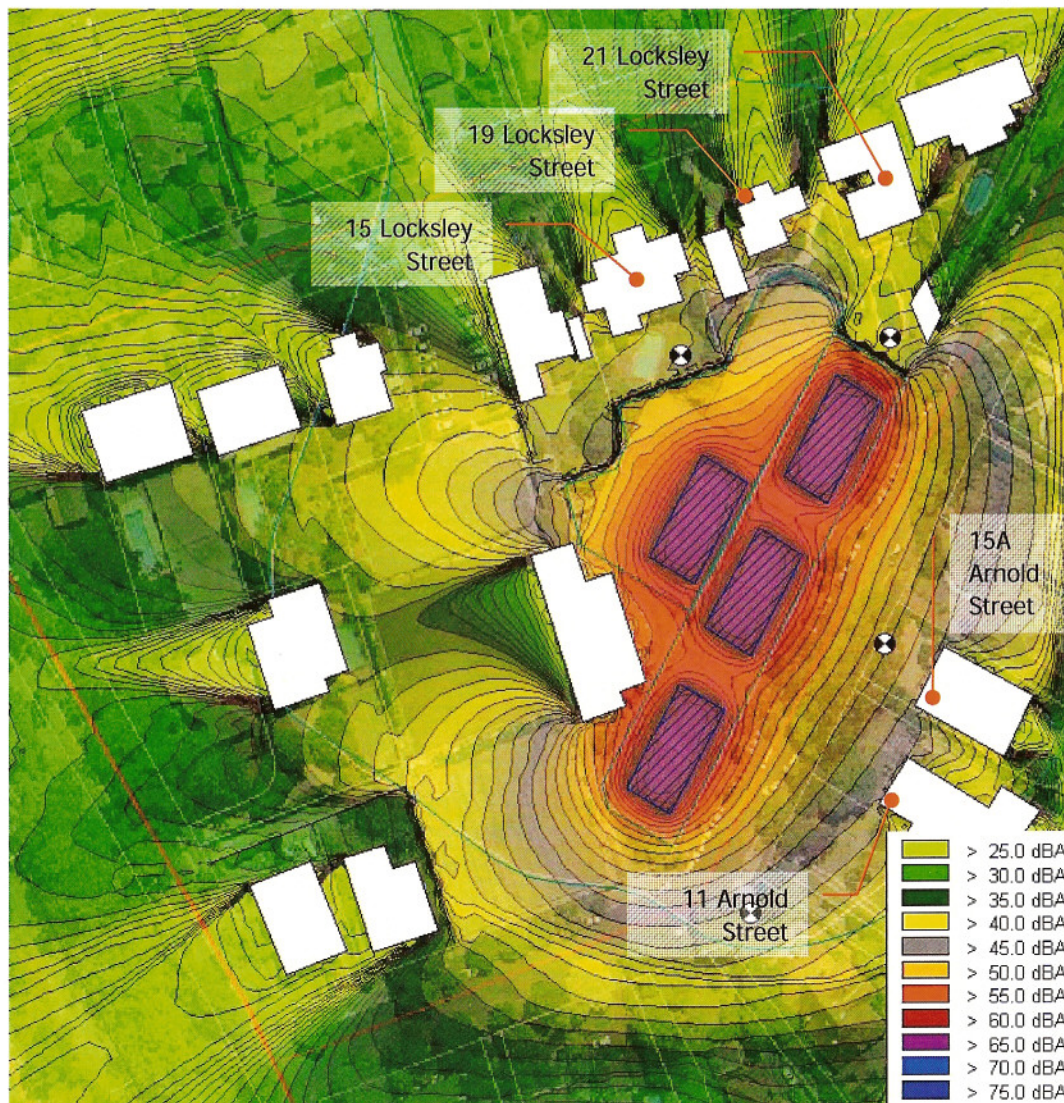
The modelling is based on all courts operating simultaneously so that the cumulative noise impact at surrounding residences is predicted. Table 5-1 presents the results of the noise modelling with all courts operating simultaneously.

**Table 5-1 Predicted LAeq(15 min) Tennis Noise Levels at Surrounding Residential Properties.**

Receiver Location	Predicted Noise Level dBA	Exceedance of Noise Objective - dBA
15 Locksely Street (Rear Yard)	44	0
19 Locksely Street (Rear Yard)	45	0
21 Locksely Street (Rear Yard)	42	0
17 Arnold Street (Front Yard)	47	1
15A Arnold Street (Front Yard)	48	2
11 Arnold Street (Front Yard)	48	2

Figure 5-1 illustrates the noise emissions from the cumulative tennis noise to the surrounding area.



**Figure 5-1 Predicted  $L_{Aeq(15 \text{ min})}$  Tennis Noise Contours**

Predicted noise levels indicate compliance with the established noise goals at the rear yards of all residences on Locksley Road

A small exceedance (1-2 dBA) at the front boundary of residences on Arnold Street when all courts are being used simultaneously is predicted. At the facades of these buildings the tennis noise is predicted to reduce by a further 2 dBA which will result in compliance with established noise criteria.

## 5.2 Sleep Disturbance

The noise levels presented in Table 5-2 have been used to assess potential early night noise emissions associated with player departures.  $L_{A1}$  noise levels 1 metre from the facades of bedrooms of residences have been predicted based on a car door closing on court side of Arnold Street. Such a scenario represents the "worst case scenario" for intermittent street noise associated with tennis players departing the site.

**Table 5-2 Summary of Intermittent  $L_{A1}$  Noise Levels – dBA**

Item	Sound Power Level
Cars starting	95
Car door slam	96
Car Drive-by (low speed)	84
Normal Voice	78
Raised Voice	83
Shout	88

Table 5-3 presents predicted noise levels at the facades of surrounding residences.

**Table 5-3 Predicted  $L_{A1}$  Noise Levels from a car door slam at Bedroom Window of Residences– dBA**

Receiver	Sound Pressure Level dBA
15 Locksley Street	46
19 Locksley Street	45
21 Locksley Street	44
17 Arnold Street	50
15A Arnold Street	54
11 Arnold Street	54

The predicted noise levels associated with patrons leaving the tennis courts are to comply with sleep disturbance criteria.



## 6 DISCUSSION AND CONCLUSION

A review of the potential noise impact of Killara Tennis Courts has been reviewed taking into account the two previous acoustic assessments prepared with respect to evening tennis under lights. As a result of this review the recommendation that courts 4 and 6 not be used has been adopted. Further, long term noise monitoring has been conducted at the site to establish site specific noise criteria.

An assessment of "cumulative" noise emissions from all courts operating simultaneously has been modelled which indicates that noise from use of tennis courts in the evenings will comply with established noise criteria at Locksley Street Residences. A marginal exceedance of up to 2 dBA at the front boundaries of some residences on Arnold Street is also indicated whilst compliance is indicated at the façades of these residences.

Technically this exceedance could be addressed by the construction of a low barrier along the Arnold Street boundary of the tennis courts. However a barrier is not recommended for the following reasons.

- The exceedance is small and this change would hardly be noticeable.
- It is unlikely that there will be persons occupying the front yards in the dark. Therefore there would be no persons to impact.
- At the façade of the residences, which is in effect the most likely location for impact, compliance with criteria is indicated.

The assessment is based on normal playing of tennis and does not include noise associated with group tennis lessons (more than four players) or the use of ball machines. As such these activities are likely to be more intensive and therefore generate higher than assessed noise levels we consider that these activities be confined to no later than 8 pm.

In addition a review of noise levels associated with tennis players departing in cars have been assessed with respect sleep disturbance. It has been determined that noise associated with these activities will comply with established noise criteria.

### Note

All materials specified by Wilkinson Murray Pty Limited have been selected solely on the basis of acoustic performance. Any other properties of these materials, such as fire rating, chemical properties etc. should be checked with the suppliers or other specialised bodies for fitness for a given purpose.

### Quality Assurance

We are committed to and have implemented AS/NZS ISO 9001:2000 "Quality Management Systems – Requirements". This management system has been externally certified and Licence No. QEC 13457 has been issued.

### AAAC

This firm is a member firm of the Association of Australian Acoustical Consultants and the work here reported has been carried out in accordance with the terms of that membership.

Version	Status	Date	Prepared by	Checked by
B	Final	30/06/09	Brian Clarke	John Wasserman

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## APPENDIX A

### GLOSSARY OF TERMS

## GLOSSARY

Most environments are affected by environmental noise which continuously varies, largely as a result of road traffic. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. These descriptors, which are demonstrated in the graph overleaf, are here defined.

**Maximum Noise Level ( $L_{Amax}$ )** – The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

**$L_{A1}$**  – The  $L_{A1}$  level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the  $L_{A1}$  level for 99% of the time.

**$L_{A10}$**  – The  $L_{A10}$  level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the  $L_{A10}$  level for 90% of the time. The  $L_{A10}$  is a common noise descriptor for environmental noise and road traffic noise.

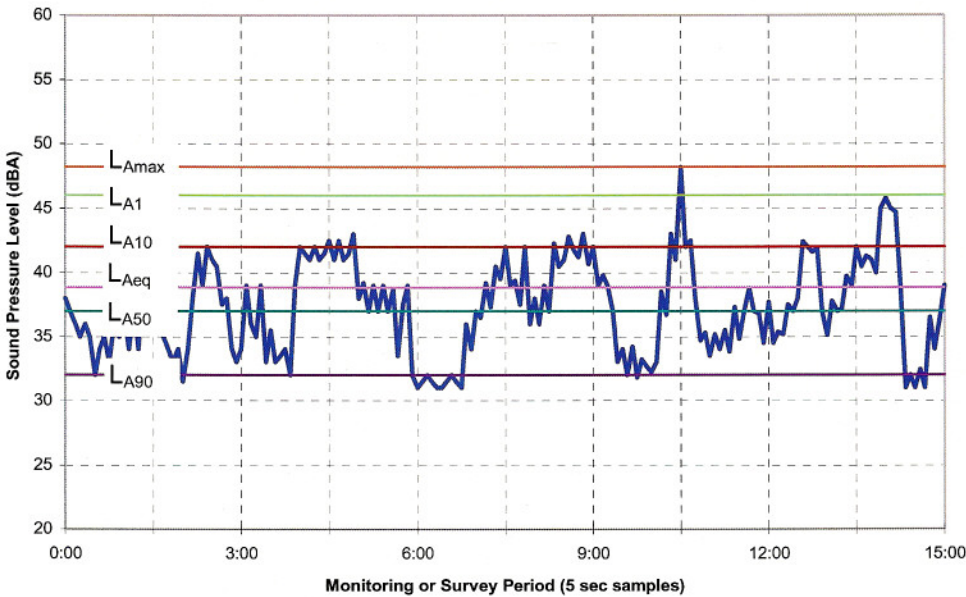
**$L_{Aeq}$**  – The equivalent continuous sound level ( $L_{Aeq}$ ) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise.

**$L_{A50}$**  – The  $L_{A50}$  level is the noise level which is exceeded for 50% of the sample period. During the sample period, the noise level is below the  $L_{A50}$  level for 50% of the time.

**$L_{A90}$**  – The  $L_{A90}$  level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the  $L_{A90}$  level for 10% of the time. This measure is commonly referred to as the background noise level.

**ABL** – The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day. It is determined by calculating the 10<sup>th</sup> percentile (lowest 10<sup>th</sup> percent) background level ( $L_{A90}$ ) for each period.

**RBL** – The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.



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## APPENDIX B

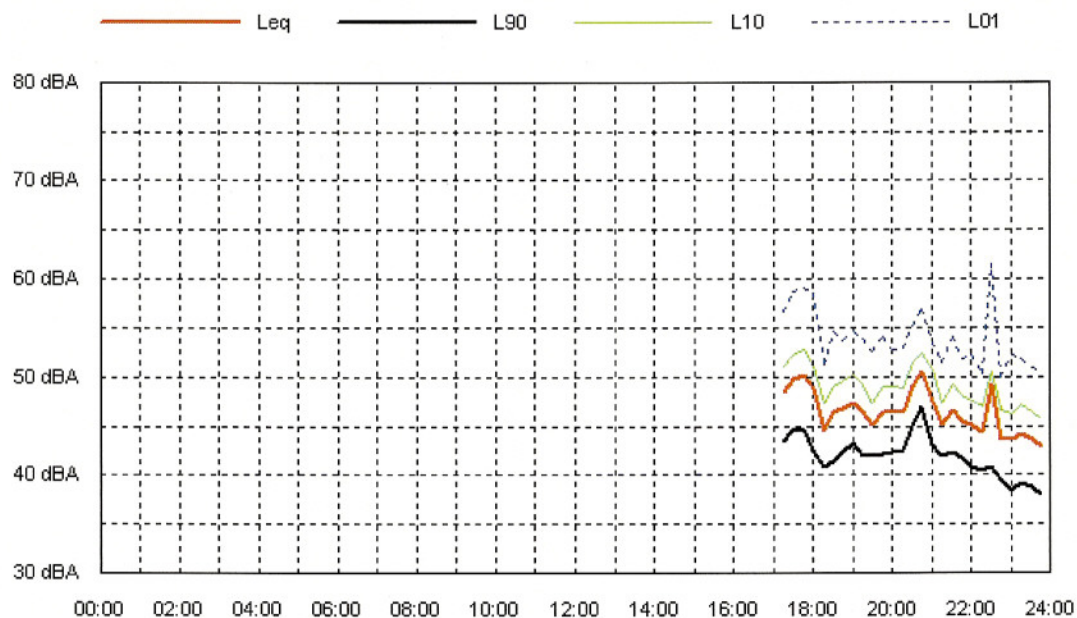
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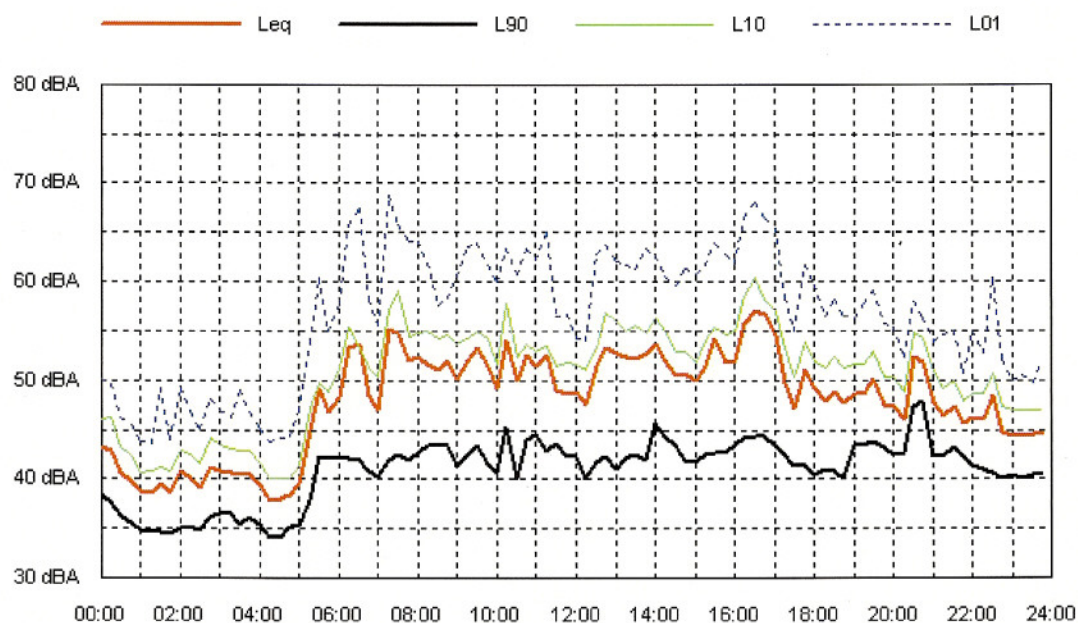


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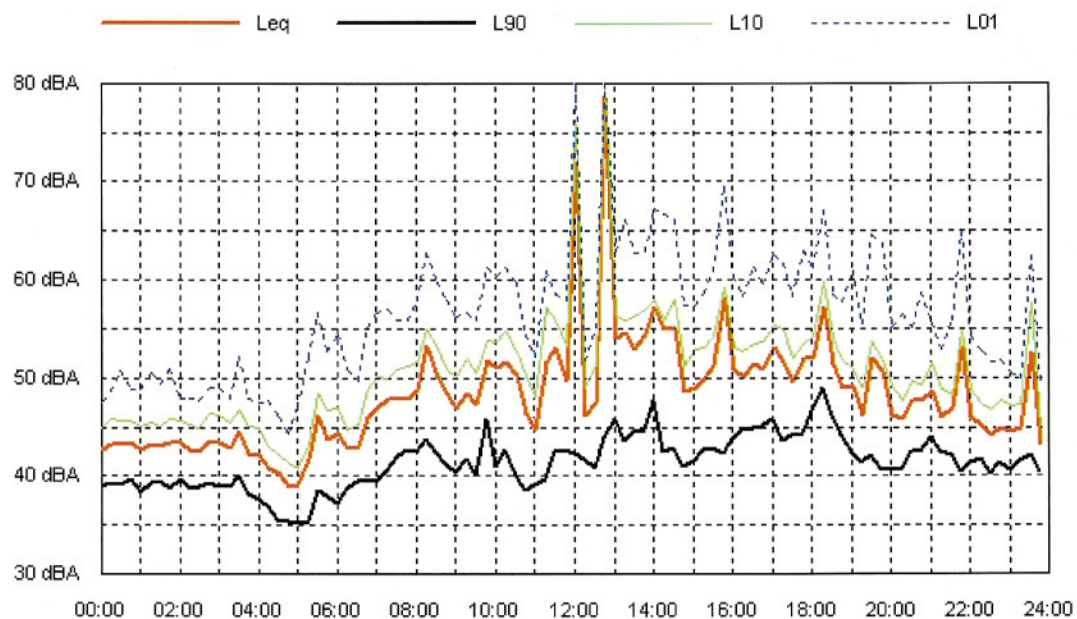
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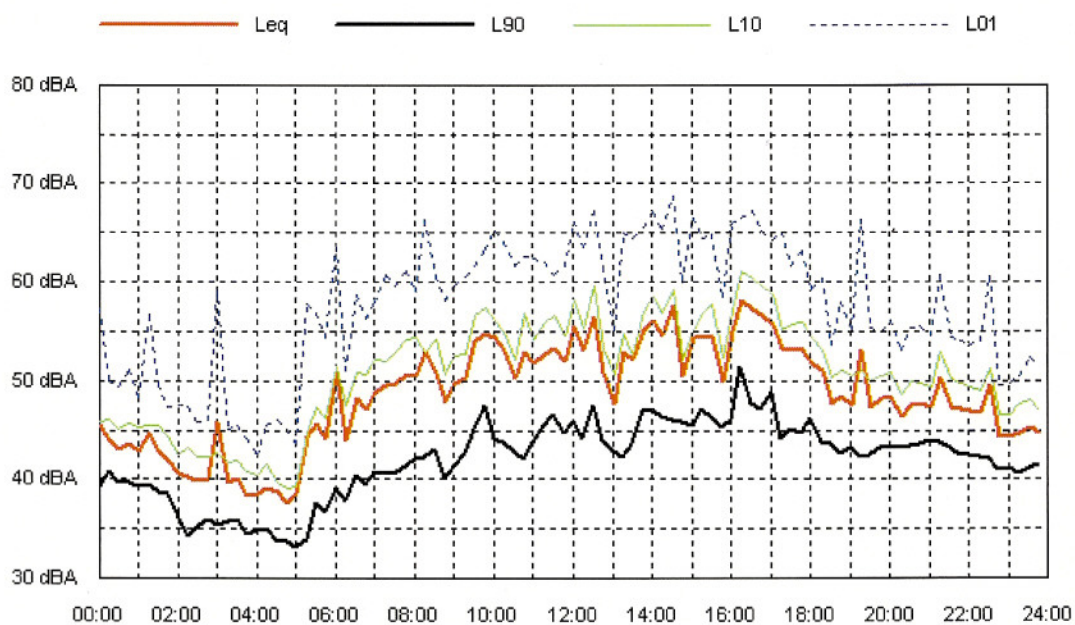


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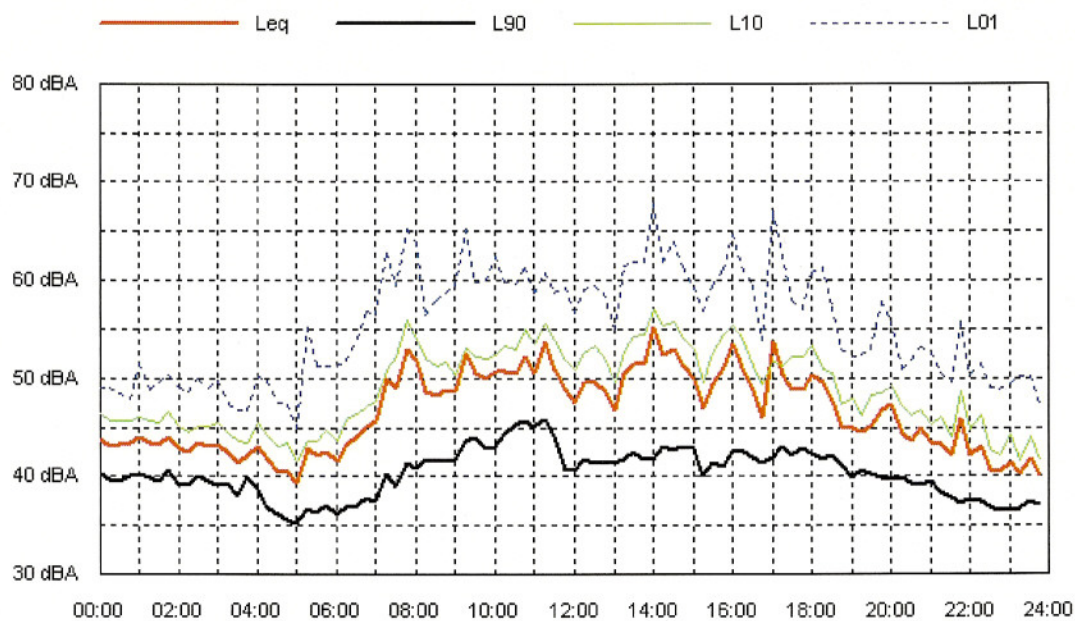


Fri 19 Dec 08

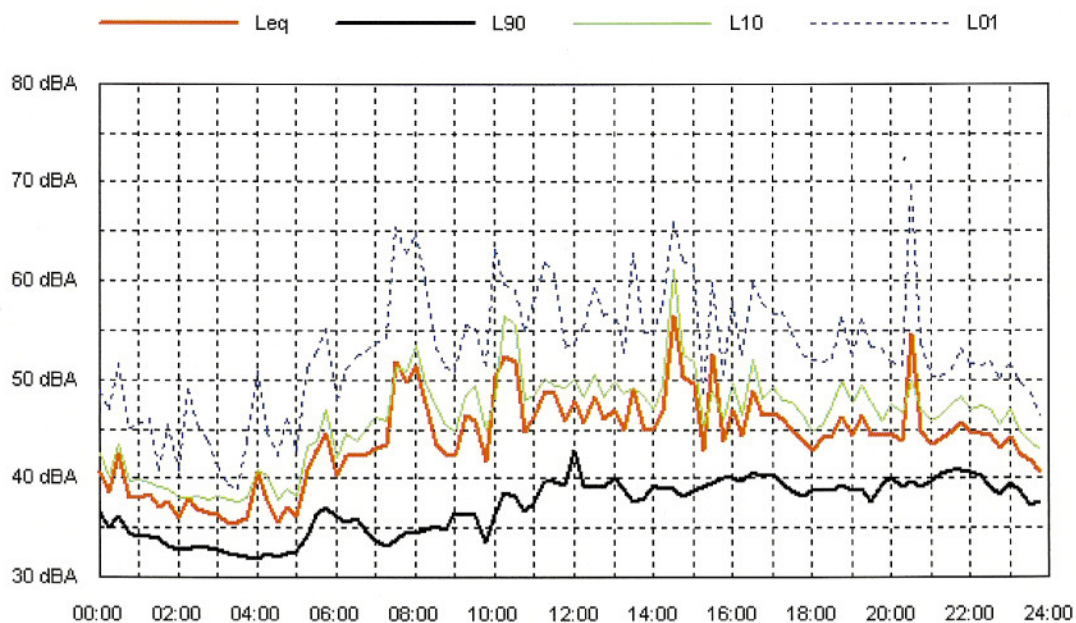


Location: Arnold St, Killara

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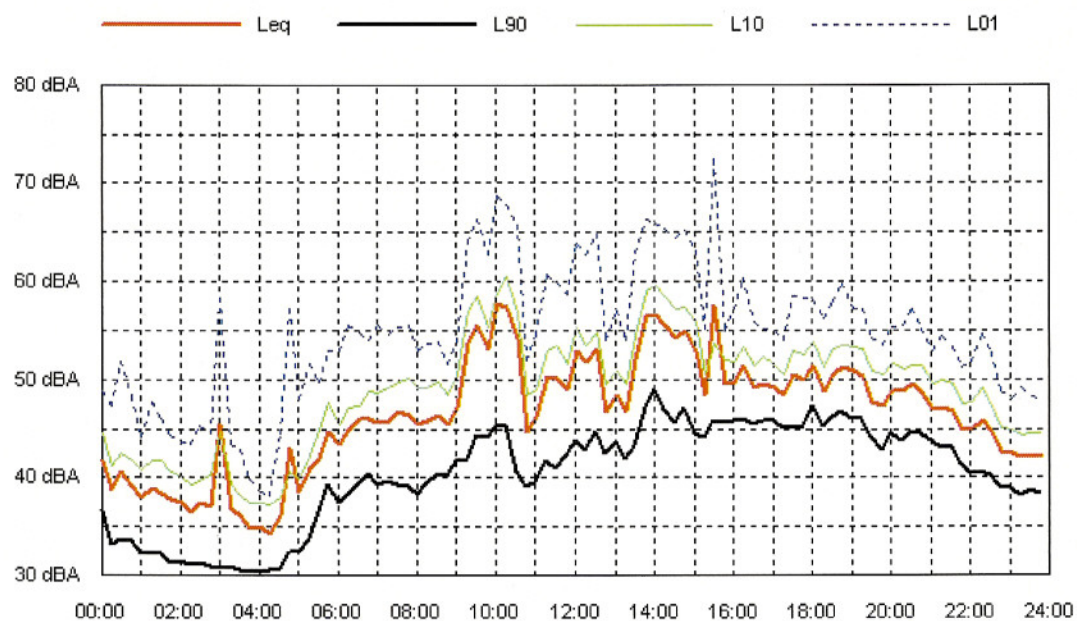


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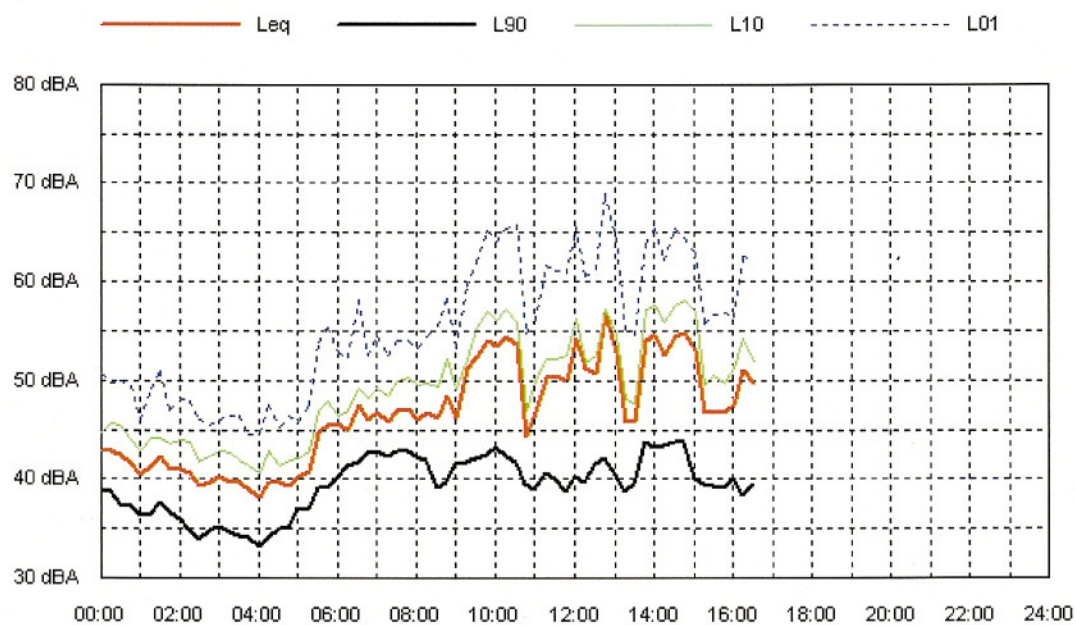


Location: Arnold St, Killara

Mon 22 Dec 08



Tue 23 Dec 08



NOISE IMPACT FROM PROPOSED EXTENDED HOURS OF  
USE  
KILLARA LAWN TENNIS CLUB, ARNOLD STREET, KILLARA

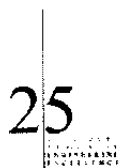
TD857-02F02 (REV 1) TECHNICAL REPORT

29 SEPTEMBER 2009

Prepared for:

21 Locksley St  
KILLARA NSW 2071

Attention: Mr James Kelly



Member of the Association of Australian Acoustical Consultants

Sydney (head office)  
**Renzo Tonin & Associates (NSW) Pty Ltd**  
ABN 29 117 462 861  
1/418A Elizabeth St., SURRY HILLS, NSW 2010  
PO Box 877 STRAWBERRY HILLS, NSW 2012  
Ph (02) 8218 0500 Fax (02) 8218 0501

Melbourne  
Perth  
Gold Coast  
Brisbane



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Date	Revision History	Non-Issued Revision	Issued Revision	Prepared By (Initials)	Instructed By (Initials)	Reviewed & Authorised by (Initials)
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## 1 INTRODUCTION

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I am the managing director of Renzo Tonin & Associates (NSW) Pty Ltd of Level 1, 418A Elizabeth St, Surry Hills NSW 2010.

I have practiced as a consulting engineer in acoustics for 30 years, 26 years as principal of my firm. I was awarded a B.Sc. (Hons) in 1973 and a PhD in acoustics in 1976 and I am a member of the professional societies listed in Appendix A.

I am retained to provide advice on potential noise impacts associated with a proposal to extend the hours of use of the Killara Lawn Tennis Club in the evening up to 10:00pm Monday to Saturday and up to 8:30pm on Sunday.

I understand the existing hours of operation are "*sunrise to sunset*".

The Killara Lawn Tennis Club has existed in Arnold Street, Killara, for over 90 years. I understand that whilst the tennis club is now a use which is prohibited within the Residential 2(b) zone, it has existing use rights and therefore any application made to Council to modify that use must be assessed as it is assessed for any other development.

I previously prepared a report (Reference TD857-01F02 (rev 2) Technical Report dated 16<sup>th</sup> January 2008) for Mrs Jane Hickling who resided at 11 Arnold Street opposite the subject development. Mrs Hickling no longer resides at that premises.

My report was a peer review of noise assessment prepared by Noise and Sound Services (Environmental Noise Assessment at the Killara Lawn Tennis Club, Arnold Street, Killara NSW 2071. Report No nss 20887 Rev A-Final July 2006) (NSS Report).

As part of my previous commission, I visited the site on Tuesday 15<sup>th</sup> January 2008 at approximately 6:30pm. I have not conducted noise measurements at the site and rely on the information provided by the applicant's consultant.

A second noise assessment has been prepared by Wilkinson Murray (Report No 08381 Version B June 2009) (Murray Report). I am now retained by Mr James Kelly of 21 Locksley St, who also represents a number of neighbouring residents, to peer review the Murray Report.

Appendix B is a description of technical terms used in this technical report.

## **2 REVIEW OF WILKINSON MURRAY REPORT**

---

The Killara Lawn Tennis Club operates six courts. The development application originally submitted to Council for the proposed extension of hours was in respect of all six courts. However, the Murray Report now states that the new development application is for use of courts 1,2,3 and 5 up to 10pm on any day.

However, I am instructed that this is an error and that the proposed operating hours in the development application are up to 10pm Monday to Saturday and up to 8:30pm on Sunday.

The following sections are a review of the Murray Report.

### **2.1 Section 2 Site Description and Operations**

The Murray Report on Page 2 describes how Courts 4 and 6 are not to be used for evening tennis as these are in close proximity to surrounding residences. However, Court No 3 is located directly adjacent No 21 Locksley Street and in fact shares a common boundary. I would therefore have thought that Court No 3 should also not be used in the extended hours for the same reason.

### **2.2 Section 3.1 Ambient Noise Levels**

In the NSS Report, ambient noise levels were measured over 1 hour on one Wednesday night which I said may not be representative of other nights. I stated that existing ambient noise levels should be taken over at least seven days on a 24 hour basis.

In the Murray Report, ambient noise levels are measured using an unattended noise logger at a location between Courts 4 and 6 which is likely to be representative of the rear yards of dwellings in Locksley Street. Those measurements would have been affected by tennis noise during the day-time but not at night, especially from about 8pm-10pm. According to the report, the resulting RBL adopted for the evening hours is 41dB(A).

However, on closer examination of the graphical outputs in Appendix B of the report, it appears that this value is not representative of a Saturday night. On Saturday 20 Dec 2008, for example, the RBL is 38-39dB(A).

It is usual for the RBL on weekends to differ from weekdays in accordance with typical variations in traffic flow on these days in local and distant streets.

### **2.3 Section 3.2 Tennis Noise Levels**

In this section of the report, the Murray Report deals with noise levels generated by tennis. It relies on noise measurements in the NSS Report and in my report. I am surprised, given the criticisms I had of the NSS Report, that attended noise measurements were not conducted of noise presently emanating from the subject courts so as to resolve the issue.



Instead, data from the unattended noise logger is relied upon which is completely inappropriate as the engineer is unable to say what courts were being used at the time of the measurement, what type of play is occurring, how many persons are on any court, and so on.

On page 4, the Murray Report states that there is "*general agreement that an LAeq(15minute) of 54dBA at 5 metres is representative of tennis noise*".

This statement is erroneous.

I stated in my previous report that I have previously measured noise levels from the Port Hacking Tennis Centre in October 2002 and concluded that the mean LAeq(15min) measured was 54dB(A) corrected to 5 metres from the court boundary line. However, I also stated that the range of noise levels varied from 48.7dB(A) to 58.6dB(A) depending on the vigour of play. My measurements were for seven 15 minute periods and without the players being informed about the purpose of my measurements. I therefore believe my measurements are rigorous and free from player bias.

I then stated, that on a worst-case basis, my measurements therefore indicate that the level of 54dB(A) which was relied upon in the NSS Report and which is now relied upon in the Murray Report is understated by 4.6dB(A).

The Murray Report states that this variation "*may be due to varying playing surfaces*". However, my measurements conducted at Port Hacking were of play on artificial grass courts.

On this basis, the noise predictions in the Murray Report are 4.6dB(A) too low.

## **2.4 Section 4.1 Noise Criteria**

There are no criteria relating specifically to noise from tennis activities. The NSS Report adopted a value of RBL+5 as a goal or  $(41+5=) 46\text{dB(A)}$ .

Similarly, the Murray Report also adopts a goal of 46dB(A) on the basis of its more extensive ambient noise measurements.

However, as I have stated in Section 2.2 above, this level will be too high for Saturday evening and should be  $(38+5=) 43\text{dB(A)}$  or  $(39+5=) 44\text{dB(A)}$

## **2.5 Section 4.2 Use of Correction Factors**

Tennis noise comprises the sound of ball impacts and shouts and is not constant in level. Therefore there is the propensity for that sound to be more annoying than a non varying sound of the same level (such as an air-conditioner).

My observations at the Port Hacking Tennis Centre referred to in Section 2.3 above are that ball impact sounds are the predominant sound in a game, much more so than shouts, and because of the characteristically short rise and decay time of those sounds, should be classified as impulsive.

The Department of Environment Climate Change and Water (DECCW) in their Noise Guide for Local Government (NGLG) provide guidance on assessing impulsive noise as follows: <sup>1</sup>

*"Use of correction factors:*

*The particular characteristics of a noise, such as an audible impulsive or tonal component, may result in a higher level of disturbance and annoyance than would be suggested by the measured sound pressure level alone. In this situation, a correction factor should be applied to the measured noise level. For more information on the use of correction factors see Appendix 1 [sic, should be Appendix 2] ...".*

Appendix 2 of the NGLG contains modifying factor adjustments for noise sources that contain certain characteristics such as tonality, impulsiveness, intermittency or irregularity that can cause greater annoyance than a constant noise with the same noise level.

On the assumption that tennis noise can be classified as "impulsive noise" then the table in Appendix 2 recommends that the modifying factor should be the difference between the A-weighted fast response and the impulse response up to a maximum of 5dB. That is:

$$\text{Modifying factor} = \text{LAeq Impulse (15min)} - \text{LAeq Fast (15min)}$$

In the Murray Report, a Modifying Factor of zero is assumed.

According to my measurements of lawn tennis noise at the Port Hacking Tennis Centre on Sunday 6<sup>th</sup> October 2002 I have measured a Modifying Factor in the range 5.7–12.9 dB. Therefore, in accordance with the NGLG, I conclude that a Modifying Factor of 5 should be used.

## **2.6 Section 5 Noise Assessment**

Section 5 of the Murray Report presents the results of noise modelling. However, as stated above in Section 2.3, the source noise levels in my opinion are too low by 4.6dB(A) and as stated in Section 2.5 above, a modifying factor of 5dB should be adopted, therefore the predictions in Table 5-1 are (4.6+5=) 9.6dB too low.

The corrected predictions for weekdays should therefore be as shown in the following table:

---

<sup>1</sup> Page 15, NGLG

**Table 1 Predicted LAeq(15min) Tennis Noise Levels at Surrounding Residential Properties (As Corrected)**

<b>Receiver Location</b>	<b>Murray Corrected LAeq(15min)</b>	<b>Noise Goal LAeq(15min) Weekday Evening</b>	<b>Exceedence dB</b>
15 Locksley Street (Rear Yard)	54		8
19 Locksley Street (Rear Yard)	55		9
21 Locksley Street (Rear Yard)	52		6
17 Arnold Street (Front Yard)	57	46	11
15 Arnold Street (Front Yard)	58		12
11 Arnold Street (Front Yard)	58		12

For a Saturday, the noise level exceedences will be 2-3dB higher than that shown in the table above.

Furthermore, the calculations assume that local fences are perfectly impervious to sound which in at least one case that I have observed they are not. Annexure C shows a photograph of the rear fence at No 15 Locksley Street in which it is clear there are numerous gaps in the paling fence which would render that fence less effective as a noise barrier. Therefore, at this location at least, noise levels are likely to be higher than predicted in Table 1 above.

The consequence of noise level exceedences of the order of 8-12dB (and more on Saturdays) is that noise barriers will need to be constructed at the periphery of the tennis court complex possibly 3-4m in height.

I am also aware from my site inspection that No 11 Locksley Street has an elevated patio which adjoins the living area of the house. Noise levels at this elevated location should also be considered.

## **2.7 Section 5.2 Sleep Disturbance**

In Table 5-2 of the Murray Report, the sound power levels of intermittent motor vehicle noise sources are shown. In my experience, the figures of 95dB(A) and 96dB(A) for a car starting and car door slam are low. My measurements indicate a figure of 100dB(A) should be used.

This would have the effect of increasing the sound pressure level in Table 5-3 by 4dB to a level of 58dB(A) which is 2dB above a criterion of 56dB(A) for weekday night and 4-5dB above a criterion of 53-54dB(A) for a Saturday night.

Where the criterion is exceeded, a more detailed analysis should be done including a consideration of the number of events. In my opinion, this should have been done by

monitoring the noise levels produced by the current operation and then assessing these as if they were occurring in the night-time period.

## **2.8 Section 6 Discussion and Conclusion**

According to my analysis, the conclusions of this section are therefore unfounded and adverse noise impacts are likely to result from the proposal.

A statement is made that the proposal does not include group tennis lessons or the use of ball machines. If the development is approved, this should be explicitly prohibited by way of an appropriate condition.

### 3 CONCLUSION

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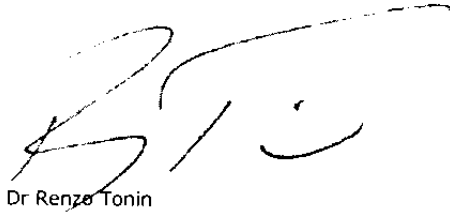
I have examined the proposal to extend the operating hours of Killara Lawn Tennis Club courts 1,2,3 and 5 up to 10:00pm on weekdays and up to 8:30pm on Sundays.

I have examined the noise impact report prepared by the applicant's consultant and, in my opinion, find that the calculations underestimate the noise impacts and that significant noise mitigating measures would therefore be required to reduce noise to acceptable levels.

Importantly, I do not agree with the use of a zero modifying factor for tennis noise and have given reasons why.

I conclude, on the information provided, that the noise impacts associated with the extension of operating hours of the Killara Lawn Tennis Club are unacceptable.

Signed



Dr Renzo Tonin

## **APPENDIX A - CURRICULUM VITAE RENZO TONIN**

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## Curriculum Vitae



### **RENZO TONIN**

Ph.D. (Mech Eng), B.Sc (Hons.) University of Adelaide

#### **DIRECTOR**

#### **PROFESSIONAL MEMBERSHIP**

F.I.E.Aust. NPER, NATA Accredited Signatory, M.A.S.A.,  
M.A.A.S.

#### **APPOINTMENTS**

Senior Honorary Research Associate - Woolcock Institute of  
Medical Research

Standards Committee AV-002 Acoustics – Instrumentation  
and Measurement Techniques.

#### **PROFESSIONAL EXPERIENCE**

- 1982 - Director and Principal, Renzo Tonin & Associates Pty Ltd
- 1979-1982 - Associate Director and Sydney Office Manager, Vipac & Partners Pty Ltd
- 1976-1978 - Post graduate studies, University of Adelaide Mechanical Engineering Department

#### **1**

#### **RELEVANT EXPERIENCE**

Dr Tonin's belief that high technology acoustics and dynamics engineering should form part of every day consulting has found acceptance with many clients. This is reflected in a strong company growth rate from private practice in November 1982 to one of the largest consulting companies specialising in acoustics engineering today.

His sponsored studies encompass such diverse activities as radio and TV studios, commercial buildings, ships, motor vehicles, trains, industrial complexes, power stations, product development, material handling plant, machine health monitoring, coal washeries, public buildings and auditoria.

His special interest is in the use of computer technology to solve problems in the fields of acoustics and dynamics.

He is a contributing author to the book "Environmental Modeling" which is a publication designed to bring together current expertise on modeling of the environment using computer based techniques.

His doctoral thesis addressed the use of laser 3D holography for the study of vibration. A distinguished international journal honored his work in this field by presenting one of his papers as a featured article.

His sponsored studies include the following;

#### **SOUND SYSTEM DESIGN**

Sydney Entertainment Centre, Darling Harbour Convention Centre and Exhibition Halls, Darling Harbour Park Sound System, Baulkham Hills Entertainment Centre, Sydney Sports Stadium, Hallstrom Park Sports Complex, Homebush Sports Centre, NSW.

#### **GOVERNMENT BUILDINGS**

Sydney Entertainment Centre sound reinforcement system (for which we were highly commended), the Glebe Remand Centre floating floor project, Applied Arts & Sciences Stage II expansion, Geological & Mining Museum, the Mint and Barracks building refurbishment, Sydney Football Stadium and the Darling Harbour Development.

#### **HOTELS**

Observatory Hotel, Sydney Hilton, Sydney Regent, Ritz/Carlton, Sheraton Hyde park, Country Comfort Central, World Square, Hyde Park Plaza, Sheraton Hobart, Campbell St Hotel, Novotel Darling Harbour, Bullecourt place, La Galleria Kings Cross, Bayswater Hotel, Park Hyatt, Parramatta Hotel, Sheraton Airport Central, Chatswood Connection.

#### **COMMERCIAL TOWERS**

QV1 development Perth, Robt Jones Tower Auckland NZ, 135 King St, Australia Square refurbishment, Landmark, 545 Kent St, Metroplaza North Sydney, Airport Central Commercial, Chatswood Connection, Chatswood Interchange, 45 Clarence St.

#### **APARTMENT/RESIDENTIAL**

Raleigh Park, Quay West, Frenchs Forest, Port Jackson Tower, HighGate Kent St, Northborne Ave Canberra, Crown Street Apartments, Crown Gardens, Villa Development, 19-21 George St North Strathfield, Mark Foys Warehouse Apartments, Frenchs Forest Medium Density, Linda St Hornsby, Camden Retirement Village, The Elan, 37 Glen St Milsons Point, Hawthornden Estate, Rockwall Apartments, Pavilion On The Harbour.

#### **ROADS AND MOTORWAYS**

M5 and M5 East EIS, M4 motorway, Silverwater Road Extension, Princes Highway - Oak Flats to Dunmore EIS, Tomerong Bypass EIS, F2 Castlereagh Freeway, Phillip Parkway EIS, Liverpool to Hornsby Highway Strategy Study, Elizabeth Drive Upgrade, Western Sydney Orbital and Badgery's Creek Highway, M2 Motorway Noise Barriers, Albury Wodonga National Highway, M4 Western Motorway Via-Duct, Church Street to James Ruse Drive, Granville.

#### **RAILWAYS AND ROLLING STOCK**

Epping to Chatswood Rail Line (ECRL); Very Fast Train (VFT); Perisher SkiTube; Tangara double-deck train acoustics; assessment and design of noise and vibration isolation systems of



multiple suburban and inner city residential and commercial developments alongside or above railway lines and railway tunnels.

#### **PUBLIC HEARINGS AND INQUIRIES**

Possum Brush Quarry Inquiry, Mt Arthur South Inquiry, Rix's Creek Inquiry, F2 Castlereagh Freeway Inquiry, Bulga Mine Inquiry, Mt Flora Quarry Hearing, Cleary Bros Sand Mine Hearing.

### **2 AWARDS**

- Australian Acoustical Society Award for Excellence in Acoustics 1988 . "New Studios for Radio 2EA"
- Australian Acoustical Society Award for Excellence in Acoustics 1992. "Victoria Barracks 2nd Military District Band Practice Facility"

### **3 BOOKS**

- Environmental Modeling - Vol 1. Chapter 7. Environmental Noise Modeling. P Zannetti ed. Computational Mechanics Publications. 1993.

### **4 PUBLICATIONS**

1. Time-Averaged Holography For The Study of Three-Dimensional Vibrations. Journal of Sound and Vibration (1977) 52 (3), 315-323.
2. General Theory of Time-Averaged Holography for the Study of Three- Dimensional Vibrations at a Single Frequency. Journal of the Optical Society of America (1978) 68 (7), 924-931.
3. Analysis of 3-D Vibrations from Time-Averaged Holograms. Applied Optics (1978) 17 (23), 3713-3721. (Featured Article).
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6. Acoustic Requirements to Curb Rain Noise from Metal Deck Roofs. Bulletin Acoustics Australia (1985) 13 (1), 16.
7. Estimating Noise Levels from Petrochemical Plants, Mines and Industrial Complexes. Acoustics Australia (1985) 13 (2), 59-67.
8. Application of Modelling Techniques to Resolving a Dynamics Problem in a Building Structure. The First Australasian MSC Users Conference, June 1987.
9. Vibration Isolation of Impacts in High-Rise Structures. The Second Australasian MSC Users Conference, Nov 1988.
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18. Heavy Vehicle Noise Reduction Study. Fifth International Congress on Sound and Vibration, Adelaide, South Australia, Dec, 1997, *P Karantonis, N Ishac and R Tonin*.
19. Comparison of Occupational Noise Exposure Results Acquired from an In-Ear Probe Tube and an Artificial Ear, for Users of Tele-Communication Headsets. Seventh International Congress on Noise as Public Health Problem, 'Noise Effects '98', Sydney, NSW, November 1998, *P Karantonis and R Tonin*.
20. Occupational Noise Management - Educating the Workforce. Australian Acoustical Society Conference Nov 1999. Pages 71-88. *N Koolik, D Eager, R Tonin*
21. Sensitivity of Frequency Response to Type of Tubing, 11 AWES Workshop, Darwin 2004, *A.W.Rofail, R.Tonin and D.Hanafi*
22. The BCA 2004 - A Plan For The Future. (Invited Paper) Australian Acoustical Society, Acoustics 2004 Proceedings, November 2004.

## APPENDIX B - GLOSSARY OF ACOUSTIC TERMS

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

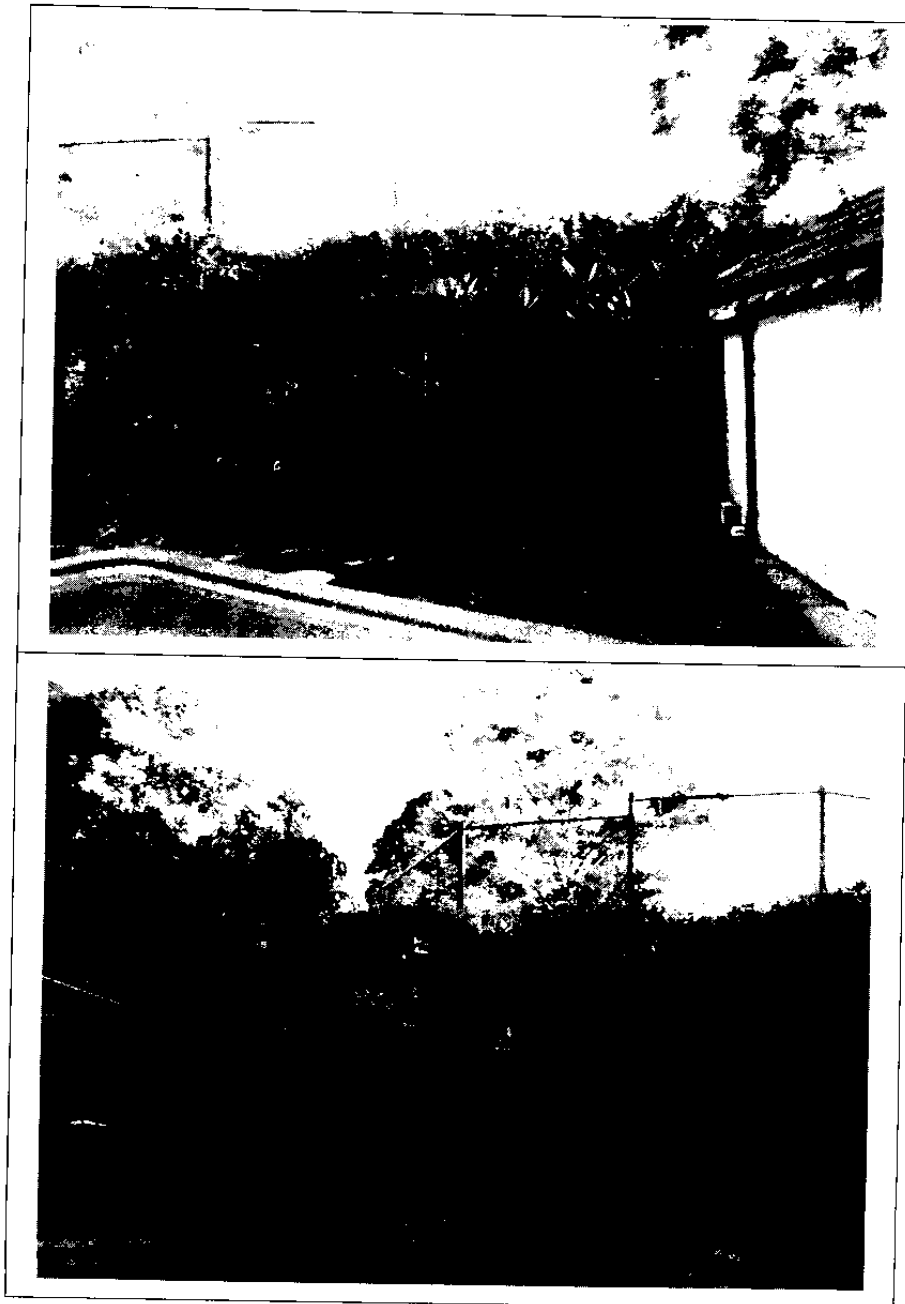
<b>Adverse Weather</b>	Weather effects that enhance noise (that is, wind and temperature inversions) that occur at a site for a significant period of time (that is, wind occurring more than 30% of the time in any assessment period in any season and/or temperature inversions occurring more than 30% of the nights in winter).
<b>Ambient Noise</b>	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
<b>Assessment Period</b>	The period in a day over which assessments are made.
<b>Assessment Point</b>	A point at which noise measurements are taken or estimated. A point at which noise measurements are taken or estimated.
<b>Background Noise</b>	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).
<b>Decibel [dB]</b>	The units that sound is measured in. The following are examples of the decibel readings of every day sounds: 0dB The faintest sound we can hear 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB Martin Place at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 115dB Limit of sound permitted in industry 120dB Deafening
<b>dB(A): A-weighted decibels</b>	The ear is not as effective in hearing low frequency sounds as it is hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.
<b>Frequency</b>	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
<b>Impulsive noise</b>	Having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
<b>Intermittent noise</b>	The level suddenly drops to that of the background noise several times during the period of observation. The time during which the noise remains at levels different from that of the ambient is one second or more.
<b>Lmax</b>	The maximum sound pressure level measured over a given period.
<b>Lmin</b>	The minimum sound pressure level measured over a given period.
<b>L1</b>	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
<b>L10</b>	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.

---

L90	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
Leq	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Reflection	Sound wave changed in direction of propagation due to a solid object obscuring its path.
SEL	Sound Exposure Level (SEL) is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain Leq sound levels over any period of time and can be used for predicting noise at various locations.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound Absorption	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound Level Meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound Pressure Level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound Power Level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise	Containing a prominent frequency and characterised by a definite pitch.

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## APPENDIX C - PHOTOGRAPHS OF NO 15 LOCKSLEY ST REAR FENCE



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## NOMINATIONS FOR AND REMUNERATION OF JOINT REGIONAL PLANNING PANEL MEMBERS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present nominations for council membership of the Sydney West Joint Regional Planning Panel and determine appropriate remuneration rates.

**BACKGROUND:**

Council resolved on 9 June 2009 to call for expressions of interest to participate as members of the Sydney West Joint Regional Planning Panel on behalf of Ku-ring-gai Council

**COMMENTS:**

Pursuant to the request of the Minister for Planning in a letter to all councils, Ku-ring-gai is required to put forward nominations for council membership of the Sydney Metro West Planning Panel, consisting of two members and one alternate.

**RECOMMENDATION:**

That Council consider expressions of interest received from the local community for council membership of the Sydney Metro West Joint Regional Planning Panel and determine appropriate remuneration rates.

## PURPOSE OF REPORT

To present nominations for council membership of the Sydney West Joint Regional Planning Panel and determine appropriate remuneration rates.

## BACKGROUND

As part of its broader planning reform agenda, the NSW state government has introduced numerous amendments to the current planning legislation in the form of the Environmental Planning and Assessment Amendment Act 2008. Among these planning reforms is the introduction of Joint Regional Planning Panels (JRPPs) pursuant to Section 23G and Section 118 of the Environmental Planning and Assessment Act (as amended).

The Joint Regional Planning Panels were established across New South Wales and commenced operation on 1 July 2009. JRPPs exercise consent authority functions in regard to regional development or development deemed to be of regional significance. Development for which JRPPs are the consent authority includes:

- commercial, residential, retail and tourism development with a capital investment value (CIV) between \$10M and \$100M
- subdivisions over 250 lots
- public and private community infrastructure and ecotourism development with a CIV of more than \$5M
- all designated development
- certain major coastal developments
- where a council is the proponent or is conflicted regarding a development with a CIV of more than \$5M.

(Based on the current list of development categories and associated capital investment value thresholds for the JRPP and the Ku-ring-gai Planning Panel (KPP), the KPP will be the consent authority for Development Applications (lodged after 1 July 2009) where the CIV is less than \$10m and Development Applications that have not been determined within 91 days of the date they were lodged)

For administrative purposes, New South Wales is divided into six separate regions, four regional and two metropolitan (Hunter, Northern, Southern, Western, Sydney Metro West and Sydney Metro East) and each will have its own JRPP. Ku-ring-gai is situated within the northern part of the Sydney Metro West Region.

Each of the JRPPs comprises three state members appointed by the Minister for Planning and two council members appointed by each council within a region (the functions of the JRPP members appointed by councils are restricted to their particular local government area).

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The Minister for Planning sought Council's nominations for membership of the JRPP to be submitted by 5 June 2009. Council's General Manager obtained an extension from the Department Of Planning for Council's nominations until after 9 June 2009, so as to permit this matter to be considered and determined by Council at its meeting of 9 June 2009.

On 9 June 2009 Council resolved as follows:

- A. *That Council appoint two Council representatives for membership of the Sydney Metro West Joint Regional Planning Panel, being the Mayor, Councillor Elaine Malicki and Councillor Ian Cross, for a period of six months, together with Councillor Elise Keays as alternate.*
- B. *That during the six months period, nominations shall be sought from the Ku-ring-gai Community, with those nominations to be formally assessed by Councillors and determined by Council.*

Currently the Sydney West Joint Regional Planning Panel comprises:

State members	Council members
Janet Thompson (Chair)	Councillor Elaine Malicki
Bruce McDonald	Councillor Ian Cross
Paul Mitchell	Councillor Elise Keays (alternate)
Stuart McDonald (alternate)	
Lindsay Fletcher (alternate)	

On 28 July 2009 the Minister for Planning advised Council of a number of administrative arrangements associated with the JRPPs including membership and remuneration of Panel members (**Attachment A**). The letter also refers to the JRPP *Code of Conduct* and *Operation of Joint Regional Planning Panels* and these documents are also attached for information (**Attachments B & C**)

## Membership

In accordance with Council's resolution of 9 June 2009 expressions of interest were sought from members of the local community for council membership of the JRPP through an advertisement that appeared in the North Shore Times on 21 August 2009. Expressions of interest had to be submitted by 18 September 2009 and were required to demonstrate how the nominee met the relevant criteria for JRPP membership. The Department of Planning's selection criteria for council members on a JRPP are:

- senior level experience in dealing with multiple stakeholders
- high level communication skills
- capability to drive high profile outcomes in a credible and authoritative manner
- high level analytical skills
- knowledge of the assessment of complex developments and planning matters

In addition, at least one of the two council nominees is required to have high level expertise in one or more of the following areas:

- Planning
- Architecture



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- Heritage
- The environment
- Urban design
- Land Economics
- Traffic and transport
- Law
- Engineering
- Tourism

By the 18 September 2009 closing date only one expression of interest had been received from:

Jack Cleaver, a Ku-ring-gai resident - chartered architect with extensive local government experience and is a current member of the North Sydney Council Design Excellence and Urban Design Advisory Panel.

Mr Cleaver's application is attached and appears to meet a number of the selection criteria identified by the Department of Planning **(Attachment D)**.

### Remuneration

In her letter received by Council on 27 July 2009, the Minister for Planning advised Council that the following should be considered when setting fees:

- *Council staff members: No fees should be paid, as participation in the Regional Panel would form part of the employee's regular duties, consistent with the Department of Premier and Cabinet Guidelines for NSW Board and Committee Members: Appointment and Remuneration ("the DPC Guidelines") on payment to Public Sector Employees.*
- *Elected councillors: As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee of no more than \$600 appears reasonable; recognising that membership of the Regional Panel will bring additional responsibilities.*
- *Community members: Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, but that a meeting fee not exceeding \$1400 should be considered as a guide when determining appropriate remuneration rates. This is commensurate with the fee proposed for State appointed members.*
- *Alternates: Alternate members, when serving on the Regional Panel, should receive fees commensurate to those paid to comparable council-appointed members.*

*Councils are also advised to refer to the DPC Guidelines when calculating travel and subsistence allowances for their nominees.*

## FINANCIAL CONSIDERATIONS

The per meeting cost for Council's nominees will depend on the actual remuneration rates which are the subject of this report but should not exceed \$2000 per meeting plus travel allowances. The

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full cost to Council with the running and administration of the JRPP cannot be quantified as this will depend on the number of meetings held (currently there are three applications under consideration that will be determined by the Sydney West Joint Regional Planning Panel). Moreover, it is also not clear at this stage as to whether these costs would be met by individual councils or the by the Department of Planning. More information will be provided to Council on the likely costs associated with the JRPP once this aspect is clarified.

## SUMMARY

Based on the selection criteria specified by the Department of Planning Council is required to ensure that at least one of the two council nominees have high level expertise in one or more of the following areas:

- Planning
- Architecture
- Heritage
- The environment
- Urban design
- Land Economics
- Traffic and transport
- Law
- Engineering
- Tourism

Council has received one expression of interest that appears to satisfy at least one of these criteria and together with one of the existing Council nominees would satisfy the Department of Planning's requirements.

In determining the remuneration rates for nominees Council has to consider the guidelines

- *Council staff members:* No fees should be paid
- *Elected councillors:* A per meeting fee of no more than \$600
- *Community members:* Council may determine an appropriate level of remuneration but a per meeting fee not exceeding \$1400 should be considered as a guide (commensurate with State appointed members)
- *Alternates:* Should receive fees commensurate to those paid to comparable council-appointed members.

## RECOMMENDATION

- A. That Council consider the expression of interest received from Jack Cleaver.
- B. That Council determine the remuneration rates for Council's nominees.

Corrie Swanepoel  
**Acting Director Development & Regulation**

John McKee  
**General Manager**

**Attachments:**

- A. Letter from Minister for Planning, received 28 July 2009 - 2009/176122**
- B. JRPP Code of Conduct - 2009/176101**
- C. Operation of Joint Regional Planning Panels - 2009/176096**
- D. Expression of interest received from Jack Cleaver - 2009/176716**

NSW

The Hon Kristina Keneally MP

Minister for Planning | Minister for Redfern Waterloo

Cir Elaine Malicki  
Mayor  
Ku-ring-gai Council  
Locked Bag 1056  
PYMBLE NSW 2073



Y09/2272

Dear Cir Malicki

I am pleased to advise that the Joint Regional Planning Panels were formally established on 1 July 2009 in five regions of New South Wales. I am now writing to provide you with further information about the commencement and operation of the Regional Panels.

Please visit the Regional Panels' website at [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au) to see the following key documents that will guide the operation of the Regional Panels:

- A *Planning Circular* and a quick reference *User Guide* setting out a general summary of who will determine which developments under the new Regional Panel system. As you know, Regional Panels will determine development applications (DAs) for certain types of "regional development", while councils will continue to carry out other consent authority functions associated with these DAs.
- *The Procedures for the Operation of Joint Regional Planning Panels* detail the operations of the Regional Panels, including their functions, membership requirements, monitoring and review processes, the roles of councils and the procedures relating to the determination process. This includes the process for councils to forward applications to the Panel Secretariat and identifies timeframes and requirements for the submission of documents to the Secretariat. An online submission form for applications to be forwarded to the Panel Secretariat is also available on the website.
- The Joint Regional Planning Panel *Code of Conduct* sets out the responsibilities binding all panellists, including ethical conduct and obligations in relation to pecuniary and non pecuniary interests, political donations, gifts and benefits, interactions with council staff and protecting confidential information. The Code also specifies the procedures in respect of any breach and outlines the functions of the Minister and councils in removing panellists. A Complaints Handling Policy for dealing with complaints will also be available on the website shortly.

These documents were developed through extensive consultation with peak stakeholder groups at regular meetings and council staff through recent council information sessions.

#### Membership

On 24 July 2009, I announced the State members appointed to the five operational Regional Panels. The three members appointed to the Sydney West Regional Panel are:

Janet Thompson (Chair)  
Bruce McDonald  
Paul Mitchell  
Stuart McDonald (alternate)  
Lindsay Fletcher (alternate)



Level 35 Governor Macquarie Tower  
1 Farrer Place, Sydney NSW 2000  
GPO Box 5341, Sydney NSW 2001

T 61 2 9228 5811  
F 61 2 9228 5499  
[office@keneally.minister.nsw.gov.au](mailto:office@keneally.minister.nsw.gov.au)

These members will join the two members nominated by your Council. I would ask you to advise the Panel Secretariat as soon as possible if Council makes any changes to its nominated members.

#### **Remuneration**

As you are aware, the Department of Planning will meet the remuneration of State members of the Regional Panels. While I have decided not to set the fees for Council nominated members, so that Councils are free to determine the fees paid to their appointed members, the following should be considered when setting fees:

- *Council staff members:* No fees should be paid, as participation in the Regional Panel would form part of the employee's regular duties, consistent with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration* ('the DPC Guidelines') on payment to Public Sector Employees.
- *Elected councillors:* As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee of no more than \$600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities.
- *Community members:* Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, but that a meeting fee not exceeding \$1400 should be considered as a guide when determining appropriate remuneration rates. This is commensurate with the fee proposed for State appointed members.
- *Alternates:* Alternate members, when serving on the Regional Panel, should receive fees commensurate to those paid to comparable council-appointed members.

Councils are also advised to refer to the DPC Guidelines when calculating travel and subsistence allowances for their nominees.

#### **Ongoing support and communication**

The Government is seeking to work collaboratively with councils, industry and the community throughout the introduction of the Regional Panels. Over the coming months, the Department will continue its education and information program for council staff and panellists.

In addition to the Regional Panels website, a hotline has been established on 1300 938 344 (from a fixed line phone). You can also call the Panel Secretariat directly on (02) 9383 2121 should you require any further information.

I anticipate that the Chair of the Regional Panel will be contacting you shortly. I look forward to a strong working relationship between your Council and the Regional Panel and trust that your Council will provide the Regional Panel with every assistance, as set out in the new section 23N(1) of the *Environmental Planning and Assessment Act 1979*.

Thank you for your co-operation to date on this important initiative. I appreciate your continued support in building a better planning system for New South Wales.

Yours sincerely



The Hon Kristina Keneally MP



# Joint Regional Planning Panels Code of Conduct



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# JOINT REGIONAL PLANNING PANELS

## Code of Conduct

### Introduction

This Code of Conduct (Code) applies to all members of Joint Regional Planning Panels (JRPPs), including:

- State appointed members
- council nominees
- alternates acting for JRPP members.

The Code outlines the standards of conduct expected of JRPP members. It is the personal responsibility of each JRPP member to comply with this Code.

The Code will be kept under review and will be subject to changes that may be required to reflect the experience of the implementation and operation of the JRPPs.

### Purpose of the Code

This Code sets out the minimum requirements of behaviour for JRPP members in carrying out their functions. The Code has been developed to assist JRPP members:

- a) understand the standards of conduct that are expected of you
- b) enable you to act honestly, ethically and responsibly
- c) enable you to exercise a reasonable degree of care and diligence; and
- d) act in a way that enhances public confidence in the integrity of role of the JRPPs in the planning system.

### Application of the Model Code of Conduct for Local Councils in NSW (Model Code)

Councils are required under the *Local Government Act 1993* to adopt a Code of Conduct. Such Codes must incorporate the provisions of the 'Model Code' prescribed under the *Local Government (General) Regulation 2005*.

The Council's adopted Code applies to, amongst others, councillors, the General Manager and Council staff. The Model Code does not apply to JRPP members. However parts of the Model Code have been used to assist in the development of this Code, along with other relevant Codes of Conduct applying to members of State Boards and other statutory bodies.

It is recognised that councillors and council staff may undertake functions as a member of a JRPP separate to their ordinary functions as a councillor or member of council staff. When exercising functions as a JRPP member councillors and council staff must ensure that they comply with this Code.

Council staff responsible for dealing with development matters under the *Environmental Planning and Assessment Act 1979* (EP&A Act), preparing assessment reports and/or otherwise assisting a JRPP in the exercise of its functions are not subject to this Code.

### Other obligations

JRPP members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*.

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## Code of Conduct

### 1. Key principles

#### *Integrity*

- 1.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be reasonably thought to influence you in the exercise of your functions as a JRPP member.

#### *Leadership*

- 1.2 You have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in JRPPs and their role in the planning system.

#### *Selflessness*

- 1.3 You have a duty to make decisions in the public interest. You must not make a decision or take action that causes or results in you obtaining:
- a financial benefit (including avoiding a financial loss)
  - other benefits for yourself, your family, friends or business interests.

#### *Impartiality*

- 1.4 You should make decisions on merit and in accordance with your statutory obligations when carrying out your functions as a JRPP member.

#### *Accountability*

- 1.5 You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others.

#### *Openness*

- 1.6 You have a duty to be open as possible about your decisions and actions.

#### *Honesty*

- 1.7 You have a duty to act honestly and in good faith for the proper purpose.

#### *Respect*

- 1.8 You must treat others with respect at all times.

### 2. General conduct obligations

#### *General conduct*

- 2.1 You must not conduct yourself in carrying out your functions as a JRPP member in a manner that is likely to bring the JRPP into disrepute. Specifically, you must not act in a way that:
- a) contravenes the EP&A Act<sup>1</sup>
  - b) is improper or unethical
  - c) is an abuse of power
  - d) causes, comprises or involves intimidation, harassment or verbal abuse
  - e) causes, comprises or involves discrimination, disadvantage or adverse treatment.

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<sup>1</sup> A reference to the *Environmental Planning and Assessment Act 1979* (EP&A Act) includes a reference to the *Environmental Planning and Assessment Regulation 2000*.



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- 2.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions as a JRPP member, having regard to the statutory obligations under the EP&A Act.

*Fairness and equity*

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

*Making decisions and taking actions*

- 2.5 You must ensure that decisions and actions are reasonable, fair and for the proper purpose and that parties involved in the development process are dealt with fairly.
- 2.6 You must ensure that no action, statement or communication between yourself and others (such as applicants, objectors and councillors) conveys any suggestion of willingness to provide improper concessions or preferential treatment.
- 2.7 You should attend all meetings of the JRPP as far as is possible, and allow the necessary time to prepare for meetings.

**3. Conflicts of interests**

*General*

- 3.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your functions as a JRPP member.
- 3.2 You must avoid or appropriately manage any conflicts of interests. The onus is on you to identify a conflict of interests and take appropriate action.
- 3.3 Any conflicts of interests must be managed to up-hold the probity of JRPP decision making. When considering whether or not you have a conflict of interests you should consider how others would view your situation.
- 3.4 Private interests can be of two types: pecuniary or non-pecuniary.

*Disclosure of pecuniary interests*

- 3.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person<sup>2</sup>.
- 3.6 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision of that person might make<sup>3</sup>.

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<sup>2</sup> The term 'pecuniary interests' adopted by this Code is based on the definition of that term in s.442(1) of the *Local Government Act 1993*.

<sup>3</sup> See s.442(2) *Local Government Act 1993* or if it is an interest referred to in s.448(a), (b), (e) or (g) of the *Local Government Act 1993*.

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- 3.7 A member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative<sup>4</sup> of the member, or a partner or employer of the member, or a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- 3.8 The obligation on JRPP members with respect to pecuniary interests are set out in clause 12 of Schedule 4 of the EP&A Act (attached at **Appendix A**). All JRPP members must comply with the requirements set out in this provision. In particular:
- (a) If a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of a JRPP and the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter the member must, as soon as possible after the relevant facts have come to the member's attention disclose the nature of the interest at a meeting of the regional panel.
- (b) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the regional panel otherwise determines:
- be present during any deliberation of the panel with respect to the matter, or
  - take part in any decision of the panel with respect to the matter.

#### *Disclosure of non pecuniary interests*

- 3.9 A non pecuniary interest is a private or personal interest that a person has that may, for example, be based on a family or personal relationship, membership of an association, society or trade union or involvement or interest in an activity which may include an interest of a financial nature<sup>5</sup>.
- 3.10 You should consider possible non pecuniary interests that may arise while carrying out your duties as a JRPP member. Where possible, the source of potential conflict should be removed.
- 3.11 However, where this is not possible, if a member has a non pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of the member's duties, the member must follow the procedures set out in clause 12 of Schedule 4 of the EP&A Act in the same manner as if the interest was a pecuniary interest.

#### *Political Donations*

- 3.12 JRPP members should be aware that political contributions or donations may give rise to a pecuniary or non-pecuniary interest. It is the responsibility of JRPP members to determine in each instance whether such an interest arises and whether the provisions of this Code and clause 12 of Schedule 4 of the EP&A Act applies.
- 3.13 Where a JRPP member makes a disclosure under cl.12(1)(b) of Schedule 4 to the EP&A Act with respect to an interest which arises because of a political donation,

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<sup>4</sup> The term 'relative' adopted by this Code is the definition of that term under s 3 of the *Local Government Act 1993*.

<sup>5</sup> The term 'non-pecuniary interest' as adopted by this Code is based on the meaning of that term under the Local Government Model Code of Conduct.

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the regional panel is required to take this into consideration in determining under cl.12(6) whether it is appropriate for the member to be present during any deliberations or take part in any decision with respect to the matter.

*Other business or employment*

3.14 You must ensure that any outside employment or business you engage in will not:

- a) conflict with your functions as a JRPP member
- b) involve using confidential information or resources obtained through your role as a JRPP member
- c) discredit or disadvantage the JRPP.

*Personal dealings with council*

3.15 You may have reason to have private dealings with a council that is within the JRPP region where you are a JRPP member (for example as a ratepayer). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your role as a JRPP member. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

#### **4. Personal benefit**

*Gifts and benefits*

4.1 You must not:

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

4.2 Generally speaking token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
  - i. the discussion of matters before the JRPP
  - ii. conferences
  - iii. social functions organised by groups.
- b) invitations to and attendance at local social, cultural and sporting events.
- c) gifts of single bottles or reasonably priced alcohol at end of year functions and public occasions.
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

4.3 Gifts and tokens that have more than a token value include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

4.4 As a general rule, any gift from an applicant, objector or associate of an applicant or objector in relation to a matter to be determined by a JRPP would fall into a category referred to in paragraph 4.1(c) and therefore should not be accepted.

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- 4.5 The Panel Secretariat is to maintain a Register of Gifts for each JRPP to ensure the receipt and disposal of gifts is conducted in an open and transparent manner. When offered a gift or benefit JRPP members must inform the Panel Secretariat of the following information for the purposes of making a recording on the Register of Gifts:

- the person who made the offer and the date on which the offer was made
- whether or not you accepted the gift/benefit
- whether the gift or benefit was allocated to another person or body, and
- the value of the gift or benefit.

You should also advise the JRPP Chair of any such notification to the Panel Secretariat.

## **5. Relationship between JRPP members, council and council staff**

### *Obligations of JRPP members*

- 5.1 Section 23N of the EP&A Act provides that a JRPP is entitled to:

- a) to have access to, and to make copies of and take extracts from records of a council relevant to the exercise of the JRPPs' functions, and
- b) to the use of staff and facilities of a relevant council in order to exercise the JRPP's functions.

All such requests for assistance will be made by the JRPP Chair to General Manager (or such other staff member as be nominated by the General Manager).

- 5.2 You have a responsibility to promote and support an effective and co-operative working relationship with the council, general manager and council staff and contractors.

### *Inappropriate interactions*

- 5.3 You must not engage in inappropriate interactions when exercising your functions as a JRPP member.

- 5.4 In relation to council staff<sup>6</sup> you must not:

- a) approach, make requests of, make enquiries or issue instructions to council staff other than through official channels and in accordance with this Code
- b) be overbearing or threatening to council staff
- c) make personal attacks on council staff in a public forum
- d) direct or pressure council staff in the performance of their work or recommendations they make
- e) influence or attempt to influence staff in the preparation of assessment reports or other information to be submitted to the JRPP.

- 5.5 The '*Procedures for the Operation of Joint Regional Planning Panels*' recognises that there may be circumstances where it is appropriate for JRPP members to attend meetings/briefings with applicants, objectors or other third parties with an interest in proposed development. However, you:

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<sup>6</sup> A reference in this clause to council 'staff' includes a reference to council contractors or consultants.

- 
- a) must not hold private meetings, briefings or discussions in respect of the matter in the absence of other JRPP members or without council staff being in attendance; and
  - b) must not attend site visits unless they have been formally arranged by council staff and you are accompanied by other JRPP members and/or council staff.

Where such meetings, briefings or site visits occur:

- (a) you should not express any preliminary views in relation to the JRPP's ultimate determination of the matter; and
- (b) a written record of the discussions should be made.

*Council staff - avoiding the potential for a conflict of duties*

- 5.6 As a general rule it is not appropriate for council staff to be members of a JRPP, as it would be difficult for them to appropriately manage the conflicts of duties between being a council staff member and fulfilling the obligations of a JRPP member.
- 5.7 Council employees (including general managers and other senior staff) who are nominated to sit as a member of the JRPP should carefully consider what measures must be put in place to ensure they will be able to comply with the requirements of this Code.<sup>7</sup>
- 5.8 A conflict of duties may arise for Council employees (including general managers and other senior staff) who are nominated to sit as a member of the JRPP. A conflict of duties is a conflict between competing and incompatible public duties. For example, a conflict of duties arises where public officials hold more than one official position which requires them to address competing objectives or interests. Conflicts of duties should be avoided in most circumstances. Therefore Council employees who are nominated to sit on a JRPP must ensure that appropriate measures are in place to ensure potential conflicts are appropriately managed.
- 5.9 Council employees who are nominated to sit as JRPP members must also seek to avoid situations in which their interests as a Council employee might reasonably be perceived by members of the community to conflict with the impartial fulfilment of their functions as a JRPP member either because:
  - a) they have been directly or indirectly involved in the preparation of the assessment report for the JRPP, or
  - b) they adopt a view, without providing independent reasoning, that is perceived to be consistent with the view of the elected council in its submission to the JRPP.

**6. Relationship between JRPP members and others**

- 6.1 You must adhere to the Key Principles and General Conduct Obligations contained in this Code when dealing with others, including council staff, councillors, Department of Planning staff and the Panel Secretariat.

**7. Protecting and using information**

- 7.1 Information must be handled in accordance with section 148 of the EP&A Act.
- 7.2 In addition to the obligations under section 148 of the EP&A Act you must:

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<sup>7</sup> In particular Part 5 of the Code.

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

7.3 When dealing with personal information you must comply with the *Privacy and Personal Information Protection Act 1998*.

## **8. Use of public resources**

8.1 You may be provided with equipment and other resources to perform JRPP functions. All such resources are to be used only for JRPP purposes and in accordance with any guidelines or rules about the use of those resources.

## **9. Public Comment/Media**

9.1 The JRPP Chair is responsible for speaking to the media on behalf of the JRPP, to allow its decisions to be properly represented and communicated. The Chair can authorise another JRPP member to speak to the media on behalf of the JRPP at any time. Other non-authorised members can speak to the media about JRPP matters however, in doing so, this does not represent the views of the JRPP.

## **10. Reporting breaches**

10.1 JRPP members are required to report suspected breaches of the Code to the JRPP Chair. If the suspected breach is by the JRPP Chair, you should report the suspected breach to the member of the Planning Assessment Commission (PAC) nominated for this purpose. If the JRPP Chair suspects a breach of the Code s/he should report the suspected breach to the nominated PAC member.

10.2 The JRPP Chair or nominated PAC member, as the case may be, may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach.

10.3 A person who is alleged to have breached the Code must be given:

- a) the full particulars of the alleged breach<sup>8</sup>;
- b) an opportunity to respond to the allegations; and
- c) the right to have a legal or other representative present during any meetings/discussions in respect of the matter.

10.4 Serious breaches of the Code may be referred to the Minister in respect of State Members or the relevant council with respect to council nominees. Proven breaches of the Code may warrant removal from office (see item 12 below)

## **11. Reporting possible corrupt conduct**

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<sup>8</sup> These particulars should not include the details of the person who made the allegation.

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11.1 The *Protected Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. JRPP members can make reports concerning suspected corrupt conduct<sup>9</sup> to the JRPP Chair<sup>10</sup>. The JRPP Chair is under a duty to report to the Independent Commission Against Corruption any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct<sup>11</sup>.

11.2 JRPP members can also report directly to the following investigative bodies.

Disclosures concerning:

- Corrupt conduct should be made to the Independent Commission Against Corruption<sup>12</sup>
- Maladministration<sup>13</sup> should be made to the NSW Ombudsman
- Serious and substantial waste of public money should be made to the NSW Auditor General.

## **12. Removal from office**

12.1 The Minister may remove State members from office at any time and without notice.

12.2 The relevant council may remove its nominee/s from office at any time and without notice. If so, the Council must notify the Panel Secretariat.

12.3 The Minister may remove any member if the Independent Commission Against Corruption recommends that consideration be given to the removal of the member because of corrupt conduct by the Member.

## **13. Complaint handling**

13.1 Complaints against JRPP members are to be handled in accordance with the JRPP Complaints Handling Policy.

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<sup>9</sup> Corrupt conduct has the meaning given to that term under the *Independent Commission Against Corruption Act 1988* ('ICAC Act').

<sup>10</sup> or nominated PAC member if the suspected conduct is by the JRPP Chair or the Chair is reporting suspected corrupt conduct.

<sup>11</sup> Section 11, ICAC Act.

<sup>12</sup> Section 10 of the ICAC Act allows any person to make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.

<sup>13</sup> Maladministration is defined in s 11(2) of the *Protected Disclosures Act 1994*

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## Appendix A

### Extract from Schedule 4 of the *Environmental Planning and Assessment Act 1979*

#### 12 Disclosure of pecuniary interests

- (1) If:
- (a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the regional panel, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the regional panel.
- (2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the member, or
  - (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
  - (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- (3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):
- (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
  - (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.
- (4) A disclosure by a member at a meeting of the regional panel that the member, or a spouse, de facto partner, relative, partner or employer of the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (5) Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the regional panel.
- (6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the regional panel otherwise determines:
- (a) be present during any deliberation of the panel with respect to the matter, or
  - (b) take part in any decision of the panel with respect to the matter.



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- (7) For the purposes of the making of a determination by the regional panel under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the panel for the purpose of making the determination, or
  - (b) take part in the making by the panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the regional panel.



# Procedures for the Operation of Joint Regional Planning Panels



These Procedures are provided for general guidance and information only. The Procedures are made available on the understanding that the NSW Department of Planning ('Department') is not providing legal advice. The Department has compiled the Procedures in good faith, exercising all due care and attention.

The Procedures do not affect or replace relevant statutory requirements. Where an inconsistency arises between the provisions of the Procedures and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. The Procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the Procedures.

It should be noted that the Procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the Procedures and the statutory requirements applying to Joint Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

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## 1. Introduction

Joint Regional Planning Panels (Regional Panels) were introduced in NSW on 1 July 2009 in order to strengthen decision making on regionally significant development applications and certain other planning matters.

These procedures have been developed to explain the means of operating Regional Panels and to clarify the roles of various parties in the process.

The procedures should be read in conjunction with the Code of Conduct for Joint Regional Planning Panels which explains the standard of conduct expected of Regional Panel members.

These procedures are in relation to the operation of Regional Panels under the *Environmental Planning and Assessment Act 1979* (EP&A Act), and extend to Regional Panels if they are undertaking any functions conferred on them under the EP&A or any other Act.

These procedures will be kept under review and may be amended from time to time as needed following the experience of implementing and operating Regional Panels.

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## 2. Functions of Regional Panels

### 2.1 Functions

The principal function of Regional Panels is to determine regionally significant development applications. Additional functions of regional panels include:

- Acting as the relevant planning authority (RPA) for the purpose of preparing a local environmental plan when appointed to do so by the Minister for Planning;
- Determining Crown development applications that have been referred to the Regional Panel by the council or the applicant, after having not been determined by the council within the time prescribed in the regulations;
- Determining applications to modify a consent for regionally significant development under s.96(2) of the EP&A Act; and
- Providing advice on planning or development matters when requested to do so by the Minister.

The EP&A Act provides that if a Regional Panel has not been appointed for a particular part of the State, any function that is conferred on a Regional Panel is to be undertaken by the Planning Assessment Commission (PAC).

### 2.2 Membership of Regional Panels

Regional Panels consist of 5 members as follows:

- **State Members:** Three State members appointed by the Minister, each having expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.
- **Council Members:** Two council members appointed by each council that is situated in a part of the state for which a Regional Panel is established. At least one council member is required to have expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

It is a matter for each council to identify how the members are selected. In selecting members, however, Councils should have regard to the conflict of duties that would be created for a person nominated to the Regional Panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the Regional Panel.

As a general rule it is not appropriate for council staff to be members of a JRPP, as it would be difficult for them to appropriately manage the conflicts of duties between being a council staff member and fulfilling the obligations of a JRPP member.

At a meeting of a Regional Panel, matters in a number of different council areas may be considered. The two (2) members of individual councils will join the three (3) State members to comprise the Regional Panel whenever

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the Regional Panel is considering a matter that is located in that council's area.

If a council within the area of a Regional Panel fails to nominate one or more council members, a Regional Panel may still exercise its functions in relation to the area of the council concerned.

Councils can appoint, terminate, and reappoint, members at anytime. Councils should, however, reappoint council members within 12 months following a council election.

- **Chairperson and Deputy Chairperson:** The Minister will appoint one of the state members as the Chairperson for the Regional Panel.

The members may determine to elect a State member to be Deputy Chairperson. The role of a Deputy Chairperson is to act as the Chairperson at anytime the Chairperson is absent from the meeting.

A Deputy Chairperson can be elected for the duration of their term of office as a member or for a shorter term. A State member can be elected as Deputy Chairperson by members of the Regional Panel at anytime.

The Chairperson (or, in the absence of the Chairperson, a person elected by the members) presides at meetings of Regional Panels. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

- **Alternates:** The Minister may, from time to time, appoint a person to be the alternate of a State member, and may revoke any such appointment.

A council may also, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.

A person may be appointed to be the alternate of two (2) or more members, although they can only have one (1) vote at a meeting.

The Panel Secretariat is responsible for the maintenance of a register of Regional Panel members comprising state members as appointed by the Minister and council members as nominated by the council.

The EP&A Act stipulates the circumstances when a vacancy in office of a Regional Panel member occurs. The Minister in the case of a state member, and the council in the case of a council member, would fill such a vacancy in accordance with the EP&A Act.

## **2.3 Defining the Regions**

Joint Regional Planning Panels are constituted by the Minister for Planning by order published in the Gazette. The Minister may revoke an order and make new orders at any time.

There are 5 Regional Panels, corresponding with the Department of Planning Regional Boundaries as shown in the following maps. The following 5 Joint Regional Planning Panels were constituted by order on 1 July 2009:

- 
- Northern Region Joint Planning Panel ;
  - Hunter and Central Joint Planning Panel ;
  - Southern Region Joint Planning Panel (excluding Wagga Wagga local government area);
  - Sydney East Region Joint Planning Panel (excluding City of Sydney local government area); and
  - Sydney West Joint Planning Panel

In June 2009 the Minister for Planning announced that she would also establish a Joint Planning Panel for the Western Region of New South Wales, corresponding to the Department of Planning's Western Region. This region will be established by separate order as soon as practicable after 1 July 2009.

The Regional Panel provisions do not apply in the City of Sydney, where the Central Sydney Planning Committee will continue to function, and the Planning Assessment Commission will function in lieu of a Regional Panel in the case of Crown development applications not determined by the Council within the time prescribed in the regulations.

## **2.4 Classes of Regional Development and functions to be exercised by Regional Panels**

Part 3 (Regional development) of *State Environmental Planning Policy (Major Development) 2005* identifies the types of development that Regional Panels will be responsible for determining.

Division 3 of Part 3 of the Major Development SEPP sets out the functions to be exercised by Regional Panels, including determination of specified:

- classes of development applications;
- staged development applications; and
- modification applications (but only where the Regional Panel granted consent to the development).

## **2.5 Administration**

Administration and support for Regional Panels is provided by the Panel Secretariat. Such support is in relation to preparation and issue of meeting agendas, arrangements for travel to meetings and accommodation (if required), and support to Panel members.

Councils will be responsible for the usual notification process for applications, the assessment reports (including the consideration of submissions) and the post-determination functions.

Councils may be requested to assist JRPPs with the provision of meeting venues, arrangements for site visits and briefings (where appropriate).

## **2.6 Monitoring and Review**

The performance of Regional Panels in relation to their handling of development applications and other matters will be monitored and reported on in a Regional Development Monitor to be published annually.



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### **3. Roles of councils and other panels in relation to the JRPP**

#### **3.1 Role of Councillors and Council Staff**

Councillors (as the elected Council) and council staff have distinctly different roles in the handling of development applications. The separation of these roles is reinforced in s.352 of the *Local Government Act 1993* (LG Act) which provides that a member of staff is not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

##### ***Assessment Role***

The role of council staff is to undertake the assessment of the development application. The assessment of a development application requires undertaking various statutory requirements such as public notification, advertising, consultation, concurrence and obtaining general terms of approval from an agency if required, and consideration of the matters set out in the EP&A Act including s.79C. The assessment is documented in an assessment report with recommendations. The report is subsequently considered by the person or body whose role it is to determine the application.

##### ***Determination Role***

The role of the elected Council is to determine, or make decisions on, development applications in their capacity as consent authority. There are occasions, however, where the determination role is undertaken by other persons or bodies either because the Council has delegated that function, or because it has been conferred upon another person or body.

Section 23G of the EP&A Act has conferred upon Regional Panels the function of elected councils to determine regionally significant, and certain other types of development applications. As such, regionally significant development applications are not determined by councils although the council retains responsibility for its other functions as consent authority.

#### **3.2 Support provided to Regional Panels by councils**

The EP&A Act provides that Regional Panels are entitled to the use of the staff and facilities of the relevant council for the purpose of carrying out its functions and that a General Manager of a council must carry out any reasonable direction of a Regional Panel when it is carrying out any of the functions of that council.

It is expected that the use of council facilities such as meeting rooms would be arranged prior to meetings of Regional Panels. From time to time support such as copying of documents and the provision of professional advice may also be required.

The Chairperson and members of a Regional Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made.

Requests by members of Regional Panels for support and assistance from councils should be made through the Chairperson to the General Manager

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(or other person nominated by the General Manager) of the council concerned.

### **3.3 Role of Design Review Panels**

Design Review Panels are established by councils either formally, under the provisions of State Environmental Planning Policy No. 65 - Quality of Residential Design (SEPP 65) with the approval of the Minister, or informally, in order to bring special design expertise to the assessment of certain types of development applications.

Design Review Panels that are properly integrated in the assessment process are an effective tool helping to improve the quality of design. The quality of design has a bearing on many, but obviously not all, of the matters considered in the assessment of a development application.

The role of Design Review Panels in the assessment of applications is not changed by the fact that the application is to be determined by a Regional Planning Panel. It is generally more effective in terms of design quality outcomes and timeliness, however, if the Design Review Panel is convened at the pre-DA stage or early in the assessment phase.

### **3.4 Role of Independent Hearing and Assessment Panels**

A number of councils have voluntarily established Independent Hearing and Assessment Panels (IHAPs). Their purpose is to provide an independent review of the development applications referred to the IHAP as well as an opportunity for people with an interest in development applications to raise and discuss issues in a public forum before a decision is made on the application.

The roles of IHAPs and the role of Regional Panels overlap in so much as Regional Panels provide the opportunity for people with an expressed interest in a development application to be properly heard. Regional Panels also bring independent expertise.

As such, applications to be determined by a Regional Panel are not to be referred to Independent Hearing and Assessment Panels - except those which are established under by s.231(2) of the EP&A Act and where the applicable environmental planning instrument requires assessment by a panel.

Note: Section 231(2) of the EP&A Act requires councils to constitute Independent Hearing and Assessment Panels if an assessment by a panel is required by an environmental planning instrument.

### **3.5 Role of Planning Assessment Panels (s.118 panels)**

Under the provisions of section 118 of the EP&A Act the Minister is able to appoint Planning Assessment Panels to exercise all or any particular function or class of functions of the council as a consent authority or in relation to the making of environmental planning instruments.

The *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation) includes transitional provisions to clarify that where a planning assessment panel has been established (s.118 panels), such panels may

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not exercise the council consent authority function that have been conferred on them where development is of a class to be determined by a Regional Panel. However, all other classes of applications will continue to be determined by the Planning Assessment Panel.

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## **4. The Assessment Process**

### **4.1 Pre-DA Meetings**

Pre-DA meetings between applicants and assessment officers are commonly used to resolve the assessment requirements for applications before they are submitted to the consent authority.

It is not appropriate for determining bodies, such as Regional Panels or their members, to participate in such meetings in so far as a determining body, or individual members of a determining body, cannot express an opinion regarding the merits or otherwise of a development application prior to the proper assessment of the development application at a formal meeting of the Regional Panel.

### **4.2 Making of Development Applications**

Development applications, including staged development applications, are made in the ordinary manner to the council that would otherwise have had the function of determining the application. Applicants should be requested to submit the application and supporting material in electronic form for notification on the council's website as well as for ease of notification of the Panel Secretariat.

In the case of development located in two (2) or more local government areas, a separate development application must be lodged with the councils of each local government area. Additionally:

- Each DA should only address that part of the development located on land in the relevant LGA;
- Neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate; and
- The JRPP will determine each DA separately (although the determinations may be made concurrently).

### **4.3 Notification to Panel Secretariat**

Within seven (7) days of receiving a development application for regional development for which the Regional Panel is the determining body, the council is to notify the Panel Secretariat.

The notification is to include:

- A copy of the development application and Statement of environmental Effects or Environmental Impact Statement to be used for the purpose of public notification;
- The dates during which it is proposed to conduct public notification of the application;
- The estimated date by which the assessment report will be completed.
- Details of the key contact person within Council (name, phone number and email address); and
- The link to the Council's web-site where the application will be available during the exhibition period (for inclusion on the Regional Panel web-site).

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#### **4.4 Assessment of the Development Application**

The council that received the application (including applications for staged development and to modify a consent) is responsible through its staff for undertaking the assessment of the application in accordance with the provisions of the EP&A Act. Usually councils would rely on their own professional staff. However, where they do not have the technical expertise required in-house, they may involve external expertise in the assessment of aspects or the whole development application.

Public notification of the application, and re-notification if required, is undertaken by the council staff in accordance with the requirements of the EP&A Act, including the provisions of any development control plan the council has for the notification or advertising of development applications.

Public notification, including letters and advertisements, should contain an appropriate statement to advise that submissions made in respect of the application will be provided to the Joint Regional Planning Panel and may be viewed by other persons with an interest in the application.

Council staff will negotiate Voluntary Planning Agreements (VPAs) with applicants in the normal way and VPAs may only be entered into by the Council.

#### **4.5 Panel briefings or site visits during the assessment phase**

Prior to an assessment report for a development application being submitted to a Regional Panel to be determined, the Chairperson may agree to a site visit or a briefing as part of a formal meeting of the Regional Panel. The site visit or briefing may be as a result of a request from the applicant, community representative or the council.

The purpose of the briefing would be for the information of the Regional Panel. The Regional Panel is not able to offer an opinion on the overall merits of the proposal at this stage prior to considering the assessment report and recommendations.

The Code of Conduct (section 5.5) includes more specific requirements regarding the obligations upon JRPP members with respect to meetings/briefings with applicants, objectors or other third parties with an interest in the proposed development.

#### **4.6 Council representation to the Regional Panel**

A council may make a submission on a development application that is to be determined by a Regional Panel during and up to seven (7) days before the Panel Meeting. The applicant may consider it appropriate to provide a briefing to council prior to the council framing its submission to the Panel.

The council submission should be forwarded to the Panel Secretariat. A Regional Panel will give consideration to a council submission in its determination of the application. A council submission, however, is not a matter that must be specifically addressed in the assessment report or recommendations prepared by the council staff.

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#### **4.7 Submission of Assessment Report to Panel Secretariat**

The completed assessment report and recommendation, signed by the officer responsible for the report, is to be forwarded electronically to the Panel Secretariat immediately upon completion.

The assessment report is not required to be endorsed or presented to the Council before being forwarded to the Panel Secretariat.

The following items are to be forwarded in a digital format to the Secretariat:

- Assessment Report, any attachments and the Recommendations (including conditions);
- Development Application and Statement of Environmental Effects or Environmental Impact Statement along with any plans, drawings or other material submitted with the application if it has not previously been submitted to the Panel Secretariat;
- Copies of each submission (or a summary of submissions) received in respect of the application along with a table containing the names and addresses (preferably email addresses) of every person or body who made a submission. In the case of petitions, only the name and address of the head petitioner, if that person can be identified. A hard copy as well as a digital copy should be submitted.

Note: Copies of submissions are requested in order to enable the Regional Panel to consider the submissions for the purposes of s. 79C of the EP&A Act and to enable the Panel Secretariat to notify persons who made submissions of the time, date and venue of the Panel meeting at which the relevant application will be considered.

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## 5. The Determination Process

### 5.1 Setting of meeting date and agenda

A regular schedule of proposed meeting dates will be determined in advance by the Panel Secretariat in consultation with the Chairperson. The schedule is likely to be on a 2 or 3 week cycle depending on the particular region and the likely volume of applications. If there are no items for a scheduled meeting date, the meeting will not take place.

Special meetings of a Regional Panel may be organised at the discretion of the Chairperson subject to the notice requirements discussed later.

The agenda for each meeting is approved by the Chairperson of the Regional Panel, who may consult with the General Managers (or their nominee) of the councils with items for the Regional Panel as necessary.

Preliminary agendas should be forecast as far ahead as possible, being mindful that issues may emerge during public notification that will alter the originally estimated date for completion of the assessment report. In these circumstances, the council is to notify the Panel Secretariat of the revised date for completion of the assessment report and the brief reasons for the delay.

### 5.2 Meeting venue

The meeting venue is determined by the Chairperson in consultation with the Regional Director of the Department of Planning, and the General Managers (or their delegates) of the councils with items for the particular Regional Panel Meeting having regard to:

- The location of the matters to be considered at the Regional Panel meeting;
- The number of persons who have expressed an interest in the different matters to be considered at the Regional Panel meeting;
- The accessibility of the proposed venue for those persons.

It is anticipated that meetings will be held at the offices of a council or at a community meeting room of the council. The aims are to:

- Maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting;
- Rotate meetings between different local government areas;
- Facilitate the open exchange of information between the Panel members and other parties.

In metropolitan areas, items from a number of different local government areas might be considered in the one meeting provided the venue is reasonably accessible.

In regional areas, where there are likely to be fewer applications to consider but over a wider area, the Chairperson may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

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### **5.3 Notice of meeting**

Notice of a Regional Panel Meeting is to be given by the Panel Secretariat seven (7) days before the meeting. The notice is to be provided to the Regional Panel members, the General Managers (or their nominee) of the Councils in that region, every person who made a submission in respect of an item to be considered at the meeting and the applicants for those items. The notice is also to be included on the web-site of the councils with items to be considered at the meeting. The notice is to include details of:

- The time and date of the meeting;
- The venue for the meeting; and
- The development applications; and
- The Assessment Report and recommendations; and
- Other matters to be considered at the meeting

### **5.4 Distribution of meeting agenda**

The meeting agenda, accompanying reports and attachments including any representations made by councils are to be distributed electronically to members of the Regional Panel by the Panel Secretariat no less than seven (7) working days prior to the meeting.

### **5.5 Site visits**

Formal visits by the Regional Panel to the site of a development application being considered may be arranged prior to the meeting at the discretion of the Chairperson. The Chairperson may also invite the responsible council assessment officer and the proponent as well as any relevant community member or representative who has requested to make a presentation. Entry on to any private land in these circumstances may only take place with the express permission of the owner of the land.

Informal visits to the locality of a matter before a Regional Panel may also be undertaken by Regional Panel members at their own discretion and in order to assist their understanding of the matter before the Panel. In such circumstances, however:

- Panel members should not enter onto any land, even if invited by the landowner or a neighbouring property owner or any other person;
- Panel members should not discuss the merits or otherwise of an application with any person, including the applicant, any person representing the applicant, or any person who made a submission in respect of the application;
- Panel members should advise the Chairperson of such visits; and
- Panel members are reminded of their obligations under section 5.5 of the Code of Conduct with respect to meetings and briefings.

### **5.6 Quorum for a Regional Panel Meeting**

A quorum for a meeting of a Regional Panel is a majority of its members (including the Chairperson).



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## **5.7 The Regional Panel Meeting**

Regional Panel meetings are to be conducted in public, unless otherwise directed by the Minister, or unless the Chairperson is of the opinion there are justifiable reasons to conduct any part of the meeting in closed session.

Justifiable reasons to conduct any part of the meeting in closed session may include the Regional Panel's consideration of:

1. Commercial information of a confidential nature that would, if disclosed:
  - a) prejudice the commercial position of the person who supplied it; or
  - b) reveal a trade secret; or
2. Advice concerning litigation, or Regional Panel advice that would otherwise be privileged from production in legal proceedings or for other purposes on the ground of legal professional privilege;
3. Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
4. A potential conflict of interest of a member; or
5. To transact business outside of a formal meeting as provided in section 5.9 of these procedures.

Before the Chairperson decides to conduct any part of a Regional Panel meeting in closed session, the Chairperson may allow members of the public to make representations as to whether that part of the meeting should be closed.

Where a Chairperson decides to close any part of a Regional Panel meeting, the reasons for closing that part of the meeting must be recorded in the minutes of the meeting.

## **5.8 Presentations at Regional Panel Meeting**

The Chairperson will determine the order of presentations to the panel. The panel members may ask questions of those making presentations. The amount of time afforded to persons being heard will be at the discretion of the Chairperson.

### **(a) Presentation by the applicant**

Prior to considering an item, the applicant will be given the opportunity to outline the proposal and, with the approval of the Chairperson, respond where appropriate to any issues raised during public notification or the assessment of the application.

### **(b) Presentation by persons or bodies who made submissions**

Persons (or persons on behalf of bodies) who made a submission on a matter before the Regional Panel may request to address the Panel. Requests can be made to the Panel Secretariat prior to the meeting.

Where a large group of people have common issues, the Chairperson may ask that a spokesperson be appointed to speak on behalf of the group. The Chairperson will seek, where practicable, to ensure that all groups or individuals who request to address the Panel are heard.

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**(c) Presentation by person responsible for assessment**

A person responsible for the assessment report and recommendations is to be present at the Regional Panel meeting during consideration of that item. Other technical experts from the council as appropriate may also be present having regard to the nature of the matter before the Regional Panel (e.g. traffic engineers and the like).

The panel may request assistance from that person or persons clarifying issues regarding the assessment or matters raised earlier by the applicant or persons who made submissions.

Note: A person responsible for the assessment report can be either the person who prepared the assessment report, or a person in a supervisory position who accepts responsibility for the report and its recommendations.

**(d) Presentation by a panel appointed expert**

For the purpose of determining a development application, or an application to modify a development consent, a Regional Panel may obtain independent assessment reports, advice and assistance as the panel thinks fit, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council in assessing the application. Depending on the circumstances, the expert may submit a report with recommendations directly to Regional Panel. In addition, the expert may be invited to present the outcomes of the investigation at the public meeting.

**5.9 Transaction of business outside formal meetings**

A Regional Panel can transact any of its business, if it thinks fit, at a meeting at which members participate by electronic means including telephone and closed circuit television. The occurrence of such meetings is likely to be limited to extraordinary circumstances, and is likely to be in order to conclude business transacted substantially in a public meeting.

Clause 268I of the EP&A Reg provides that:

1. A planning body (which includes a Regional Panel) may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the planning body for the matter for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the planning body.
2. The planning body may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
3. For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),The chairperson and each member of the planning body have the same voting rights as they have at an ordinary meeting of the planning body.

- 
4. A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the planning body.
  5. Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

#### **5.10 Obligation to consult council – if adverse financial impacts**

A Regional Panel must not make a decision that will have, or that might reasonably be expected to have a significantly adverse financial impact on a council until after it has consulted with the council. These costs may be associated with the need for additional infrastructure or services.

The consultation may be in writing, with the council given a specified time to respond in writing. Where a meeting with the General Manager (or nominee) is to be held to discuss the matter, all panel members should be present and minutes kept of the meeting and its outcomes.

#### **5.11 Making the determination**

Where a decision cannot be made by consensus, the decision of the Regional Panel is to be made by majority vote. The presiding member will have a second or casting vote if required because of an equality of votes.

A decision may be deferred for any reason including the obtaining of additional information or advice. In these circumstances, the decision may be made at a subsequent meeting; including a meeting conducted by the circulation of papers or by electronic means in accordance with clause 268I of the *Environmental Planning and Assessment Regulation 2000*.

The Regional Panel may engage experts to obtain independent advice and assistance as the panel thinks fit, to ensure adequate and appropriate information is available for consideration in making a determination.

Where the determination is not consistent with the recommendations by the relevant council officers, the Regional Panel will be required to provide reasons.

Section 82A reviews are not available in respect of determinations by Regional Panels.

#### **5.12 Recording of minutes**

The Chairperson is responsible for ensuring that full and accurate minutes are kept of the proceedings of each meeting of a Regional Panel.

The unconfirmed minutes must be endorsed by the Chairperson and made publicly available within five (5) days of the Regional Panel meeting. A copy of the unconfirmed minutes must also be provided to the relevant councils which participated in the Regional Panel Meeting, once they have been endorsed by the Chairperson. Panel members may submit any proposed corrections of the unconfirmed minutes to the Panel Secretariat for distribution to the Panel members prior to the meeting at which the minutes are to be confirmed.

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The minutes of a meeting must be submitted for confirmation at the next ordinary meeting of the Regional Panel. When the minutes have been confirmed at a subsequent meeting of the Regional Panel, the Chairperson of that meeting must sign them.

The minutes must record:

- (a) The opening and closing times of the meeting
- (b) The names of state members (or their alternates) present at the meeting
- (c) The names of the council members (or their alternates) in respect of each item
- (d) Any disclosure of interest made by a member and the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter
- (e) The names of each person heard by the Regional Panel in respect of an item and a summary of key issues raised
- (f) The decision of the Regional Panel for each item. Where the determination is not consistent with the recommendations by the relevant council officers, the following must be provided:
  - (i) Reasons for the decision; and
  - (ii) Any conditions of consent or changes to the recommended conditions of approval.
- (g) The names of: each member who voted for; and of each member who voted against.

Minutes are recorded by an officer of the Panel Secretariat. The Panel Secretariat is responsible for keeping records of the Regional Panels.

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## **6. Post Meeting Procedures**

### **6.1 Issuing the notice of determination**

The notice of determination is issued by the council that received the development application following the decision of the Regional Panel and in accordance with the EP&A Act and Regulation and the council's normal procedures.

### **6.2 Monitoring of and compliance with conditions of approval**

The council as the consent authority will continue to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

### **6.3 Appeals against determination where Council is applicant**

Appeals against the determination of a Regional Panel are to be defended by the council that received the development application as though the determination were made by the council.

However, the EP&A Regulations provide that where a council is the applicant and makes an appeal or otherwise commences Land and Environment Court proceedings concerning a Regional Panel determination in respect of the Council's application, the Regional Panel will be the relevant respondent in such proceedings.

30 Miowera Road,  
Turramurra, NSW 2074  
5 September 2009

The General Manager  
Ku-ring-gai Council

Dear Sir,

Re: **APPLICATION FOR MEMBERSHIP OF THE HORNSBY JOINT REGIONAL  
PLANNING PANEL**

I believe that I am well qualified for membership in the panel as the following points attest:

1. **Chartered Architect**, Reg No 4467 NSW.
2. *Post-graduate degree in Urban Estate Management UTS.*
3. **Council Architect at Willoughby City Council** for the past 6 1/2 years. Leaving Council July 1, 2009 to pursue University Lectureship opportunity.
4. **Member of Urban Design Panel**, Australian Institute of Architects, prior to Council appointment.
5. *Urban Designer, Urban Economist, Planner.*
6. *Solid experience in Planning, having assessed many Da's.*
7. *Contributor to Chatswood's success in ensuring general design excellence for new mixed use, commercial and high density developments.*
8. *Solid knowledge of SEPP65 and other planning instruments.*
9. *Was Project Director, UNITED NATIONS, Bangkok, Thailand.*
10. *Many years experience in Architecture and Urban Design here and overseas.*
11. *Expert Witness LEC.*
12. *Was Council Architect, Auburn Council, at time of Olympics.*
13. **University Lecturer Architecture.**
14. *Team player. Careful in matters of confidence.*
15. *Experienced Committee member.*
16. *Experienced Local Government working with all levels. Knowledge of Council Policies.*
17. *Confident Public Speaker.*
18. *Editor part-time, National Construction Magazine for the past 8 years.*

I can provide objective, professional advice, in a structured comprehensible manner and understand the JRPP process.

**I am a current member of the North Sydney Council Design Excellence and Urban Design Advisory Panel**

Yours,

**Jack Cleaver**

## **Appendix A: Application for Ku-ring-gai Joint Regional Planning Panel**

### **POSITION DETAILS**

Position Title: Panel Member      **Ku-ring-gai JRPP**

### **APPLICANT DETAILS**

Jack Cleaver  
Architect/Urban Designer/Urban Economist  
30 Miowera Road, Turramurra  
NSW 2074  
Telephone: 0438 526 620 Mobile  
cleaverservices@optusnet.com.au  
Australian citizen and permanent resident of Australia

### **REFEREES**

Name: Greg Woodhams  
Position held: Director of Environmental Services  
Employer: Willoughby City Council  
Telephone: 9777 7650  
Email: [greg.woodhams@willoughby.nsw.gov.au](mailto:greg.woodhams@willoughby.nsw.gov.au)

Name: Noni De Carvalho  
Position held: CBD Place Manager  
Employer: Willoughby City Council  
Telephone: 9777 7645  
Email: [noni.decarvalho@willoughby.nsw.gov.au](mailto:noni.decarvalho@willoughby.nsw.gov.au)

Name: Geoff Mossemeneer  
Position held: Executive Assessment Planner  
Employer: North Sydney Council  
Telephone: 9936 8100  
Email: [Geoff.Mossemeneer@northsydney.nsw.gov.au](mailto:Geoff.Mossemeneer@northsydney.nsw.gov.au)

### **DECLARATION**

I declare that the information provided in my application is true and correct.

I declare that I have no private interests that may conflict with the public duties that I would be required to perform as a member of the JRPP.

I declare that I have not been involved with or undertaken any political activity in the previous ten years.

I declare that I understand and will comply with Council's Code of Conduct and Operational Procedures.

Jack Cleaver      5 September 2009

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## **DRAFT KU-RING-GAI BUSHLAND RESERVES PLAN OF MANAGEMENT**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To recommend adoption of the draft Ku-ring-gai Bushland Reserves Plan of Management.

**BACKGROUND:**

Council resolved at its meeting of 30 June 2009 to exhibit the draft Ku-ring-gai Bushland Reserves Plan of Management for a period of 28 days with a further 14 days for public comment.

**COMMENTS:**

In response to the exhibition, eight (8) submissions were received. Minor amendments have been made to the draft Ku-ring-gai Bushland Reserves Plan of Management to reflect the comments raised within the submissions.

**RECOMMENDATION:**

That Council adopt the Ku-ring-gai Bushland Reserves Plan of Management with minor amendments.



## PURPOSE OF REPORT

To recommend adoption of the draft Ku-ring-gai Bushland Reserves Plan of Management.

## 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. A prioritised table of plans of management for revision was adopted and the *Ku-ring-gai Bushland Reserves Plan of Management* was given a high priority for amendment. This reflected the reclassification of Blue Gum High Forest as a critically endangered ecological community.

The existing *Ku-ring-gai Bushland Reserves Plan of Management* was adopted by Council on 23 May 2006 and has been used as the basis for the management of Council's bushland areas since that time.

At the Council meeting of 30 June 2009, it was resolved to exhibit the draft *Ku-ring-gai Bushland Reserves Plan of Management* for a period of 28 days with a further 14 days for public comment.

Council resolved:

- A. That the draft Ku-ring-gai Bushland Reserves Plan of Management 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 Ku-ring-gai Bushland Reserves Plan of Management, be placed at Council Chambers, on Council's website and Council libraries located Gordon, St Ives, Lindfield and Turramurra.*
- C. That Council give notice, via advertisements in the North Shore Times, of its intention to determine a purchase price of \$0.60, per page, for the draft Ku-ring-gai Bushland Reserves Plan of Management.*
- D. That during the public exhibition period, copies of the draft Ku-ring-gai Bushland Reserves Plan of Management be sent to relevant community interest groups, Council's Open Space Reference Committee, and the Ku-ring-gai Bushland Association welcoming their comment.*
- E. That a further report be presented to Council following the public consultation process incorporating comments received during the public exhibition process.*

## COMMENTS

The draft *Ku-ring-gai Bushland Reserves Plan of Management* was exhibited from 6 July 2009 to 14 August 2009. Council received eight (8) submissions. The submissions raised a number of concerns as listed by theme below:

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- Aboriginal heritage;
- European heritage;
- existing buildings within bushland areas;
- effect from urban development;
- domestic dogs and feral animals;
- fauna and flora;
- bushfire issues;
- local provenance;
- vehicle access;
- water management;
- recent and proposed work within the bushland; and
- general positive comments and spelling/grammar corrections.

In response to the submissions, minor amendments have been made to the exhibited draft *Ku-ring-gai Bushland Reserves Plan of Management*. In summary the amendments include:

- that education of Council staff include awareness for the protection and importance of Aboriginal heritage;
- that existing built assets be considered, where appropriate, to be relocated outside the bushland area;
- that education actions are amended to include appropriate plantings for bushfire;
- that Cobblestone Road in Fox Valley be included as a non-Aboriginal historical interest;
- that reference be made to the draft National Recovery Plan for the Grey-headed flying-fox and the Ku-ring-gai Flying-fox Reserve Management Plan (1999);
- replacement of table A3.1 to rectify data errors provided by Department of Environment, Climate Change and Water. This table was replaced by Priority Action Statements (obtained from DECCW website), limited to actions relevant to management by Council, for threatened species within the local government area;
- that identification is made for need and care feeding native wildlife;
- that reference is made to the maintenance and monitoring of nesting boxes;
- that references be included of threatened species available from the Federal and State databases. This is to include but not limited to, the endangered population of the Gang-gang Cockatoo (*Callocephalon fimbriatum*) and the Green and Golden Bell Frog (*Litoria aurea*);
- that "Consideration of species provenance be given, particularly in light of potential future climate change impacts" be included;
- that reference be made of the provided external grant from Paddy Pallin specific for works within Paddy Pallin Reserve;
- that a strategy for pre and post fire weeding treatments, including consideration of site values, weeds and type of proposed fire treatment, be developed;
- that Council ensure mowing activities and contracts within and along the bushland interface, does not contradict with the management of adjoining bushland. Key sites requiring physical boundaries between mown and bushland areas are to be identified and addressed by Council;
- that amendments include development controls relating to built upon areas, access roads and paths, within and adjoining bushland. These are to consist of water sensitive urban design and the use of sympathetic construction materials;

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- that reference be made of the need for management strategies in which to monitor water quality, quantity and water peak flows with the view of identifying the impact on soils, vegetation and the topography; and
- that additional reference to Council's Integrated Water Cycle Management Policy and Strategy is added. These documents provide additional guidance and actions relating to water management, including stormwater, sewerage and water quality.

## CONSULTATION

Notification of the exhibition period from 6 July to 14 August 2009 was listed on Council's website with electronic copies available for viewing. In addition to this, advertisements were placed in the North Shore Times on 10 July 2009. This was circulated within the Ku-ring-gai local government area. Posters and hard copies were available for viewing at the Council Chambers and all Council library branches.

Relevant stakeholders were specifically notified. These groups include:

- Aboriginal Heritage Office;
- Council's Open Space Reference Committee; (**Attachment 2**)
- Council's Sustainability Reference Committee;
- NSW Rural Fire Service;
- Department of Environment, Climate Change and Water - Sydney North;
- NSW National Parks and Wildlife Service - Lane Cove; and
- Bushland Plan of Management Subcommittee.

## FINANCIAL CONSIDERATIONS

The financial impact of the public exhibition process includes the cost of advertising the exhibition for the draft *Ku-ring-gai Bushland Reserves Plan of Management*. This has been financed through the operation budget of the Strategy and Environment Department.

Once adopted, implementation of the *Ku-ring-gai Bushland Reserves Plan of Management* would largely be achieved within annual operational budget and the Environmental Levy fund. However, specific proposals would be the subject of a separate submission as part of the capital works program.

The draft *Ku-ring-gai Bushland Reserves Plan of Management* allows Council to adopt a 'user pays' principle for special uses, leases or licences where contribution, either by cash or in-kind, may be required. These include:

- bookings for commercial/organised activities including filming, research, bushwalking and access over bushland for construction; and
- leases and licences of use for existing built assets such as Scout and Guide halls.

There is provision for groups or associations to assist in ongoing maintenance of bushland area and recreational tracks. This may alleviate direct financial impacts on operational budgets and could be established through bushcare or similar programs.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken as part of developing the draft *Ku-ring-gai Bushland Reserves Plan of Management* with the Operations, Community and Strategy and Environment directorates.

## SUMMARY

On 30 June 2009 the draft *Ku-ring-gai Bushland Reserves Plan of Management* was presented to Council for its endorsement for public exhibition. Eight (8) submissions were received.

These comments have been incorporated in the draft *Ku-ring-gai Bushland Reserves Plan of Management* (**Attachment 1**) and it is recommended that this draft *Ku-ring-gai Bushland Reserves Plan of Management* be adopted by Council.

## RECOMMENDATION

- A. That Council adopt the *Ku-ring-gai Bushland Reserves Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Ku-ring-gai Bushland Reserves Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Ku-ring-gai Bushland reserves Plan of Management*.

Penny Colyer  
Environment Officer

Peter Davies  
Manager – Corporate  
Planning & Sustainability

Andrew Watson  
Director Strategy and  
Environment

**Attachments:**

- 1. Ku-ring-gai Bushland Reserves Plan of Management - 2009/175100
- 2. Presentation to Open Space Committee - 2009/121527

# Ku-ring-gai Bushland Reserves

## Plan of Management



Ku-ring-gai Council

October, 2009

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3	4

#### Photo Sources:

1: Ku-ring-gai Council:  
Rofe Park Walking Track, Turramurra

2: Rosedale Road, St Ives

3: Ku-ring-gai Council:  
Athena Road, St Ives

4: Ku-ring-gai Council:  
Seven Little Australians Park, Lindfield

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## Abbreviations

AHO	Aboriginal Heritage Office
APZ	Asset protection zone
CHMPS	Cultural Heritage Management Plan
DCP	Development Control Plan as per the <i>Environment Protection &amp; Assessment Act 1979 (NSW)</i>
DECCW	NSW Department of Environment, Climate Change and Water
DEWHA	Department of the Environment, Water, Heritage and the Arts
<i>EP&amp;A Act</i>	<i>Environment Protection &amp; Assessment Act 1979 (NSW)</i>
<i>EPBC Act</i>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
<i>ESL</i>	<i>Ecologically sensitive lands</i>
<i>FM Act</i>	<i>Fisheries Management Act 1994 (NSW)</i>
GIS	Geographic information system
KC	Ku-ring-gai Council
KTPs	Key threatening processes. These are listed under the <i>Threatened Species Conservation Act 1995 (NSW)</i> and the <i>Commonwealth Environment Protection &amp; Biodiversity Conservation Act 1999</i> .
LEP	Local Environment Plan, as per the <i>Environment Protection &amp; Assessment Act 1979 (NSW)</i>
<i>LG Act</i>	<i>Local Government Act 1993 (NSW)</i>
LGA	Local government area
LMU	Land Management Unit (this refers to a land categorisation numbering scheme for use by Ku-ring-gai Council)
MLALC	Metropolitan Local Aboriginal Land Council
PAS	NSW Threatened Species Priorities Action Statements (required under the <i>NSW TSC Act 1995</i> )
PoM	Plan of Management
<i>RF Act</i>	<i>Rural Fires Act 1997 (NSW)</i>
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy
SFAZ	Strategic fire advantage zone
STEP Inc.	Community-based environment organisation
TAPs	Threat Abatement Plans required under the <i>Threatened Species Conservation Act 1995 (NSW)</i> or the <i>Commonwealth Environment Protection &amp; Biodiversity Conservation Act 1999</i> .
TEC	Threatened ecological community
<i>TSC Act</i>	<i>Threatened Species Conservation Act 1995 (NSW)</i>

<i>CA</i>	Conservation agreements. These are formed under the <i>National Parks &amp; Wildlife Act 1974</i> and historically are referred to as VCA – Voluntary Conservation Agreements.
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## Executive Summary

This document has been prepared to assist in the management of bushland owned or managed by Council. All bushland reserves dedicated and classified as Bushland under the *Local Government Act 1993* after the publication date of this plan will be managed in accordance with this Plan of Management (PoM).

General reserve features, environmental significance, management issues, key legislation and planning instruments are outlined. Broad aims and objectives are provided and recent management actions described.

The Bushland PoM prescribes a number of management actions providing:

- guidance on permissible actions;
- planning for the creation of more detailed ecological guidelines;
- recreational strategies;
- ongoing data collection;
- management and review process;
- staff and community training; and
- education programs.

Prescribed actions are aligned to services, projects and operational programs. For each action a proposed time frame is provided, as well as identifying the responsible departments and Council officer.

This document is supplemented by the “Ku-ring-gai Bushland Reserves Plan of Management Operational Plan” (KC 2009a). The Operational Plan assists contractors, operational and technical staff in the conduct and planning of operational programs and activities within bushland. The operational plan identifies bushland reserve assets, current management activities (e.g. bush care sites) and Council’s operational maintenance programs. It also provides for the process for considering the management of bushland assets and ecologically sensitive lands.

The PoM has been drafted as a five years document with a formal review scheduled in 2014. During this period, changes to Federal, State, and local policies, legislation, strategies and plans, will be added to the plan and reflected within the annual revision to service plans covering Council’s programs and projects. This will allow best practice management and adherence to current legislation, policies and strategies.

## 1. Introduction

### 1.1 Overview

This plan of management (PoM) has been prepared to meet requirements of the *Local Government (LG) Act 1993 (NSW)*, *Crown Lands Act 1989* and other relevant legislation (section 3). This plan covers bushland owned by or under the care, control and management of Ku-ring-gai Council.

It has been designed to be relevant for five years with a formal review in 2014. Changes to legislation, policies, threat abatement and recovery plans and strategies will occur during this period. As such it is envisaged that these will be incorporated within the annual revision of service plans covering Council's programs and projects and where necessary minor amendments to this Plan. This will support best practice management and adherence to statutory and policy changes.

All bushland reserves dedicated and classified as Bushland under the *Local Government Act 1993* after the publication date of this plan will be managed in accordance with this PoM.

This is the fifth PoM prepared for Ku-ring-gai bushland reserves since its first plan in 1984. It builds on past plans and recent mapping projects undertaken by Council (KC 2008, KC 2009), Sydney Metropolitan Catchment Management Authority (CMA) and NSW Maritime (Allen *et al* 2006, DECC 2009). This data has provided considerable advances in knowledge regarding Ku-ring-gai's public reserves and vegetation resources. This has and will lead to improvements in Council's ability:

- to assess the needs, state and resilience of bushland areas to a variety of pressures including recreational, environmental, infrastructure and bushfire management.
- to facilitate planning and implementation of the most effective management practices to protect and regenerative bushland ecosystems in Ku-ring-gai.

### 1.2 How to use this document

This PoM sets out the management framework for Ku-ring-gai's bushland reserves. It outlines a number of broad issues, features, objectives and actions that are directed by:

- legislative requirements and associated recovery strategies and mitigation measures;
- location and context of ecologically sensitive lands including species, populations and vegetation communities;
- consistency with the Ecologically Sustainable Development (ESD) principles; and

- needs and aspirations of the Ku-ring-gai community.

The plan is to be read and implemented in conjunction with other Federal, State and local planning instruments and documents, as summarised in Figure 3.

The “Ku-ring-gai Bushland Reserves PoM Operational Plan” (KC 2009a) has been prepared as companion and complementary document. This is designed to assist contractors, operational and technical staff in the conduct and planning of operational programs and activities within bushland. It provides specific details on the bushland reserves system and its management, including:

- land categorisation;
- reserve groupings to aid reporting (see Figure 4);
- current and permissible land uses and existing leases /licences; and
- specific requirements pertaining to recovery and threat abatement strategies (referred to as Threatened Species Priority Action Statements (PAS) and plans).

The Operational Plan also provides reference to Council’s operational programs and outlines processes for the consideration of asset and ecologically sensitive lands, locations, conditions and significance, including:

- tracks and trails;
- land containing national or state significant communities, populations or species;
- land of particular local significance;
- cultural heritage items;
- riparian zones;
- slopes over 18 degrees ;and
- known and suspected *phytophthora cinnamomi*<sup>1</sup> locations.

Council has and will continue to improve its knowledge of its bushland assets and ecologically sensitive lands. This is achieved through ongoing data collection, management and review process, staff and community training and education programs and dissemination of information through Council’s mapping and web site. Indigenous heritage has also been considered and follows protocols of the Aboriginal Heritage Office.

### **1.3 Ku-ring-gai Council and the principles of ecologically sustainable development**

Ku-ring-gai Council is a Local Government Area (LGA) that incorporates 8,436 ha, and is located 16km to the North of Sydney (Figure 1). The LGA is bounded by Garigal National Park

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<sup>1</sup> *Phytophthora cinnamomi* is a soil fungus, which can lead to root rot in many plant species, potentially affecting entire habitats. Details are provided in Section 6.4 and DEH (2004)

to the East, Lane Cove National Park to the West and Ku-ring-gai Chase National Park to the North. The LGA contains 1,160 ha of land identified as bushland reserves (see Figure 2. These are divided into 136 land parcels for the purpose of council's land register.

The major bushland reserves within the LGA provide contiguous habitat areas with adjoining National Parks. A list of all reserves under care control and management of Council is provided in Appendix 1.

As a local government authority, Ku-ring-gai Council is bound by two specific Acts relating to land management and must abide by the principles set out in those Acts. The *Environmental Planning and Assessment Act 1979* (NSW) and the *Local Government Act 1993* (NSW). These explicitly require local authorities to be guided by the Principles of Ecologically Sustainable Development (ESD), that include:

- precautionary principle;
- principle of inter-generational equity;
- principle of biodiversity conservation; and
- principle of valuation and pricing.

These principles guide the development and implementation of this plan now and into the future.

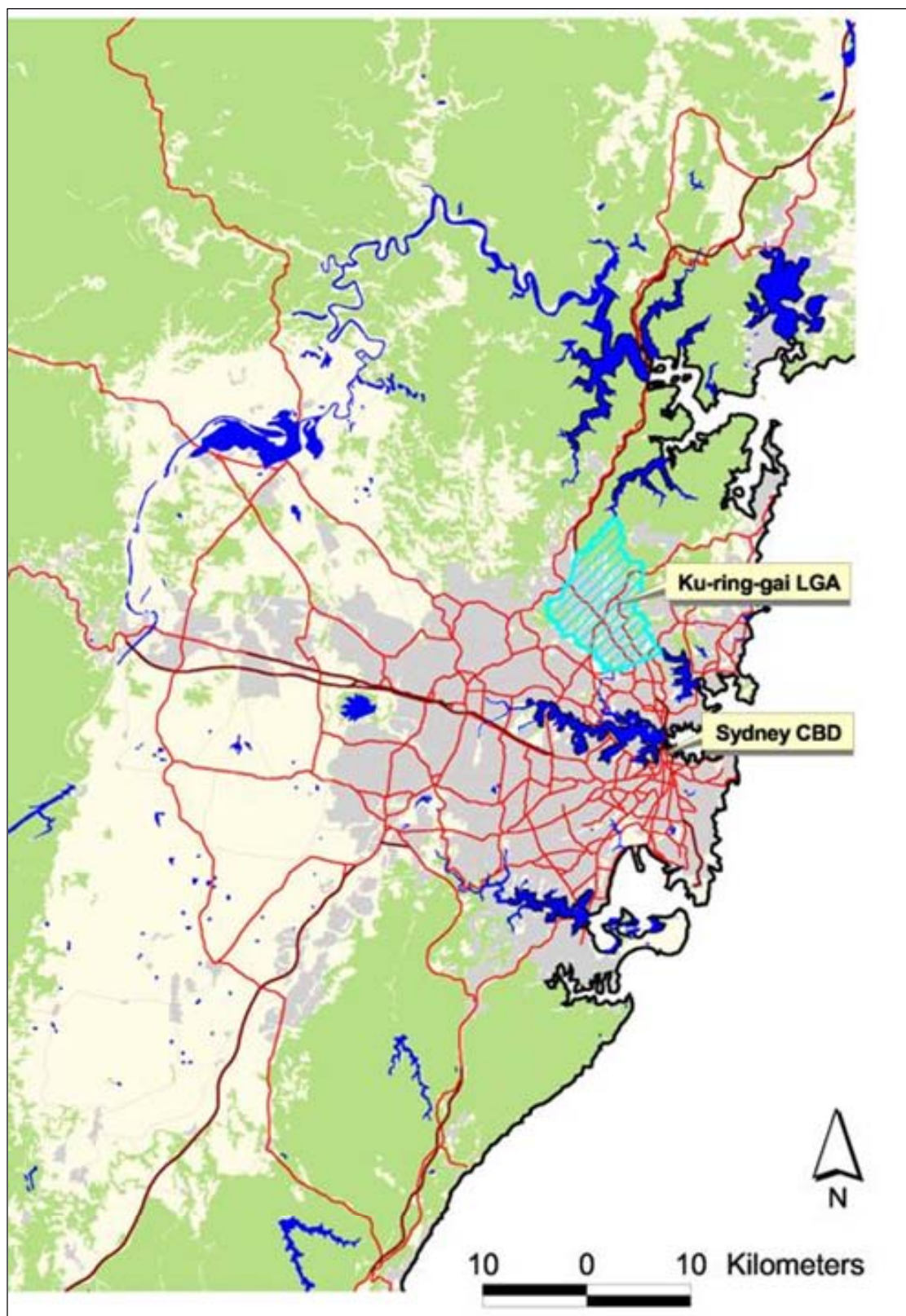


Figure 1: Regional Location

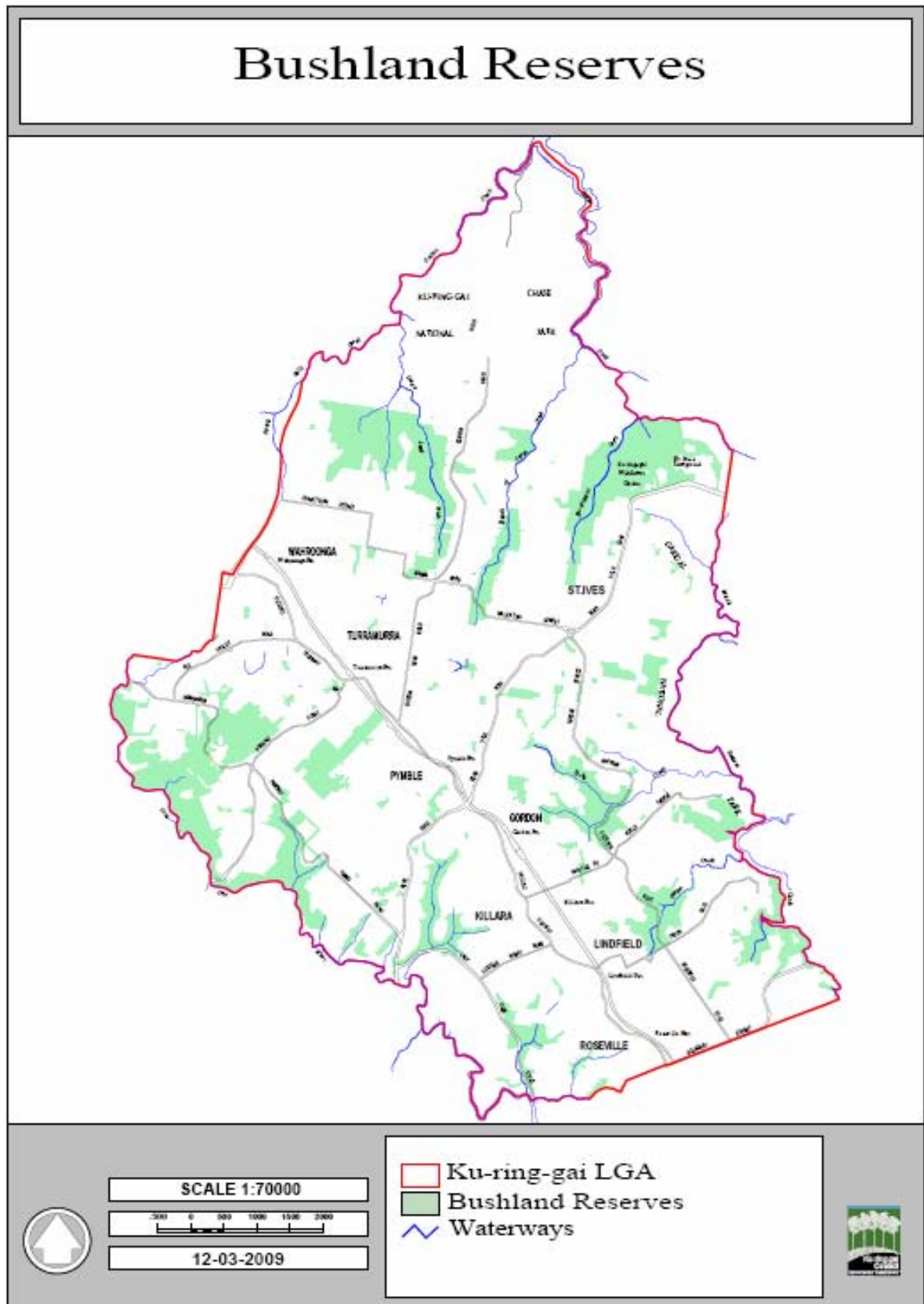


Figure 2: Ku-ring-gai bushland reserves



## **2. Aims and objectives**

Council has adopted a Strategic Plan 2030<sup>2</sup> which sets its long-term direction. This plan sets 20-year objectives and targets through which short term (one and five year) objectives are set. These link to Council's Management Plan that link to annual targets, programs and projects<sup>3</sup>. This approach is consistent with the proposed integrated planning framework by the Department of Local Government.

### **2.1 Aims**

The aim of this plan is to provide a management framework for Council's bushland reserves consistent with the Principles of Ecological Sustainable Development (ESD). Adherence to these principles will ensure the on-going viability of the bushlands' natural and cultural assets whilst providing recreational and educational opportunities.

The principles for the management of the bushland reserves aim to ensure that Council:

1. manages reserves in accordance with the objectives contained within this plan
2. manages its reserves in accordance with relevant recovery and threat abatement strategies (referred to as threatened species priority action statements) and plans prepared by the NSW Department of Environment, Climate Change and Water (DECCW), and Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA)
3. protects, conserves, and enhances the natural, cultural, scientific and scenic values of Ku-ring-gai Council bushland reserves
4. provides appropriate recreation opportunities that are consistent with requirements for the conservation of the bushland ecosystems and particularly threatened species, populations and ecological communities
5. promotes community awareness of the natural and cultural significance of the reserves
6. manages fire hazards within and adjoining Council reserves and private lands to protect life and property and in accordance with natural fire regimes and
7. implements measures directed at minimising and managing the impacts from threats and pressures on the values and condition of the land.

### **2.2 Objectives**

The reserves will be managed according to objectives listed in Section 36E of the *Local Government Act 1993* and the appropriate categories and sub categories listed below.

<sup>2</sup> (<http://www.kmc.nsw.gov.au/www/html/1199-policies-plans-and-strategies.asp>)

<sup>3</sup> (<http://www.kmc.nsw.gov.au/www/html/309-management-plan.asp>)

Natural areas:

- to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area (refer also to Ku-ring-gai Council Biodiversity Strategy (2006));
- to maintain the land, or that feature or habitat, in its natural state and setting;
- to provide for the restoration and regeneration of the land;
- to provide for community use of and access to the land in such a manner that prevents disturbance caused by human intrusion; and
- to assist in and facilitate the implementation of any provisions restricting the use and management of the land that is set out in the recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995 (NSW)* and the *Fisheries Management Act 1994 (NSW)*.

Natural area – bushland:

- to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land;
- to protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion;
- to restore degraded bushland;
- to protect existing landforms such as natural drainage lines, watercourses and foreshores;
- to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- to protect bushland as a natural stabiliser of the soil surface.

Natural area – watercourse:

- to manage watercourses to protect the biodiversity and ecological values of the in-stream environment, particularly in relation to water quality and water flows;
- to manage watercourses to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability;
- to restore degraded watercourses; and
- to promote community education, and community access to and use of the watercourse, without compromise to the other core objectives of the category.

Natural area – wetland:

- to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of wetlands;
- to restore and regenerate degraded wetlands; and
- to facilitate community education in relation to wetlands, and the community use of wetlands, without compromise to the ecological values of wetlands.

Natural area –foreshore:

- to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area;
- to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

General community use:

- 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 utilities).

### 3. Legislative and planning instruments

#### 3.1 Legislation

##### *Local Government Act 1993 (NSW)*

The *Local Government Act 1993* requires a specific PoM for community land that comprises habitat for a threatened species listed under the *Threatened Species Conservation Act 1995*. This PoM is consistent with the requirements for specific plans of management as outlined in *Section 36* of the *Local Government Act 1993*. Under this Act, Council is responsible for management of public land and should include the community in the development of strategies for managing such lands.

The Plan of Management:

- (a) must state that the land, or the relevant part, is so affected,
- (b) must categorise the land, or the relevant part, as a natural area, and
- (c) must identify objectives, performance targets and other matters that:
  - (i) take account of the Council's obligations under the recovery plan or threat abatement plan in relation to the land,
  - (ii) are otherwise consistent with the objects of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, as the case requires, and
  - (iii) incorporate the core objectives prescribed under *section 36* in respect of community land categorised as a natural area.

The PoM and associated Operational Plan satisfy the requirements of the *Local Government Act 1993* in relation to:

- categorising the land that constitutes the network of Ku-ring-gai Bushland Reserves;
- defining objectives and performance targets;
- stating the means by which objectives and performance targets will be met;
- stating the means by which performance will be measured; and
- observing the requirements of any recovery and threat abatement strategies and plans made under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

**Rural Fires Act 1997 (NSW) and Environmental Planning and Assessment Act 1979 (NSW)**

This PoM considers the prevention, mitigation and suppression of fire as required by the *Rural Fires Act 1997*. The main objective of the *Rural Fires Act* is to provide for the prevention, mitigation and suppression of bush and other fires in those parts of the state designated as rural fire districts. Protection of life and property is a priority and fire management activities must be carried out having regard to the Principles of Ecologically Sustainable Development.

Part 3 of the *Rural Fires Act* provides for the continued coordination arrangements between bush fire fighting authorities within NSW. This includes the establishment of a Bush Fire Coordinating Committee, Bush Fire Management Committee and bush fire management planning generally. Bush Fire Coordinating Committees play the primary role to plan for bush fire prevention and coordinate bush fire fighting across the State, including the creation of policies to guide Bush Fire Management Committees in undertaking their role.

The Ku-ring-gai local government area is managed under the Ku-ring-gai Hornsby Bush Fire Management Committee. This committee is required to prepare a:

- Draft Hornsby Ku-ring-gai Bush Fire Risk Management Plan (2009). This is a five year plan, which sets out schemes for bush fire hazard reduction and may restrict or prohibit the use of fire or other particular fire hazard reduction activities; and
- an Operations Plan under Section 52

In 2002, the *Rural Fires Act 1997* and the *Environmental Planning and Assessment (EP&A) Act 1979* were amended to include:

- assessment of development against Planning for Bushfire Protection Guidelines (Rural Fire Services 2001 and 2006) (*Rural Fires Act 1997 Section 100B* and the *EP&A Act 1979 Section 79BA*); and
- the requirement for Council to record lands, which have been identified by the Commissioner of the NSW Rural Fire Service as Bush Fire Prone Land (Ku-ring-gai Council 2008a) (*EP&A Act 1979 Section 146*).

Provisions relating to asset protection zones under the *Rural Fires Act 1997* only apply to those dwellings approved after gazettal of Planning for Bushfire Protection Guidelines (RFS 2001) on August 1, 2001. However, owners of properties with dwellings approved before this date can maintain asset protection zones according to the Planning for Bushfire Protection Guidelines (RFS 2006). These guidelines state “*bushfire protection measures that are essential to a development must occur on the site of the proposed development unless the most exceptional circumstances apply.*”

**Threatened Species Conservation Act 1995 (NSW)**

The *Threatened Species Conservation Act 1995* aims to protect and encourage the recovery of critical habitats and threatened species, populations and communities listed under the Act. The Act provides for the following threat categories:

- critically endangered (Schedule 1A);
- endangered Species and populations (Schedule 1); and
- vulnerable (Schedule 2).

As of May 2009, no critical habitat has been recognised within the Ku-ring-gai LGA (refer to Sections 4.2 and 4.3 for lists of relevant threatened species, populations and ecological communities for Ku-ring-gai bushland reserves).

The Act also identifies key threatening processes (Schedule 3) and requires NSW Department of Environment Climate Change and Water to prepare and adopt recovery and threat abatement strategies. This includes NSW threatened species priorities action statements, recovery plans (for listed threatened species, populations and ecological communities) and threat abatement plans for listed key threatening processes. It also requires that public authorities must not make decisions that are inconsistent with the provisions of recovery and threat abatement strategies.

This PoM and its associated operational plan have been written to align with relevant priority action statements, threat abatement plans and recovery plans. A detailed list of objectives and actions for relevant plans and strategies is available within Appendix 3.

Under the *Threatened Species Conservation Act 1995* the following relevant key threatening processes that apply to this PoM include:

- clearing of native vegetation
- predation by the feral cat (*felis catus*)
- predation by the European fox (*vulpes vulpes*)
- removal of dead wood, dead trees and logs
- bush rock removal
- invasion of native plant communities by exotic perennial grasses
- ecological consequences of high frequency fire
- infection of native plants by *phytophthora cinnamom*
- predation by the plague minnow (*gambusia holbrooki*)
- exotic vines and scramblers
- lantana (*Lantana camara*)
- invasion and establishment of scotch broom

- forest eucalypt dieback associated with over-abundant psyllids and Bell Miners.

In addition to a priority action statement for each listed threatened species, population and ecological community the following plans and draft plans apply:

- Threat Abatement Plans
  - Predation by the European Fox (*Vulpes vulpes*) (NPWS 2001)
  - Predation by the Plague Minnow (*Gambusia holbrooki*) (NPWS 2003)
  - Invasion of native plant communities by *Chrysanthemoides monilifera* (bitou bush and boneseed) (DEC 2006b).
- Recovery Plans
  - *Darwinia biflora* (Cheel) Briggs (DEC 2004)
  - *Persoonia mollis* subspecies *maxima* (NSW NPWS 2000) (combined plan under the *TSC Act 1995* and *EPBC Act 1999*)
  - *Grevillea caleyii* (DEC 2004a) (combined plan under the *TSC Act 1995* and *EPBC Act 1999*)
  - Southern Brown Bandicoot (*Isodon obesulus*) (DEC 2006a)
  - Koala (*Phascolarctos cinereus*) (DECC 2008a)
  - Large Forest Owls: Powerful Owl (*Ninox strenua*), Sooty Owl (*Tyto tenebricosa*) and Masked Owl (*Tyto novaehollandiae*) (DEC 2006).
  - Green and Golden Bell Frog (*Litoria aurea*) (DECC 2005).
- Draft Recovery Plan
  - Barking Owl (*Ninox connivens*) (DEC 2003)
  - *Melaleuca deanei* (DECC 2008).

### **Environment Protection & Biodiversity Conservation (EPBC) Act 1999 (Cth)**

This Federal Government Act requires the preparation of recovery plans for listed threatened species, endangered ecological communities and threat abatement plans for listed key threatening processes. If a development is considered to have a significant impact on a listed community, it must be referred to Commonwealth Department of Environment, Water, Heritage and the Arts for approval.

Relevant listed key threatening processes that have been identified at the national level include:

- Competition and land degradation by feral rabbits (*Oryctolagus cuniculus*)
- Predation by feral cats (*Felis catus*)
- Predation by the European Red Fox (*Vulpes vulpes*)
- Dieback caused by the root-rot fungus *Phytophthora cinnamomi*.

#### **Relevant Recovery Plans:**

- Swift parrot (*Lathamus discolor*) (DEH - Swift Parrot Recovery 2001).
- Grey-headed flying-fox (*Pteropus poliocephalus*) (DECCW 2009)

This PoM complies with relevant objectives and actions of the key threatening processes and recovery plans. During the creation of a recovery or threat abatement plan, the Commonwealth is required to consult with the appropriate Minister of each State and Territory in which the species or ecological community occurs.

### **State Environmental Planning Policy 19 - Bushland in Urban Areas (NSW)**

Plans of Management must be consistent with its aims and objectives of protecting and preserving bushland within urban areas. In the event of an inconsistency between State Environmental Planning Policy 19 and another environmental planning instruments (such as a Local Environmental Plan), State Environmental Planning Policy 19 prevails to the extent of the inconsistency.

#### **Other legislation**

In providing active management of the Council reserves, it must give regard to the provisions and requirements of a number of Acts and Regulation. Some of these include:

- *National Parks and Wildlife Act 1974 (NSW);*
- *Heritage Act 1977 (NSW);*

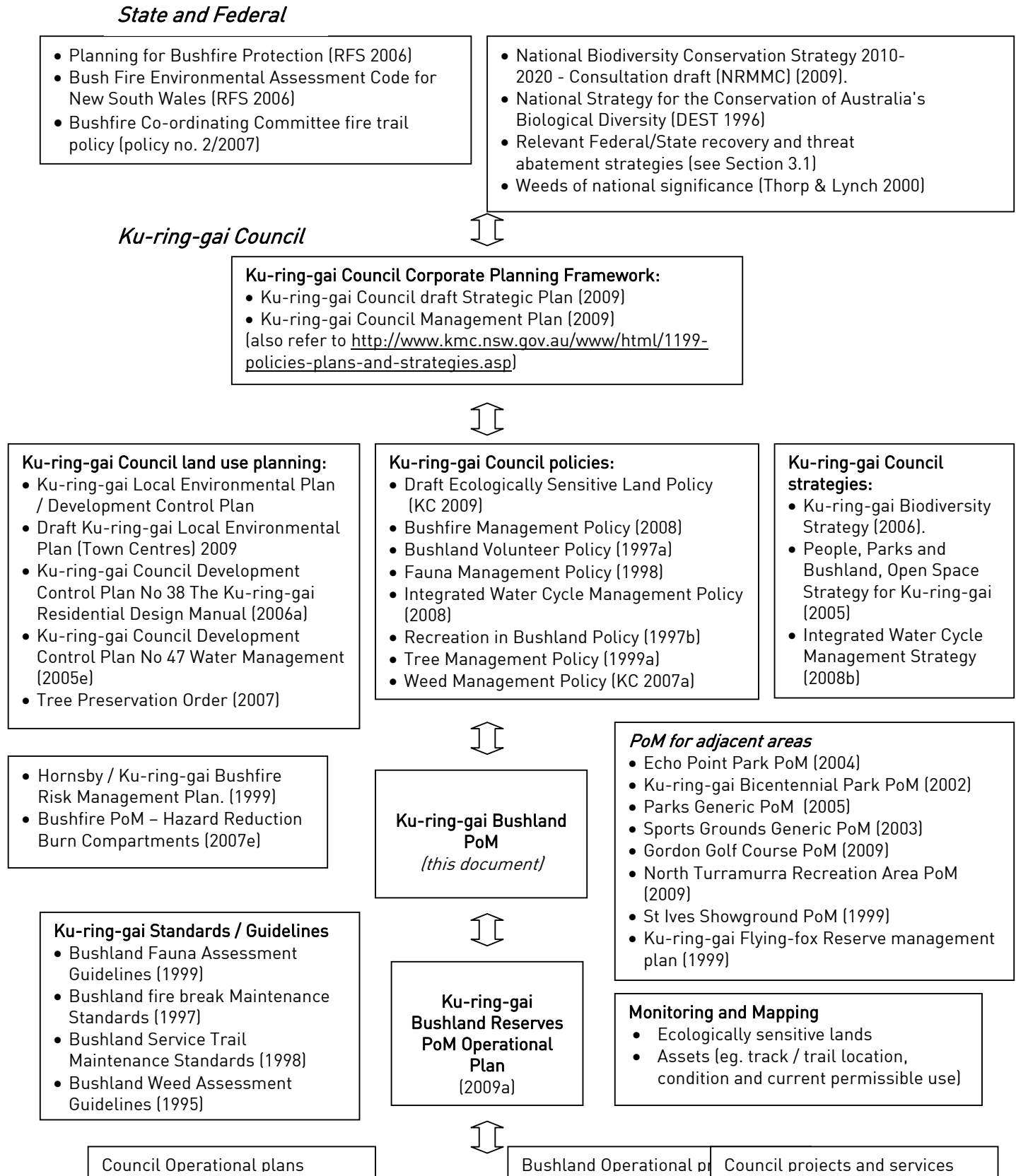


- *Noxious Weed Act 1993 (NSW);*
- *Rural Lands Protection Act 1998 (NSW);*
- *Protection of the Environment Operations Act 1997 (NSW); and*
- *Disabilities Discrimination Act 1992 (NSW)*

### **3.2 Planning instruments and document**

This PoM should be implemented in line with relevant federal, state and local plans and policies etc. Key documents are outlined within Figure 3.

Figure 3: Relevant bushland local, state and federal planning instruments and documents



## 4. General reserve features

### 4.1 Landscape character

Ku-ring-gai LGA lies mainly on the Hornsby plateau and is characterised by a series of ridges and gullies. The major central ridge, on which the North Shore railway line and Pacific Highway runs, dominates the LGA and defines the Lane Cove and Middle Harbour catchments. A minor ridge runs from Telegraph Road, Pymble through St Ives and to Terry Hills to the East. Flatter slopes extend from many ridge locations and are characterised by shale soils. Outside these areas, steeper slopes with incised gullies dominate. These sections of land and narrow valley floors constrained early development and now form the bushland reserves that characterise this region of Sydney.

The LGA rises from sea level to a height of 211 metres at Wahroonga and is divided into three major catchments: Lane Cove Valley, Middle Harbour and Cowan Creek. The Pacific Highway and Mona Vale Road roughly delineate the catchments, which feed into Sydney Harbour and Hawkesbury-Nepean catchments systems. Reserves on the eastern edge of the LGA are located along the steep gullies formed by a number of Middle Harbour Creek tributaries. To the north, Lovers Jump Creek, Cowan Creek and Ku-ring-gai Creek wind their way along often-steep valleys into Ku-ring-gai Chase National Park. Reserves to the south and west include the Lane Cove River and its tributaries, with valleys ranging in slope from 20 to 40 degrees.

### 4.2 Vegetation communities

Nine vegetation communities are found within Ku-ring-gai Council bushland, as listed in Table 1). These include both Federal and State listed communities.

**Table 1: Vegetation Communities within KC bushland**

<b>Vegetation Community</b>	<b><i>TSC Act 1995</i><sup>▲</sup></b>	<b><i>EPBC Act 1999</i><sup>▲</sup></b>
Blue Gum High Forest	CEEC	CEEC
Sydney Turpentine-Ironbark Forest	EEC	CEEC
Duffys Forest	EEC	
Estuarine Fringe Forest - Swamp Oak Floodplain Forest	EEC	
Estuarine Salt marsh	EEC	
Coastal Sandstone Heath		
Coastal Shale Sandstone Transition Forest		
Sydney Sandstone Gully Forest		
Sydney Sandstone Ridge-top Woodland		
Mangroves		

<sup>▲</sup> CEEC - Critically Endangered Ecological Community; EEC - Endangered Ecological Community<sup>4</sup>

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#### **4.2.1 Blue Gum High Forest**

Blue Gum High Forest (BGHF) occurs over relatively fertile soils, derived from Wianamatta shale, in areas of high rainfall. It is characterised by a distinctively tall, open canopy dominated by Sydney Blue Gum (*Eucalyptus saligna*) and/or Blackbutt (*Eucalyptus pilularis*). BGHF is listed in NSW as a critically endangered ecological community under the *Threatened Species Conservation Act 1995* and the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*.

Recent revision of the final determination of Blue Gum High Forest (BGHF) as a *critically endangered ecological community* under the *Threatened Species Conservation Act 1995* has broadened the scope and extent of BGHF. This now encompasses “small clumps of trees without a native understorey” and “below ground soil seed banks and dormant structures” (NSW SC 2007).

Restricted to the northern half of Sydney, extensive clearing since settlement has left less than five percent of the original extent of BGHF. Existing remnants of this plant community average about two hectare or less and are particularly vulnerable to fragmentation, increased nutrients, altered fire regimes and development (NSW NPWS / DEH (a) and (b)).

#### **4.2.2 Coastal Sandstone Heath**

Coastal Sandstone Heath communities generally occur over shallow, infertile and dry sandy soils, derived from Hawkesbury Sandstone. They are characterised by high species diversity, and include species such as Heath-leaved Banksia (*Banksia ericifolia*), Teatree (*Leptospermum spp*), and Needlebush (*Hakea teretifolia*).

#### **4.2.3 Coastal Shale Sandstone Transition Forest**

Coastal Shale Sandstone Transition Forest occurs in shale/sandstone transition areas associated with shale caps and creek-lines across the Ku-ring-gai LGA.

The conservation status of Coastal Shale Sandstone Transition Forest is to be determined after the Ku-ring-gai vegetation<sup>4</sup> mapping is completed and in consultation with the Department of Environment, Climate Change and Water. This community is likely to be naturally restricted and vulnerable to development and degradation.

<sup>4</sup> Threatened ecological community mapping within the LGA is currently being updated (at a 1:2000 scale.) Information will be available to the public and staff once completed.

#### 4.2.4 *Duffys Forest*

The Duffys Forest Ecological Community is listed under the *Threatened Species Conservation Act 1995* as an endangered ecological community. The scientific determination for this community omits reference to remnant trees or trees lacking understorey and as such it is acknowledged that some areas of Duffys Forest are too degraded to be listed under the *Threatened Species Conservation Act 1995*.

This community commonly occurs on ridge tops, plateaus and upper slopes over shale lenses and lateritic soils on Hawkesbury Sandstone. It is characterised by open-forest or woodland, with sandstone outcropping occurring within transitional locations. This community is dominated by a varied of canopy species including; Red Bloodwood (*Corymbia gummifera*), Black Ash (*Eucalyptus sieberi*), Smooth-barked Apple (*Angophora costata*), and Brown Stringybark (*Eucalyptus capitellata*). The Ku-ring-gai LGA contains eight percent of the remaining 240 ha of Duffys Forest (KC 2006).

#### 4.2.5 *Sydney Sandstone Gully Forest*

The Sydney Sandstone Gully Forest communities are associated with sheltered hillsides and moist gullies that have eroded into Hawkesbury Sandstone producing deep sandy soils. This is a diverse plant community characterised by dense understorey, large ecological diversity and as a structure that varies from tall open forest, open forest to closed forest. The dominant canopy species vary depending on the specific sub-community. Canopy species include Sydney Red Gum (*Angophora costata*), Red Bloodwood (*Corymbia gummifera*), Sydney Peppermint (*Eucalyptus piperita*), Silvertop Ash (*Eucalyptus sieberi*), Blackbutt (*Eucalyptus pilularis*), Turpentine (*Syncarpia glomulifera*), Lillipilly (*Acmena smithii*), Coachwood (*Ceratopetalum apetalum*) and Forest Oak (*Allocasuarina torulosa*).

#### 4.2.6 *Sydney Sandstone Ridgetop Woodland*

Sydney Sandstone Ridgetop Woodland Communities are associated with ridgetops, plateaus and exposed slopes where Hawkesbury Sandstone has produced shallow sandy soils. Sydney Sandstone Ridgetop Woodland Communities are characterised by diverse vegetation structure varying considerably between communities from woodland to open forest to low open woodland. Dominant canopy species include: Red Bloodwood (*Corymbia gummifera*), Silvertop Ash (*Eucalyptus sieberi*), Scribbly Gum (*Eucalyptus haemastoma*), Sydney Red Gum (*Angophora costata*) and Sydney Peppermint (*Eucalyptus piperita*).

#### 4.2.7 *Sydney Turpentine-Ironbark Forest / Turpentine-Ironbark Forest*

Sydney Turpentine-Ironbark Forest is listed as an Endangered Ecological Community under

the *Threatened Species Conservation Act 1995* and a critically endangered ecological community under the *Environmental Protection and Biodiversity Conservation Act 1999* (listed as Turpentine-Ironbark Forest). It is estimated that of the original distribution four and a half percent of the higher condition remnants occur on the Cumberland Plain within the Sydney region (DECC and DEH (b) websites).

Sydney Turpentine Ironbark Forest (STIF) occurs on clay soils (derived from Wianamatta shale) associated with ridgelines and upper to mid-slopes in moderate rainfall zones within the Ku-ring-gai LGA. Soils are generally shallower with lower clay content and drier than those supporting BGHF. Dominant canopy species include Blackbutt (*Eucalyptus pilularis*) and Turpentine (*Syncarpia glomulifera*).

#### **4.2.8 *Estuarine fringe forest - Swamp Oak floodplain forest***

Swamp Oak Floodplain Forest is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*, with approximately 56 ha occurring within the LGA (Allen *et al* 2006).

This community occurs on humic clay and sandy loam soils that have deposited on the flats and drainage lines of the coastal floodplain. These areas are waterlogged or periodically flooded and are usually found below 20 metre in elevation. The structure of the community may vary from open forests to low woodlands, scrubs or reed lands with scattered trees. The tree layer of Swamp Oak Floodplain Forest is most commonly dominated by Swamp Oak (*Casuarina glauca*), but will also include other trees such as Lilly Pilly (*Acmena smithii*), Cheese Tree (*Glochidion ferdinandi*) and Paperbarks (*Melaleuca* spp.). The understorey of this community is characterised by frequent occurrences of vines, sparse layer of shrubs and a number of small herbs. On the fringes of coastal estuaries where soils are more saline the groundcover moves towards Common Reed (*Phragmites australis*), Sea Rush (*Juncus kraussii*) and salt marsh type species.

#### **4.2.9 *Estuarine mangrove***

Mangroves are widespread in estuaries occurring within the intertidal zone including mudflats. These regularly inundated areas have a dense canopy dominated by Grey Mangrove (*Avicennia marina*) and Swamp Oak (*Casuarina glauca*).

#### **4.2.10 *Estuarine salt marsh***

Estuarine salt marsh is listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*, with approximately point two of a hectare

occurring within the LGA (Allen *et al* 2006). These communalities form an essential part of healthy estuaries and salty lagoons. They have important conservation value even when heavily degraded and in poor condition.

Coastal salt marsh occurs in the intertidal zone on the shores of estuaries and lagoons that are permanently or intermittently open to the sea and frequently found as a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, Sea Rush (*Juncus kraussii*), Beaded Samphire (*Sarcocornia quinqueflora*), Marine Couch *Sporobolus virginicus*, Streaked Arrowgrass (*Triglochin striata*), Knobby Club Rush (*Isolepis nodosa*), Creeping Brookweed (*Samolus repens*), Swamp Weed (*Selliera radicans*), Seablite (*Suaeda australis*) and Prickly Couch (*Zoysia macrantha*). Occasionally mangroves, tall reeds and saltpans may occur.

#### **4.3 Flora and fauna species**

Knowledge of flora and fauna within the LGA is maintained through Council's flora and fauna database (Biobase). This database is updated regularly with records from Department of Environment, Climate Change and Water, Wildlife Atlas, Wildlife Watch (community sightings), Council and consultants. In order to increase data accuracy for known threatened flora records within Council land, a field validation project was conducted in 2008 and records subsequently amended.

Council's reserves provide habitat for a broad range of flora species, including fifteen state listed (*Threatened Species Conservation Act 1995*), and twelve federally listed (*Environmental Protection and Biodiversity Conservation Act 1999*). **Table 2** provides a list of species identified and Figure 4 for a broad indication of their distribution within Ku-ring-gai LGA.

The reserves also provide habitat for a broad range of fauna species, including 35 species listed under the *Threatened Species Conservation Act 1995* and 16 species listed under the *Environmental Protection and Biodiversity Conservation Act 1999*. A list of species identified and a broad distribution patterns within Ku-ring-gai is provided within Table 3 and Figure 4.

Ku-ring-gai also supports an endangered population of the Gang-gang Cockatoo (*Callocephalon fimbriatum*).

Table 2 : Threatened flora

Scientific Name	EPBC Act 1999 Status <sup>▲</sup>	TSC Act 1995 Status <sup>▲</sup>	Notes
<i>Acacia bynoeana</i>	V	E	
<i>Callistemon linearifolius</i>	not listed	V	
<i>Darwinia biflora</i>	V	v	
<i>Deyeuxia appressa</i>	E	E	
<i>Dillwynia tenuifolia</i>	V	V	
<i>Epacris purpurascens</i> var. <i>purpurascens</i>	not listed	V	
<i>Eucalyptus camfieldii</i>	V	V	
<i>Grevillea caleyi</i>	E	E	Unlikely to be local to the area.
<i>Genoplesium baueri</i>	not listed	V	About half the records of this species were made before 1960 with most of the older records being from Sydney suburbs including Wahroonga (NSW SC 2004). No recent records.
<i>Haloragodendron lucasii</i>	E	E	
<i>Leptospermum deanei</i>	V	V	
<i>Melaleuca deanei</i>	V	V	
<i>Persoonia mollis</i> subsp. <i>maxima</i>	E	E	
<i>Tetradlea glandulosa</i>	V	v	

▲ V – Vulnerable, E – Endangered



Table 3: Threatened fauna

Scientific Name	Common Name	EPBC Act Status <sup>▲</sup>	TSC Act Status <sup>▲</sup>	Notes <sup>♦</sup>
<i>Botaurus poiciloptilus</i>	Australasian Bittern		V	
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo		V	
<i>Calyptorhynchus lathamii</i>	Glossy Black-Cockatoo	E	V	
<i>Cercartetus nanus</i>	Eastern Pygmy-possum		V	
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	E	E	Not recorded for over 50 years
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	E	V	
<i>Dasyurus viverrinus</i>	Eastern Quoll		E	Not recorded for over 50 years
<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle		V	
<i>Haematopus fuliginosus</i>	Sooty Oystercatcher		V	
<i>Heleioporus australiacus</i>	Giant Burrowing Frog	V	V	
<i>Isodon obesulus</i>	Southern Brown Bandicoot	E		
<i>Ixobrychus flavicollis</i>	Black Bittern		V	
<i>Lathamus discolor</i>	Swift Parrot	E	E	
<i>Limicola falcinellus</i>	Broad-billed Sandpiper	M, Mg	V	Probably only a rare vagrant
<i>Melanodryas cucullata</i>	Hooded Robin	E	V	
<i>Litoria aurea</i>	Green and Golden Bell Frog	V	E	Not recorded for over 10 years
<i>Miniopterus australis</i>	Little Bentwing-bat		V	
<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat		V	
<i>Mormopterus norfolkensis</i>	Eastern Freetail-bat		V	
<i>Nettapus coromandelianus</i>	Cotton Pygmy-Goose	Marine	E	
<i>Ninox connivens</i>	Barking Owl		V	
<i>Ninox strenua</i>	Powerful Owl		V	
<i>Pachycephala olivacea</i>	Olive Whistler		V	
<i>Phascolarctos cinereus</i>	Koala		V	Probably occasional visitor
<i>Polytelis swainsonii</i>	Superb Parrot	V	V	Likely to be an escapee.
<i>Pseudophryne australis</i>	Red-crowned Toadlet		V	
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	
<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove		V	
<i>Ptilinopus superbus</i>	Superb Fruit-Dove	M	V	
<i>Puffinus carneipes</i>	Flesh-footed Shearwater	M, Mg	V	
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat		V	
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat		V	
<i>Varanus rosenbergi</i>	Rosenberg's Goanna		V	

▲ V – Vulnerable, E – Endangered, M- Marine, Mg - Migratory

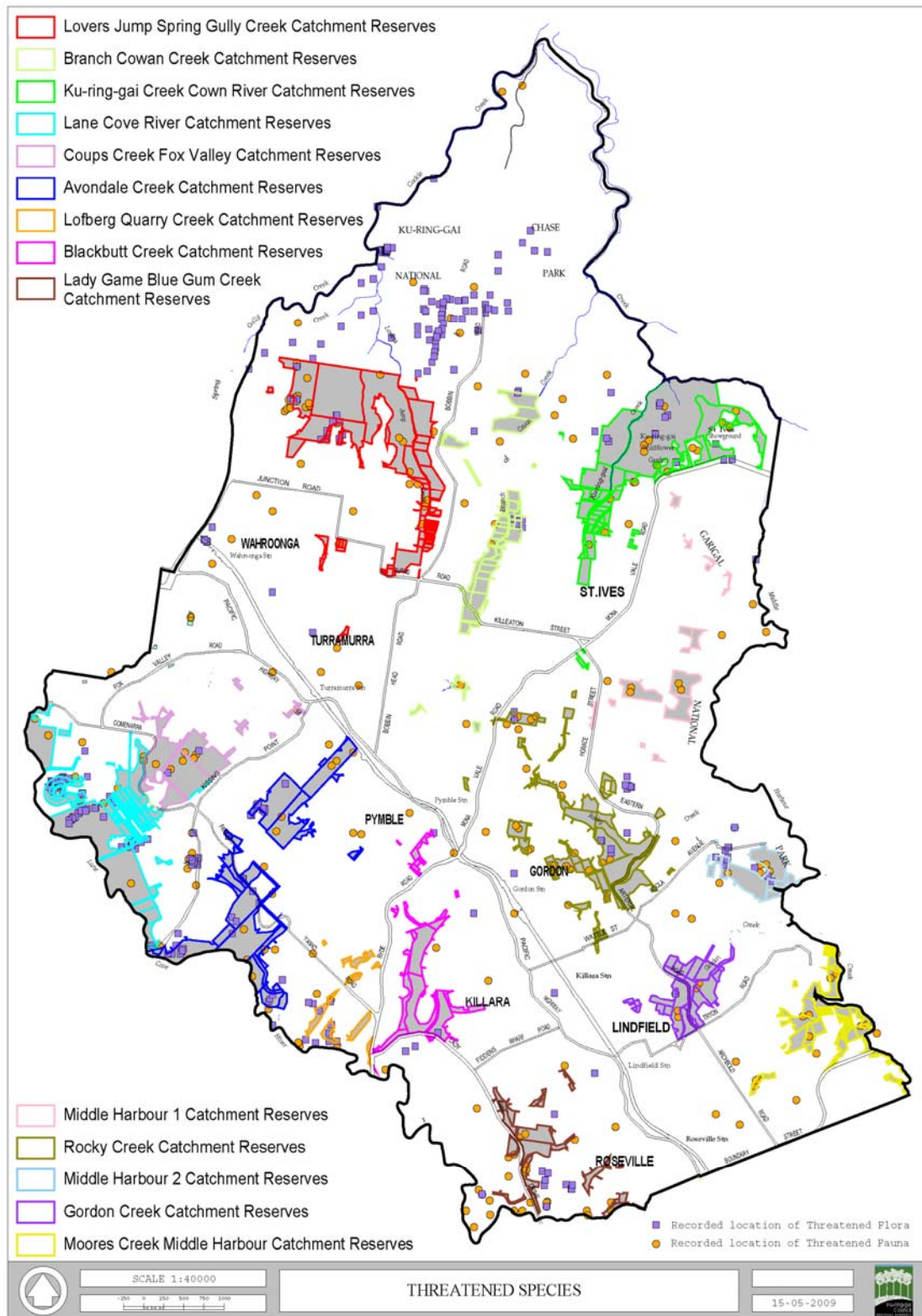


Figure 4: Threatened species in Ku-ring-gai reserves

## 4.4 Aboriginal and non-Aboriginal heritage

### 4.4.1 Aboriginal heritage

Since 2007 Council has been working with the Aboriginal Heritage Office to complete a study into areas that may have high potential for containing unidentified Aboriginal Heritage items. In addition the Office also ran training sessions with Ku-ring-gai Council staff on the identification and management strategies of potential heritage items. Prior to this Ku-ring-gai's Aboriginal heritage was largely guided by a heritage study completed in 1988 (Koettig, M. 1988).

The NSW Department of Environment, Climate Change and Water remains the agency charged with the responsibility for Aboriginal heritage, however local government as land managers share this duty (AHO, 2007).

Legislation relevant to the protection of Aboriginal heritage places and values in NSW includes the:

- *National Parks and Wildlife Act 1974 (NSW); and*
- *Environmental Planning and Assessment Act 1979 (NSW).*

#### National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* provides for the protection of Aboriginal objects and Aboriginal places. Under the Act:

*An Aboriginal object is any deposit, object or material evidence (not being a handicraft made for sale) relating to Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains (as defined within the meaning of the National Parks and Wildlife Act 1974.*

Aboriginal objects are confined to physical evidence and may also be referred to as 'Aboriginal sites', 'relics' or 'cultural material'. Aboriginal objects can include pre-contact features such as scarred trees, middens and artifact scatters, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing or stockyards and fringe camps.

*An "Aboriginal place" is a place which has been declared so by the Minister administering the National Parks and Wildlife Act because he or she believes that the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.*

It should be noted that the *National Parks and Wildlife Act 1974* does not provide protection

for spiritual areas or natural resource areas that have no physical evidence of Aboriginal occupation or use, unless they have been declared an 'Aboriginal place'.

Under *Section 90* of the *National Parks and Wildlife Act 1974* a person must not destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place unless the Aboriginal object or Aboriginal place is dealt with in accordance with a heritage impact permit (previously known as a Consent to Destroy) issued by the Director-General of NSW National Parks and Wildlife Service.

In considering whether to issue a *Section 90* Heritage Impact Permit (or General Terms of Approval under the *Environmental Planning and Assessment Act 1979*) the DECCW will take into account the:

- significance of the Aboriginal object(s) or Aboriginal place(s) subject to the proposed impacts;
- effect of the proposed impacts and the mitigation measures proposed;
- alternatives to the proposed impacts;
- conservation outcomes that will be achieved if impact is permitted; and
- outcomes of the Aboriginal community consultation regarding the proposed impact and conservation outcomes.

The *National Parks and Wildlife Act 1974* requires that reasonable precautions are taken and due diligence is exercised to determine whether an action would, or would be likely to, impact on an Aboriginal object or Aboriginal place. Without being able to demonstrate due diligence a person risks prosecution if Aboriginal objects or Aboriginal places are impacted upon and a Heritage Impact Permit has not been issued.

It is also an offence under *Section 86 of the National Parks and Wildlife Act 1974* to disturb or excavate land for the purpose of discovering an Aboriginal object, or disturb or move an Aboriginal object on any land, without first obtaining a permit under *Section 87 of the Act*. In issuing a permit under *Section 87*, the Department of Environment, Climate Change and Water will take into account:

- the views of the Aboriginal community about the proposed activity;
- the objectives and justification for the proposed activity;
- the appropriateness of the methodology to achieve the objectives of the proposed activity; and
- the knowledge, skills and experience of the nominated person(s) to adequately undertake the proposed activity.

Under *Section 91* of the *Act*, it is a requirement to notify the Director-General of the National

Parks and Wildlife Service of the location of an Aboriginal object. Failure to do this within reasonable time is an offence under the *Act*.

The *Act* also provides for stop-work orders under *Section 91AA* if an action is likely to significantly affect an Aboriginal object or Aboriginal place. The order may require that an action is to cease or that no action is carried out in the vicinity of the Aboriginal object or Aboriginal place for a period of up to 40 days.

#### *Environmental Planning and Assessment Act 1979 (NSW)*

Protection of Aboriginal heritage is afforded by the NSW *Environmental Planning and Assessment Act 1979* through the Environmental Impact Assessment process. This *Act* includes requirements to consider potential impacts upon Aboriginal heritage occurring as a result of planned activities including construction and development.

This protection is only associated with specific activities rather than more general or blanket protection for Aboriginal heritage. Aboriginal heritage items or places identified during this assessment process are then managed under the provisions of the *National Parks & Wildlife Act 1974*.

#### **4.4.2 Non-Aboriginal heritage**

Ku-ring-gai Council is obliged to conserve non-indigenous assets that are more than fifty years old under the *Heritage Act 1977 (NSW)* and manage these assets according to the principles contained within the 'Burra Charter', including:

- the place itself is important;
- understand the significance of the place;
- understand the fabric;
- significance should guide decisions;
- do as much as necessary and as little as possible;
- keep records; and
- do everything in a logical order.

These places are considered worth keeping because they enrich our lives by helping us understand the past. They become part of the environment of the bushland and if conserved will be valued by future generations. The fabric of the place refers to its contextual setting and the relic content and the association between the two. The combination of the setting and the content will enable the land manager to understand and communicate the significance of the place and the importance attached to its conservation.

In 1987, a heritage study was completed with the aim of initiating a process that would see

important heritage items protected (Ku-ring-gai Council 1987). This study focused primarily on identification of heritage items within bushland managed or under care control or management of Council. The study concluded that:

- Ku-ring-gai has an extraordinary wealth and range of heritage places; and
- a more comprehensive study was required to fully appreciate the value of these assets and ensure all items had been identified.

Other items of non-Aboriginal historical interest within or adjacent to Ku-ring-gai Council bushland reserves include but are not limited to:

- early walking tracks, retaining walls and bridges from pre 1920 that are now part of the extensive Middle Harbour walking track system;
- early stone structures related to industrial land use of the 1920s in Sheldon Forest and Hammond Reserve;
- World War 1 trenches built by C Company Engineers when Roseville Park (now the Golf Course) was used for military training in 1917;
- stone building ruins in East Lindfield near Middle Harbour foreshore; and
- a World War II rifle range and Italian Prisoner of War Camp below St Ives Showground.
- a cobblestone road in Fox Valley in the European Heritage items.

Some of the evidence pointing to the existence and location of non-indigenous local heritage items is largely anecdotal. It is clear that further research is required to confirm the location, significance and conservation requirements of many of these items.

#### **4.5 Recreation, fire trail and walking track networks**

Ku-ring-gai bushland reserves offer a wealth of opportunities for active and passive recreation, focused around the use and access provided by various trails. There are currently approximately 48.5 km of fire or service trails and 61.8 km of constructed walking trails in bushland areas, as part of 25 planned routes. In addition, there are many hundreds of kilometres of informal routes linking established trails in bushland.

Major walking trails include:

- The STEP Track in South Turramurra;
- Mueller Track and others within the Ku-ring-gai Wildflower Garden;
- Sheldon Forest track in Pymble;
- Two Creeks track in Middle Harbour;
- Sections of the Great North Walk; and
- Sections of the Harbour to Hawkesbury Walk.

## **5. Management prioritisation**

Bushland is maintained against the aims and objectives as listed in sections 2.1 and 2.2. These should not be viewed, as mutually exclusive rather should work in collaboration to enrich the protection and use of the bushland environment. Where conflict may occur it is necessary to reflect back on to the definition and Principles of ESD.

Natural resource management in the 21<sup>st</sup> century seeks to incorporate social and economic values into strategies to support biodiversity conservation. While this sometimes requires thinking outside traditional notions of natural resource management, it is a far more effective argument for supporting natural areas than the exclusive ecological perspective. Using social and economic values to underpin conservation values seek to ensure conservation is not considered a cost to the community rather as an asset.

In order to provide a systematic approach to allocating resources for the management and use of bushland reserves a matrix rating system has been adopted by Council (Ku-ring-gai Council 2007b). This matrix ranks bushland reserves into three categories according to their values across the environmental, social and financial spheres and existing pressures. Details on this are provided in Appendix 2.

Additional considerations for management prioritisation include:

- Federal, State and regional coordinating committees, management plans and strategies
- asset condition rating
- external funding
- presence of ecologically sensitive lands.

## **6. Current management issues and their consequences**

A number of bushland management issues were identified through desktop analysis, literature review, consultation (with staff and residents) and by site visits.

### **6.1 Conservation and enhancement of native flora and fauna**

As summarised in Section 4, the Ku-ring-gai LGA is home to a variety of plants and animals. These contribute to the health and sustainability of the overall ecosystem, including provision of significant habitat features such as senescent and fallen trees, pollination vectors and soil aeration. Conservation and enhancement of native flora and fauna is a key issue throughout the reserve system. Some reserves have a higher degree of resilience and can buffer the

impacts generated by human intervention such as recreational activity. Others are more sensitive and require tailored management to conserve the specific values of each site. For example in Ku-ring-gai Flying Fox Reserve and Browns Forest, dog walking is prohibited, under Voluntary Conservation Agreements (under *NPWS Act 1974*), Browns Forest is also protected as a Wildlife Protection Area (under the *Companion Animal Act 1998*).

## **6.2 Corridors and connectivity**

Council has identified a number of vegetation and habitat corridors within the LGA. These provide connectivity between bushland reserves and generally benefit highly mobile species such as birds, bats, insects and some terrestrial fauna, and are reliant on tree canopy as the primary linkage structure. Smaller 'pocket parks' and reserves with denser tree canopy cover, as well as private property play an important role in facilitating movement for mobile species, plant pollination and other ecological and community character functions throughout the LGA.

It is important to differentiate between canopy dominated corridors and those with greater structural vegetation, the latter enabling greater ecological function. The primary corridor areas within Ku-ring-gai, outside Ku-ring-gai bushland and National Parks estate, include well-vegetated riparian corridors. Whilst these areas may offer increased environmental services such as vegetation, habitat, water and nutrient processes, they do not necessarily provide a representation of vegetation and habitat across the landscape.

## **6.3 Open space and urban interfaces**

Council's developed open space consists of two golf courses, 71 tennis courts, an outdoor pool complex, 42 sports grounds, over 250 parks, a showground and an estimated 300,000 street trees (KC 2005d).

There is approximately 92 km of interface between private housing areas and Council bushland reserves, with 2,449 properties directly connected to Council bushland reserves and bushland reserves in National Parks and Nature Reserves (KC 2006). Ku-ring-gai's bushland interface areas require special attention to manage the impacts of urbanisation on bushland. Similarly, the management of these open space areas and the activities that take place on them need to minimise impacts upon adjoining lands.

Impacts to bushland along open space and urban interface areas depend on the nature of the interface, including access, type and degree of use from adjoining open space area. Impacts may include:



- increased weed infestation;
- littering and dumping;
- changed fire regimes;
- impacts from feral or domestic animals;
- changes to microclimate;
- changed hydrological conditions due to formed and paved surfaces and loss of trees;;
- encroachment from maintenance equipment; and
- removal of woody debris and damage to plants.

The intensity of these impacts can be controlled by good design, adherence to maintenance standards, monitoring and managing encroachment issues and education of user groups. Management plans for adjoining open space areas are to include actions designed to minimise these impacts.



Figure 5: Typical urban/bushland Interface located at Maddison Reserve, Pymble.

#### 6.4 Special uses, leases and licences

In accordance with the requirements of the *Local Government Act 1993* this PoM permits Council to grant easements for authorities, organisations or individuals in favour of private lands over lands identified in the PoM. Council must however be satisfied there is no reasonable alternative and that appropriate benefits are obtained for the community land and any adverse impacts on the bushland is remedied at the cost of the holder of the easement.

This PoM expressly authorises Council to consider and to approve or to refuse, as it deems appropriate, the granting of any lease, licence, or easement over community land subject to this PoM, which would not compromise the nature of the land as a community asset and pursuant to *LG Act 1993 (Sections 45, 46, 46A, 47, 47A, 47AA, 47B & 47C)*.

Council is required to assess potential impacts (ecological, cultural, fire hazard, built assets) and ongoing management requirements when approving special uses, lease or licence. Conditions of use may be applied to specify permissible use and restrictions in use in accordance with the context, ecological values, built assets and fire hazard of the area.

Council may adopt the 'user pays' principle for special uses, lease or licence. Where contribution (either cash or in-kind) may be required, including maintenance requirements across the full life cycle of impacts.

Currently, there are a number of Council authorised special uses of Ku-ring-gai bushland reserves, including:

- bookings for commercial / organised activities including filming, research, bushwalking, access over land for construction and
- leases and licences for use of built assets within bushland (including Australian Scout and Girl Guide Associations).

## **6.5 Stormwater, sewerage and water quality**

Urban stormwater systems change the quantity, quality and frequency of water flows in reserves and adjacent areas. Some problems caused by poor stormwater management include:

- weeds proliferate in reserves when seeds are introduced by stormwater and then enriched by nutrients and moisture;
- stormwater pollutants can pose a risk to human health and the environment especially during sewer overflows;
- aquatic habitats and the fauna they support are degraded; and
- degradation of bank and bed stability.

Sewer overflows have a marked impact on water quality and the adjacent riparian system. Typically, sewer overflows introduce very high concentrations of nutrients, turbidity and other pollutants that can persist for long periods.

Where these problems are identified, actions should address both the problem (eg. weed

removal by bush regenerators) as well as the cause (e.g. treatment of stormwater or rectification of sewer overflow). The level of impact and type of appropriate management strategies will be influenced by a number of factors including topography, water catchment area, vegetation type and soil types.

Sewer overflows and repairs are the responsibility of Sydney Water and should be reported to Sydney Water on 13 20 90.

Many of the issues relating to stormwater, sewerage and water quality are addressed in Council's Integrated Water Cycle Management Policy and Strategy.

Water and catchment projects are in progress under the Environmental Levy, for gross pollution control programs at Blackbutt Creek and Du Faur Street Wetland as well as water sensitive urban design projects across a range of sites that include stormwater harvesting, and drainage redesign. These projects will endeavour to strengthen the ongoing management and repair of natural stream systems occurring within Ku-ring-gai bushland reserves as well as other parts of the LGA. Larger scale investigations are underway to determine the net effect of water harvesting in catchments on waterway health and diversity. The results of this study will be applied where necessary to maximise aquatic ecosystem health and sustainability.

## **6.6 Erosion**

While erosion is a natural process, it is accelerated by various land use activities. Most significantly, overland flow and stream flow have led to a widening and deepening of many creeks. Surface erosion also occurs on tracks and trails. Erosion can lead to:

- increased nutrient loads within bushland
- sedimentation and silting of creeks, which can in turn affect creek health and lead to degradation or deterioration of water quality and loss of native aquatic life forms and invasion by non-native species
- deterioration of tracks leads to increased maintenance costs, increased risk of personal injury (slips, trips and falls) and
- risk to infrastructure such as damage to sewer mains.

## **6.7 Heritage issues**

### **6.7.1 Aboriginal heritage**

As discussed in Section 4.3, the Ku-ring-gai Heritage Study identifies nine different Aboriginal site types as having been recorded in the northern Sydney region – an area that

takes in the Ku-ring-gai LGA. These include:

- middens
- grinding grooves
- scar trees
- engravings
- stone arrangements and
- rock shelters with art and/or midden and/or engravings.

It is possible that other site types exist that have been recorded since the heritage study was prepared or that are yet to be properly recorded. Possible site types falling into this category would be Aboriginal resource and gathering sites – places where traditional Aboriginal people procured foods or plant materials for fiber, medicine or other purposes and spiritual sites (which may be associated with natural features in the landscape), artifacts scatters (places where Aboriginal people manufactured stone tools) and burials. It may also be possible that there are places within the LGA that are significant to contemporary Aboriginal people for their social, associational or historic value.

Inappropriate management of these areas may result in damage from maintenance activities, development, fire and vandalism. Council has undertaken a process of staff training regarding these issues and is continuing a program of identification of potential sites.

#### 6.7.2 Non – indigenous heritage

The following steps need to be undertaken to enable the protection of non-indigenous heritage items in bushland:

- refer the matter to Council's relevant Heritage committee and staff
- include non-indigenous heritage identification and conservation as a matter to be considered within the comprehensive LEP process
- encourage staff to record the GPS co-ordinates and document any potential heritage assets found in bushland and record in a register
- engage heritage expertise to prepare a statement of heritage significance and conservation management plan incorporating documentation of the item, survey and assessment of the location, significance, condition and conservation and interpretation requirements of non-indigenous heritage items in bushland and
- incorporate the information into the site specific sections of the Bushland Plan of Management Operational Plan.

## **6.8 Weeds**

Weeds are managed to reduce displacement of native species and habitat. Some weeds may cause health issues, result in increased fuel loads or reduced stream bank stability.

The Ku-ring-gai Weed Management Policy (KC 2007a) outlines Council's weed management philosophy in respect to relevant legislation and community concerns, and outlines an appropriate response to weed control on public lands, including bushland reserves.

Within the framework of this strategy, priority will be to target weed species listed within Council's Weed Management Policy (KC 2007a) over the life of this Plan. This includes 102 noxious weeds, 31 nuisance plants and 15 environmental weeds within the Ku-ring-gai Council area (KC 2007a).



**Figure 6: Riparian areas are particularly vulnerable to weed infestation**

## **6.9 Fire management and arson**

Whilst fire is an important part of our natural system processes, it also poses potential risks to life, property and native flora and fauna. Fire ignition may be natural (eg. lightening) or unnatural (eg. arson), with the responsibility for asset management shared by both council and the asset owner. To help address these issues actions within this management plan focus on fuel management, education, and enforcement.

Fire management within the LGA is undertaken in accordance with the Ku-ring-gai Council Bushfire Management Policy (2007d) and the Hornsby Ku-ring-gai Bushfire Risk

Management Plan (2009). This plan:

- identifies assets within the community at risk from bush fire (including human, economic, cultural, and natural assets)
- assesses the level of risk to those assets
- establishes treatment options to deal with the risk. Including fire management zones (asset protection zones, strategic fire advantage zones, land management zones or fire exclusion zones). Management options within each zone including where mechanical clearing or hazard reduction burns are conducted and which areas need to be targeted for community education and
- identifies who is responsible for carrying out those treatments.

#### **Ku-ring-gai Council obligations**

Under section 63 of the *Rural Fires Act 1997*, Ku-ring-gai Council has the responsibility of mitigating the bushfire hazard on property under its management. As Ku-ring-gai Council did not confer its authority to the NSW Rural Fire Service, this also then includes private properties.

In order for Council to meet the responsibilities detailed in section 63 of the Act, a proactive fuel management programme has been established. This includes maintenance of 26.1 kilometres of firebreaks on extreme, very high and high bushfire risk interfaces. There are 44.6 kilometres of fire trails and a rigorous hazard reduction burn programme.

Private properties are also invited to do hazard reduction clearing on their properties only in areas where they adjoin Council managed bushland. Council may assist where the private hazard reduction works complements other works in adjacent bushland reserves.

#### **6.10 Community participation and education.**

Council supports a variety of community groups that use, work in or support the reserves in many different ways. These include the variety of Bushcare, Landcare and environmental groups, dog walkers, bush walkers, rock climbing clubs, bicycle riders and many others.

Many people using the reserves for recreational purposes do not belong to a group but may be interested in becoming involved in management projects, community stewardship and projects that are occurring throughout the reserves. There are already mechanisms in place to make the community aware of activities undertaken in reserves, including newsletters, signage near the activity or by letterbox notification.

Community education campaigns build relationships between the community and Council



and provide the community with an opportunity to learn more about natural areas and their management (such as no mow areas, no dog walking) whilst participating in the management of a bushland reserve.

Material that may be considered by Council include, information displays in Council Chambers and libraries, species profile sheets, bird identification pamphlets, weed information and identification as well as guides on planting native plants, appropriate approaches to weed control and looking after wildlife. Important educational information regarding dog walking, encroachment, littering and dumping have been mentioned elsewhere in this plan and are regarded as primary actions for the specific issues.

This PoM seeks to continue and expand existing community participation activities. Existing community involvement projects scheduled under the Environmental Levy Funding include Bushcare (currently over 700 active participants with 80 groups and 83 individual sites), Urban Landcare, Community Firewise, Tree Nurturers, Streetcare and Parkcare.



**Figure 7: Bush regeneration in a Ku-ring-gai Council bushland reserve**

### **6.11 Vehicle access**

Authorised vehicles gain access to the reserves for fire management works, service and maintenance of infrastructure (eg. sewer and stormwater pipes) and bushland. Locked security gates control vehicular access to the fire trails. Under the *Local Government Act 1993*, Council may grant access for legitimate purposes over bushland reserves where there is no alternative and no environmental damage will be caused (KC 2007c).

Use of motorised trail bikes and 4wd vehicles for recreation is an unauthorised activity within council's bushland reserves. Inappropriate use of these vehicles have the potential to cause

erosion, soil compaction, damage vegetation, disturb fauna and other reserve users. As well, as cause injury to themselves and other reserves users.

Access by trail bikes is difficult to control and relies on a co-operative effort by Council, Police and adjoining landholders. Barriers and signs are present to discourage trail bike access to the reserves though these require regular maintenance due to damage and vandalism.

### **6.12 *Phytophthora cinnamomi***

*Phytophthora* (*Phytophthora cinnamomi*) is a soil fungus, which can lead to root rot in many plant species, potentially affecting entire habitats (DEH 2004). *Phytophthora* prevents the plants from absorbing nutrients and water from the soil, leading to dieback, including foliage yellowing, wilting and eventually death, though not in all species. It is found across Australia and is believed to have been introduced during European settlement, with humans still playing a significant role in the spread of the disease.

A number of suspected *Phytophthora cinnamomi* areas have been identified within the reserves system. Council is monitoring known occurrences, incorporating appropriate community education, and implementing appropriate hygiene protocols with staff and volunteers.

### **6.13 Recreation**

The Ku-ring-gai Open Space Strategy (KC 2005d) recognises the need to increase recreational opportunities and facilities, for all user groups in the LGA. There is a broad range of recreational uses that take place in Ku-ring-gai bushland reserves. These include but are not limited to:

- walking (informal and organised programs)
- community group activities (Australian Plant Society, South Turramurra Environmental Protection group [STEP Inc.], Oxfam)
- sporting / recreational activities (orienteering, bike riding)
- BBQ's and picnics
- abseiling and rock climbing
- bird watching and
- horse riding (limited).

Whilst providing a social and education function, recreation in bushland has the potential to negatively affect bushland unless managed appropriately. Council's Recreation in Bushland



Policy (KC 1997) allows for appropriate, non-commercial recreation in bushland and outlines limitations and inappropriate uses. Table 4 outlines the policies approach to different recreational uses in bushland reserves.

Where multiuse trails exist additional problems may arise. The proposed strategy for unstructured activities in bushland will provide a means to control inappropriate behaviours through a clear code of conduct. Additionally the strategy will show guidelines for specific unstructured activities, including sign postings and maintenance and will highlight opportunities for additional recreational activities.

**Table 4: Recreational Use in reserves**

Appropriate Use	Use with limitations	Inappropriate use
Bushwalking, running and nature based activities on designated walking trails	Recreation based trade or business activities with permit, conditions and restrictions applying	Any activity that seriously or irreversibly impacts or degrades natural, social or economic values
Walking of dogs with leashes on designated walking trails (with the exception of Conservation Agreements and Wildlife Protection Areas).	Horse riding on designated service trails subject to compliance with conditions and restrictions	Walking of dogs when not effectively controlled on a leash or within Conservation Agreement or Wildlife Protection Areas. Unattended free ranging dogs in natural areas. Leaving dog faeces in bushland
Bicycle use on <b>designated</b> trails Abseiling and rock climbing in <b>designated</b> areas and with conditions	Orienteering, rogaining and tourism activities on designated service or walking trails subject to compliance with conditions and restrictions	Driving of motorised vehicles
		Overnight camping
		Open fires
		Any activity conducted by persons under the influence of drugs or alcohol
		Any act or thing that will disturb or endanger any person or native fauna or flora



Figure 8: Steps on Mueller Track

#### 6.14 Unauthorised use

Where reserves are situated on the interface between urban development and bushland there is a greater likelihood of unauthorised use, including encroachment by adjoining properties into reserves, dumping, littering, arson and anti-social activities.

Dumping of garden refuse and minor building materials can lead to weed invasion, an influx of nutrients and pollutants as well as potentially hazardous materials (eg. asbestos etc) and may become a fire hazard.

Encroachment into bushland, particularly at the interface with urban development is a significant issue, from the perspective of maintaining the integrity of natural and cultural values, fire, aesthetic appearance, use of Council resources and assets, public safety and legal liability.

Removal of bush rock and logs from within bushland is an unauthorised use, listed as a key threatening process under the *Threatened Species Conservation Act 1995*. This activity has the potential to impact on native flora and fauna and contribute to soil erosion.

Informal bike tracks and illegally constructed jumps cause damage and erosion to bushland

reserves, and conflict with passive recreational use. Located mostly along urban edges and on fire trails, Council has identified specific periods of activity (eg. often constructed in school holidays) and works towards the remediation of impacts caused by such activities. It is acknowledged however that a balance must be found between protecting the bushland and providing a “positive” experience of bushland for people from a variety demographics and different interests and backgrounds, particularly youth. Council is currently in consultation with local bike riding groups regarding appropriate use and potential recreational locations.

This PoM incorporates a combined management strategy, including education, barriers to access, signage, monitoring and regulatory action, in order to address the issue of unauthorised use and their associated impacts. It also includes measures to investigate options to restrict access at current key locations as well as working with key recreation groups and others to manage use and maintenance of bushland areas, tracks and other infrastructure.

Unauthorised use may be reported to Council by general public via council’s call center (Phone 9424 0000).

## **7. Authorised activities in the reserves**

The following activities are authorised by this PoM. Exceptions may be in place for certain reserves, as indicated:

- passive recreation activities such as bushwalking and picnicking, and specific community orientated non-commercial events that do not compromise the core objectives of “natural areas” are permitted
- regulated commercial, cultural or active recreation activities that are compatible with the principles of this Plan and consistent with specific reserve management such as filming or mountain bike riding on designated tracks (Council permission may be required and fees may also apply for certain activities – for example filming);
- replacement/upgrading of facilities in their current locality
- activities consistent with the management requirements of the various NSW Department of Environment, Climate Change and Water recovery plans
- bushland restoration and regeneration works and activities by Council or contractors or community groups authorised by Council
- reduction of fire hazard in accordance with Council’s annual fuel management program approved by the Hornsby Ku-ring-gai Bush Fire Management Coordinating Committee
- maintenance of existing roads, tracks and trails, including drainage, stormwater and

track works on existing infrastructure

- construction of new strategic tracks and trails, or asset protection zones (firebreaks), for recreation and or hazard reduction purposes (pursuant to the *Environmental Planning and Assessment Act 1979*)
- maintenance of existing signage and passive recreation facilities
- construction and maintenance of strategic sediment and pollution control devices in waterways to improve water quality and aquatic habitats pursuant to the *Environmental Planning and Assessment Act 1979* or NSW Department of Primary Industries (fisheries) requirements and to Council's Integrated Water management Policy (2008)
- collection of seeds and other plant propagules for Council's plant nursery, or by other bodies or persons who have Council approval and appropriate permits or licences where necessary. Collection of seeds and propagules will be carried out according to industry best practice guidelines in relation to biodiversity, provenance and in sustainable quantities
- scientific research and specimen collection with appropriate ethics approval, permits or licences where necessary and with Council approval
- pest animal control and management pursuant to relevant acts or off label permits
- the grant of a lease or licence or other estate in respect of the land to which this plan applies is expressly authorised for any purpose for which the land was used at the date of adoption of this plan. This does not exempt future use review and modifications..

## 8. Recent and on-going works

**Table 5** lists recent and ongoing works that are occurring across Ku-ring-gai bushland reserves.

**Table 5: Recent and ongoing works in reserves**

Program	Frequency	Outputs
Bush regeneration at nine sites in environmentally sensitive lands	Annually	<ul style="list-style-type: none"> <li>• Monthly and annual reports</li> <li>• Decrease in % of weed cover</li> <li>• Decrease in maintenance required for sustainable outcome</li> <li>• A comprehensive vegetation transect at each site</li> <li>• The current Environmental Levy is funding a number of bushland restoration projects over the next seven years (to 2011). Includes sites at Sheldon Forest, Browns Field and Browns Forest, St Ives Showground, The Glade Reserve and Turiban reserve.</li> </ul>
Recurrent regeneration	Ongoing	<ul style="list-style-type: none"> <li>• 17 sites monitored and worked by operation staff to reduce weed regrowth and for protection of threatened plant species for example Ku-ring-gai Flying Fox Reserve, Wombin Reserve, Killara Park, Lofberg Park</li> </ul>
Ongoing volunteer bushcare program	Annually	<ul style="list-style-type: none"> <li>• Volunteer program for residents to participate in Bushcare activities such as weed removal, training, and education programs.</li> <li>• Currently 83 individual and 80 group sites with a total of over 700 volunteers participating.</li> </ul>
Bush regeneration through external grant funding	Annually	<p>Current approved grants include:</p> <ul style="list-style-type: none"> <li>• Department of Primary Industry - noxious weed control</li> <li>• Environmental Trust –bush regeneration at Barra Brui Oval and The Glade</li> <li>• Green Style Program</li> <li>• Sydney Metropolitan - Green Web Program 09/10</li> <li>• Paddy Pallin Foundation – bush regeneration in Paddy Pallin Reserve since 2000.</li> </ul>
Vegetation condition surveys	Ongoing	<p>As a means to measure vegetation change and regeneration success, vegetation condition surveys are periodically undertaken within selected reserves. Surveys include:</p> <ul style="list-style-type: none"> <li>• 0.04ha quadrats of flora structure, presence and abundance</li> <li>• tree diameters</li> </ul>

Program	Frequency	Outputs
Noxious weed program	Annually	Weed species target in accordance with regional programs and funding.(eg. Sydney North Noxious Weed Committee).
Threatened ecological community mapping.	2007- 2009.	Field validated Threatened Ecological Community mapping at 1:2000 scale covering all predicted areas within the LGA.
Education.	Ongoing.	<ul style="list-style-type: none"> <li>• delivery of Bush Neighbours program;</li> <li>• informative open days;</li> <li>• one on one consultation on a needs basis; and</li> <li>• delivery of internal staff training-threatened plant communities, water sensitive urban design, catchment management.</li> </ul>
Encroachments.	Ongoing.	The program aims to identify / manage / resolve interface issues affecting council bushland reserves. Including noxious weeds and encroachments such as fences, outdoor furniture and exotic gardens.
Track improvement.	Annually.	<ul style="list-style-type: none"> <li>• improved access opportunities within bushland;</li> <li>• construction of new trails and repair of degraded walking tracks; and</li> <li>• external grants from Sydney Harbour Foreshore Authority (E.g. Seven Little Australian).</li> </ul>
Track and trail maintenance program.	Annually	General maintenance of walking tracks and service trails to maintain access and drainage. Reactive program deals with incidental issues such as blockages by fallen trees.
Mapping tracks and trails	Ongoing.	Mapping of tracks and trails, including new additions and closures to the tracks and trail system within the LGA.
Bushfire hazard management program.	Annual program set by Council and Hornsby Ku-ring-gai District Bushfire Committee.	Strategic bushfire hazard reduction. Includes maintenance of fuel reduced zones around assets such as houses and service trail maintenance.
Covenants and Wildlife protection areas	On-going management.	Voluntary Conservation Agreements (VCAs) and Wildlife Protection Areas have been created over the Flying Fox Reserve and Browns Forest.

Program	Frequency	Outputs
Fauna condition surveys.	All catchments.	Bird survey related to selected bushcare sites to assist review of effective bush regeneration strategies implemented by Bushcare Program.
Water sensitive urban design.	Annually.	<ul style="list-style-type: none"> <li>• construction of projects to compliment roads infrastructure program -rain gardens/ biofiltration system Normurra Street, Karuah Street and Kooloona Crescent; and</li> <li>• construction of projects to compliment sports field program - stormwater harvesting system. Barra Brui Oval, Lindfield Soldiers Memorial Oval, Edenborough Oval, Comenarra Playing Fields and Lofberg Oval.</li> </ul>
Catchment remediation	Annually	<ul style="list-style-type: none"> <li>• Creek stabilisation and re-vegetation projects. Glade creek stabilisation, Maddison reserve riparian revegetation.</li> <li>• Stormwater outlet protection. Dunoon/Kiparra outlet, Windsor St outlet, Darri track outlet protection.</li> </ul>
Aquatic macro invertebrate/water quality survey.	Annually.	<ul style="list-style-type: none"> <li>• continued participation in regional AUSRIVAS<sup>♦</sup> sampling at selected creeks (sampled on a rotational basis);</li> <li>• water quality sampled for specific investigations; for example the impact of stormwater harvesting on local creek systems; and</li> <li>• interpretation of data that has been collected through the various sampling programs.</li> </ul>
Terrestrial macro-invertebrate biodiversity survey.	2005-2007.	A Master's student from Macquarie University is currently researching the value of terrestrial macro-invertebrates as a biodiversity condition indicator. The results of this study will be available in late 2009.

♦ AUSRIVAS – Australian River Assessment System

Program	Frequency	Outputs
<i>Phytophthora cinnamomi</i> control and mapping.	On going.	<p>In 2007 Ku-ring-gai Council participated in the Sydney CMA/Botanic Gardens <i>Phytophthora</i> Mapping Project.</p> <p>Council staff:</p> <ul style="list-style-type: none"> <li>were trained in the detection of possible <i>Phytophthora</i> affected areas and the collection of soil samples for testing; and</li> <li>attended workshops covering hygiene protocols to effectively prevent the spread of <i>Phytophthora</i></li> </ul> <p>Suspected <i>Phytophthora</i> locations were tested and mapped.</p> <p>Equipment to implement hygiene protocols is provided to Bushcare volunteers working on more than one site.</p>
Pest animal program.	On-going as dictated by the Sydney North Regional Fox Control Program and the Sydney North Regional Rabbit Control Program.	<p>Reduction in population of foxes over the northern Sydney area, conducted within several strategic reserves to assist in recovery of native fauna such as wallabies, bandicoots and birds which feed on or near the ground such as quail, wrens, finches and rails.</p> <p>Collaborative approach in rabbit control through the Urban Feral Animal Action Group a regional land management group.</p>



## 9. Prescribes actions for management of reserve features

This section lists the prescribed actions (Table 6) to protect reserve features as discussed in Section 4 and management issues as included in Section 6. Actions and proposed timeframes are assigned to Council's services, programs and projects. To support this, relevant department and positions are nominated as the responsible persons for implementing the action. Additional actions effecting biodiversity within the LGA may be found within the Ku-ring-gai Biodiversity Strategy (KC 2006).

**Table 6: Prescribes actions to protect reserve features and manage identified issues**

### BUSH REGENERATION / WEED CONTROL / VEGETATION MANAGEMENT

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
1) Identify sites where mowing can be limited or reduced within or adjacent to bushland and implement those with potential for natural regeneration first.	Bushland Maintenance Program	On-going	Operations	Bushland Maintenance Supervisor
2) Ensure Councils mowing activities and contracts within and along the bushland interface, does not contradict with the management of adjoining bushland. Including: - prevention / removal of grass clipping from bushland - mowing within defined boundaries  key sites requiring physical boundaries between mown and bushland areas to be identified and addressed by Council	Bushland Maintenance Program	On-going	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
3) Continue to assess Council bush regeneration and volunteer Bushcare programs on an annual basis to: - help ensure a strategic approach - meet DECCW requirements - review works undertaken and success / issues identified	Bush regeneration - operations	Annual	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
	Bushcare	Annual	Strategy & Environment	Bushcare Trainer
	NSW Scientific licence renewal	Annual	Strategy & Environment	Environmental Officer - Strategy
4) Use of registered, low impact, non-residual, organic rather than chemical fertilisers.	General	On-going	All	All relevant staff
5) Avoid using foreign mulch, where mulching is to be undertaken.  Within areas of low long term resilience including highly degraded, intensively modified areas, use of foreign mulch may be considered where material is weed and contamination free.	General	On-going	All	All relevant staff
6) Assess requirement for planting with regard to site viability prior to planting and use local native species.  Consideration of species provenance should be given, particularly in light of potential future climate change impacts.	General	On-going	All	All relevant staff

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
7) Ensure that staff or contractors that undertake works within natural area reserves have relevant qualifications, experience or training in bush regeneration	General	On-going	All	All relevant staff
8) Undertake bush regeneration and weed management programs in line with relevant best practice guidelines and Council policies, particularly Council's Weed Management Policy (KC 2007).	Bush regeneration - operations	Annual	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
	Bushcare	Annual	Strategy & Environment	Bushcare Trainer
	Weed control - bushland & parks operations	On-going	Operations	Bushland Maintenance Supervisor
9) Continue removal of targeted noxious weeds as a high priority and environmental weeds within existing Council programs supplemented by external funding and volunteer groups.	Weed control - bushland & parks operations	On-going	Operations	Bushland Maintenance Supervisor
	Bush regeneration - operations	On-going	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	On-going	Strategy & Environment	Environmental Levy Program Leader
	Bushcare	On-going	Strategy & Environment	Bushcare Trainer

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
10) Develop a strategy for pre and post fire weeding treatments, including consideration of site values, weeds and type of proposed fire treatment.	Bush regeneration - operations	On-going	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	On-going	Strategy & Environment	Environmental Levy Program Leader
11) Periodically evaluate the efficiency and effectiveness of current weed management activities.	Weed control - bushland & parks operations	On-going	Operations	Bushland Maintenance Supervisor
	Weed monitoring	Not planned	Strategy & Environment	Environmental Officer - Strategy
12) Work with regional Council's and landholders to coordinate weed control, mitigation and education.	Weed control - bushland & parks operations	On-going	Operations	Bushland Maintenance Supervisor
13) Develop vegetation management strategies specific to areas & sites.	ESL policy / management	On-going	Strategy & Environment	Environmental Officer - Strategy

**CATCHMENT MANAGEMENT / STORM WATER / EROSION CONTROL**

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
<p>14) Where appropriate develop and design site strategies at the bushland interface that will minimise impacts from stormwater entering the reserves.</p> <p>Consideration should be given to water quality, quantity and peak flows. Including:</p> <ul style="list-style-type: none"> <li>- water sensitive urban design approaches (such as use of vegetation lined drainage channels instead of concrete);</li> <li>- appropriate landscaping;</li> <li>- appropriate pollution control devices (sediment detention basins, litter baskets and filter gardens);</li> <li>- Erosion control devices (swales, low flow pipes); and</li> <li>- storm water harvesting where feasible</li> </ul> <p>Threatened ecological communities will be priority for sustainable water management and pollutant reductions.</p>	General	On-going	All	All relevant staff
15) Use of appropriate pollution control devices for activities within and adjacent to Council reserves (sediment and nutrient control devices during works).	General	On-going	All	All relevant staff
<p>16) Continue to record, monitor and ameliorate locations of high erosion and soil compaction in areas of major concern. Existing monitoring includes sites identified within the:</p> <ul style="list-style-type: none"> <li>- Rapid Riparian Assessment,</li> <li>- Track and trail maintenance program, and.</li> <li>- Ku-ring-gai catchment action plans.</li> </ul>	Catchment remediation	On-going	Strategy & Environment	Technical Officer Water & Catchments
	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
<p>17) Encourage the adoption of practices that will minimise stormwater impacts from properties that drain to the reserves and watercourses with particular emphasis on protecting threatened species and endangered ecological communities.</p> <p>Practices should be relevant to the subject site and may include filtration, capture and re-use strategies, such as water tanks and increased use of permeable surfaces.</p>	General	On-going	All	All relevant staff

## EDUCATION / SIGNAGE

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
<p>18) Install co-ordinated signage (interpretative, educational, advisory) in accordance with a proposed Signage Policy, including:</p> <ul style="list-style-type: none"> <li>- vegetation type;</li> <li>- wildlife and habitat;</li> <li>- permissible recreational use;</li> <li>- prohibited activities (regulatory signage); and</li> <li>- signs for remote supervision (danger, warning and advice signs).</li> </ul>	Environmental Levy - signage	On-going	Strategy & Environment	Environmental Levy Program Leader
	Bushland Access Program	On-going	Operations	Bushland Maintenance Supervisor

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
19) Continue promotion / education programs for targeted stakeholders and the general public regarding: <ul style="list-style-type: none"> <li>- weeds and appropriate removal techniques for private lands;</li> <li>- flora and fauna values of the reserves;</li> <li>- threats to native wildlife (including hollow and rock removal, and domestic cats and dogs);</li> <li>- feeding of native wildlife;</li> <li>- protection from threats such as urban stormwater runoff, illegal dumping;</li> <li>- community stewardship;</li> <li>- providing clean waterways;</li> <li>- walking track network;</li> <li>- appropriate recreational use of Council reserves; and</li> <li>- specific information for dog walking, horse riding, mountain bike riding.</li> </ul>	Environmental Levy	On-going	Strategy & Environment	Environmental Levy Program Leader
	Bush neighbours	On-going	Strategy & Environment	Technical Officer - Bushland
	Greenstyle	Once off: 2009-2011	Strategy & Environment	Greenstyle Co-ordinator
	Bushcare	On-going	Strategy & Environment	Bushcare Officer
	Catchment remediation	On-going	Strategy & Environment	Technical Officer Water & Catchments
	Fire trail and walking track maintenance program / bushland maintenance program	On-going	Operations	Bushland Maintenance Supervisor
	WildThings	On-going	Strategy & Environment	Community Volunteer Program Co-Coordinator
20) Periodically review brochures and update relevant information where necessary, including but not limited to: <ul style="list-style-type: none"> <li>- walking tracks and recreational links;</li> <li>- permissible recreational use; and</li> <li>- identified ecological assets / values and cultural heritage items.</li> </ul>	Environmental education - Levy	On-going	Strategy & Environment	Environmental Levy Program Leader

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
21) Continue to educate and assist residents living adjacent to bushland reserves, including: - weed education; - ecologically sensitive lands; - promotion of fauna and flora habitat; - appropriate plantings (local natives, water wise gardens, fire considerations including species selection, location, ongoing maintenance) - encroachment; and - water cycle management, including stormwater quality, quantity and flow rates. Target properties that drain to reserves.	Catchment remediation (education)	On-going	Strategy & Environment	Technical Officer Water & Catchments
	Greenstyle	Once off: 2009-2011	Strategy & Environment	Greenstyle Co-ordinator
	Bushcare	On-going	Strategy & Environment	Bushcare Officer
	ESL training	On-going	Strategy & Environment	Technical Officer - Bushland
	Encroachments	On-going	Strategy & Environment	Technical Officer - Bushland
22) Work with local vets and pet shop owners to develop an awareness program on responsible pet ownership for bushlands.	Responsible pet ownership education	On-going	Development & Regulation	Companion Animal Management Officer
23) Seek opportunities to engage educational institutions in research and educational programs related to Council reserves.	Research	On-going	Strategy & Environment	Environmental Officer - Strategy
	Environmental Levy	On-going	Strategy & Environment	Environmental Levy Program Leader
24) Seek opportunities to undertake co-operative arrangements with school groups and other educational institutions in the management of the reserves.	Environmental education - Wildflower Garden	On-going	Operations	Bushland Education Centre Coordinator
	Environmental Levy	On-going	Strategy & Environment	Environmental Levy Program Leader



Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
25) Continue to deliver education and awareness programs regarding management of feral and native animals, including mynah birds, brush turkeys, rabbits, foxes, <i>Gambusia holbrooki</i> (Mosquito fish).	Feral animal education	On-going	Strategy & Environment	Technical Officer - Bushland

## FERAL ANIMAL

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
26) Manage feral and domestic animals in accordance with the fauna <i>Management Policy (KC 1998)</i> and the objectives specified in the DECCW Threat Abatement Plan for Predation by the Red Fox ( <i>Vulpes vulpes</i> ).	Feral animal control Program	On-going	Operations	Bushland Maintenance Supervisor
	Review Fauna Management Policy (KC 1998)	To be incorporated within development of an environmentally sensitive lands policy 2009	Strategy & Environment	Environmental Officer - Strategy

**FIRE**

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
27) Participate in Hornsby – Ku-ring-gai District Bushfire Management Committee and sub committee meetings and assist in the creation of the 2009 District Bushfire Risk Management Plan.	Ku-ring-gai Hornsby Bushfire Management Committee	On-going	Strategy & Environment	Technical Officer - Fire
			Strategy & Environment	Technical Officer - Fire
			Operations	Bushland Maintenance Supervisor
28) Maintain adequate asset protection zones and strategic fire advantage zones in accordance with the <i>Bush Fire Environmental Assessment Code</i> and Part 5A of the <i>Environmental Planning and Assessment Act 1979</i> .	Fuel management program	On-going	Strategy & Environment	Technical Officer - Fire
			Strategy & Environment	Technical Officer - Fire
			Operations	Bushland Maintenance Supervisor
29) Develop community education programs targeting bush fire management on urban interface properties within the LGA in conjunction with those identified within <i>the Bushfire Risk Management Plan</i> .	Environmental Levy – Fire education	Grant related - 2006, 2009	Strategy & Environment	Environmental Levy Program Leader
	Fire education	On-going	Strategy & Environment	Technical Officer - Fire
30) Continue to liaise and notify relevant residents and Bushcare groups regarding proposed hazard reduction or fire-trail works.	Fuel management program	On-going	Strategy & Environment	Technical Officer - Fire
			Operations	Bushland Maintenance Supervisor
31) Incorporate best knowledge regarding appropriate fire regime into land management practices.	Fuel management Program	On-going	Strategy & Environment	Technical Officer - Fire
			Operations	Bushland Maintenance Supervisor

32) Review past fire history and species / community fire requirements to determine current fire threshold and to help inform future burn proposals.	ESL management	Not planned	Strategy & Environment	Environmental Officer - Strategy
33) Where possible monitor impact of fire on threatened species populations to inform DECCW/ RFS/ local government planning.	Strategic Fire Advantage Zone General Bushland (different fire regimes)	Not planned	Strategy & Environment	Technical Officer - Fire

## FLORA AND FAUNA

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
34) Review and implement relevant actions from "Reviewing and Restoring Fish Passage in Urbanised Waterways Sydney Catchments) (Sydney Metropolitan Catchment Management Authority).	Catchment remediation	On-going	Strategy & Environment	Technical Officer Water & Catchments
35) Maintain and update Biobase – Council's flora and fauna database.	Biobase	Biannual	Strategy & Environment	Environmental Officer - Strategy
	Wildlife Watch	On-going	Strategy & Environment	Technical Officer - Bushland

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
36) Expand and continue to utilise fauna survey and monitoring within and adjacent to bushland reserves to update status of bushland in reserves.	Bird surveys	Course of the 1st Environmental levy	Strategy & Environment	Environmental Levy Program Leader
	Wildlife Watch	On-going	Strategy & Environment	Technical Officer - Bushland
	Additional fauna surveys	Not planned	Strategy & Environment	Environmental Officer - Strategy
			Strategy & Environment	Environmental Levy Program Leader
			Operations	Bushland Maintenance Supervisor
37) Identify key habitat features and location of significant flora and fauna within the Reserves and ensure they are protected from recreation and management activities.	Habitat mapping	Not planned	Strategy & Environment	Environmental Officer - Strategy
	Unstructured Recreational Strategy for Ku-ring-gai Bushland Reserve System	2010	Strategy & Environment	Environmental Officer - Strategy
			Strategy & Environment	Environmental Levy Program Leader

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
38) Liaise with DECCW officers regarding identified threatened species, communities and populations and their ongoing management and conservation.	Threatened species, communities and populations management	On-going	Strategy & Environment	Environmental Officer - Strategy
			Operations	Bushland Maintenance Supervisor
39) Ensure staff undertaking construction or management activities (road; trail; or easement maintenance activities) are aware of Ecological Sensitive Lands and the processes in place to avoid, mitigate, ameliorate impacts.	General	On-going	All	All relevant staff
40) Restrict access to threatened species sites where necessary (fencing).	Environmental Levy – Fire education	On-going	Strategy & Environment	Environmental Levy Program Leader
	Bushland Maintenance Program	On-going	Operations	Bushland Maintenance Supervisor
41) Comply with any requirements of threat abatement plans and Recovery Plans for threatened species.	General	On-going	All	All relevant staff
42) Provide supplementary hollows/nest boxes where opportunities arise.  This should include guidance on maintenance and monitoring of use.	WildThings	On-going	Strategy & Environment	Community Volunteer Program Coordinator
43) Continue to manage and investigate options for expansion of Conservation Agreement and Wildlife Protection Areas.	CA / Wildlife protection areas	On-going	Strategy & Environment	Technical Officer - Bushland
44) Council staff and volunteers are to be aware of and comply with <i>Phytophthora cinnamomi</i> /hygiene protocols.	General	On-going	All	All relevant staff

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
45) Council prepare a site management statements for <i>Melaleuca deanei</i> populations in liaison with DECCW. Statement to be incorporated in the "Ku-ring-gai Bushland Reserves PoM Operational Plan" (KC 2009a) and Council's relevant projects, services and bushland programs.	ESL management	Not planned	Strategy & Environment	Environmental Officer - Strategy
46) Review the classification of <i>Melaleuca deanei</i> sites and consider the reclassification of such land as community land where appropriate.	ESL management	Not planned	Strategy & Environment	Environmental Officer - Strategy
47) Manage lands in accordance with the Ku-ring-gai Flying-fox Reserve management plan (1999) (to be revised 2010/11).	General	On-going	All	All relevant staff

## FUNDING / MANAGEMENT PRIORITIES

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
48) Seek funding for restoration and rehabilitation works within reserves.	Grant applications	On-going	Strategy & Environment	Environmental Levy Program Leader
			Operations	Bushland Maintenance Supervisor
			Strategy & Environment	Technical Officer Water & Catchments

**HERITAGE (ABORIGINAL AND NON-ABORIGINAL)**

Action	Services, Projects and Programs	Planned Time Frame	Department	Responsible Officer
49) Protect Aboriginal object(s) or Aboriginal place(s) from activities within bush land areas, including assessing: <ul style="list-style-type: none"> <li>- significance of artefacts;</li> <li>- level of impact;</li> <li>- measures to avoid, minimise and mitigate;</li> <li>- requirement, conduct and results of Aboriginal community consultation (through the AHO); and</li> <li>- the knowledge, skills and experience of the nominated person(s) to adequately undertake the proposed activity.</li> </ul>	General	On-going	All	All relevant staff
50) Refer relevant matters to Council's Heritage committee and staff for action and potential Aboriginal Heritage sites to the AHO for assessment.	Aboriginal heritage	On going	Strategy & Environment	Technical Officer - Fire
51) Expand Council's Bushland Asset Register to address European heritage assets within bushland and record potential heritage assets.		Not planned	Operations	Open Space – Asset Officer
	Bushland Maintenance Program	Not planned	Operations	Bushland Maintenance Supervisor

Action	Services, Projects and Programs	Planned Time Frame	Department	Responsible Officer
52) Statement of heritage significance and conservation management plans to be prepared by relevant heritage experts for key heritage areas, where required. Plans should include documentation of the item, survey and assessment of the location, significance, condition and conservation and interpretation requirements of non-indigenous heritage items in bushland, to be prepared by heritage expertise for relevant heritage areas.	Preparation of heritage management statements	On-going	Development & Regulation	Heritage Specialist
53) Relevant Council staff to be trained in the protection and importance of Aboriginal Heritage within Ku-ring-gai. Undertaken in conjunction with the Aboriginal Heritage Office.	ESL management	Not planned	Strategy & Environment	Environmental Officer - Strategy

## INTERFACE / ACCESS

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
54) Ensure that applications for temporary access across bushland reserves are in accordance with the objectives set out in this Plan of Management and comply with Council's Temporary Access over Community Land Policy (KC 2007c).	Bush regeneration - operations	On-going	Operations	Bushland Maintenance Supervisor
	Temporary Access over Community Land Permit	On-going	Community	Property Officer Community Recreational Facilities



Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
55) Where relevant landscape native plants of site specific provenance should be used as a buffer or 'exclusion zone' to delineate a boundary and protect natural bushland at the periphery of open spaces areas such as sports grounds and parks.	General	On-going	All	All relevant staff
56) Use of physical barriers such as retaining walls, logs or rocks as a physical barrier to invasive turf.	General	On-going	All	All relevant staff
57) Investigate the effective use of fencing or bollards at: - bushland interfaces; and - trouble spots (e.g. sites where littering and dumping have become a problem, unauthorised access tracks).	Bush regeneration - operations	Annual	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
	Bushcare	Annual	Strategy & Environment	Bushcare Trainer
	Encroachments	On-going	Strategy & Environment	Technical Officer - Bushland
	Bushland Maintenance Program	On-going	Operations	Bushland Maintenance Supervisor
58) Continue and investigate the expansion of the existing programs relating to the prevention of illegal access, dumping, and illegal construction in the reserves.	Bush regeneration - operations	Annual	Operations	Bushland Maintenance Supervisor

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
59) Reduce/limit access points into surrounding bushland to minimise physical damage.	General	On-going	All	All relevant staff
60) Identify where the interface between reserves and biolinkages occur, and where relevant ensure that reserve edges at these locations are given priority for management and rehabilitation from disturbance.	Bush regeneration - operations	Annual	Operations	Bushland Maintenance Supervisor
	Bush regeneration - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
	Bush neighbours	On-going	Strategy & Environment	Technical Officer - Bushland
	Greenstyle	One off: 2009-2011	Strategy & Environment	Greenstyle Co-ordinator
	Weed control - bushland & parks operations	On-going	Operations	Bushland Maintenance Supervisor
61) Target new residents adjoining bushland in order to provide opportunities to join backyard bush friendly programs (ie. Greenstyle)	Backyard bush friendly programs	On-going	Strategy & Environment	Community Volunteer Program Coordinator

**LEASES / LICENCE**

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
62) Develop standard and contextualised guidelines for lease agreements that require lessees in bushland to minimise the physical impact on each site and its surrounds.	ESL lease review	On-going	Strategy & Environment	Environmental Officer - Strategy
	Scout lease review	2009	Strategy & Environment	Environmental Officer - Strategy
			Community	Property Officer
63) Develop an information package for user groups providing advice on the requirements of their permits/lease and how to minimise impact on surrounding bushland.	Environmental Levy	Not planned	Strategy & Environment	Environmental Levy Program Leader
64) Where bushland maintenance is required, leases / license should include an annual reporting requirement, including location of and actions undertaken (eg. regeneration, planting, mulching, rectification of building/tracks).  Where appropriate, stimulating natural regeneration should be the first priority over planting.	Lease and licences preparation and management	On-going	Community	Property Officer
		On-going	Operations	Bushland Maintenance Supervisor
65) Enforce a two year compliance inspection program between Council and lessee / licence, if not compliant then financial penalties may apply to rectify issues and / or termination of lease may occur if Council considers breach to have been foreseeable and preventable.	Lease and licences preparation and management	On-going	Community	Property Officer

**PLANNING / DEVELOPMENT**

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
66) Inclusion of appropriate biodiversity controls within existing and future environmental planning instruments and policies to mitigate adverse impacts to reserves from development on properties adjacent to or impacting on bushland reserves.	Development Applications and compliance	On-going	Development & Regulation	All relevant staff
	Planning instruments	On-going	Strategy & Environment	All relevant staff
67) Developments adjacent to bushland reserves incorporate adequate control measures to mitigate adverse impacts, while considering relevant Council, federal and state legislation, policies, strategies and plans.	Development Applications and compliance	On-going	Development & Regulation	All relevant staff
	Planning instruments	On-going	Strategy & Environment	All relevant staff
68) Ensure that the design of built areas, access roads and paths, within and adjoining bushland, include water sensitive urban design and consist of sympathetic construction materials where feasible (eg. avoid construction materials that weather to release phosphorus such as crushed basalt within sensitive areas).	Development Applications and compliance	On-going	Development & Regulation	All relevant staff
	Planning instruments	On-going	Strategy & Environment	All relevant staff
69) Ensure that, new and where possible renovated buildings in bushland reserves are assessed and if approved, are consistent with the requirements of Planning for Bushfire Protection 2006 as well as other regulatory building codes and sustainable building practices.	Development Applications and compliance	On-going	Development & Regulation	All relevant staff
	Planning instruments	On-going	Strategy & Environment	All relevant staff
70) Where appropriate consideration to relocation of built assets to areas outside bushland should be considered.	Development Applications and compliance	On-going	Strategy & Environment	All relevant staff

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
Where new development occurs adjacent to bushland reserves, investigate the following options as part of conditions of consent: - require identification and removal of existing weeds; - require an integrated weed management strategy for treatment of weeds on the site in perpetuity; - auditing and reporting to Council of sites after a number of years post development; and - provision of training and education by Council for property owners.	Development Applications and compliance	On-going	Development & Regulation	All relevant staff
	Planning instruments	On-going	Strategy & Environment	All relevant staff
71) Ensure compliance of development adjacent to reserves with relation to landscaping and pollution / erosion control measures	Development Applications and compliance	On-going	Development & Regulation	All relevant staff

## RECREATION

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
72) Booking procedures for bushland activities to be undertaken in accordance with the proposed Unstructured Recreational Strategy for Ku-ring-gai Bushland Reserve System (see action 69) In the interim, all bushland activity bookings to be referred to the Strategy & Environment Department for comment.	ESL policy / management	On going	Community	Manager of Community and Recreation Property
			Strategy & Environment	Environmental Officer - Strategy
73) Review Ku-ring-gai Council Filming Policy in relation to bushland regarding SEPP 4 and <i>the Filming Related Legislation Amendment Act 2008</i>	Filming policy review	Once off: 2009	Strategy & Environment	Environmental Officer - Strategy
			Community	Administrator

74) Develop an Unstructured Recreational Strategy for Ku-ring-gai Bushland Reserve System. To address multi-use activities in reserves such as dog walking, horse and bike riding, rock climbing, abseiling, bush walking and orienteering. The strategy will: - include clear restrictions, permissible uses and guidelines for activities - provide guidance to bushland management and booked activities	Unstructured Recreational Strategy for Ku-Ring-Gai Bushland Reserve System	2010	Strategy & Environment	Environmental Officer - Strategy
			Strategy & Environment	Environmental Levy Program Leader
75) Review and create commercial guidelines for commonly used Environmental Sensitive Lands (ESL). Plans under construction for: - Cliff Oval (rock climbing); and - Hermits Retreat (rock climbing).	ESL policy / management	Not planned	Strategy & Environment	Environmental Officer - Strategy
76) Continue a long term strategy for bicycle use in the LGA, which incorporates a survey of bicycle use, and if appropriate, allocation of designated on and off road riding areas, rider education, opening and closure of tracks for recovery and user participation in track maintenance.	2009-2012 draft Management Plan as part of an action plan for LGA-wide integrated transport and access (including strategic bike plan and pedestrians).	2009 - 2010	Strategy & Environment	Strategic Traffic Engineer
	Mountain bikes community investigation	2009	Environmental Levy	Environmental Levy Program Leader

	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor
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## TRACKS AND TRAIL

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
77) All new tracks, trails and relevant maintenance activities comply with: <ul style="list-style-type: none"> <li>• Ku-ring-gai Council (1998) Bushland Service Trail Maintenance Standards; and</li> <li>• Draft Ku-ring-gai Council (2009) Bushland Walking Track Maintenance Standards.</li> </ul> These standards have been created to incorporate: <ul style="list-style-type: none"> <li>• The Recreational Trail Guide (Epacris Consulting 2005);</li> <li>• Australian Standard on Walking Track Classification and Signage ;</li> <li>• Standard for Fire Trails;</li> <li>• Walking Track Construction Guidelines (NPWS 1985); and</li> <li>• Bushfire Co-ordinating Committee fire trail policy (policy no. 2/2007).</li> </ul>	Cultural Heritage interpretation	On-going	Strategy & Environment	Principal Landscape Architect
	Tracks and trails - Environmental Levy	Annual	Strategy & Environment	Environmental Levy Program Leader
	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor
78) Maintain tracks to required minimum width and condition. Close tracks not included in the proposed walking or recreation track network and not required for strategic bushfire management purposes. Regenerate native vegetation on closed tracks.	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
79) Restricted vehicular access on fire trails to service, maintenance and emergency vehicles only and install signage to this effect.	Environmental Levy - signage	On-going	Strategy & Environment	Environmental Levy Program Leader
	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor
	Fire trail use compliance	On-going	Development & Regulation	
80) Form co-operative arrangements with local police, DECCW, Sydney Water, and the community to report and prevent illegal trail bike access.		Not planned		
81) Maintain Council's trail asset register (linked to Council's GIS) including locations, permissible use and condition.	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor
			Strategy & Environment	Environmental Levy Program Leader
82) Monitor erosion around tracks and roads and implement control measures when required.	Fire trail and walking track maintenance program	On-going	Operations	Bushland Maintenance Supervisor



**UNAUTHORISED ACTIVITIES**

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
83) Monitor for and remove/close any dumped material, constructions, unauthorised tracks and jumps as soon as practically possible from the reserve to discourage further activity.	Encroachments	On-going	Strategy & Environment	Technical Officer - Bushland
	Bushland Maintenance Program	On-going	Operations	Bushland Maintenance Supervisor
84) Where necessary, undertake regulatory action to address unauthorised activities in bushland reserves, including: - unauthorised recreational activities (eg. mountain bikes, dog walking); - dumping; and - constructions (unauthorised tracks and jumps within Council reserve).	Compliance	On-going	Development & Regulation	
85) Continue regular patrols of the reserves to maintain a deterrent for regular offenders. Incorporate arrangements with local Police, NSW Rural Fire Service, DECCW officers and general community groups.	Compliance	Not planned	Development & Regulation	

## 10. Glossary

**Active Recreation** – Active recreation refers to a mix of uses that includes the following facilities or facility types: building or structures for recreational activities, concession, community garden, courses or courts, children's play area, dog play area, or a bike.

**Biodiversity** is “the variety of life forms, the different plants, animals and micro-organisms, the genes they contain, and the ecosystems they form. It is usually considered at three levels: genetic diversity, species diversity and ecosystem diversity (Commonwealth of Australia 1996).

**Corridors** are zones or areas that form a habitat link between two or more natural areas. In this case, they may be contiguous bands of habitat or vegetation and will generally contain all structural layers of plant communities. In a wider sense, they can be areas or zones that form, or may be enhanced to form, links to other intact habitats via a series of smaller corridors or biolinks.

**Endemic** a species of organism that are confined to a particular geographic region.

**Ecologically sensitive lands** include lands containing:

- national or state significant communities, populations or species;
- areas of particular local significance;
- cultural heritage items;
- riparian zones;
- slopes over 18 degrees ;and
- known and suspected *phytophthora cinnamomi* locations.

**Nutrients** in this context are substances that negatively impact bushland such as phosphates and nitrates from sources including garden fertilisers, detergents and organic materials such as sewage, garden clippings and dog faeces.

**Passive Recreation** means recreation activities that require limited physical exertion on behalf of the participant. Examples of passive recreation activities include bird watching, walking or photography.

**Provenance (plant stock)** is a term used to describe something's origin or source and in the case of seed as its "geographic place of origin or seed" (Loch and Whalley 1997). This term is

broadened to describe the patterns of variation exhibited by a species over its range reflecting its evolutionary history (Coates and van Leeuwen 1996).

**Threatened Ecological Communities** in NSW are ecological communities listed under the *Threatened Species Conservation Act (NSW), 1995*; in the categories of, Critically Endangered, Endangered or Vulnerable, depending on their risk of extinction. Ecological communities can also be listed as nationally threatened under the Commonwealth's *Environment Protection and Biodiversity Conservation Act, 1999*.

**Vegetation and habitat corridors** are areas designated to facilitate connection and maintenance of flora and fauna habitats within the urban landscape. Vegetation and habitat corridors provide an opportunity for a variety of local, migratory and transient species to exist, pollinate, move, forage, breed, roost and shelter. Within the urban environment Vegetation and habitat corridors may not necessarily form a direct physical connection between areas of fauna or flora habitat and may consist of remnant trees and associated native and exotic vegetation.

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## Appendix 1 Ku-ring-gai bushland reserves

**Table A.1:** Ku-ring-gai bushland reserves owned or under care control and management by Council

Reserve Name	LMU No	Reserve Name	LMU No
(Billy) Hughes Park	63	Flying Fox Reserve	364
62 Spurwood Road	302	Fraser Park	362
Airmens Bush	234	Gearys Way	149
Albert's Bush	312	Gibran Place Reserve	117
Amarna Reserve	189	Glengarry Annexe	342
Ashley Grove Reserve	343	Golfers Glen	267
Bannockburn Bush	72	Gordon Glen Bush	306
Barra Brui Bush	135	Governor Phillip Reserve - East Gordon Park	132
Barra Wood	104	Gwydir Trail	458
Bell's Path	543	Halls Bush	41
Bicentennial Park Bushland	286	Hampshire Bush	293
Blackbutt Park	78	Harry Seidler Reserve	965
Blackbutt Reserve	299	Hassel Bush North	868
Boatshed Bush	204	Hassel Bush South	869
Bobbin Head Road Bushland	9	Hayle Street Reserve	88
Bradley Reserve	236	Hermits Retreat	162
Browns Bush	220	Holmes Street Reserve	226
Browns End	219	Illeroy Forest	141
Browns Forest	111	Ivor Wyatt Reserve	96
Bryce Bush	119	Kimberley Trail	532
Bullock Park	270	Kimberly's Way	160
Burraneer Avenue	303	Kimo Street Bush	331
Bushranger Reserve	137	Kooloona Bush	295
Cambourne East Reserve	89	Ku-ring-gai Creek Reserve	20
Cambourne North Reserve	87	Kylie Walk	357
Canberra Crescent Scrub	188	Lady Blaxland Reserve	785
Cardigan Reserve	359	Laura Houison Osborne Sanctuary	217
Clive Evatt Reserve	49	Lennox Street Reserve	356
Comenarra Bush	253	Linigen Reserve	84
Comenarra Creek Reserve	261	Linigen Trail	481
Cowan Creek Reserve	35	London Reserve	136
Cutting Forest	110	Lovers Jump Creek Reserve	1
Deburghs Drop	297	Lower Blue Gum Creek Bush	334
Delanays Island	348	Lower Campbell Reserve	224
Derwent Reserve	64	Lower CSIRO Bush	341
Dingly Dell	101	Lower Dam Forest	264
Douglas Street Reserve	93	Lower Paddys Forest	329
Du Faur Reserve	8	Lower UTS Bush	325
Duff Street Reserve	229	Lower Vista Bush	125
Echo Point Park	200	Lymbarra Avenue Reserve	109
Exeter End	213		

Reserve Name	LMU No
Mars 2-1	883
Mars 2-2	884
Mars 4	885
Mars 5	886
McIntosh Park	83
Merrivale Bush	68
Middle Campbell Reserve	223
Moore's Creek Reserve	183
Mt Pleasant Reserve	215
Neil Place	186
Nungara Reserve	181
Old She Oak Reserve	156
Orana Reserve	79
Paddy Pallin Reserve	328
Paddy's Forest	65
Poa Park	77
Princes Park	340
Quarry Creek Reserve	292
Randy Reserve	269
Redfield Bush	159
Richmond Park	143
Roseville Bridge Bush	194
Seven Little Australians	165
Sheldon Forest	248
Shinfields End	106
Shoppers Wood	276
Sir David Martin Reserve	257
Sir Phillip Game Reserve North	320
Sir Phillip Game Reserve South	324

Reserve Name	LMU No
South Campbell Reserve	222
South Vista Bush	127
Surgeon White Reserve	102
The Broadway	238
The Glade Reserve	212
Troon Creek	249
Turiban Reserve North	51
Turiban Reserve South	50
Turpentine Forest	97
Turramurra Forest	227
Twin Creek Reserve	233
Upper Blue Gum Creek Bush	335
Upper Campbell Reserve	221
Upper Cardigan Reserve	332
Upper Cowan Creek Reserve	66
Upper Echo	196
Upper Lovers Jump Creek	876
Upper Minnamurra Reserve	338
Upper Morres Creek	180
Upper Vista Bush	126
Vacant Land	352
Waipori Street Reserve	121
Warrington Avenue Reserve	153
West Roseville Park	786
William Lewis Bush	873
Wombin Reserve	167
Yarra Street Reserve	272

## Appendix 2 Bushland Rating Matrix and Decision Support Tool

Council recently completed an assessment of each Council bushland reserve according to contextual values ascribed (environmental, social and economic) and pressures exerted. This research produced a matrix that allows the condition of each reserve to be ranked against its value. The information matrix produced a priority list for maintenance investment for every reserve in the municipality. The criteria listed in the tables in this appendix show the parameters taken into account within that study and the development of the priority ranking of the bushland reserves.

Ku-ring-gai bushland contains a range of values. Which values are ascribed to an area depends very much on an individual's perspective. Below is a list of some of the more common values cited by Ku-ring-gai residents for bushland in their area.

### Biodiversity and Environment Values

Vegetation Communities  
Threatened species  
Flora Diversity  
Connectivity  
Core size  
Council investment  
Riparian Condition  
Climate Change/Global warming  
Water Quality  
Air Quality  
Habitat

### Economic Values

Track condition  
Property value  
Amenity value  
Bequest value

### Social Values

Childhood experience  
Visual quality  
Community health  
Recreational asset

### Pressures

Dumping  
Stormwater  
Sewage overflows  
Recreation activity (Bike riding, Bush walking)  
Weeds  
Feral animals  
Removal of plants, rocks and wood  
Bushfire management  
Erosion  
Dog walking  
Safety infrastructure  
Infrastructure (powerlines, sewer)  
Fencing

Pressures were also determined to estimate the current impact from local catchments and activities on the values within each individual reserve.

The results of this research as seen below, was a matrix that allowed the results to be ranked according to the ratio between values and pressures. The results are divided into three tables:

- Table A – those reserves that are a high priority for funding,
- Table B – those reserves that are moderate priority for funding, and
- Table C- those reserves that are low priority for funding.

#### A: High Priority Reserve List

High Value / High Pressure			
LMU	Reserve Name	LMU	Reserve Name
189	Amarna Reserve	224	Lower Campbell Reserve
135	Barra Brui Bush	264	Lower Dam Forest
286	Bicentennial Park Bushland	68	Merrivale Bush
299	Blackbutt Reserve	156	Old She Oak Reserve
111	Browns Forest	143	Richmond Park
35	Cowan Creek Reserve	248	Sheldon Forest
364	Flying Fox Reserve	320	Sir Phillip Game Reserve North
362	Fraser Park	212	The Glade Reserve
132	Governor Phillip Reserve- East Gordon Park	51	Turiban Reserve North
20	Ku-ring-gai Creek Reserve	233	Twin Creek Reserve
1	Lovers Jump Creek Reserve	167	Wombin Reserve
356	Lennox Street Reserve		

#### B: Medium Priority Reserve List

Low Value / High Pressure			
LMU	Reserve Name	LMU	Reserve Name
343	Ashley Grove Reserve	217	Laura Houison Osborne Sanctuary
72	Bannockburn Bush	125	Lower Vista Bush
104	Barra Wood	109	Lymbarra Avenue Reserve
543	Bell's Path	223	Middle Campbell Reserve
204	Boatshed Bush	215	Mt Pleasant Reserve
119	Bryce Bush	79	Orana Reserve
303	Burraneer Avenue	65	Paddys Forest
297	Deburghs Drop	77	Poa Park
348	Delaneys Island	269	Randy Reserve
64	Derwent Reserve	159	Redfield Bush
8	Du Faur Reserve	106	Shinfields End
213	Exeter End	127	South Vista Bush
149	Gearys Way	50	Turiban Reserve South
267	Golfers Glen	227	Turramurra Forest
41	Halls Bush	332	Upper Cardigan Reserve
869	Hassel Bush South	338	Upper Minnamurra Reserve
160	Kimberly's Way	126	Upper Vista Bush
357	Kylie Walk	786	West Roseville Park
785	Lady Blaxland Reserve	272	Yarra Street Reserve
965	Harry Seidler Reserve	334	Lower Blue Gum Creek Bush
331	Kimo Street Bush	328	Paddy Pallin Reserve

High Value / Low Pressure			
LMU	Reserve Name	LMU	Reserve Name
234	Airmens Bush	885	Mars 4
236	Bradley Reserve	83	McIntosh Park
219	Browns End	165	Seven Little Australians
137	Bushranger Reserve	257	Sir David Martin Reserve
261	Comenarra Creek Reserve	324	Sir Phillip Game Reserve South
101	Dingly Dell	102	Surgeon White Reserve
93	Douglas Street Reserve	141	Illeroy Forest
293	Hampshire Bush	249	Troon Creek
162	Hermits Retreat	66	Upper Cowan Creek Reserve
341	Lower CSIRO Bush	183	Moore's Creek Reserve
220	Browns Bush		

### C: Low Priority Reserve List

Low Value / Low Pressure			
LMU	Reserve Name	LMU	Reserve Name
63	(Billy) Hughes Park	295	Kooloona Bush
302	62 Spurwood Road	84	Linigen Reserve
312	Albert's Bush	481	Linigen Trail
78	Blackbutt Park	136	London Reserve
9	Bobbin Head Road Bushland	329	Lower Paddys Forest
270	Bullock Park	325	Lower UTS Bush
89	Cambourne East Reserve	883	Mars 2-1
87	Cambourne North Reserve	886	Mars 5
188	Canberra Crescent Scrub	186	Neil Place
359	Cardigan Reserve	181	Nungara Reserve
49	Clive Evatt Reserve	340	Princes Park
253	Comenarra Bush	292	Quarry Creek Reserve
110	Cutting Forest	194	Roseville Bridge Bush
229	Duff Street Reserve	276	Shoppers Wood
200	Echo Point Park	222	South Campbell Reserve
117	Gibran Place Reserve	238	The Broadway
342	Glengarry Annexe	97	Turpentine Forest
306	Gordon Glen Bush	221	Upper Campbell Reserve
458	Gwydir Trail	196	Upper Echo
868	Hassel Bush North	876	Upper Lovers Jump Creek
88	Hayle Street Reserve	180	Upper Morres Creek
226	Holmes Street Reserve	121	Waipori Street Reserve
96	Ivor Wyatt Reserve	153	Warrington Avenue Reserve
532	Kimberley Trail	873	William Lewis Bush

The following reserves have been omitted from the matrix due to survey access difficulties; Mars 2-2( LMU 884), Upper Blue Gum Creek Bush (LMU 335).

This information allows Council staff to determine which reserves to focus on first and provides an improved understanding of the values of each reserve and magnitude of the pressures that need to be controlled in order to maintain those values.

## Appendix 3 Recovery and threat abatement strategies and plans

### A1 Recovery Plans

#### A1.1 Recovery Plan: *Darwinia biflora* (Cheel) Briggs (DEC 2004)

##### Aims/Objectives:

- to ensure that a representative sample of *D. biflora* populations occurring on public and private lands are protected from habitat loss and managed for conservation;
- to increase knowledge of the biology, ecology and distribution of the species to assist management decisions;
- to reduce the impacts of threats at sites and to ensure that any planning and management decisions that are made that may affect the species, are based on information within this recovery plan; and
- to raise awareness about the conservation status of the species and involve the community in the recovery program.

##### Recovery actions:

- identify sites in the reserves that are a high priority to protect;
- implement threat and habitat management programs on public lands;
- undertake sensitive easement maintenance activities;
- undertake informed assessment and planning decisions;
- investigate aspects of the ecology;
- identify and survey potential habitat;
- encourage community involvement;
- provide advice and assistance to private landholders; and
- DEC advised of decisions that affect species.

#### A1.2 Recovery Plan: *Grevillea caleyi* R. Br. (DEC) 2004a]

##### Aims/Objectives:

The overall objective of the recovery plan is to minimise human imposed disturbance to *Grevillea caleyi* populations and to maintain viable wild populations into the foreseeable future. The objective is to minimise the risk of local extinction, not necessarily to maximise the number of aboveground *G. caleyi* plants.

##### Specific Objectives:

- to ensure conservation of all sites by appropriate fire management practices;
- to ensure the conservation of all sites by appropriate management practices;

- to ensure and increased level of protection is provided to sites currently outside existing National Parks;
- to increase our knowledge of the biology of *Grevillea caleyi* for management of the species; and
- to locate and protect any new sites of *Grevillea caleyi*.

Recovery actions:

- implement appropriate fire management;
- monitoring survival of *Grevillea caleyi* after fire;
- fencing;
- weed control and bush regeneration;
- Pathogen Control;
- rubbish removal;
- runoff control;
- discourage inappropriate plantings of *Grevillea* species; and
- DEC will liaise with land managers and relevant Councils to increase the protection status of land where *Grevillea caleyi* occurs.

**A1.3 Draft Recovery Plan: *Melaleuca Deanei* (DECC 2008)**

Goals:

- to summarise the present-state knowledge regarding the conservation and ecology of this species;
- to identify the actions to be taken to ensure the long-term viability of the species in nature;
- to identify the stakeholders involved in undertaking these actions; and
- to reduce the further loss of populations across the species' natural range.

Specific objectives:

- to protect known occurrences of *M. deanei*;
- to identify and minimise the threats at *M. deanei* sites;
- to improve awareness of *M. deanei* amongst land managers and the community; and
- to encourage research projects that will contribute to adaptive management decisions.

Relevant recovery actions:

- Councils will review the classification of *M. deanei* sites and consider the reclassification of such land as community land where appropriate;
- Councils and the Department of Planning (DoP) will ensure that all relevant Environmental Planning Instruments (prepared under Part 3 of the EP&A Act) are prepared, or reviewed, with reference to this recovery plan and any further advice from



the DECCW regarding this species;

- All relevant consent and determining authorities will assess developments and activities with reference to this Plan, environmental impact assessment guidelines and any further advice from the DECCW regarding the species. Assessments will be carried out under Part 4 & 5 of the EP&A Act. Environmental impact assessment guidelines are provided in Appendix 1 of the recovery plan;
- Site management statements for populations of *M. deanei* will be prepared by the relevant authority in liaison with DECCW and incorporated into any relevant Plans of Management for the area, including fire management plans; and
- Threat abatement measures in accordance with the site management statements will be implemented, including fire management.

#### **A1.4 Recovery Plan: *Persoonia mollis* subspecies *maxima* (NPWS 2000)**

##### Aims/Objectives:

The broad objective of this recovery plan is to protect the populations of *Persoonia mollis* subspecies *maxima* from decline, and to implement a management regime, based on current knowledge, designed to promote the plant's conservation and evolutionary potential in nature.

##### Specific objectives:

- minimise the risk of *P. mollis* ssp. *maxima* from declining in the long term;
- establish the full extent of the taxon's distribution;
- improve management of *P. mollis* ssp. *maxima* and its habitat based on biological understanding of the taxon; and
- safeguard populations against extinction in nature as a result of catastrophic disturbance events.

##### Recovery actions:

In order to achieve these objectives, a number of specific actions are identified by this recovery plan. Recovery actions will be broadly directed towards:

- habitat management to ameliorate threatening processes, and thorough assessment of activities which may impact on the taxon;
- targeted survey to determine the extent of known populations and whether new populations exist;
- undertaking a monitoring program and facilitating research which investigates key attributes of the taxon's biology; and

- ensuring that appropriate contingency arrangements are implemented to protect populations from imminent extinction.

#### **A1.5 Draft Recovery Plan: Barking Owl (*Ninox connivens*) (NPWS 2003)**

##### Aims/Objectives:

- increase understanding of the biology, ecology and management of the Barking Owl;
- increase education and awareness of and involvement in the conservation of the Barking Owl and its habitat in NSW; and
- undertake threat abatement and mitigation.

##### Recovery actions:

- establish a program to monitor the NSW Barking Owl population and study its demographics;
- investigate conservation management strategies ;
- support biological and ecological studies;
- support population genetics studies;
- investigate the cultural and historic significance of the Barking Owl;
- protect known Barking Owl nest sites and surrounding habitat;
- assist with the protection of Barking Owl habitat from disturbance due to developments and activities; and
- maintain links with the community.

#### **A1.6 Recovery Plan: Koala (*Phascolarctos cinereus*) (DECC 2008a)**

##### Aims/Objectives:

To reverse the decline of the koala in NSW, to ensure adequate protection, management and restoration of koala habitat and to maintain healthy and breeding populations of koalas throughout their current range.

##### Specific Objectives:

- to conserve koalas in their existing habitat;
- to rehabilitate and restore koala habitat and populations;
- to develop a better understanding of the conservation biology of koalas;
- to ensure that the community has access to factual information about the distribution, conservation and management of koalas at a national, state and local scale;
- to manage captive, sick or injured koalas and orphaned wild koalas to ensure consistent and high standards of care;

- to manage over-browsing to prevent both koala starvation and ecosystem damage in discrete patches of habitat; and
- to coordinate, promote the implementation, and monitor the effectiveness of the NSW Koala Recovery Plan across NSW.

Recovery actions:

- increasing awareness in the community and local and state government bodies regarding the management and conservation of koalas;
- define the factors that determine koala habitat including soils, elevation, climate and tree species (food and shelter) within the area;
- develop comprehensive Koala Plans of Management under SEPP 44;
- assist DECCW in production of a regional list of koala food and shelter trees for catchment management authorities, other local government areas and local/regional koala plans that deal with specific issues and/or locations; and
- incorporate koala habitat protection measures into local environmental plans (LEP), and other relevant management plans.

### **A1.7 Recovery Plan: Large Forest Owls including Powerful Owl (*Ninox strenua*) (DEC 2006)**

#### Aims/Objectives:

The overall objective of the NSW Large Forest Owl Recovery Plan is to ensure that the three species persist in the wild in NSW in each region where they presently occur. Depending on the success of On-going management actions, monitoring and further studies, a further objective is to reassess the conservation status of the species and downlist from Vulnerable to secure if appropriate.

#### Specific Objectives:

- to minimise the impacts of development activities on large forest owls and their habitats outside conservation reserves and State forests;
- to assess the distribution and amount of high quality habitat for each owl species across public and private lands to get an estimate of the number and proportion of occupied territories of each species that are, and are not, protected;
- to monitor trends in population parameters (numbers, distribution, territory fidelity and breeding success) across the range of the three species and across different land tenures and disturbance histories;
- to raise awareness of the conservation requirements of the three large forest owls amongst the broader community, to involve the community in owl conservation efforts and in so doing increase the information base about owl habitats and biology; and
- to coordinate the implementation of the recovery plan and continually seek to integrate actions in this plan with actions in other recovery plans or conservation initiatives.

#### Recovery actions:

- encourage groups such as Landcare, to protect existing habitat (particularly known nest sites) and establish new habitat (particularly linking existing fragments of habitat or around nest sites);
- encourage involvement of researchers and students in the recovery efforts for the three large forest owls, particularly in habitat survey, and population monitoring;
- encourage and coordinate the involvement of community-based groups (eg the Australian Bird and Bat Study Association) and animal care groups (eg WIRES) in the implementation of recovery actions; and
- seek to integrate recovery actions with other recovery plan actions and conservation initiatives.

### **A1.8 Recovery Plan *Lathamus discolor* (Swift parrot) (Swift Parrot Recovery Team 2001)**

Aims/Objectives:

- to change the conservation status of the swift parrot from endangered to vulnerable within 10 years; and
- to achieve a demonstrable sustained improvement in the quality of swift parrot habitat to increase carrying capacity.

Specific objectives

- to identify priority habitats and sites across the range of the swift parrot;
- to implement management strategies at the landscape scale to protect and improve priority habitats and sites resulting in a sustained improvement in carrying capacity;
- to reduce the incidence of collisions with man-made structures;
- to determine population trends within the breeding range;
- to quantify improvements in carrying capacity by monitoring changes in extent and quality of habitat; and
- to increase public awareness about the recovery program and to involve the community in the recovery.

Recovery actions:

- identify and map priority foraging habitats in New South Wales, Victoria, Queensland and to identify important breeding sites in Tasmania;
- implement a strategy to protect priority sites and habitats using a range of administrative avenues and voluntary measures, including, threatened species legislation, vegetation clearance controls, management prescriptions, codes of practice, conservation agreements, covenants and Land for Wildlife schemes;
- identify degraded habitats that have potential to benefit the recovery of the swift parrot. These sites will be targeted for protection and habitat improvement, including undertaking rehabilitation and revegetation works;
- monitor collisions and collision hazards, particularly during the breeding season and take remedial action to reduce the impact of this source of mortality on the population.; monitor the density of the breeding population and the extent and quality of habitat to assess the progress of the recovery program towards meeting its objectives;
- increase public awareness about the recovery program through an information and education program; and
- involve the community in the recovery through the support of networks and participation in operations groups and the recovery team.

**A1.9 Draft Recovery Plan: Southern Brown Bandicoot (*Isodon obesulus*) (DEC 2006a)**

Aims/Objectives:

The overall objective of this recovery plan is to improve the conservation status of the Southern Brown Bandicoot and maximise the opportunity for viability of this species in the wild in New South Wales.

Specific Objectives:

- to Identify and Implement Land Management Practices That Assist in the Recovery of the Species;
- clarify the Status of the Species by Better Defining its Distribution and Relative Abundance;
- undertake Research to Broaden the Knowledge Base on the Species, Gathering Critical Information to Assist in its Recovery; and
- improve Community Awareness of Conservation Significance of the Southern Brown Bandicoot.

Recovery actions:

- to establish intensive introduced carnivore control programs around known populations;
- to monitor populations to determine the success of introduced carnivore control programs in reducing impacts on the species;
- to monitor the level of road-kill at trouble spots and erecting signs where necessary;
- to implement fire management regimes around known populations that promote favoured habitat;
- to ensure that future development is carried out in a way that does not impact significantly on known populations through provision of environmental assessment guidelines;
- to undertaking further survey; and
- to raise community awareness of the species and involving public interest groups in various aspects of the recovery program.

## A2 Threat Abatement Plans

### A2.1 Threat Abatement Plan - Predation by the European Fox (*Vulpes vulpes*) (NPWS 2001)

Objective

- ensure that fox control programs undertaken for conservation purposes in New South Wales focus on those threatened species which are most likely to be impacted by fox predation;

- ensure that fox control programs are effective in minimising the impacts of fox predation on targeted threatened species;
- provide an experimental basis for validating the priority species for fox control and for measuring the effectiveness of control programs; and
- provide support for the implementation of the plan.

#### **A2.2 Threat Abatement Plan - Predation by the Plague Minnow (*Gambusia holbrooki*) (NPWS 2003)**

##### Objective

- minimise human dispersal of *Gambusia*;
- reduce impacts of *Gambusia* on threatened frog species at key sites;
- integrate *Gambusia* threat abatement plan with other aquatic restoration programs;
- increase knowledge of the general ecology of *Gambusia*, its impact on native frog species and mechanisms for its control; and
- ensure effective implementation of the threat abatement plan.

#### **A2.3 Threat Abatement Plan - Invasion of native plant communities by *Chrysanthemoides monilifera* (bitou bush and boneseed) (DEC 2006b)**

##### Objectives

- ensure that bitou bush (and boneseed) control is undertaken in areas where the benefits to threatened species, populations and ecological communities are greatest;
- evaluate the effectiveness of control programs with respect to the response of priority species, populations and ecological communities;
- ensure implementation and administration of the Bitou Threat Abatement Plan is undertaken; and
- establish guidelines for future control programs and research projects based on the outcomes of this plan.

### A3 Priority Action Statements

The NSW *Threatened Species Conservation Act 1995* requires the PAS to identify clear timetables for recovery and threat abatement planning and achievement, including PAS review. Current information on Priority Action Statements is provided on the DECCW website [[http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/home\\_PAS\\_new.aspx](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/home_PAS_new.aspx)]

Tables A3.1-3.3 provides priority action statements relevant to council's management for threatened species identified within Councils bushlands. This may includes species that have not been sighted for long periods or who are considered vagrants within the area (see Section 4.2, 4.3). This table is provided to guide council in relevant actions required for appropriate management of threatened species. These actions are provided to guide council in relevant actions requiring appropriate management of threatened species. It is not intended that the conduct or management of these action be the sole responsibility of Council.

**Table A3.1 Fauna Priority Action Statements relevant to management by Ku-ring-gai Council**

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
<i>Botaurus poiciloptilus</i>	Birds	Vulnerable	8. When known; protect and manage priority breeding sites using appropriate regulatory and community based mechanisms. (High priority)
			1. As an adjunct to habitat protection; use fencing and/or signage to minimise damage to priority breeding sites (when known) from trampling by livestock; feral animals and/or human disturbance. (Medium priority)
			7. Undertake targeted fox control at identified priority sites in accordance with the DEC Fox Threat Abatement Plan. (Medium priority)
<i>Callocephalon fimbriatum</i>	Birds	Vulnerable	1. Develop fire management options within forested habitat areas that give priority to minimising loss of habitat trees. (High priority)
			2. Develop a strategy that includes street tree or other planting; browse plant species within reserves and private residences. (Medium priority)
			6. Provide supplementary hollows/nest boxes within the primary habitat areas. (Medium priority)



Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
<i>Calyptrorhynchus lathamii</i>	Birds	Vulnerable	1. Assist landholders who wish to enter into voluntary conservation agreements at key sites. (Medium priority)
			2. Encourage the restoration of foraging habitat that has been cleared or degraded by previous impacts. (Medium priority)
			3. Provide incentives for landholders to fence and manage key sites. (Medium priority)
<i>Cercartetus nanus</i>	Marsupials	Vulnerable	2. Control and monitor abundance of feral predators; especially cats; where there are known populations of EPP in areas of high quality habitat and encourage night-time curfews for cats on urban fringes adjacent to these habitats. (Medium priority)
			3. Encourage and support land managers to undertake management actions that benefit the species (see recovery information for land managers in our detailed species profile). (Medium priority)
			7. Reserve fire management strategies to include operational guidelines to protect this species from fire; with fire frequency of >10 years . (Medium priority)
<i>Chalinolobus dwyeri</i>	Bats	Vulnerable	2. Determine location and attributes of maternity sites and restrict access where possible. (e.g. signage; bat-friendly; preferably external; gating of caves). (High priority)
			5. Identify and protect roost habitat artificial structures (eg culverts; old buildings and derelict mines). (High priority)
			1. Control feral goats in rock overhangs and caves in the species range. (Medium priority)
<i>Dasyurus maculatus</i>	Marsupials	Vulnerable	1. Habitat requirements of Spotted-tailed Quolls to be adequately conserved within environmental planning instruments and through other legislative protection mechanisms; including property vegetation plans. (High priority)
			1. At sections of roads where Spotted-tailed Quolls are frequently killed; incorporate methods to reduce the numbers of animals killed. Assess the effectiveness of different mitigation methods. (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
			3. Erect signs in areas where road kills are common to alert drivers to the presence of Spotted-tailed Quolls. (Medium priority)
			4. Identify sections of roads where Spotted-tailed Quolls are frequently killed on roads. Conduct a media campaign to ask for public records of road kills and use data held by the relevant government agencies. (Medium priority)
<i>Falsistrellus tasmaniensis</i>	Bats	Vulnerable	4. Identify areas of private land that contain high densities of large hollow-bearing trees as areas of high conservation value (HCV) planning instruments and land management negotiations e.g. LEP; CAPs; PVPs. (Low priority)
<i>Hoplocephalus bungaroides</i>	Reptiles	Endangered	1. Amend existing planning instruments to include bush rock removal as an extractive industry requiring development consent. (High priority)
			3. Undertake artificial or replacement rock initiatives to replace or supplement lost habitat. (High priority)
			1. Implement fire management strategies for key areas of distribution. (Medium priority)
<i>Isoodon obesulus obesulus</i>	Marsupials	Endangered	1. Develop sympathetic fire management programs. (High priority)
			8. Undertake intensive control of introduced predators around known extant populations. (High priority)
<i>Ixobrychus flavicollis</i>	Birds	Vulnerable	2. In areas of suitable breeding habitat; seek to retain and manage riparian vegetation. (Medium priority)
<i>Lathamus discolor</i>	Birds	Endangered	3. Protect; manage and restore Swift Parrot habitat on private land through conservation agreements; management agreements and incentive payments (refer to species profile for regionally specific habitat information). (High priority)
			2. Enhance habitat for Swift Parrots by planting suitable tree species to complement natural regeneration or to enhance remnants (refer to species profile for regionally specific habitat information). (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
			3. Reduce the incidence of Swift Parrot collisions by raising community awareness of the threat of man-made hazards (including windows/glass panes and high wire-mesh fences) in the vicinity of suitable habitat. (Medium priority)
<i>Litoria aurea</i>	Amphibians	Endangered	1. Relevant land managers/authorities to consider this rec. plan when preparing land use planning instruments. Consent/determining authorities to consider this plan & DEC GGBF g'lines when assessing the impact of development & activity proposals. (Medium
<i>Miniopterus australis</i>	Bats	Vulnerable	6. Exclude prescription burns from 100m from cave entrance; ensure smoke/flames of fires do not enter caves/roosts in artificial structures. (Low priority)
			14. Prepare fire management plans for significant roost caves; disused mines; culverts; especially maternity and winter roosts. (Low priority)
			15. Prepare management plans for significant bat roosts especially all known maternity colonies and winter colonies. (Low priority)
			19. Restrict access where possible to known maternity sites. (e.g: signs). (Low priority)
			1. Compile register of all known roost sites in natural and artificial structures including current and historical data and identify significance of roost; e.g. maternity; hibernation; transient roost. (Medium priority)
			2. Control foxes and feral cats around roosting sites; particularly maternity caves and hibernation sites. (Medium priority)
<i>Miniopterus schreibersii oceanensis</i>	Bats	Vulnerable	1. Promote the conservation of these key roost areas using measures such as incentive funding to landholders; offsetting and biobanking; acquisition for reserve establishment or other means. (Medium priority)
			2. Control foxes and feral cats around roosting sites; particularly maternity caves and hibernation sites. (Medium priority)
			1. Exclude prescription burns from 100m from cave entrance; ensure smoke/flames of fires do not enter caves/roosts in artificial structures. (Low priority)

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
			3. Identify and protect significant roost habitat in artificial structures (eg culverts; old buildings and derelict mines). (Low priority)
			4. Prepare fire management plans for significant roost caves; disused mines; culverts; especially maternity and winter roosts. (Low priority)
			5. Prepare management plans for significant bat roosts especially all known maternity colonies and winter colonies. (Low priority)
			6. Restrict access where possible to known maternity sites. (e.g.: signs; bat-friendly; preferably external gates at caves). (Low priority)
			9. Undertake non-chemical removal of weeds (e.g. lantana; blackberry) to prevent obstruction of cave entrances. (Low priority)
<i>Mormopterus norfolkensis</i>	Bats	Vulnerable	5. Identify areas of private land that contain high densities of large hollow-bearing trees as areas of high conservation value planning instruments and land management negotiations e.g. LEP; CAPs; PVPs. (High priority)
			11. Promote the conservation of these private land areas using measures such as incentive funding to landholders; off-setting and biobanking; acquisition for reserve establishment or other means. (High priority)
<i>Ninox strenua</i>	Birds	Vulnerable	2. Encourage private landholders to undertake management options to conserve and/or actively manage forest owl habitat. (Medium priority)
<i>Pachycephala olivacea</i>	Birds	Vulnerable	1. Reserve Fire Management Strategy(s) to include operational guidelines that protect dense gully vegetation and rainforest. (Low priority)
<i>Pteropus poliocephalus</i>	Bats	Vulnerable	1. Increase the extent and viability of foraging habitat for Grey-headed Flying-foxes that is productive during winter and spring (generally times of food shortage); including habitat restoration/rehabilitation works. (High priority)
			2. Enhance and sustain the vegetation of camps critical to the survival of Grey-headed Flying-foxes. (Low priority)
			4. Protect and enhance priority foraging habitat for Grey-headed Flying-foxes; for example through management plans; local environmental plans and development assessments; and through volunteer conservation programs for privately owned land. (Low priority)

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
			5. Protect roosting habitat critical to the survival of Grey-headed Flying-foxes; for example through management plans; local environmental plans and development assessments; and through volunteer conservation programs for privately owned land. (Low prior
<i>Ptilinopus regina</i>	Birds	Vulnerable	8. Include protection of population's habitat and ecological requirements in statutory planning in relevant shires. (High priority)
			16. Protect rainforest; particularly littoral rainforest from fire and fire hazard reduction measures. (Low priority)
			17. Raise awareness of threats of window strike and ways to reduce threat. (Low priority)
			18. Raise community awareness of ecological requirements of Rose-crowned Fruit-dove including importance of Camphor Laurel; native figs and laurels as a food source and need to replace Camphor Laurel with other winter-fruited laurels and figs. (Low priority)
			19. Undertake weed control in and adjacent to littoral rainforest to augment Fruit-dove habitat. (Low priority)
			3. Develop local government biodiversity conservation strategies. (Medium priority)
<i>Ptilinopus superbus</i>	Birds	Vulnerable	8. Include protection of population's habitat and ecological requirements in statutory planning in relevant shires. (High priority)
			9. Liaise with relevant landholders and managers to protect; rehabilitate; enlarge and reconnect habitat. Raise awareness of weed threats and need for compensatory plantings. (Low priority)
			13. Protect rainforest from fire and fire hazard reduction measures. (Low priority)
			14. Raise awareness of threats of window strike and ways to reduce threat. (Low priority)
			3. Develop local government biodiversity conservation strategies. (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions <i>(numbers are as supplied by DECCW)</i>
<i>Saccolaimus flaviventris</i>	Bats	Vulnerable	5. Identify areas of private land that contain high densities of large; hollow-bearing trees as areas of high conservation value planning instruments and land management negotiations e.g. LEP; CAPs; PVPs. (High priority)
			4. Establish a community program to encourage the reporting of roost trees. (Medium priority)
			10. Raise awareness of the effects of pesticides. (Medium priority)
<i>Scoteanax rueppellii</i>	Bats	Vulnerable	4. Identify areas of private land that contain high densities of large; hollow-bearing trees as areas of high conservation value in planning instruments and land management negotiations e.g. LEP; CAPs; PVPs. (High priority)
			9. Promote the conservation of these HCV private land areas using measures such as incentive funding to landholders; off-setting and biobanking; acquisition for reserve establishment or other means. (High priority)
<i>Varanus rosenbergi</i>	Reptiles	Vulnerable	1. Identify key habitats or areas for protection and enhanced management on private land through management agreements and incentives. (High priority)
			3. Undertake surveys for the species within identified suitable habitat. (High priority)
			2. Implement management strategies that reduce the prevalence of bush rock removal; including surveillance. (Medium priority)

Table A3.2 Flora Priority Action Statements relevant to management by Ku-ring-gai Council

Scientific name	Type of species	Level of threat	Priority actions
<i>Acacia bynoeana</i>	Shrubs	Endangered	1. Increase the level of legislative protection for sites through land-use planning mechanisms and conservation agreements. Retain vegetative linkages between sites where possible. (High priority)
			2. Public authorities undertaking road; trail; or easement maintenance activities in potential habitat are to ensure that planning and maintenance staff are aware of the species and that processes are in place to avoid impacting upon it. (High priority)
			1. Ensure that sites on crown land are appropriately managed for conservation of species. (Medium priority)
			2. Incorporate appropriate fire regime into land management practices. (Medium priority)
			3. Incorporate site specific threat abatement measures for the species into Plan of Management for sites in council or crown reserves. (Medium priority)
			4. Liaise with private and public land managers to facilitate the preparation and implementation of management plans that address threatening processes. (Medium priority)
			5. Restrict access to sites; where necessary. (Medium priority)
			6. Undertake targeted bush regeneration works; where required. (Medium priority)
<i>Callistemon linearifolius</i>	Shrubs	Vulnerable	11. Seek to increase the level of legislative protection for sites through land-use planning mechanisms and conservation agreements. (High priority)
			4. Ensure that sites on Crown land are appropriately classified and managed. (Medium priority)
			6. Incorporate a suitable fire regime for the species into plans of management for sites on public and private land. (Medium priority)
			7. Liaise with landholders to facilitate the implementation of site-specific threat abatement measures. (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions
<i>Darwinia biflora</i>	Shrubs	Vulnerable	8. Prepare and implement site-specific management plans for sites that are located on public land. (Medium priority)
			1. Ensure easement maintenance activities will not affect survival of populations. (High priority)
			2. Identify and survey potential habitat. (High priority)
			3. Negotiate with public authorities to increase legislative protection for high priority sites on public land. (High priority)
			4. Provide advice and assistance to private landholders; to identify actual and potential threats and negotiate the implementation of on-ground works to address threats. (High priority)
<i>Deyeuxia appressa</i>	Herbs and Forbs	Endangered	5. Threat and habitat management programs will be implemented by public authorities on public lands. (High priority)
			1. If found; assess site threats and determine recovery strategies. (High priority)
<i>Epacris purpurascens</i> var. <i>purpurascens</i>	Shrubs	Vulnerable	1. Liaise with land managers to encourage the preparation of site management plans and the implementation of appropriate threat abatement measures; such as weed control/bush regeneration; site protection (fencing/signage) and fire management. (High priority)
			1. Identify priority sites for formal habitat protection and seek to implement measures such as JMAs or VCAs. (Medium priority)
			2. Monitor impact of fire on populations to inform DECC/ RFS/ local government planning. (Medium priority)
			3. Monitor known populations so that potential local extinctions are detected before they occur and mechanisms can be put in place to reverse trends. (Medium priority)
			4. Undertake targeted bush regeneration works; where required. (Medium priority)
			1. Identify and survey potential habitat to detect new populations. (Low priority)
<i>Eucalyptus camfieldii</i>	Mallees	Vulnerable	2. Liaise with landholders to facilitate the implementation of site specific threat abatement measures. (High priority)



Scientific name	Type of species	Level of threat	Priority actions
			3. Prepare and implement site-specific plans of management. (High priority)
			4. Seek to increase the level of legislative protection for sites through land-use planning mechanisms and conservation agreements. (High priority)
			5. Survey recorded sites to assess threats and determine appropriate recovery strategies; including priority sites for protection and management. (High priority)
			6. Undertake identified priority weed control; eg. Stewart Ave Hornsby. (High priority)
			1. Identify; map and survey potential habitat. (Medium priority)
			2. Implement appropriate fire regimes using suitable methods for this species (see guidelines). (Medium priority)
<i>Genoplesium baueri</i>	Orchids	Vulnerable	5. Conduct surveys to determine status of the species at post-1960 sites and assess threats. (High priority)
			11. Seek to increase the level of legislative protection for sites that are not located within conservation reserves through land-use planning mechanisms and conservation agreements. (High priority)
			8. Monitor population size and health. (Medium priority)
			9. Prepare and implement site management plans for extant sites. (Medium priority)
<i>Haloragodendron lucasii</i>	Shrubs	Endangered	1. Implement drainage works to manage impacts from runoff. (High priority)
			2. Implement weed control measures. (High priority)
			3. Prepare and implement site management statement / POM. (High priority)
			4. Restrict access to sites through track relocation and erect fencing. (High priority)
			1. Increase protection of known sites outside conservation reserves through land use planning mechanisms or conservation agreements. (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions
<i>Melaleuca deanei</i>	Shrubs	Vulnerable	3. Monitor impact of fire on populations to inform DECC/ RFS/ local government planning. (Medium priority)
			1. Undertake targeted surveys with community assistance. (Low priority)
			1. Seek to increase the level of legislative protection for sites through land-use planning mechanisms and conservation agreements. Retain or; where lost; re-establish vegetative linkages between sites where possible. (High priority)
			2. Fence sites and exclude livestock and/or feral animals; where required. (Medium priority)
			3. Incorporate appropriate fire regime into land management practices. (Medium priority)
			4. Liaise with private and public land managers to facilitate the preparation and implementation of management plans that address threatening processes. (Medium priority)
			5. Prepare and implement management plans for sites that are located on public land outside the NPWS estate. (Medium priority)
			6. Public authorities and landowners undertaking road; trail; or easement maintenance activities in potential habitat are to ensure that planning and maintenance staff are aware of the species and that processes are in place to avoid impacting upon it. (M)
			7. Restrict vehicular and pedestrian access to sites; where necessary. (Medium priority)
<i>Persoonia mollis subsp. maxima</i>	Shrubs	Endangered	2. Ensure that the ecological requirements and threats identified in the recovery plan are considered by consent and determining authorities. (High priority)
			4. Process in place to ensure minimum planned fire free interval of 12-15 years at known populations and habitat. (High priority)
			4. Population monitoring of known sites to investigate response to disturbance of the species. (Medium priority)

Scientific name	Type of species	Level of threat	Priority actions
<i>Tetratheca glandulosa</i>	Shrubs	Vulnerable	1. [habitat assessment] Identify and map priority sites for protection and management. (High priority)
			2. Encourage community awareness and involvement in threat management works. (High priority)
			3. Increase the level of legislative protection of high priority sites through land-use planning mechanisms and conservation agreements. (High priority)
			4. Prepare & implement site-specific POMs for high priority sites. (High priority)
			6. Undertake identified priority threat management works including weed control; restrict access; stormwater management works and slashing under power lines. (High priority)
			3. Monitor impact of fire on populations to inform DECC/ RFS/ local government planning. (Medium priority)
			5. Undertake works to maintain or improve habitat connectivity between and between populations. (Medium priority)

Table A3.3 Threatened Ecological Communities Priority Action Statements relevant to management by Ku-ring-gai Council

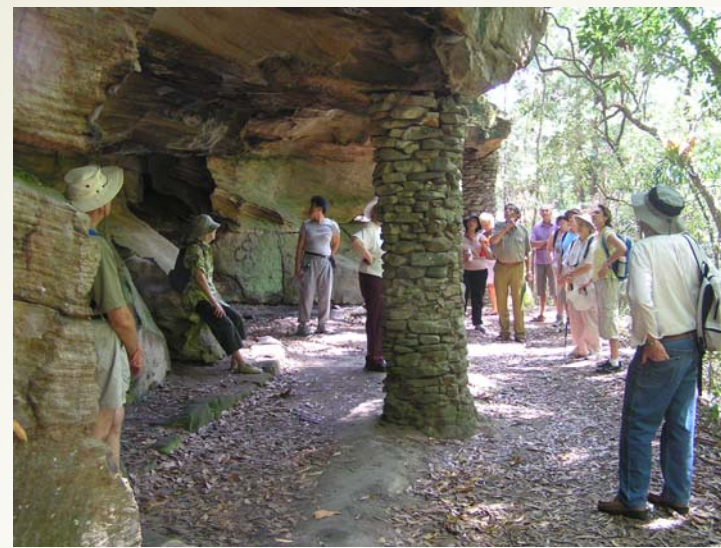
Scientific name	Level of threat	Priority actions
Blue Gum High Forest	Critically Endangered Ecological Community	10. Notify land owners/managers of presence of BGHF and discuss implications for use and management. (High priority)
		11. Undertake priority stormwater and erosion control works. (High priority)
		12. Undertake priority weed control works. (High priority)
		13. Undertake rehabilitation/restoration and/or regeneration actions at identified priority sites. (High priority)
		3. (Habitat assessment) Identify and map priority sites for protection of BGHF remnants. (High priority)
		5. Control and regulate access and land use via fencing and signage. (High priority)
		6. Coordinate detailed review and assessment (tenure/zoning/ownership/threats) of mapped BGHF remnants; incorporating new remnants. (High priority)
		7. Implement appropriate fire management practices. (High priority)
		1. Develop and implement a BGHF community education; awareness and involvement campaign. (Medium priority)
		6. Investigate planning and incentives programs to promote and encourage protection and management of BGHF; particularly on private land. (Medium priority)
Coastal Saltmarsh in the NSW North Coast; Sydney Basin and South East Corner Bioregions	Endangered Ecological Community	1. Encourage or conduct research to determine ecological processes within BGHF; including fire ecology; soil seedbank and response to disturbance. (Low priority)
		4. Determine location; species composition and threats to remaining remnants to assist with prioritising restoration works. (Medium priority)
		5. Enhance the capacity of persons involved in the assessment of impacts on this EEC to ensure the best informed decisions are made. (Medium priority)

Scientific name	Level of threat	Priority actions
		6. Identify and prioritise other specific threats and undertake appropriate on-ground site management strategies where required. (Medium priority)
		8. Liaise with landholders and undertake and promote programs that ameliorate threats such as weeds; grazing and human disturbance. (Low priority)
		11. Undertake weed control for Bitou Bush and Boneseed at priority sites in accordance with the approved Threat Abatement Plan. (Medium priority)
		12. Use mechanisms such as Voluntary Conservation Agreements to promote the protection of this EEC on private land. (Medium priority)
Duffys Forest Ecological Community in the Sydney Basin Bioregion	Endangered Ecological Community	1. Collate data for conservation assessment of all DFEC remnants. (High priority)
		10. Review the distribution and map remnants of Duffys Forest EEC; including degraded areas. (High priority)
		5. Liaise with private land owners to pursue active management for conservation. (High priority)
		6. Liaise with public authorities to pursue active management for conservation. (High priority)
		7. Notify landowners and managers of the presence of DFEC remnants under their care and/or control. (High priority)
		8. Prepare & implement POM on public land. (High priority)
		9. Prioritise; cost and implement threat management & ecological restoration works. (High priority)
		1. Assess and manage the impacts of horse riding & mountain bike activities. (Medium priority)
		2. Consult with and support private landholders to undertake threat management & restoration actions. (Medium priority)
		7. Launch DEC and Council incentives programs. (Medium priority)

Scientific name	Level of threat	Priority actions
		1. Encourage and facilitate research; fire; pests; size resilience; viability; species diversity; ecological processes; habitat restoration; translocation; cultural heritage values and uses. (Low priority)
		2. Liaison with Aboriginal community regarding cultural values and traditional uses. (Low priority)
Swamp oak floodplain forest of the NSW North Coast; Sydney Basin and South East Corner bioregions	Endangered Ecological Community	7. Liaise with landholders and undertake and promote programs that ameliorate threats such as grazing and human disturbance. (Low priority)
		3. Enhance the capacity of persons involved in the assessment of impacts on this EEC to ensure the best informed decisions are made. (Medium priority)
		4. Identify and prioritise other specific threats and undertake appropriate on-ground site management strategies where required. (Medium priority)
		5. Implement appropriate fire management practices. (Medium priority)
		10. Undertake weed control for Bitou Bush and Boneseed at priority sites in accordance with the approved Threat Abatement Plan and associated PAS actions. (Medium priority)
		11. Use mechanisms such as Voluntary Conservation Agreements to promote the protection of this EEC on private land. (Medium priority)
Sydney Turpentine-Ironbark Forest	Endangered Ecological Community	1. Local Govt prepare plans of management in accordance with the Local Government Act for reserves containing EECs; which have conservation as a primary objective; or where conservation is compatible. (High priority)



## Ku-ring-gai Bushland Plan of Management





### Purpose of the plan:

- 5 year plan
- To assist in the management of bushland owned or managed by Council
- Requirement under the  
*NSW Local Government Act 1993*



### Key Structural Changes:

- Focus on bushland
- Inclusion of revised / new legislation, guidelines etc
- Restructured to reduce repetition
- Actions aligned to Council's programs, projects & services
- Adoption of additional strategies / programs to reduce impacts



# Ku-ring-gai Bushland Plan of Management

*State and Federal*

- DECC Recovery and Threat Abatement Plans
- DECC Priority Action Statements (PAS)

*Ku-ring-gai Council*

- Corporate Planning Framework (Providing 1, 5 and 20 year objectives and targets)

- Local Environmental Plan & Development Control Plan

- Biodiversity Strategy

- Policies

**Ku-ring-gai Bushland Plan of Management**

**Ku-ring-gai Bushland Plan of Management Operational Plan**

- Bushland Operational programs, projects & services



# Ku-ring-gai Bushland Plan of Management

## *Prescribes actions for management of reserve features*

Action	Services and Projects	Proposed Time Frame	Department	Responsible Officer
Incorporate best knowledge regarding appropriate fire regime into land management practices.	Fuel Management Program	On-going	Strategy & Environment	Technical Officer - Fire
			Operations	Bushland Maintenance Supervisor
Review past fire history and species / community fire requirements to determine current fire threshold and to help inform future burn proposals.	ESL Management	Not planned	Strategy & Environment	Environmental Officer - Strategy
Where possible monitor impact of fire on threatened species populations to inform DECC/ RFS/ Local Government Planning.	Strategic Fire Advantage Zone General Bushland (different fire regimes)	Not planned	Strategy & Environment	Technical Officer - Fire

## *Priority Action Statement*

Value	Action Type	Action Title	Action Priority	Value
Blue Gum High Forest Critically Endangered Ecological Community	Habitat Management: Fire.	Implement appropriate fire management practices	Critical	Commenced

# Ku-ring-gai Bushland Plan of Management Operational Plan

### **Provides:**

- A reference to relevant Operational programs, projects & services
- Step to consider Ecologically Sensitive Lands

### **Including use of:**

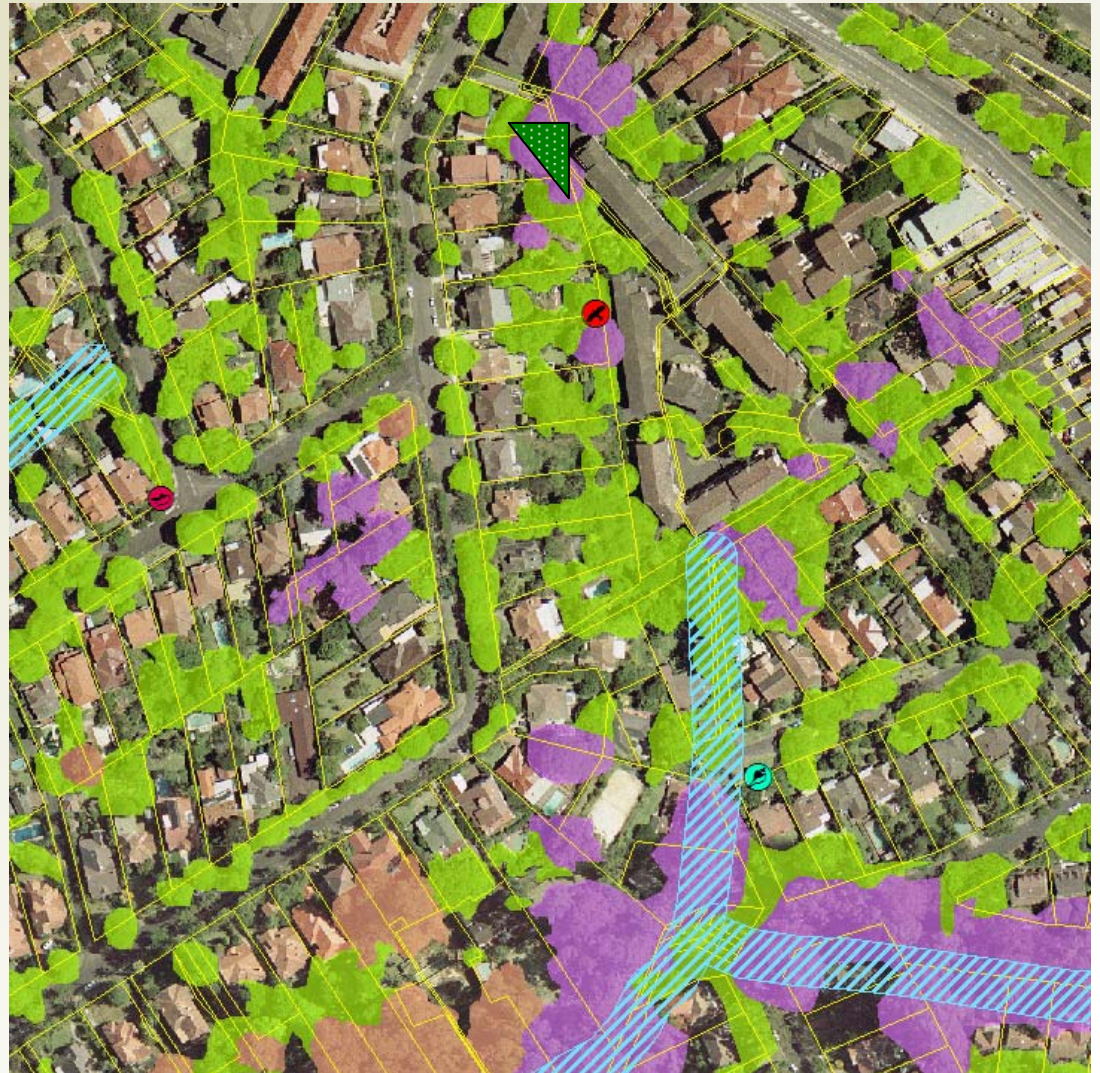
- Ecologically Sensitive Lands - maps
- Ecologically Sensitive Lands - checklist

## Ecologically Sensitive Lands

### Maps

Showing:

- Riparian areas
- Threatened species
- Threatened ecological communities
- No mow areas





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## DRAFT MISCELLANEOUS LANDS PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To recommend adoption of the draft Miscellaneous Lands Plan of Management.

**BACKGROUND:**

The draft *Miscellaneous Lands Plan of Management* was exhibited from 20 July 2009 to 14 September 2009 with final submissions accepted at the close of the public exhibition. An independently facilitated public hearing was held at 6pm on 7 September 2009 at Council Chambers.

**COMMENTS:**

No submissions were received in response to the exhibition. However, feedback was provided on the draft *Miscellaneous Lands Plan of Management* during the public hearing. Minor amendments have been made to the draft *Miscellaneous Lands Plan of Management* to reflect the comments raised in the public hearing.

**RECOMMENDATION:**

That Council adopt the Miscellaneous Lands Plan of Management with minor amendments.

## PURPOSE OF REPORT

To recommend adoption of the draft *Miscellaneous Lands Plan of Management*.

## BACKGROUND

On 7 July 2009, the draft *Miscellaneous Lands Plan of Management* was presented to Council with the following resolution which was carried unanimously:

- 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 Turramurra libraries and, on Council's website.*
- C. That Council give 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 process and incorporating comments received during the public exhibition process.*

## COMMENTS

In response to the exhibition and the public hearing for the draft *Miscellaneous Lands Plan of Management*, Council received no submissions in relation to the Plan. Feedback was provided during the public hearing on the 7 September 2009.

The main issues raised at the hearing were:

- the inclusion of a map based representation of the location of Council's miscellaneous lands; and
- the parcels of miscellaneous lands should be prioritised in order to assess the viability of the sale of selected sites.

Item 8

S06604  
11 September 2009

Maps of all identified sites have been incorporated into the amended draft *Miscellaneous Lands Plan of Management* and discussion regarding the investigation of the long term future of selected sites has been included within the Management Objectives and associated actions.

These amendments have been included in the attached draft *Miscellaneous Lands Plan of Management* (**Attachment 1**). It is considered that the amendments made are minor and do not alter the intent of the *Miscellaneous Lands Plan of Management*.

## CONSULTATION

Notification of the exhibition period and public hearing were listed on Council's website with electronic copies available for viewing. In addition to this, advertisements were placed in the North Shore Times on 26 August 2009 which is circulated within the Ku-ring-gai local government area. Posters and hard copies were available for viewing at the Council Chambers and all Council library branches.

The public hearing was held on 7 September 2009 and was chaired by an independent facilitator as per section 47G of the *Local Government Act 1993*. Notes from this hearing are included with this report (**Attachment 2**).

## FINANCIAL CONSIDERATIONS

The financial impact of the public exhibition process includes the cost of advertising the exhibition for the draft *Miscellaneous Lands Plan of Management* and the cost for the independent facilitator to attend the public hearing. This has been financed through the operational budget of the Strategy and Environment Department.

Once adopted, implementation of the *Miscellaneous Lands Plan of Management* would largely be achieved within annual operational budget allocations. 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 *Miscellaneous Lands Plan of Management* with the Operations and Strategy and Environment directorates.

## SUMMARY

On 7 July 2009 the draft *Miscellaneous Lands Plan of Management* was presented to Council for its endorsement for public exhibition. No comments were received during the exhibition period.

A public hearing was held on 7 September 2009 where minor issues were raised regarding the draft *Miscellaneous Lands Plan of Management*. These comments have been incorporated in the draft Plan (**Attachment 1**) and it is recommended that this draft *Miscellaneous Lands Plan of Management* be adopted by Council.



## RECOMMENDATION

- A. That Council adopt the draft *Miscellaneous Lands Plan of Management* with minor amendments (as identified in **Attachment1**).
- B. That all community members who have participated in the development of the draft *Miscellaneous Lands Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Miscellaneous Lands Plan of Management*.

Louise Hayward  
**Sustainability Officer**

Peter Davies  
**Manager Corporate Planning &  
Sustainability**

Andrew Watson  
**Director Strategy & Environment**

**Attachments:**

- 1. Draft Miscellaneous Lands Plan of Management - 2009/153029
- 2. Notes from public hearing - 2009/158274



Ku-ring-gai Council

# Miscellaneous Land

## DRAFT PLAN OF MANAGEMENT

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.
- To determine the appropriateness of land ownership

## 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.	Develop an operational asset management plan incorporating miscellaneous land.	Strategic Assets and Services	Medium
	To provide an agreed level of asset management and maintenance for miscellaneous land based on an adopted maintenance program.	Identify agreed standards of maintenance and asset management Prepare and implement building maintenance program inline with budgets	Engineering Services – Building Trades	High
	To determine the appropriateness of land ownership	Review maintenance program and service delivery standards on an annual basis Undertake investigation into the prioritisation of possible sale of selected sites.	Engineering Services – Building Trades Manager Strategic Assets and Services	High and ongoing High and ongoing Medium
	Impacts on adjoining land uses	To minimise adverse impacts from miscellaneous land on adjoining land uses.	Strategic Assets and Services	Medium and ongoing
			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 Cudjee 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 DP10320 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 Werona Avenue, Killara
Drainage Reserves	DP 27450 Wyomee Avenue, West Pymble
957 Drainage Reserves	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 Turrumurra 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 Turrumurra
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 Turrumurra 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 Werona 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 Werona 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	approach 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
913	SRA Agreement	downside of railway line bet Roseville & Lindfield from subway adj Strickland Ave 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 upside and downside of line bet traffic overbridge & footbridge station Wahroonga
924	SRA Agreement	- 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

## Geographical locations of land covered by this Plan





**SPIEGEL & ASSOCIATES PTY LIMITED**  
*Mediators and Solicitors*

Planning & Environmental Law  
Level 6, 229-231 Macquarie Street  
Sydney NSW 2000 Australia  
DX 960 Sydney

Phone: (02) 9232 5747  
Fax: (02) 9299 1888  
Mob: 0414 322 304  
spiegel@spiegelandassociates.com.au



## **Draft Plan of Management – Miscellaneous Lands**

**A Public Meeting was held at 6.00 – 8.30PM  
Monday 7 September 2009  
Council Chambers.**

### **Attendees:**

Cr Ian Cross  
Cr Jennifer Anderson  
Cr Duncan McDonald  
Cr E Keays

Peter Davies  
Roger Faulkner  
Jenny Scott  
Louise Hayward

This topic had a short discussion which concluded that:

Maps were to identify all miscellaneous lands.

Maps were to indicate the parameters which impacted on any of the parcels of land, such as, ecological considerations or if the land supported essential infrastructure

It should also be noted how the lands were acquired. i.e. were they bought, bequeathed, left over land from previous sub-divisions.

**Tina Spiegel (facilitator)**  
**23 September 2009**

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## DRAFT COUNCIL CHAMBERS PLAN OF MANAGEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To recommend adoption of the draft Council Chambers Plan of Management.

**BACKGROUND:**

The draft *Council Chambers Plan of Management* was exhibited from 20 July 2009 to 14 September 2009 with final submissions accepted at the close of the public exhibition. An independently facilitated public hearing was held at 6pm on 7 September 2009 at Council Chambers.

**COMMENTS:**

No submissions were received in response to the exhibition. However, feedback was provided on the draft *Council Chambers Plan of Management* during the public hearing. Minor amendments have been made to the draft *Council Chambers Plan of Management* to reflect the comments raised in the public hearing.

**RECOMMENDATION:**

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



## PURPOSE OF REPORT

To recommend adoption of the draft Council Chambers Plan of Management.

## BACKGROUND

On 7 July 2009, the draft *Council Chambers Plan of Management* was presented to Council with the following resolution which was carried unanimously:

- 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 give 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.*
- G. *That values and issues include an additional point of canopy trees and that the strategic plan be amended to include retention of canopy trees as an issue.*

## COMMENTS

In response to the exhibition and the public hearing for the draft *Council Chambers Plan of Management*, Council received no submissions in relation to the Plan. Feedback was provided during the public hearing on the 7 September 2009.

The main issues raised at the hearing were that the existing site no longer provides for the requirements of all Council staff working within the building, elected officials or community members. Use of the building has outgrown the site.

These amendments have been included in the attached draft *Council Chambers Plan of Management* (**Attachment 1**). It is considered that the amendments made are minor and do not alter the intent of the *Council Chambers Plan of Management*.



Item 9

S06604  
2 October 2009

Outside the preparation of the *Council Chambers Plan of Management*, the site has been identified within the town centres LEP with a proposed B2 – Local Centre zoning which allows a wide range of uses including retail commercial community and residential. The proposed building height is 26.5 metres or the equivalent of eight storeys with potential for additional storey (total potential height 29.5 metres) under the urban design excellence clause in the LEP. The Town Centres DCP provides for more detail on the intentions of this site.

This area is envisaged to become the “civic hub” for Ku-ring-gai Local Government area. Existing facilities could be improved and new facilities developed including:

- i) a new and larger Council chambers building;
- ii) a new auditorium for performances and events;
- iii) a contemporary exhibition space;
- iv) art studios and workshops;
- v) new Council administration building;
- vi) an expanded Gordon library;
- vii) sufficient on site parking for all users; and
- viii) new office accommodation for a range of community services to co-locate.

Objectives- Key Area G3

- Expand the Council Chambers to provide improved civic, administrative and cultural functions and facilities for residents;
- Co-locate a range of facilities and services in one central location;
- Cater for the current and future cultural needs of the community;
- Protect and conserve existing heritage items; and
- Provide new civic spaces and parks for the local residents.

As Council has not resolved a direction on the long term future of this site outside the zoning, the draft *Council Chambers Plan of Management* has been prepared with a short to medium term horizon. This being said, should Council decide on a direction and timetable for the site that may accommodate new community and other facilities it may be necessary to revisit the *Council Chambers Plan of Management*.

## CONSULTATION

Notification of the exhibition period and public hearing were listed on Council’s website with electronic copies available for viewing. In addition to this, advertisements were placed in the North Shore Times on 26 August 2009 which is circulated within the Ku-ring-gai local government area. Posters and hard copies were available for viewing at the Council Chambers and all Council library branches.

The public hearing was held on 7 September 2009 and was chaired by an independent facilitator as per section 47G of the *Local Government Act 1993*. Notes from this hearing are included with this report (**Attachment 2**).

## FINANCIAL CONSIDERATIONS

The financial impact of the public exhibition process includes the cost of advertising the exhibition for the draft *Council Chambers Plan of Management* and the cost for the independent facilitator to attend the public hearing. This has been financed through the operational budget of the Strategy and Environment Department.

Once adopted, implementation of the *Council Chambers Plan of Management* would largely be achieved within annual operational budget allocations. 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 *Council Chambers Plan of Management* with the Operations and Strategy and Environment directorates.

## SUMMARY

On 7 July 2009 the draft *Council Chambers Plan of Management* was presented to Council for its endorsement for public exhibition. No comments were received during the exhibition period.

A public hearing was held on 7 September 2009 where minor issues were raised regarding the draft *Council Chambers Plan of Management*. These comments have been incorporated in the draft Plan (**Attachment 1**) and it is recommended that this draft *Council Chambers Plan of Management* be adopted by Council.

## RECOMMENDATION

- A. That Council adopt the draft *Council Chambers Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Council Chambers Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Council Chambers Plan of Management*.

Louise Hayward  
Sustainability Officer

Peter Davies  
Manager Corporate Planning  
& Sustainability

Andrew Watson  
Director Strategy &  
Environment

**Attachments:**      **1. Draft Council Chambers Plan of Management - 2009/162500**  
                             **2. Notes from public hearing - 2009/158270**

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
- 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 – specifically the Pacific Highway front façade of the building.

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

Level two contains administration areas for Council staff and is only accessible via security doors.

Level three contains the Council Chambers, being the main public area within the building.

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

Level five contains temporary office space and a small lunch area for building occupants.

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

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

The existing site no longer provides adequate facilities for both Council administration or community functions and services as the demand for both these functions have grown beyond the capacity of the existing site.

## **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

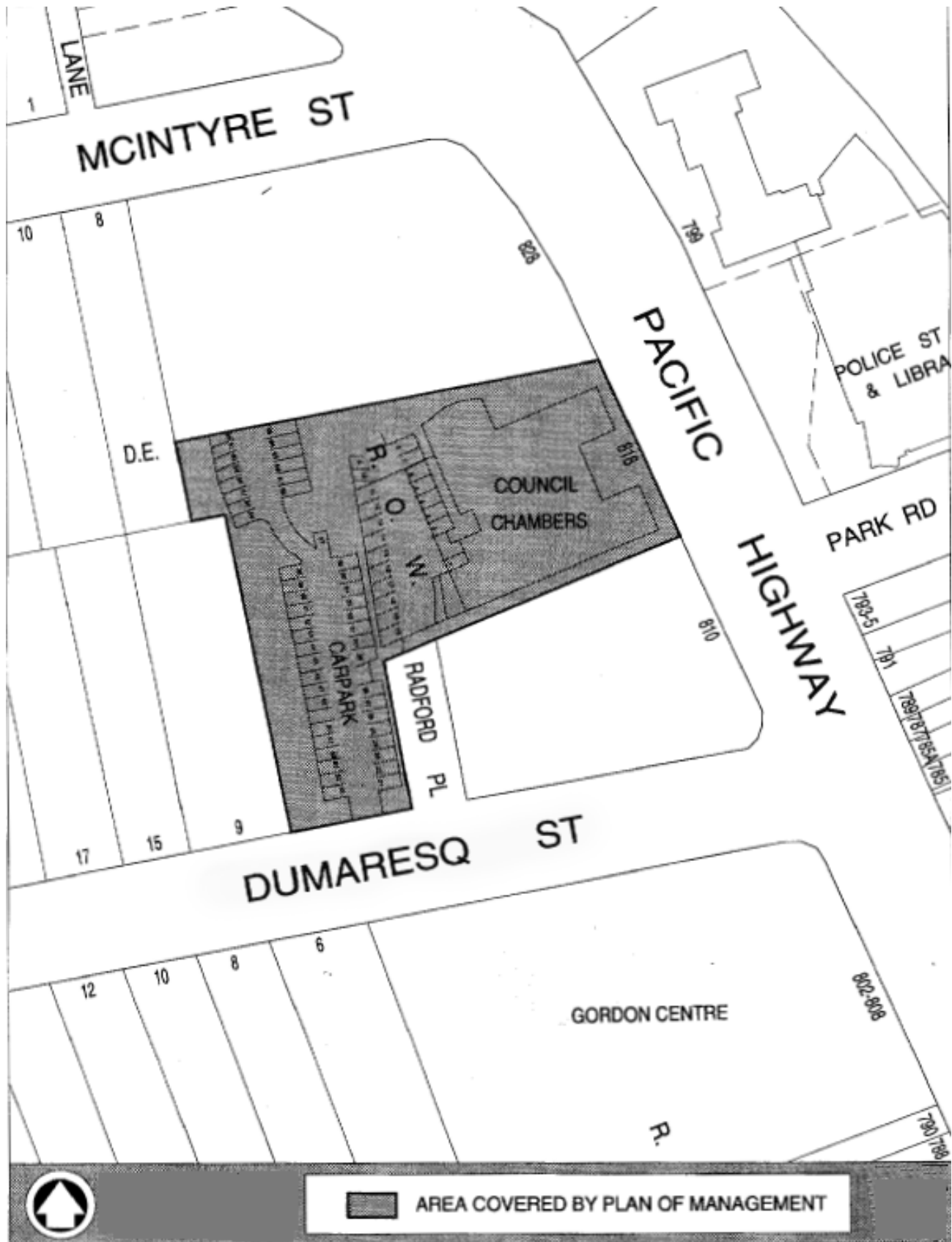
The Plan of Management provides for and authorises the following current and permitted uses:

- 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
- 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. Some parking areas are limited to visitor or Councilor parking only
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
- Civic space.
- Canopy trees

### Issues:

- 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
- 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
- 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
- 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 develop and implement 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 its facilities
- manage bookings for various activities;
- to comply with the *Local Government Act 1993* for any lease/license agreements
- to ensure a wide range of uses is achieved

- 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, in its existing state 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.

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

Investigation into commercial opportunities through site redevelopment should be continued to improve the financial sustainability and community connection to the site.

### 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
- 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, increase in building occupants and lack of a strategic maintenance plan, have created an environment of cubicles and offices with limited space, 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.

However, in light of this, Council should consider redeveloping the site to better meet the needs of users and substantially improve the internal environment.

### Objective

- To provide appropriate levels of space, 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
- procedures to minimise exposure
- an appropriate documentation system, incorporating safety performance, which can be used as a data source in identifying risks
- 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.

However there is opportunity to increase the civic space of the site through investigating opportunities for display areas and communal civic spaces, regional galleries and event spaces through the redevelopment of the existing facilities.

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

### Objective

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

## Canopy trees

### Issue

The Chambers site contains significant canopy trees which provide visual amenity and improved streetscape, a microclimate for the site and habitat for local fauna.

Although canopy trees provide many benefits at the site, management of them must consider the potential for falling limbs either through storm damage or age, especially in areas where pedestrians and cars have access.



## **Objective**

To retain and manage canopy trees 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.

Issue	Objective	Performance Indicators	Responsibility	Priority
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.	Sustainability	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. Investigate commercial opportunities through site redevelopment	Strategic asset management and services	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.	Engineering services, asset maintenance and management	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.	Engineering services, asset maintenance and management	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.	Engineering services, asset maintenance and management	High  Medium

<b>Issue</b>	<b>Objective</b>	<b>Performance Indicators</b>	<b>Responsibility</b>	<b>Priority</b>
Historical and cultural values.	To retain and promote the heritage value of the Council Chambers.	Implement the Conservation Management Plan (2009)	Engineering services, asset maintenance and management	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.  Investigate site redevelopment for substantial internal environment improvement	Engineering services, asset maintenance and management	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	Engineering services, asset maintenance and management	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.	Urban planning	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.  Investigate opportunities to provide a facility which meet current and future demands.	Urban planning	Medium

<b>Issue</b>	<b>Objective</b>	<b>Performance Indicators</b>	<b>Responsibility</b>	<b>Priority</b>
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.	Engineering services, asset maintenance and management	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.	Engineering services, asset maintenance and management	Low  Ongoing
Public art	To provide opportunities for public art at the Council Chambers site.	Investigate opportunities for public art at the Council Chambers site.	Leisure, art and cultural development	Ongoing
Canopy trees	To retain and manage canopy trees at the Council Chambers Site.	Maintain canopy trees in consideration of tree health and safety of site users.	Manager Open Space Services	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.



**SPIEGEL & ASSOCIATES PTY LIMITED**  
*Mediators and Solicitors*

Planning & Environmental Law  
 Level 6, 229-231 Macquarie Street  
 Sydney NSW 2000 Australia  
 DX 960 Sydney

Phone: (02) 9232 5747  
 Fax: (02) 9299 1888  
 Mob: 0414 322 304  
[spiegel@spiegelandassociates.com.au](mailto:spiegel@spiegelandassociates.com.au)



## Draft Plan of Management – Council chambers

**A Public Meeting was held at 6.00 – 8.30PM  
 Monday 7 September 2009  
 Council Chambers.**

### Attendees:

Cr Ian Cross  
 Cr Jennifer Anderson  
 Cr Duncan McDonald  
 Cr E Keays

Peter Davies  
 Roger Faulkner  
 Jenny Scott  
 Louise Hayward  
 2 Committee members

There was general agreement that:

**Council Chambers were to be rebuilt and not maintained as they currently are.**

It was considered that the Chambers are not an asset worth maintaining (except from a heritage perspective). The main reason for this conclusion was that the current facilities are not meeting Council or community needs.

In any future rebuilding program the heritage façade would be maintained and this would be supported by a Heritage Study

The following actions were suggested:

- \* Increase community perspective of the building as a Civic Centre
- \* Seek community involvement and opinions for improvement of the Chambers as a community facility
- \* Return the building to being used as a Community "HUB"

This was recognised as an opportunity for an architectural competition, to design a new building with a direction towards sustainability. This would showcase Council's direction of purpose with its work towards climate change.

As part of the architectural competition all different aspect of the whole community of Ku-ring-gai would be reflected in the design.

The action to be taken is:

- \* Mapping of the entire site with pictorial representations
- \* Showing the existing building constraints which don't allow for large congregation of people. (As an example, there was the need to use the UTS site for the public briefing of the LEP Town Centre.)
- \* Showing how, with more space and facilities, there would be greater community use.
- \* **To Create a Concept Plan to represent what Ku-ring-gai stands for**

An example of additional spaces required is an art / exhibition space and a Community Room.

The greenspace within / around the building could be improved and this in turn will improve the canopy and environment.

**Change of Plan of Management to allow the creation of a new Council building as the facility currently is not meeting the needs of the community or Council.**

**Tina Spiegel (facilitator)**  
**23 September 2009**

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

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To recommend adoption of the draft Ku-ring-gai Art Centre Plan of Management.

**BACKGROUND:**

The draft *Ku-ring-gai Art Centre Plan of Management* was exhibited from 20 July 2009 to 14 September 2009 with final submissions accepted at the close of the public exhibition. An independently facilitated public hearing was held at 6pm on 7 September 2009 at the Council Chambers.

**COMMENTS:**

No submissions were received in response to the exhibition. However, feedback was provided on the draft *Ku-ring-gai Art Centre Plan of Management* during the public hearing. Minor amendments have been made to the draft *Ku-ring-gai Art Centre Plan of Management* to reflect the comments raised in the public hearing.

**RECOMMENDATION:**

That Council adopt the draft Ku-ring-gai Art Centre Plan of Management with minor amendments.



## PURPOSE OF REPORT

To recommend adoption of the draft *Ku-ring-gai Art Centre Plan of Management*.

## BACKGROUND

On 7 July 2009, the draft *Ku-ring-gai Art Centre Plan of Management* was presented to Council with the following resolution which was carried unanimously:

- 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.*
- 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.*

## COMMENTS

In response to the exhibition and the public hearing for the draft *Ku-ring-gai Art Centre Plan of Management*, Council received no submissions in relation to the Plan. Feedback was provided during the public hearing on the 7 September 2009.

The main issues raised at the hearing were:

- recognition of the constraints of a building which is not purpose built and the visual amenity of the building is poor;
- demand is outstripping the ability of the building and we need to focus on future usage over next five (5) years with flexibility for trends and demographics (ie. Global interactive lessons);
- existing building could not cope in its current form as an holistic Ku-ring-gai wide arts node, however it is suitable for a boutique style of arts centre;

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S06604  
14 September 2009

- site could benefit from café-style facilities for not only the arts centre users, but also those of the adjacent park and tennis courts;
- storage requirements of dangerous goods materials within the plan require tightening (MSDS);
- possibility of installing lockers to assist in encouraging use of public transport (no need to carry heavy art equipment);
- need a map showing the curtilage of the site which identifies ownership of Council land and surrounding residential land;
- signage at the site in artistic style;
- notify surrounding landowners of events and invite them to build a better relationship between the centre and its neighbours; and
- need to stimulate the passion within our community as a way to increase community contributions to the art centre.

These amendments have been included in the attached draft *Ku-ring-gai Art Centre Plan of Management* (**Attachment 1**). It is considered that the amendments made are minor and do not alter the intent of the *Ku-ring-gai Art Centre Plan of Management*.

## CONSULTATION

Notification of the exhibition period and public hearing were listed on Council's website with electronic copies available for viewing. In addition to this, advertisements were placed in the North Shore Times on 26 August 2009 which is circulated within the Ku-ring-gai local government area. Posters and hard copies were available for viewing at the Council Chambers and all Council library branches.

The public hearing was held on 7 September 2009 and was chaired by an independent facilitator as per section 47G of the Local Government Act 1993. Notes from this hearing are included with this report (**Attachment 2**).

## FINANCIAL CONSIDERATIONS

The financial impact of the public exhibition process includes the cost of advertising the exhibition for the draft *Ku-ring-gai Art Centre Plan of Management* and the cost for the independent facilitator to attend the public hearing. This has been financed through the operation budget of the Strategy and Environment Department.

Once adopted, implementation of the *Ku-ring-gai Art Centre Plan of Management* 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 *Ku-ring-gai Art Centre Plan of Management* with the Operations and Strategy and Environment directorates.

## SUMMARY

On 7 July 2009 the draft *Ku-ring-gai Art Centre Plan of Management* was presented to Council for Council endorsement for public exhibition. No comments were received during the exhibition period.

A public hearing was held on 7 September 2009 where minor issues were raised regarding the draft *Ku-ring-gai Art Centre Plan of Management*. These comments have been incorporated in the draft Plan (**Attachment 1**) and it is recommended that this draft *Ku-ring-gai Art Centre Plan of Management* be adopted by Council.

## RECOMMENDATION

- A. That Council adopt draft *Ku-ring-gai Art Centre Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Ku-ring-gai Art Centre Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Ku-ring-gai Art Centre Plan of Management*.

Louise Hayward  
Sustainability Officer

Peter Davies  
Manager Corporate Planning &  
Sustainability

Andrew Watson  
Director Strategy & Environment

Attachments:      1. Draft Ku-ring-gai Art Centre Plan of Management - 2009/153023  
                         2. Notes from public hearing - 2009/158269



Ku-ring-gai Council

# **Ku.ring.gai Art Centre**

## **DRAFT PLAN OF MANAGEMENT**

October 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 sets the framework and objectives for the management of Council's Art Centre over the next 5 years and incorporates the values of the site by the community and regular users .

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 to provide a basis for measurement upon which to evaluate the implementation of the Plan.

## Background

Council owns and manages the Ku-ring-gai Art Centre. Many of the people who visit the centre, are residents of Ku-ring-gai. From a regional perspective, the centre is one of the larger art facilities provided by local government and attracts people across Sydney.

This Plan of Management is strategic in its focus. It intentionally does not provide specific details in regards to how works or actions are to be performed or achieved. These are reflected in the annual Management plan and will be incorporated within the Asset Plan as adopted by Council.

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, Councillor 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.

## 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.

## 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**.

## 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.

For the purposes of Section 36 Clause 4 this Plan of Management categorises the Ku-ring-gai Art Centre as general community use.

## 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.

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.

## 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;
- 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
- cultural opportunities

Issues raised with the site and activities therein include:

- 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
- sustainable management

Figure 1; Area covered by Plan



North

Scale: 1:800

## Current and permitted uses

This land provides for and authorises the following current and permitted uses:

### Current uses:

- multi-disciplinary art classes such as sketching, painting, sculpture, pottery, glass and mosaic art, music, creative writing, drama, silver and beaded jewellery
- art exhibitions
- functions and special events such as 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
- art market

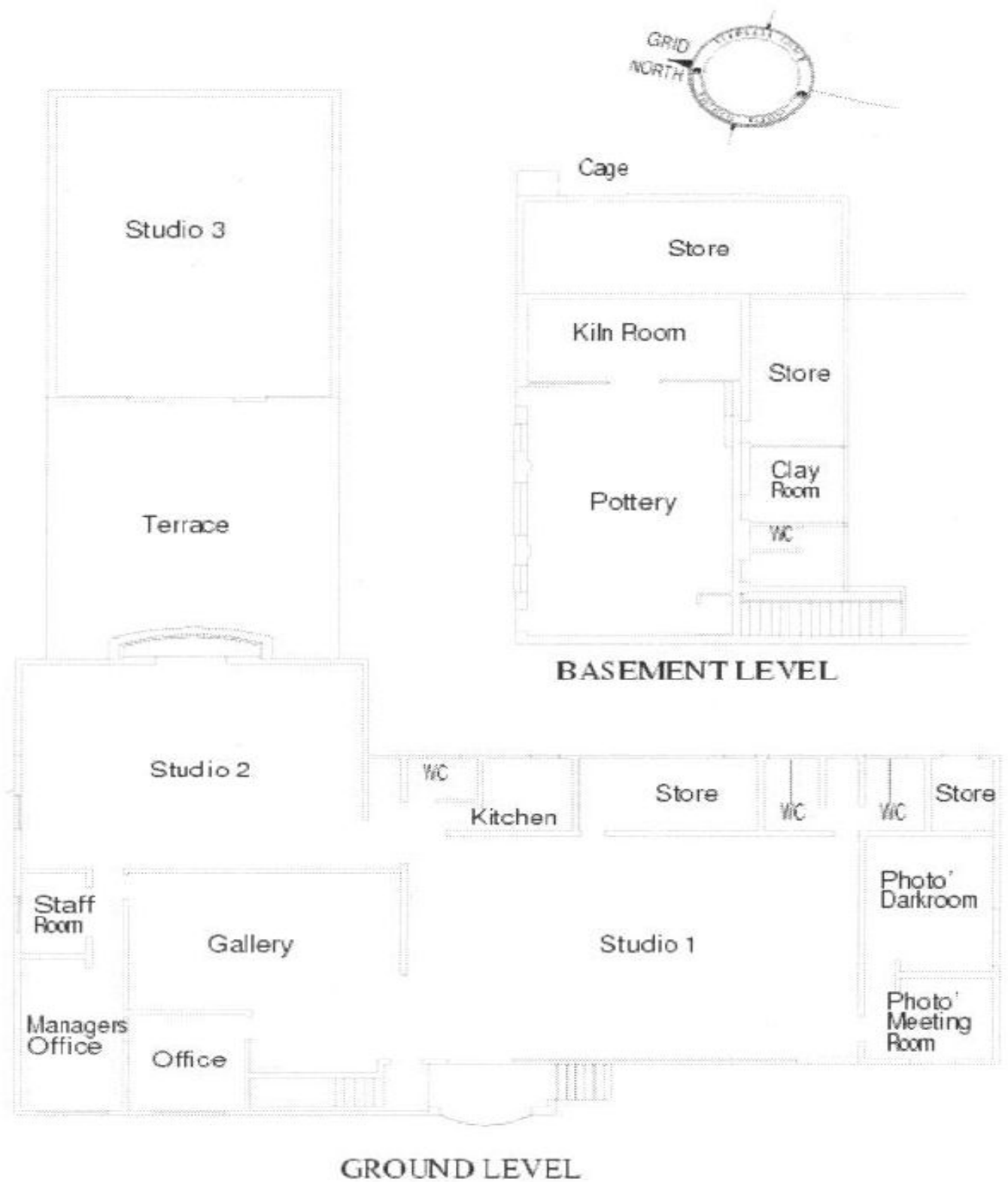
### Permitted uses:

- multi-disciplinary art classes such as sketching, painting, photography, sculpture, pottery, glass and mosaic art, silver and beaded jewellery, creative writing, music, drama
- art exhibitions
- functions and special events such as 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
- community events
- café
- lectures and shows
- computer classes and online study
- global interactive lessons and lectures

## 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 – 2200 (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 0800 – 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 2: 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.
- 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
- 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
- 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
- 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**

The existing site is not adequate to address the demands of arts and culture of the entire Ku-ring-gai local government area. This demand will increase with the expected population increase within the area. 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. However, there is potential to keep the site as a boutique styled arts centre.

The building has limited seating arrangements for lectures with poor acoustics and can be hot during summer or at crowded events. 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. 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 computer graphics programs and the ability to provide internet based global interactive lectures and lessons by overseas artists 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, equipment 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
- 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
- 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.	Engineering Services, Asset Maintenance and Management.	High
		Prepare and implement maintenance and asset management programs that are consistent with Condition Audit.		High
		Monitor condition of facilities and maintenance and asset programs as required.		Ongoing
Storage	To provide safe, sufficient and appropriate storage space for art equipment, supplies and art work.	Identify materials which require extra or more appropriate storage.	Engineering Services, Asset Maintenance and Management. / Leisure, Art and Cultural Development	High/Ongoing
		Complete Material Safety Data Sheets for all hazardous materials at the centre.		High/Ongoing
	To prepare and implement longer term strategy to manage hazardous materials.	Audit hazardous materials.		High
		Determine appropriate storage requirements for hazardous materials.		High
Access	To provide adequate disabled access to and within the centre. To provide sufficient access in the case of an emergency.	Determine appropriate storage location and facilities required and to seek funding.	Human Resources Leisure, Art and Cultural Development Engineering Services, Asset Maintenance and Management.	High
		Install storage required for hazardous materials.		Ongoing
		Continue to monitor and make improvements where required.		High
		Consult Condition, Audit.		High
	To provide adequate directional signage.	Audit the exits of the Centre and any emergency procedures that are in place.	Engineering Services, Asset Maintenance and Management.	High
		Develop an evacuation plan.		High
		Implement the evacuation plan, provide training for the students and notify new students of the plan.		Ongoing
	To provide sufficient vehicular and pedestrian	Audit access for emergency vehicles.	Engineering Services, Asset Maintenance and Management.	High
		Produce a strategy to improve access in and out of the building.		High
		Consult Condition, Audit.		High
	Audit the directional signage.	Engineering Services, Asset Maintenance and Management.	High	
	Provide adequate signage and develop and implement a plan to make the art centre visible from surrounding areas.		High	
	Audit access for vehicles and pedestrians.		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.	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.	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.	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.	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.	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.	High High/Ongoing

		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.		High/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.	Waste Management Leisure, Art and Cultural Development	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.	Regulation and Compliance Leisure, Art and Cultural Development	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.	Climate Change Leisure, Art and Cultural Development	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.



**SPIEGEL & ASSOCIATES PTY LIMITED**  
Mediators and Solicitors

Planning & Environmental Law  
Level 6, 229-231 Macquarie Street  
Sydney NSW 2000 Australia  
DX 960 Sydney

Phone: (02) 9232 5747  
Fax: (02) 9299 1888  
Mob: 0414 322 304  
spiegel@spiegelandassociates.com.au



## Draft Plan of Management – Ku-ring-gai Arts Centre

**A Public Meeting was held at 6.00 – 8.30PM  
Monday 7 September 2009  
Council Chambers.**

### Attendees:

Cr Ian Cross  
Cr Jennifer Anderson  
Cr Duncan McDonald  
Cr E Keays  
Cr Cheryl Szatow

Peter Davies  
Roger Faulkner  
Louise Hayward  
Two Community members

### **Key Issues**

- \* What is not being achieved at the existing site with existing amenities?
- \* What strategies would be required to improve the existing site and amenities?
- \* What role does the existing Arts Centre play now and in the future to meet community needs.
- \* The benefit of community involvement and consultation.

### **Asset management**

It was suggested as a first step that all the existing users be identified as well as future users. These users can then be consulted regarding a required program for the repair and maintenance of this asset.

A brief history of this asset may be provided to assist the consultation process. The history may include facts such as how the centre occurred and whether it was purchased by Council or received as a bequest.

**Agreed that a consultation program involving existing and future users be established**

### **Use of Building**

The issue discussed was whether the Centre met the current and future use needs of the community.

To discuss this issue it was necessary to establish what needs the Centre intended to fulfil. It was agreed that the Centre was not adequate for the entire Municipality as a cultural centre.

It was further agreed that it was not practical to consider it as a cultural centre for the whole community. Rather it may be considered as a boutique facility serving the immediate community. Also it was considered that the Centre may focus on a particular type of creative pursuit.

**Agreed the centre was to develop and support the unique characteristic it has in relation to creative pursuits.**

### **Building**

The site has restrictions as the Centre was not 'purpose built'. To accommodate all the needs a larger site is required

Demand is outstripping the ability of the building to meet the needs of the community. There are inadequate facilities such as not enough seating, projectors, sound proofing and storage facilities.

This lack of facilities results in personal discomfort, due to heat, noise and the need to carry all materials and objects there and back from the Centre due to lack of storage capacity.

Visual amenity of building is poor because of the location of the entrances from carparks, and from adjoining tennis courts.

### **Location**

Existing site not adequate for entire municipality

Increasing population due to medium density zoning creates a greater demand for more cultural outlets.

The existing venue may be converted to Café with associated Gallery and art rooms.

Surrounding park is positively used by residents for children's play area and a 'buffer' zone between existing centre and residential areas exists.

### **Storage / OHS**

All storage must be in accordance with MSDS

Safety audits are regularly done for the site. A check of the disposal of remainder of dangerous goods on site needs to be implemented.

Need lockers and the on-going maintenance of existing ones as well as storage space for maintenance tools.

### **Access**

Signage is currently not adequate. The entrances are not clearly defined and the existence of an Art Centre is not indicated by the signs. It was suggested that an artistic entrance be commissioned to reflect the existence of the Centre.

Clearer directional signage to art centre, tennis courts, school is needed.

It was suggested that some form of public transport be provided to encourage people not to bring individual cars. To this end the provision of a Community Bus was considered. This suggestion linked with the provision of additional



lockers so that people using the centre did not need to carry so many materials with them.

### **Security / vandalism**

Install security light to deter vandalism. The continued and encouraged involvement of the community in surveillance of the site will assist. A better response from Council rangers and State Police is to be sought. Past experience of smashed bottles found in children's playground area is an ongoing dangerous situation.

### **Consideration for future usage**

It was decided to focus on future use with flexibility for changing trends and demographics. Possible extra usage suggested was for lectures, shows and other creative areas.

### **Feasibility Study to be conducted for larger centre and café.**

### **Impacts to adjoining land users**

To ensure that the Centre and residents live harmoniously it was considered that Communication with the adjoining residents was an essential feature.

### **Notify and invite residents to future events.**

Consideration be given to environment impacts eg smoke from kilns  
Create a notification database for interested residents – other than immediate neighbours

### **Funding**

To raise funds it was considered necessary to stimulate passion within community for the Art Centre.  
Ensure the Section 94 Contribution Plan includes use of the Arts Centre  
Seek Federal Grants  
Make sure that the Centre is considered as part of voluntary planning agreements.

**Tina Spiegel (facilitator)**

**23 September 2009**

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## **NO 1 MILLEWA AVENUE, WARRAWEE - EXTINGUISH A REDUNDANT DRAINAGE EASEMENT**

---

**Ward: Wahroonga**

### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

To seek approval to extinguish a redundant Council drainage easement at No 1 Millewa Avenue, Warrawee.

#### **BACKGROUND:**

The subject owner submitted a request to Council to extinguish one of the drainage easements traversing the property. One of the drainage easement burdening the property is no longer in use or function to convey stormwater runoff from road located upstream of the property. Existing road water from the Crescent Close is conveyed to Bangalla Street via an existing easement along the southern boundary of the subject property.

#### **COMMENTS:**

A stormwater system exists to convey stormwater from Crescent Avenue to Bangalla Street through the property from No 1 Crescent Avenue, No 5, No 3 and No 1 Millewa Avenue. One of the drainage easement traversing No 1 Millewa Avenue has become redundant.

#### **RECOMMENDATION:**

That Council approves the extinguishment of the drainage easement subject to Conditions A to C noted in the recommendation of the report.

## PURPOSE OF REPORT

To seek approval to extinguish a redundant Council drainage easement at No.1 Millewa Avenue, Warrawee.

## BACKGROUND

A letter submitted by Ms Victoria Smyth to seek Council approval to extinguish one of the redundant drainage easements located on the property. The applicant has paid the application fee and agreed to pay all legal costs and disbursements associated with the extinguishment.

According to the Registered Surveyor Degotardi, Smith & Partners' report, the subject property is burdened by drainage easement 1.83 m wide created by Transfer C420767, Easement to Drain Water 1m wide created by DP648001 and Easement 1.83 wide created by Transfer C827501 and are as shown in **Attachment 2**.

## COMMENTS

The subject property is burdened by three (3) drainage easement traversing the property as shown in Survey Plan as **Attachment 2**. Base on available information, the easement noted (c) is no longer required to convey road water from upstream of the subject property to Bangalla Street. Council record Number E22 indicated that the pipeline was relocated along the southern side boundary of the subject property within the easement noted (A) some time in 1939. This information is supported by a stormwater drainage plan number C01 submitted by an engineering consultant Robert A. Brell & Associates for a development application in 2003 on the subject property. In addition, a physical confirmation was carried out by mean of a Close Circuit Camera survey of pipe line within the drainage easement noted (A)

The existing stormwater system conveys road water from Crescent Close to Bangalla Street via drainage easement noted (A) in No.1 Millewa Avenue as shown in **Attachment 1**.

## CONSULTATION

The property owner has been advised verbally and by letter regarding the requirements and process of getting Council's approval for extinguishment of the drainage easement.

## FINANCIAL CONSIDERATIONS

All costs associated with the extinguishment of the easement are to be borne by the property owner.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

The property owner of No.1 Millewa Avenue, Warrawee seeks Councils approval to extinguish a redundant drainage easement located on the property. The subject property is burdened by several drainage easements. One of the drainage easement 1.83m wide created by Transfer C420767 that traverses the property is no longer serves its function to convey road water from upstream of the subject property to Bangalla Street. It was replaced by an existing drainage easement 1.83m wide created by Transfer C837501 traversing along the southern side boundary of No.1 Millewa Avenue. As a consequence, the easement created by Transfer C420767 is no longer needed and is considered redundant.

## RECOMMENDATION

- A. That Council approves the extinguishment of the drainage easement 1.83 m wide created by Transfer C420767 traversing No 1 Millewa Avenue , Warrawee.
- B. That authority be given to affix the common seal of the Council to the appropriate instrument for the extinguishment of Easement.
- C. That the cost for extinguishment of the drainage easement and Council's legal costs and disbursements be borne by the applicant

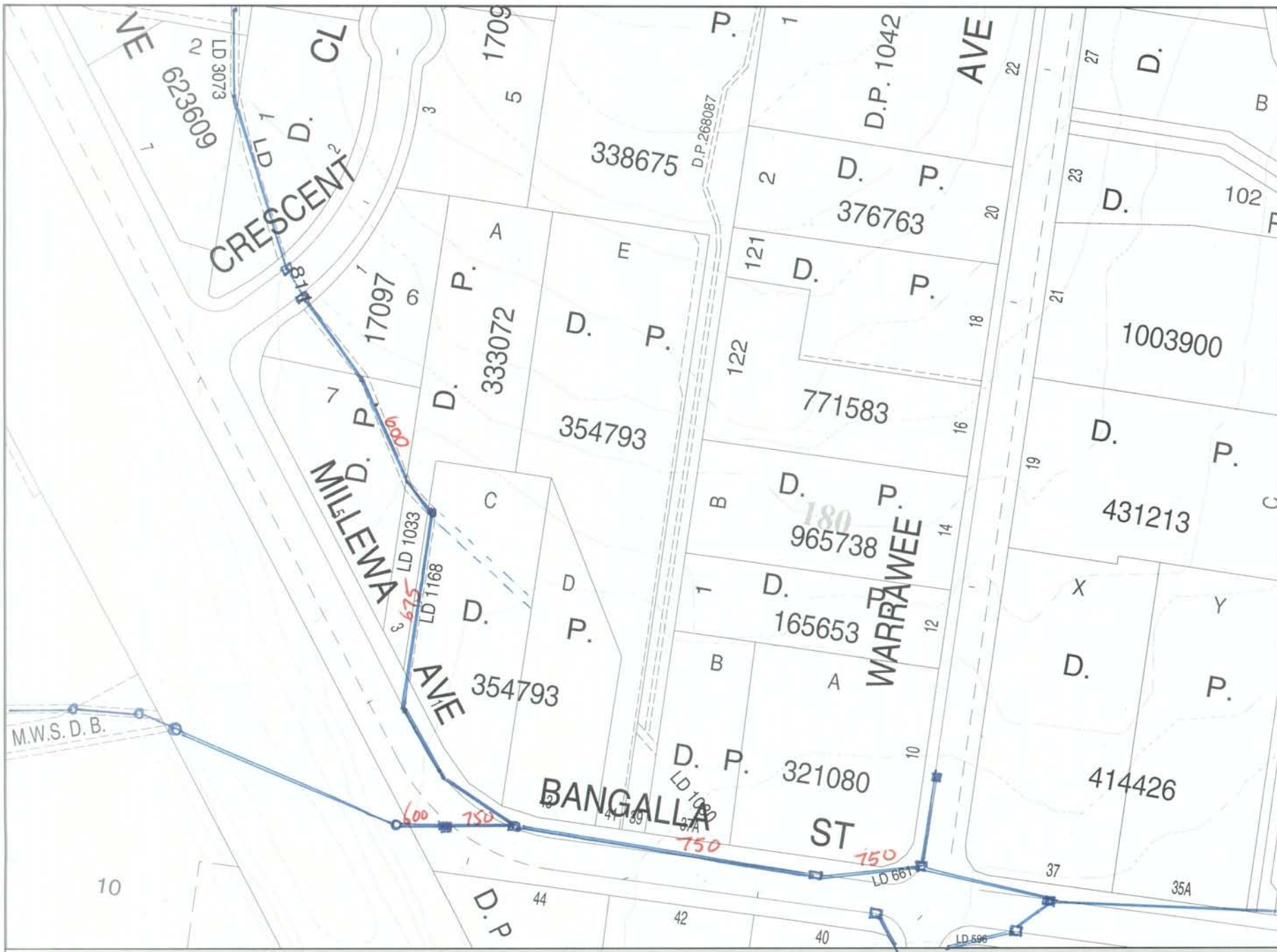
Eng Tan  
Drainage Assets Engineer

Jim Turner  
Acting Manager Project &  
Design

Greg Piconi  
Director Operations

**Attachments:** 1. Location plan for existing drainage easement and stormwater pipeline - 2009/171635  
2. Survey plan for property within No 1 Millewa Avenue - 2009/171643

# LEGEND



Scale: 1:1200

08-10-2009

Location Plan for existing drainage  
easement and stormwater pipeline

Attachment 1



RENDERED  
HOUSE  
No.3

A D.P. 333072

E  
D.P. 354793



2.22 WALL-BDY

2.22 WALL-BDY

2.30 WALL-BDY

2.30 WALL-BDY

(2.95)

D  
D.P. 354793

BRICK HOUSE  
No.43

(3.02)

Attachment 2

(A) EASEMENT 1.83 WIDE (C827501)

(B) EASEMENT TO DRAIN WATER 1 WIDE  
(D.P. 648001)

(C) EASEMENT FOR DRAINAGE 1.83 WIDE  
(C420767)

MILLER  
AVENUE

(0.035)  
CLEAR

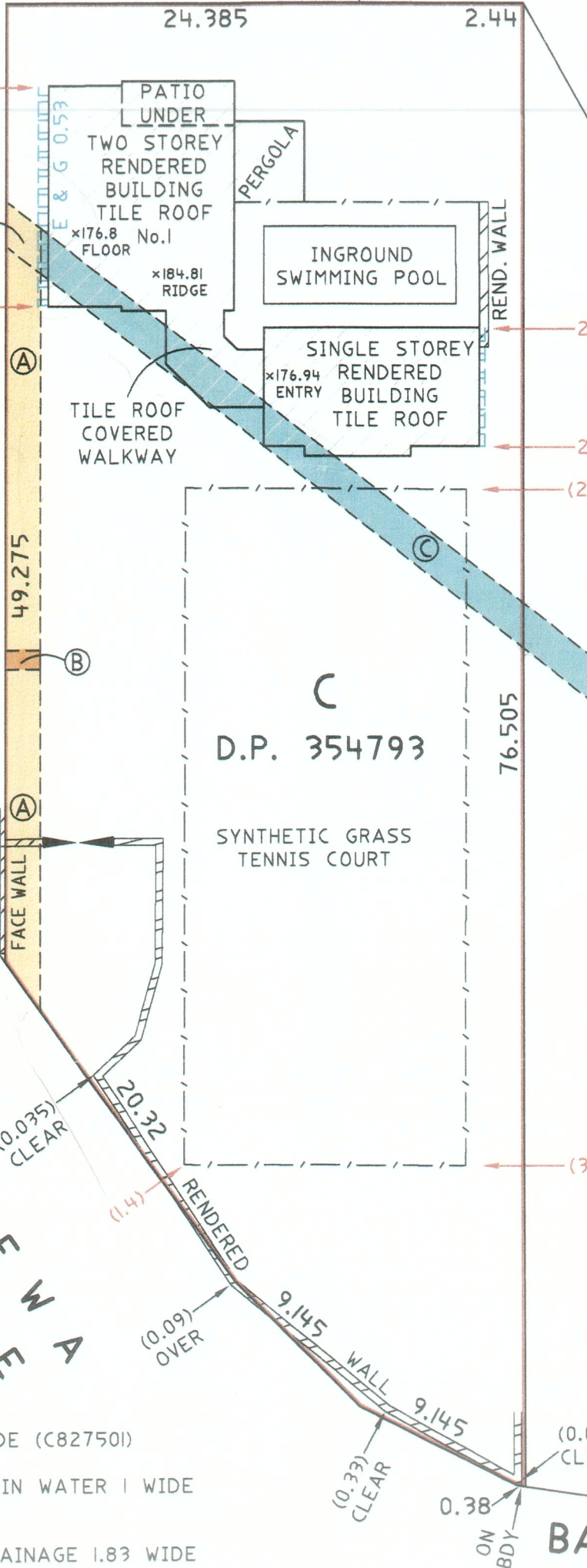
(1.4)

(0.09)  
OVER

(0.33)  
CLEAR

0.38  
ON  
BDY

BANGALLA  
STREET



---

## WASTE SERVICES - NOVATION OF CONTRACT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek approval for authorisation of the Novation of Contract with Kimbriki Environmental Enterprises Pty Ltd for Council's operational waste.

**BACKGROUND:**

Warringah Council's waste facility has now been corporatised to Kimbriki Environmental Enterprises Pty Ltd and our existing waste disposal contract is now the subject of a Novation Deed to assign the Contract to the new corporate body.

**COMMENTS:**

The novation is a continuation of the existing contract and the Novation Deed has been the subject of legal review with Council solicitors who advise to proceed with the Deed.

**RECOMMENDATION:**

That the Mayor and General Manager be delegated authority to sign the Novation Deed and apply the seal of Council.

## PURPOSE OF REPORT

To seek approval for authorisation of the Novation of Contract with Kimbriki Environmental Enterprises Pty Ltd for Council's operational waste.

## BACKGROUND

Council entered into a service agreement for the receipt of operational waste including vegetation, segregated engineering waste, and mixed depot waste in October 2007 with Warringah Council.

The receipt facility known as the Kimbriki Waste Management Centre was owned by Warringah Council and included in the contract was Council's agreement to the novation or assignment of the contract in the event that the Kimbriki Waste Management facility was corporatised.

Approval from the Minister for Local Government was received by Warringah Council and the Kimbriki waste facility is now a corporate body.

Legal advice confirms Council is required to agree to the novation in accordance with Clause 23 (c) of the contract and that the Novation Deed submitted is a suitable instrument to give effect that agreement.

Prior to execution of the Novation Deed it will be necessary for Council to formally resolve to execute the Deed under the seal of Council.

## COMMENTS

The novation is a continuation of the existing contract with Council that includes the provision to assignment the contract should the Kimbriki waste facility become a corporate body.

The Novation Deed has been the subject of legal review with Council's solicitor, Matthews Folbigg and their advice is to proceed with the deed and to seek Council's resolution to the signing of the deed and affixing the seal of Council.

## CONSULTATION

Legal advice has been received to proceed with the deed as proposed.

## FINANCIAL CONSIDERATIONS

No financial impact results from the assignment of the deed.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable



## **SUMMARY**

The existing operational waste contract included the provision for assignment once the Kimbriki facility was approved to establish a corporate body.

The Novation Deed is a suitable instrument to give effect to the assignment and legal advice has been received to ensure the deed is within the interests of Council.

## **RECOMMENDATION**

- A. That Council resolves to execute the Novation Deed between Kimbriki Environmental Enterprises Pty Ltd and Ku-ring-gai Council.
- B. That the Mayor and General Manager be delegated authority to sign the Novation Deed and apply the seal of Council.

Colin Wright  
**Manager Waste Drainage & Cleansing Services**

Greg Piconi  
**Director Operations**

**Attachments:**      **A. Copy of legal advice from Matthews Folbigg - 2009/171225**  
                             **B. Copy of Novation Deed-Confidential**

---

**From:** Joerg Schmidt-Liermann [joergsl@matthewsfolbigg.com.au]  
**Sent:** Thursday, 1 October 2009 11:38 AM  
**To:** Colin Wright  
**Subject:** TRIM: RE: Novation of Contract

**Importance:** High

**TRIM Record Number:** 2009/167108

---

Colin,

I apologise for the delay in getting back to you with our advice.

I confirm that we have reviewed the terms of the Deed as amended and forwarded to us on the 16 September 2009.

We note that the Deed as amended essentially reflects the requirements noted in our advice to Council of the 24 June 2009, though be it in an alternative form.

Most importantly the Deed now provides for Kimbriki's acceptance of "all liability under the Contract" in place of Warringah Council as noted in clause 2.1(b).

The mutual releases between Warringah and Ku-Ring-Gai are appropriate as noted in clause 2.2.

We also confirm that Kimbriki has accepted responsibility for Council's reasonable legal costs as noted in clause 4.4(b).

We confirm that it is in order for the Deed to be executed by Council under seal, subject to Council having formally resolved to do so in accordance with clause 400 of the Local Government (General) Regulation 2005 (NSW).

Please do not hesitate to contact the undersigned should you have any further queries in regard to this matter.

Kindest Regards

Joerg Schmidt-Liermann  
Senior Associate  
MatthewsFolbigg : :  
Lawyers

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-----Original Message-----

From: Colin Wright [mailto:cwright@kmc.nsw.gov.au]  
Sent: Wednesday, 16 September 2009 16:15  
To: Joerg Schmidt-Liermann  
Subject: Novation of Contract

Joerg,

Please see copy of amended Kimbriki Novation Deed prepared by Clayton Utz.  
I have read your advice dated 24 June 2008 regarding their first draft which we sent to Kimbriki, however the updated Deed is not exactly the same as your suggested draft amendments.  
Could you please advise if the Deed as currently provided is suitable for signing once Council has formally resolved to affix its Seal?

Regards

Colin Wright  
Manager

Waste, Drainage & Cleansing Services

Ku-ring- <<Restructure of Kimbriki Waste and Recycling Centre - Novation of Contract between Warringah Council and - request GM signature.TIF>> g <<Restructure of Kimbriki Waste and Recycling Centre - Novation of Contract between Warringah Council and Ku-Ring-Gai Council dated 2007 - request GM signature.tr5>> ai Council ph 9424-0782 Email cwright@kmc.nsw.gov.au

=====  
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## ASIA PACIFIC TOURISM CONFERENCE

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To consider a request from Councillor Anderson to attend the Asia Pacific Tourism Conference.
<b>BACKGROUND:</b>	The Asia Pacific Tourism Conference <i>Global Eco</i> will be held in Alice Springs on 9 to 11 November 2009.
<b>COMMENTS:</b>	Councillor Anderson has requested approval for Council to meet the cost of her attendance at the conference.
<b>RECOMMENDATION:</b>	That Council meet the cost of Councillor Anderson attending the Asia Pacific Tourism Conference Global Eco to be held in Alice Springs on 9 to 11 November 2009 estimated at \$3,500.

## PURPOSE OF REPORT

To consider a request from Councillor Anderson to attend the Asia Pacific Tourism Conference.

## BACKGROUND

The Asia Pacific Tourism Conference *Global Eco* will be held in Alice Springs on 9 to 11 November 2009. A copy of the conference brochure is **attached**.

## COMMENTS

Councillor Anderson has requested approval for Council to meet the cost of her attendance at the conference.

Councillor Anderson has advised as follows:

*I request Council consider sending representation to the 17th Annual Asia-Pacific Global Eco Tourism Conference to be held in November in Alice Springs, Northern Territory. The conference is pertinent to the Economic Development and Tourism policy being developed by Ku-ring-gai Council and presented to councillors in draft form in July this year. Furthermore, during the last month or so Council has received two visits from the Business Development Manager of the State Government Department of State and Regional Development who has met with both Council staff and councillors to look for possible joint projects. This has led to an expression of interest by the Department in progressing tourism based initiatives in Ku-ring-gai through a \$20,000 grant for a feasibility study and business plan. This is to be further explored through a day forum to be held in the third week of November. These potential initiatives would be themed around Ku-ring-gai's natural environment, Aboriginal heritage and eco-tourism and thus fit very well with the Global Eco Conference programme with vast opportunities to benefit Council and the community.*

*Global Eco brings together leading players from across the globe to examine best practice across sustainability, ecotourism, tourism in protected areas and climate change response. Critical new research, policy and best practice case studies feature. The conference is themed Green Tourism - New Energy, New Business and will focus on new enterprise opportunities. The Conference will provide focussed information to assist Council in economic development and tourism policy development as well as innovative ideas and practical knowledge from industry experts. Council's policy requires its conference delegate/s to provide a written report to Council on the aspects of the conference relevant to Council business and/or the community.*

The cost of Councillor Anderson's attendance, including conference registration, airfares and accommodation, field trip, transfers, meals and incidentals is estimated at \$3,500.

The *Policy for the Payment of Expenses and Provision of Facilities to Councillors* permits Council to meet the above costs if approved by resolution.

## CONSULTATION

None undertaken or required.

## FINANCIAL CONSIDERATIONS

The 2009/10 budget for conferences is \$21,100 and at the end of October \$8,529 has been spend against a year to date budget of \$7,032.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None undertaken or required.

## SUMMARY

Council Anderson has requested that Council meet the cost of her attendance at the Asia Pacific Tourism Conference *Global Eco* to be held in Alice Springs on 9 to 11 November 2009. Council may authorise this expenditure by resolution.

## RECOMMENDATION

That Council meet the cost of Councillor Anderson attending the Asia Pacific Tourism Conference *Global Eco* to be held in Alice Springs on 9 to 11 November 2009 estimated at \$3,500.

John Clark  
**Director Corporate**

**Attachments:**      **Conference Brochure - 2009/169966**



ASIA-PACIFIC TOURISM CONFERENCE

global  
eco

New Green Tourism  
New Energy, New Business

9-11 November 2009  
Alice Springs, Australia

3-DAY REGO

\$1150

single day also  
available

### Convenor's Message

Green tourism, experiential tourism and ecotourism are capturing enormous interest from travellers and the industry itself. This Asia-Pacific conference should be an essential part of your professional development plans.

Alice Springs provides highly applied and practical examples of regional development, Indigenous enterprise, the greening of the industry and partnerships between tourism and protected area managers. As a Solar City and the heart of Desert Knowledge Australia, Alice Springs provides exemplary case studies. Delegates, themselves experts in their fields, will contribute to debate and discussion along with our impressive array of national and international speakers.

The 2009 Global Eco conference takes a highly applied and practical focus. In a period when competitive advantage has become a vital part of business it is important to keep up with the latest trends and business tools.

#### Tony Charters

Conference Convenor

### Global Eco Overview

#### Pre-Conference Field Trips

Field trips are designed around the conference theme and set the scene for interactive discussion throughout the conference. Pre-conference field trips are optional and have been designed in close consultation with the tourism and protected areas managing agencies together with local operators. Four optional field trips are offered:

one

#### Uluru to Alice – Driving the Red Centre

Friday 6 November commencing at 15.30 at Uluru and concludes in Alice Springs Sunday 8 November at 17:00

Cost: \$750

two

#### Indigenous Tourism Development in the West MacDonnell Ranges

Saturday 7 November commencing in Alice Springs at 08:00 and concludes back in Alice Springs on Sunday 8 November at 16:30

Cost: \$550

three

#### Nature-based Tourism Development in the West MacDonnell Ranges

Saturday 7 November commencing in Alice Springs at 08:00 and concludes back in Alice Springs on Sunday 8 November at 16:30

Cost: \$425

four

#### Aboriginal Art of Central Australia

A half day field trip around Alice Springs on Sunday 8 November commencing at 13:00 and returning at 17:00

Cost: \$50

Premier Annual  
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9-11 November 2009

**DAY 2 - TUESDAY 10 NOVEMBER**

**Global Eco Theme Streams**

**EcoDesign:** focuses on sustainable tourism and ecotourism physical planning of Ecolodges, Sustainable Hotel Design and Sustainable Infrastructure and will provide a practical approach to EcoDesign.

**EcoMarketing:** obtain the latest knowledge and trends in consumer behaviour, e-marketing and social networking tools from marketing, technology and distribution experts. Includes a practical workshop on optimising online marketing.

**Indigenous Tourism Development:** drawing on global examples this Theme Stream will examine the opportunities, tools and methods of building Indigenous business opportunities in the tourism industry. Delegates will have the opportunity to view innovative case studies and to create new networks with leading players in the industry.

**Sustainability and Climate Change:** many of the climate hotspots are critical tourism destinations. The focus will be on responding to climate change - what is the consumer demanding? What are the opportunities provided by climate change? Sustainability is fundamental to this conference agenda.

**Technology:** this travelling workshop gives you the opportunity to explore innovative technology in Alice Springs - Solar City. Innovation in the areas of water use, waste treatment and in alternative energies feature.

**Tourism and Protection Through Partnerships:** innovative partnerships can achieve significant benefits for communities, business and the heritage values regions. How are these developed, what procedures can protect the environment and what are the business benefits of striking strategic partnerships?

**Tourism in Protected Areas:** at no time has there been a greater focus on the role tourism can play in sustainability and conservation. Public and private protected area tourism, fauna parks, innovative partnerships and best practice sustainability all have a place on the agenda.

**DAY 3 - WEDNESDAY 11 NOVEMBER**

**Full day plenary session:** with leading national and international keynote speakers. Significant discussion time is set aside to further explore concepts raised by speakers. A report back from the Theme Streams will provide an overview of key issues emerging across sustainability, green tourism and ecotourism.

**Networking Program**

Global Eco offers excellent business networking opportunities each evening of the conference. Networking events are invaluable for catching up with speakers and to establish ongoing links with colleagues - all within spectacular Central Australian locations.

**Global Eco Conference Program**

**DAY 1 - MONDAY 9 NOVEMBER**

This **plenary session** features leading national and international speakers addressing new enterprises and opportunities in relation to climate change, strategic links with the Asia-Pacific, Marketing, Sustainable Tourism, Ecotourism and Indigenous Business amongst others.

**3-DAY REGO  
\$1150**

single day also  
available

**Hotline**

**+61 7 3210 0021**





## Global Eco Snapshot

### SUNDAY 8 NOVEMBER

16:00-17:00 all field trips conclude  
in Alice Springs (optional)

16:00-19:00 **TAPAF Meeting**

19:00-22:00 **Networking Dinner (optional)**

### DAY 1 - MONDAY 9 NOVEMBER

08:30-08:45 Official Opening by **Kym Cheatham**,  
CE, Ecotourism Australia

08:45-9:05 The **Hon Peter Garrett** AM MP  
C'wth Minister for the  
Environment, Heritage and the Arts

09:05-09:25 **Dr Christopher Bruce Burns** MLA  
Northern Territory Government Minister  
for Tourism

09:30-10:00 **Maree Tetlow**, CEO, Tourism NT

10:00-10:30 **Grant Hunt**, CEO and Founder, Anthology

10:30-11:00 Morning Tea

11:00-11:30 To be advised

11:30-12:00 **Costas Christ**, Global Travel Editor  
National Geographic Adventure (USA)

12:00-12:30 Plenary Workshop – Interactive Discussion

12:30-13:30 Lunch

13:30-14:00 **Dr. shwaran Natarajan**, Director Division of  
Ecological and Earth Sciences, Secretary  
Man and the Biosphere (MAB) Programme,  
UNESCO, Paris (France)

14:00-14:30 To be advised

14:30-15:00 **Russell Boswell**, Manager, Savannah Way Ltd

15:00-15:30 Afternoon Tea

15:30-16:00 **Evan Hall**, National Manager Tourism, TTF  
(Tourism and Transport Forum)

16:00-16:30 Plenary Workshop – Interactive Discussion

16:30-17:00 **Hitesh Mehta**, Director, HM Design (USA)

18:00-21:00 **Welcome Cocktails**  
(included in registration)

Please note this program is subject to change,  
visit [www.globaleco.com.au](http://www.globaleco.com.au) for the most  
current program.

### DAY TWO - TUESDAY 10 NOVEMBER

07:00-08:00 **Ecotourism Australia**  
**Annual General Meeting**

09:00-17:00 Theme Stream Workshops - Choose one of the  
following Theme Stream Workshops:

- EcoDesign
- EcoMarketing
- Indigenous Tourism Development
- Sustainability and Climate Change
- Technology
- Tourism and Protection Through Partnerships
- Tourism in Protected Areas

19:00-22:30 **Networking Dinner at Ooraminna**  
**Homestead (optional)**

### DAY THREE - WEDNESDAY 11 NOVEMBER

09:00-09:30 **Brian T Mullis**, President, Sustainable Travel  
International (USA)

09:30-10:00 **Jane Madden**, Head of Tourism, C'wth Dept.  
of Resources, Energy and Tourism

10:00-10:30 **Frank Hubbard**, Director Corporate  
Responsibility, IHG (Intercontinental Hotels  
Group) Australia, New Zealand and South Pacific

10:30-11:00 Morning Tea

11:00-12:00 Theme Stream Workshop Report Back

12:00-12:30 Leaders Forum – Interactive Discussion

12:30-13:30 Lunch

13:30-14:00 Indigenous Business Australia

14:00-14:30 **Oliver Hillel**, Programme Officer,  
Convention on Biological Diversity (CA)

14:30-15:00 **Rod Hillman**, CEO, Kokoda Track Authority (PNG)  
and **James Enage**, Chairman, Kokoda Track  
Authority (PNG)

15:00-15:30 Afternoon Tea

15:30-16:00 Plenary Workshop – Interactive Discussion

16:00-16:30 **Lisha Mulqueeny**, Director Tourism and Recreation  
Group, Great Barrier Reef Marine Park Authority

16:30-17:00 **Francisco Dousdebes**, Director Environmental  
Affairs Division, Metropolitan Touring (Equador)

17:00-17:15 Official Close by **Kym Cheatham**, CE,  
Ecotourism Australia

19:00-22:00 **Gala Dinner and Ecotourism Awards Night**  
at the Alice Springs Convention Centre (optional)



Register at  
globaleco.com.au

## Exceptional National and International Speakers

The full program of keynote speakers is available at [www.globaleco.com.au](http://www.globaleco.com.au)



**Maree Tetlow,**  
CEO Tourism  
Northern Territory'



**Grant Hunt, CEO,**  
Founder, Anthology



**Costas Christ,**  
Global Travel Editor,  
National Geographic  
Adventure



**Ishwaran Natarajan**  
Ecological and Earth  
Sciences, UNESCO



**Kym Cheatham**  
CE, Ecotourism  
Australia



**Hon Peter Garrett**  
AM MP Commonwealth  
Minister

## Venue

The Global Eco Asia-Pacific Tourism Conference is held at the Alice Springs Convention Centre in Alice Springs, Australia, situated against a backdrop of the stunning West MacDonnell Ranges.

## Accommodation

A range of accommodation houses close to the conference venue have been selected. Visit the conference website to book accommodation at the special conference rate.

## Contact

Management Solutions (Qld) Pty Ltd  
Conference Secretariat

**Hotline +61 7 3210 0021**

**Register [www.globaleco.com.au](http://www.globaleco.com.au)**

Email [info@managementsolutions.net.au](mailto:info@managementsolutions.net.au)  
Fax +61 7 3210 0044

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HM Design (USA)



**Jane Madden,** Head of  
Tourism, C'wth Dept  
Resources Energy & Tourism



**Frank Hubbard,**  
Director Corporate  
Responsibility, IHG



**Oliver Hillel, UNEP**  
Convention on  
Bio Div (Canada)



**Rod Hillman, CEO**  
Kokoda Track  
Authority (PNG)



**James Enage,**  
Chairman, Kokoda  
Track Authority (PNG)



**Lisha Mulqueeny,**  
Director Tourism  
and Recreation  
Group, GBR Marine  
Park Authority



**Francisco Dousdebes,**  
Dir. Env. Affairs Div.  
Metropolitan Touring  
(Equador)