



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 29 APRIL 2008 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

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

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 8 April 2008

Minutes numbered 83 to 101

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Petition requesting Disabled Parking outside 280 Pacific Highway, Lindfield - (Thirty-Two [32] Signatures)** 1

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File: 88/05900/03

"We are residents living next door to the Medical Clinic located at 280 Pacific Highway, Lindfield.

We are constantly deprived of ingress and egress to our property due to many different vehicles having to stop to call at the Clinic eg ambulance, blood deliveries, medical supplies, passenger transport vehicles, taxis and hire cars.

It has been noticed that several of these half hour parking spaces located outside at 280 Pacific Highway are used by selfish, irresponsible drivers who park there daily for up to 5 hours.

Some of them work in the office above the Clinic.

Your rangers have tried to help, but their job is made ineffectual by these drivers who defy the guidelines of the Roads and Traffic Act.

Not only do these illegally parked vehicles cause havoc for us, but also cause hardship for seriously ill patients attending the Clinic for specialised treatment on the life saving equipment in this dialysis centre.

We are asking you to consider installing a disabled zone only as well as loading zone only, outside 280 Pacific Highway, Lindfield, to help many people overcome this chaotic situation."

GENERAL BUSINESS

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

- GB.1 **Amendment to the Council Meeting Cycle for September 2006** 2

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File: S02355

To amend the Council Meeting Cycle for September 2008.

Recommendation:

That Council amend its Meeting Cycle for September 2008.

GB.2 Ku-ring-gai Access Advisory Committee - Minutes of 13 March 2008 5

.
File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008.

Recommendation:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008 be received and noted.

GB.3 Ku-ring-gai Meals on Wheels Extensions 30

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File: S03148

To advise Council of a request from Ku-ring-gai Meals on Wheels Service for financial assistance for extensions to their premises at the Ku-ring-gai Support Services Centre in Turramurra.

Recommendation:

That Council support the proposed building works at the Turramurra Community Centre and that Council allocate \$38,500 from the pre 1993 Section 94 Plan to undertake the necessary works at this facility.

GB.4 Northshore Beekeepers Association Renewal of Licence Agreement 46

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File: S02796

To consider the granting of a five year licence to North Shore Beekeepers Association (NSW) Inc. within the North Turramurra Golf Course site.

Recommendation:

That Council grant a five year licence to North Shore Beekeepers Association (NSW) Inc.

GB.5 Policy for Relief from Rates Hardship resulting from Land Valuation Changes 52

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File: S06392

To provide rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment.

Recommendation:

That the relief from Rates hardship resulting from land valuation changes policy attached be adopted.

GB.6 **Policy for the Payment of Expenses & Provision of Facilities to Councillors** **57**

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File: S03779

To recommend exhibition of a revised Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Recommendation:

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

GB.7 **Code of Meeting Practice** **123**

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File: S02211

To consider a revised draft Code of Meeting Practice.

Recommendation:

That the revised Code of Meeting Practice be endorsed for placing on public exhibition.

GB.8 **Investment Report as at 31 March 2008** **225**

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File: S05273

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

Recommendation:

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

GB.9 Local Government & Shires Association - Request for Contribution 283

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File: S04151

To authorise the payment of a contribution to the Local Government and Shires Association (LGSA) publicity campaign against State Government planning proposals.

Recommendation:

That Council contribute \$1,776.97 to the LGSA publicity campaign against the State Government planning proposals.

GB.10 NSW Food Authority & New Procedures 290

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File: S04406

To provide a summary for Council on the recent legislative changes which have a direct impact on Local Government food surveillance programmes.

Recommendation:

That the impending changes in NSW Food Regulation be noted.

GB.11 Bushfire Management Policy (2007) Amendments 295

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File: S05914

To update the Bushfire Management Policy (2007) to reflect recent legislative and government policy changes.

Recommendation:

That Council consider for adoption the amendments to the Bushfire Management Policy (2007).

GB.12 Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting held 31 March 2008 311

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 31 March 2008.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 31 March 2008 and attachments be received and noted.

GB.13 Heritage Advisory Committee - Minutes of Meeting held 25 February 2008 321

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File: S03816

To report to Council the minutes of the Heritage Advisory Committee meeting held on 25 February 2008.

Recommendation:

That Council receive and note the minutes of the Heritage Advisory Committee meeting held 25 February 2008.

GB.14 Community Consultation Policy 331

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File: S02090

To exhibit the draft Community Consultation Policy.

Recommendation:

That Council publicly exhibits the draft Community Consultation Policy for a period of 28 days with a further 14 days for public comment. That during the exhibition period copies of the draft Policy be placed at the Council Chambers and Libraries and on Council's website and that a further report be presented to Council following the public consultation process.

GB.15 Request to amend Suburb Boundary 361

.
File: S04019

To respond to a petition to have part of Memorial Avenue, St Ives Chase to be amended to be located within the suburb of St Ives.

Recommendation:

That there be no amendment to the suburb boundary of the properties in Memorial Avenue, St Ives Chase. That the residents be notified of Council's decision.

GB.16 Plans of Management Review

369

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File: S06604

To present to Council a timetable for the preparation of new and review of existing Plans of Management.

Recommendation:

That Council consider for adoption the timetable for the preparation and review of its Plans of Management.

GB.17 Replacement of Bus Shelter at Illoura Avenue, Wahroonga with Adshell-type Bus Shelter

374

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File: S03552

To seek Council approval to replace a vandalised bus shelter situated on Illoura Avenue, Wahroonga, with a single non-advertising bus shelter.

Recommendation:

That Council approve the replacement of the existing shelter, situated at Illoura Avenue, Wahroonga, with the installation of a Classic style Adshel type, single 3 bay non-advertising shelter.

GB.18 79 to 81 Killeaton Street, St Ives - Relocation of Stormwater Pipeline & Easement

378

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File: DA0437/05, DA0442/05

For Council to consider granting approval for the relocation of a Council stormwater pipeline and easement that traverse the proposed development site.

Recommendation:

That Council grants approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of this report.

GB.19 Future Proposed Road Closure - Balfour Lane, Lindfield

385

File: S04350

To consider the formal public road closure of Balfour Lane Lindfield, in order to progress discussions with the adjoining property owners to achieve planning proposals inline with the Lindfield Town Centre Development Control Plan.

Recommendation:

That a formal road closure application for Balfour Lane be submitted to the Department of Lands.

GB.20 Principal Local Environmental Plan Work Program & Timetable

392

File: S04541

To provide Council with a revised work program for the development of the Principal Local Environmental Plan (LEP) and to seek a new resolution of Council under Section 54 of the Environmental Planning and Assessment Act (EP&A Act)

Recommendation:

That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a Principal Local Environmental Plan and that Council endorse the work program for the preparation of the Principal Local Environmental Plan for submission to the Department of Planning.

GB.21 Draft Management Plan 2008 to 2012, Budget & Fees & Charges & 2008/2009 Capital Works Program

407

File: S06351

To place Council's 2008-2012 Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 on public exhibition.

Recommendation:

That Council adopts the Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 for the purpose of public exhibition.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 **Proposed Masterplan for the Gordon Civic & Community Facilities Precinct**

474

File: S05930

Notice of Motion from Councillors A Ryan & M Lane dated 16 April 2008

When considered with Council's existing land holdings at 818 Pacific Highway and 3 Radford Place, the recent purchase of 9, 15, 17 Dumaresq Street (known as proposed "Dumaresq Street Park") provides Council with a unique opportunity to reconsider the types of facilities and public spaces which can be provided as the heart of the new Gordon Town Centre.

We move:

- "A. That Council prepare a master plan and options report for the area of land defined by 818 Pacific Highway and 3 Radford Place (Council Chambers); and 9, 15 and 17 Dumaresq Street (known as proposed "Dumaresq Street Park"), Gordon which:
- (1) Analyses and reviews the current uses on the site, including Council Chambers, Council Administrative Offices and car parking in terms of current capacity and future Council requirements.
 - (2) Considers Council's long term needs for cultural facilities across the LGA in line with the Community and Cultural Facilities Review (confirm correct study name - currently under preparation).
 - (3) Develops options for -
 - a) Protection and adaptive re-use of the heritage building
 - b) A new urban park (with a minimum size of 3465 square metres)
 - c) Car parking for public and staff to meet Council DCP standards
 - d) Community and cultural facilities
 - e) Council Administration Offices
 - f) Other appropriate uses.
 - (4) Is supported by an economic feasibility analysis showing how the redevelopment is to be funded.
- B. That master plan and options report be funded from existing surpluses in the 2007/2008 Strategy special projects budget."

NM.2 Boomerang Street - Planned Removal of Trees 476

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File: 88/05164/04

Notice of Motion from Councillor L Bennett dated 16 April 2008

I move

"That no tree removals are undertaken on public land in Boomerang Street until a full report has come to Council on such removals and associated road/kerb and gutter works."

NM.3 SES Headquarters Relocation 477

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File: S02543

Notice of Motion from Councillor E Malicki dated 17 April 2008.

I move -

"That a committee be set up to progress the relocation of the SES headquarters to meet the current and future operational needs of the Ku-ring-gai SES Unit.

The committee should consist of interested councillors, the GM and/or his nominee(s), the Local Controller of the Ku-ring-gai SES and his nominee, as well as Region Representatives or their nominees. The first meeting should be within two weeks."

NM.4 Release of Confidential Documents - Rezoning of 452 Mona Vale Road, St Ives under Draft LEP214 478

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File: S05450

Notice of Motion from Councillor T Hall dated 21 April 2008

I move:

"That the confidential legal opinion provided by Dr Steven Berveling, Barrister to the Council on 5 April 2007, supporting the expunging of "existing use rights" for a petrol station at 452 Mona Vale Road, St Ives, be released for press and public information forthwith, being the basis at ratepayers' cost for Council's decision to rezone the subject site under Schedule 8 of the Ku-ring-gai Planning Scheme Ordinance, at the request of the owner of the said site, the Department of Lands which as a third party, has sighted the Berveling Advising.

Concurrently, the General Manager's Confidential Briefing Memo to Councillors dated 12 June 2007, on the matter also be released for public information."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **31 Kissing Point Road, Turramurra - Proposal to Acquire** **1**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P48218

Report by Director Strategy dated 9 April 2008.

John McKee
GENERAL MANAGER

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MAYORAL MINUTE

STATE GOVERNMENT'S PLANNING CHANGES

Last year the NSW Government outlined its revised Development (Infrastructure) Contributions Framework, which would reduce the amount of funds councils could collect from developers to help build essential local facilities such as playgrounds, childcare facilities and community centres.

The revised framework would also see the Government:

- limit the types of infrastructure councils could collect levies for, and
- take control of the developer levies from growth centre councils, and other councils on a case by case basis.

In response to strong objections from the LGSA, councils and the community, the Government has made some concessions regarding the funding of community infrastructure and has advised that it would only take control of the funds from the six growth centre councils.

Despite this, the amount that can be collected from development levies will still be reduced and the range of facilities to which the funds will be applied will be more restricted.

Further, councils will no longer have the option to levy s94 contributions in established areas but will have to resort to the more limited contributions under 94A.

Developers have been lobbying for the revised framework which if implemented will significantly benefit them through the opportunity for increased profit.

Separately to this, in November last year the Government released its Discussion Paper on the Planning Reform Agenda, outlining 90 recommended changes to the NSW planning system.

The paper was put on exhibition over the Christmas/ New Year break, which limited the opportunity for response.

Even though 538 submissions were received, Department of Planning officials were given just a week to consider them before the draft legislation was finalised.

Local Government, in its submission, raised a number of concerns with the changes, including:

- An expanded role for private companies (private certifiers)
- The implementation of various panels and arbitrators, controlled by the Minister for Planning, to make local planning decisions; and

Item 1

S04554
29 April 2008

- The expansion of exempt and complying development, which would remove the communities' right to have a say over much of the development in their neighbourhood.

These views were shared by many other industry and community bodies.

The Draft Exposure Bills were released on April 3, 2008, and despite the wide ranging concerns expressed by councils, the community and other stakeholders, were not amended to reflect the concerns of relevant stakeholders. The strongly opposed revised developer levies framework was also included in the bills.

The laws will:

- add more layers of red tape and cost ratepayers millions of dollars to implement;
- take decisions away from local communities; and
- impact on councils' ability to provide crucial services.

Yet the Government has only exhibited the draft laws for three weeks before it intends to pass them.

These changes are being rushed through with total disregard to the views of communities, councils and other stakeholders - who will have to live with their many negative impacts.

RECOMMENDATION

That Council joins other Councils across NSW in calling for:

- A freeze on the implementation of The State Government's Draft Exposure Bills (Planning Changes); and
- A Parliamentary Inquiry into the NSW State Government's Draft Exposure Bills regarding the planning changes.
- That Council purchase seven banners from the Local Government and Shires Association at a cost of \$180.00 each.

Cr Nick Ebbeck
Mayor

PETITION

PETITION REQUESTING DISABLED PARKING OUTSIDE 280 PACIFIC HIGHWAY, LINDFIELD - (THIRTY-TWO [32] SIGNATURES)

"We are residents living next door to the Medical Clinic located at 280 Pacific Highway, Lindfield.

We are constantly deprived of ingress and egress to our property due to many different vehicles having to stop to call at the Clinic eg ambulance, blood deliveries, medical supplies, passenger transport vehicles, taxis and hire cars.

It has been noticed that several of these half hour parking spaces located outside at 280 Pacific Highway are used by selfish, irresponsible drivers who park there daily for up to 5 hours.

Some of them work in the office above the Clinic.

Your rangers have tried to help, but their job is made ineffectual by these drivers who defy the guidelines of the Roads and Traffic Act.

Not only do these illegally parked vehicles cause havoc for us, but also cause hardship for seriously ill patients attending the Clinic for specialised treatment on the life saving equipment in this dialysis centre.

We are asking you to consider installing a disabled zone only as well as loading zone only, outside 280 Pacific Highway, Lindfield, to help many people overcome this chaotic situation."

RECOMMENDATION

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

AMENDMENT TO THE COUNCIL MEETING CYCLE FOR SEPTEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To amend the Council Meeting Cycle for September 2008.

BACKGROUND:

The date for the holding of the ordinary elections of Councillors has been changed to 13 September 2008.

COMMENTS:

Options for Council's consideration.

RECOMMENDATION:

That Council amend its Meeting Cycle for September 2008.

PURPOSE OF REPORT

To amend the Council Meeting Cycle for September 2008.

BACKGROUND

The Local Government Act 1993 has been amended to change the date for the holding of ordinary elections of Councillors in and after 2008.

The Council had already amended its meeting cycle for September and October 2008 to take into account the original date (27 September) for the 2008 Local Government Elections, as follows:

9 September 2008	Ordinary Meeting of Council
23 September 2008	Ordinary Meeting of Council (CANCELLED)
14 October 2008	Ordinary Meeting of Council
21 October 2008	Ordinary Meeting of Council

COMMENTS

The 2008 Local Government Elections will now be held on Saturday, 13 September 2008. There was concern that the Elections would clash with the school holidays causing inconvenience to voters.

OPTIONS

Options for amending the Council Meeting Cycle for September are as follows:

Option 1

9 September 2008 - Ordinary Meeting of Council
30 September 2008 - Ordinary Meeting of Council

[30 September falls in the first week of the Spring school holidays. However, this date would allow for a protracted vote count.]

Option 2

2 September 2008 - Ordinary Meeting of Council
9 September 2008 - (transferred to 2 September 2008)
30 September 2008 - Ordinary Meeting of Council

Option 3

9 September 2008 - Ordinary Meeting of Council
23 September 2008 - Ordinary Meeting of Council

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council amend its Meeting Cycle for September 2008.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

KU-RING-GAI ACCESS ADVISORY COMMITTEE - MINUTES OF 13 MARCH 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008.

BACKGROUND:

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.

COMMENTS:

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

RECOMMENDATION:

That the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

CONSULTATION

Representatives from all departments of Council have input in agenda items and provide reports to the Committee.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008 be received and noted.

Martin Butcher
Community Development Officer
Aged & Disability Services

Janice Bevan
Director Community

Attachments: 1. Minutes of the Ku-ring-gai Access Advisory Committee meeting of 13 March 2008 - 920974
2. DDA Action Plan updated actions - 920252



KU-RING-GAI ACCESS ADVISORY COMMITTEE

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Thursday 13 March 2008

Minutes

1. Welcome Present/Apologies

2. Declaration of Conflict of Interest

Members did not declare any conflict of interest with any of the events on the agenda.

3. Business Arising

Other items not covered in this agenda.

Procedure for Unauthorised Use of Accessible Parking Permits

Martin has spoken to Council's parking rangers regarding the process they take if they believe a permit is being used by a person who should not be. The officer will ask to see photo identification which is on the back of the card. If that person is not present at the time, the officer will confiscate the card and issue a fine for unauthorised use of the parking spot. The driver will then have 21 days to bring their photo on the card to Council, whereby the fine will be cancelled and authorisation returned. If the person does not present to Council within 21 days the authorisation will be cancelled and they will need to reapply for an authorisation through the RTA. One parking ranger has confiscated 3 cards in the past few months.

Council officers do not have time to wait for a person to return to the car if they are not there at the time.

Filtration at the New Aquatic Centre at West Pymble.

The Committee requested information about the planned filtration proposed in the new indoor pool at West Pymble. Martin Butcher has spoken to Roger Faulkner who indicated that architects were engaged to design the Aquatic Centre.

4. Operations Department

Audit of bus stops and taxi ranks.

It is a requirement of the Public Transport Action Plan that 25 per cent of public transport infrastructure be accessible by 31 December 2007. As Council is unaware exactly how many of its bus stops are accessible, tenders for a consultant have been called to undertake an audit and to assess which stops are currently accessible and to advise as to the work that needs to be undertaken to have all bus stops accessible by 2022.

It is understood that all bus stops constructed since 2004 are accessible.

The Committee asked that Council prioritise any works to assist people who need accessible bus stops.

5. Strategy –

No report provided

6. Development & Regulation

The Community Development Officer (Ageing and Disability Services) has commented on the provision of access for Development Applications at the following locations.

- a. Lindfield Railway Station
- b. Meals on Wheels Dining Room
- c. Child Care Centre, 18 Fiddens Wharf Road, Lindfield

7. Community - Martin Butcher

International Day for People with a Disability

Council held 3 events for International Day of People with a Disability.

- A stall at Wahroonga Fair
- Focus on Ability Art Exhibition
- Open Day at West Lindfield Bowling Club

Although we were disappointed with the crowd's response to the trying of mobility aids at Wahroonga Fair, all the other events were well attended.

Disability Action Plan (DDA) Action Plan - Actions to Date

The DDA Action Plan was tabled at the meeting. The Plan includes the actions which have been undertaken to date. The document will be attached to the minutes when it is sent to Council.

8. Correspondence In:

Magazines and journals were tabled for the interest of the Committee.

9. Correspondence Out:

Nil

10. General Business

Footpaths: it was requested that information be provided as to when it is anticipated that every street in Ku-ring-gai will have a footpath on at least one side of the street.

Term of the Committee

It is constitutional that the term of the Council committees are in line with the term of Council. A new Council will call for nominations for new committees after the local government elections scheduled in September 2008. Current members will be encouraged to re-nominate. It is also an opportunity to look for new potential members.

11. Date of next meeting:

Meeting dates for 2008

17 April

19 June

21 August

16 October

11 December (if required)

Ku-ring-gai Council

**Disability Discrimination Act Action Plan
2005 - 2009**

Action to Date: updated 12/10/07

	Section 3	Objective 1	Facilitate the provision of access to all new buildings and buildings undergoing major renovation in accordance with relevant policies, standards and legislation.			
	Issues/barriers	Action Strategies	Timeframe	Responsible Officer	Estimated cost Included in existing budget	Action to Date
1.1	Utilise the expertise of the Access Committee by inviting them to comment on DA's for major public buildings and developments.	Where appropriate, development applications will be referred to the Access Advisory Committee for comment.	Within the required D.A. exhibition period and review annually	Director Development and Regulation.	Staff time	The Access Committee have commented on a number of projects including the Turrumurra, Gordon and Lindfield Stations and access to the Council Administration building. The CDO/ADS has made additional comments on a number of childcare centres and retail projects.
1.2	Building and facilities to meet access standards	Building and facilities to meet access standards including AS1428.2 -Design for access and ability - AS 4299; Adaptable housing - AS 2890 Parking facilities.	Review June each year	Director Development and Regulation.	Staff time	
		Council officers and private certifiers ensure that all conditions of consent are met in regard to provision of access before releasing the occupancy Certificate.				
1.3	Regulatory tools include access to development	That Council review and update its Development Control Plan 31 - Access to ensure that it complies with current standards and future including AS1428.2- Design for access and ability, AS 4299- Adaptable Housing and new Standard for Access to Premises.	Review June each year	Director Development and Regulation	Staff time	We are still waiting for the new standards for Access to the premises to be adopted before updating Council's DCP 31.

	Section 3	Objective 2	Provide training to Council staff to increase their awareness of, and have the skills required to, provide a level of service which takes into account the needs of people with a disability with access difficulties.			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
2.1	Disability awareness training is required for new Councillors and Council staff to increase their knowledge and awareness of disability and access issues.	Incorporate a disability awareness-training component into Orientation Program and organisational training plan.	Review December each year	Manager, Human Resources and Training Coordinator.	Staff time Yes	CDO/AD has presented at 5 Staff orientation sessions since December 2005.
2.2	Ongoing training sessions for all Councillors and Council staff particularly those identified as providing services to people with a disability.	Develop a disability awareness training session for staff identified as having a high probability of providing service to people with disability and dealing with issues that impact on people with a disability particularly heritage, planning and development staff. Topics to cover include: Communicating with people with a disability Designing for access for people with various disabilities and use of special equipment DDA training, including responsibilities for Council. Types of disability and individual needs.	June 2006.	Manager Human Resources and Training Coordinator	\$2,000 annually Yes	

	Section 3	Objective 3	Council's own services and facilities are accessible to people with disabilities including: Library services are accessible			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost Included in existing budget:	Action to Date
3.1	Council's web site is maintained to OICT Government standards and World Wide Web Consortium (W3C) Standards.	To assist in the Quality Assurance of Council's web site, consult with a group of web users with a range of disabilities to monitor the web site. - monitor to ensure accessibility	June 2006 audit June of each year	Communications Coordinator	Staff time Yes	The Web page administrator has undertaken training through Vision Australia. Contributors to the webpage are instructed on how to present the material so that it can be accessed by people with vision impairments and screen readers.
3.2	Community consultations indicate that people with a disability are not always aware of the services provided by Council	Publicise Council services available to all residents including people with a disability through Information pamphlet, Annual Report, local services directories.	Review December each year	Community Development Officer (Aged and Disability Services)	\$10,000 to produce new material No	Council continue to promote services through publications including Seniors Aged Care guide, on Councils web page and at expos.
3.3	Provision of information in an accessible format	Conduct consultation with disability groups to ascertain appropriate formats for information.		Community Development Officer (Aged and Disability Services)	\$100 yes	Vision Australia and Guide Dogs Australia have been consulted.
3.4	Approximately 15 percent of the population have an English print disability and cannot always read paper documents	Council will produce material in alternative formats. eg CD ROMs, publications in contrasting colours and larger font.	June 2006	Communications Co-coordinator. Community Development Officer (Aged and Disability Services)	Staff time. \$2,000 per year no	Council news updates are currently being produced on audio and sent out to people registered with Vision Australia or on request.
3.5	Council will depict people with disability in a positive way in its publication including flyers, posters and newsletters by using appropriate Imagery and language.	Ensure that terminology and imagery used in Council publications including flyers, brochures and newsletters depict a positive and enhanced image of people with disabilities.	Audit current publications with high distribution rated by August 2006 and each year thereafter.	Communications Co-ordinator Community Development Officer (Aged and Disability Services)	Staff time Yes	Council publications are monitored for how people with a disability are depicted.

	Section 3	Objective 3	Council's own services and facilities are accessible to people with disabilities including: Library services are accessible			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost Included in existing budget:	Action to Date
3.6	Not all people with disabilities are aware of community services available to them.	Council will update and print the Disability Services Directory listing services available to them.	December 2005	Community Development Officer (Aged and Disability Services)	Staff time Yes	Directory was updated December 2007. waiting to be put in the website
3.7	Access information is easily accessible	Develop a page on Council's web site and other communication mediums providing access information including location of accessible toilets and access maps.	December 2006 then review December each year	CDO (Aged and Disability Services) and Communications co-coordinator.	Staff time Yes	The webpage for access information is currently under development.
3.8	Council's maintenance schedule has identified a number of buildings requiring improved access to its entrance.	Implement maintenance schedule to improve access to public buildings, including construction of ramps, handrails and removal of trip hazards.	July 2009	Director Operations	\$275,000 Yes	58 % of the works identified have been completed. implemented including improved access to Gordon Pre School, Killara Park Pavilion
3.9	Council's maintenance schedule has identified facilities that do not have accessible toilets or have toilets with fit outs which are not compliant with AS1428.2	Install or re-fit an accessible toilet in each building that has been identified as not currently having a compliant accessible toilet.	June 2009	Director Operations	\$175,150 yes	29% of the work Identified has been completed. EG New toilet at West Gordon Golf Club and fit out at Turramurra Library
3.10	Council's maintenance schedule has identified facilities that do not have tactile indicators compliant with AS1428.2	Install tactile Ground Surface indicators (TGSi) to buildings that have been identified as requiring installation.	June 2009	Director Operations	\$30,000 yes	10% of the identified work has been completed. EG TGSi installed at Ku-ring-gai Town Hall and St Ives Hall.
3.11	Council signage is to be displayed in a way that is clear, distinct and understandable and readable by most people.	Develop and implement a corporate standard for signage that includes use of contrasting colours, large print and international symbols, where appropriate.	December 2006	Communication Coordinator	Staff time no	A Style guide has been developed which included production of information using a clear font.

	Section 3	Objective 3	Council's own services and facilities are accessible to people with disabilities including: Library services are accessible			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost Included in existing budget:	Action to Date
3.12	Public areas of Council do not have clear directional signs.	Place signs on each floor of Council and in the car parks, indicating the level number and directions to Customer Service and exits.	December 2005	Director Community	Staff time yes	Signs are now located on stairways on each level.
3.13	People are not aware of level of difficulty for walking tracks appropriate to their abilities.	Undertake an audit of walking tracks and grade them according to accessible ease of use. Identify tracks that are wheelchair accessible and provide the information to the public	December 2005	Director Strategy	Staff time Yes	Council has developed a grading system for walking tracks. AW report went to Council in November 2005. Tracks that are wheelchair accessible or easy to walk on are being identified.
3.14	Not all bus stops and taxi ranks in the LGA meet the Disabled Standards for Public Transport. 25% are to be assessable by 2007.	Council will develop a maintenance program to upgrade bus shelters and taxi ranks to bring them up to Accessible Transport Standard (2000).	Review works program June of each year	Director Operations	\$10,000 No	All new bus stops built since 2004 are accessible. Council will consultant to audit current bus stops and taxi shelters and develop a maintenance scheduled to have all Bus stops and taxi accessible by 2022.
3.15	Improve access to business and retail centres and transport nodes.	As part of the development of local area master plans, undertake access audits of business centres and transport nodes	March 2007	Director Strategy	Staff time yes	The transport interchange at Gordon has been improved. Improved access to Turrumurra bus stop is also planned.
3.16	The Building Maintenance Schedule has identified Council facilities with car parks that do not have accessible parking spaces.	Implement Council's Building Maintenance Schedule and Plan of Management Car Parks for the provision of accessible parking places.	June 2007	Director Operations	\$3,000 Yes	50% of the works identified has been completed. EG marking of accessible parking spot at Kuring-gai town hall and resource centre.

	Section 3	Objective 3	Council's own services and facilities are accessible to people with disabilities including: Library services are accessible			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost Included in existing budget:	Action to Date
3.17	Provision of parking for people with a disability in Council owned car parks.	Implement Council's Plan of Management for Council car parks to ensure the provision of accessible parking to standards AS2890.1. including undertaking an audit of Council car parks to ensure that current accessible parking spaces are clearly marked with the international symbol on the ground and on adjacent signage.	Audit by June 2006 and review annually thereafter.	Director Operations	To be advised yes	A new standard for accessible parking space is in draft form. When a new standard is adopted an audit can be undertaken against the new standard.
3.18	Council will maintain an extensive range of talking books and large print books	The library to purchase large print or talking books each year	Review annually	Manager Library Services	\$5,000 yea	Library is continuing to renew its catalogue of large print and talking books.

	Section 3	Objective 4	Enable all members of the community, including people with disabilities, to participate in Council business, including representation on the Council Advisory Committees and participation at events.			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
4.1	Access for people with a disability to voting venues.	Provide access to at least two booths in each ward, during polling at Council elections.	Leading up to elections September 2008 and at other times as required.	Director Corporate	Staff time yes	CDO Aged and Disability attended a consultation with AEO regarding electronic voting for people who are blind.
4.2	Current TTY does not have auto-answering mode.	Purchase a new TTY which will better suit the Call Centre's operations	June 2006	Manager Customer Service	\$750 no	Council will be installing a new phone system in 2007/08. It advised that we wait until the new phone system is installed to ensure the equipment is compatible.
4.3	Access to Council's events	Organisers of events are to implement Council's Accessible Event Checklist to enable access for people with a disability and carers with children. Audit of Council events.	Review June of each year	All Council officers organising events.	Staff time yes	The Accessible event Checklist has been updated and staff made aware of it.
4.4	Access to consultation and meetings conducted by Council	Organisers of public consultations to implement Council's Accessible Meetings Checklist to enable access for people with a disability and older people.	As required and review annually	All Council officers organising events and meetings	Staff time yes	

	Section 3	Objective 5	Provide waste management services which are appropriate to older people and people with disabilities.			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
5.1	People with a disability and older, frail aged people are unable to move garbage on to the footpath for pick-up.	Implement and monitor effective programs for collection and return of bins for people who are unable to manage their own bins due to having a disability or being frail aged.	Review annually	Director Operations	To be advised yes	Currently there are about 20 people who have their garbage bins collected from their yard by the contractors. The service is promoted in the Seniors and Aged Care Guide and on the web.

	Section 3	Objective 6	People with disabilities have equal access to employment within Council and are offered access to facilities, service and opportunities to meet their specific needs.			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
6.1	Provide opportunities for employment for people with disabilities	Review Council's Human Resource Policies including Equal Employment Opportunity and Occupational Health and Safety. Ensure that policies reflect the needs of people with a disability	June 2005 and review annually thereafter	Manager Human Resources and OH&S Coordinator	Staff time yes	

	Section 3	Objective 7	Council to continue resourcing and supporting local organisations and services to provide quality service to people with a disability and facilitate positive change within the community services sector.			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
7.1	Improve access with regard to service development and provision of education.	That Council undertake to provide accurate information to the community on access and related issues	June 2005 and annually thereafter	Community Development Officer (Aged and Disability Services) and Corporate Communications	Staff time yes	Council Officer provides information relating to access relating to Australian Standards and DDA Legislation.

	Section 3	Objective 8	Council to take a leading role to ensure all levels of government, local businesses and community organisations provide accessible services			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
8.1	Increase awareness of access issues to small business	Develop and distribute resources to assist small business to make their services and facilities more accessible	December 2006	Community Development Officer (Aged and Disability Services)	\$3,000 yes	
8.2	Level of awareness among developers regarding access issues at a design phase or pre-development phase	Distribute the Access Awareness Kit and brochures to developers, to increase their awareness of relevant legislation and standards.	Review effectiveness of the program annually	Community Development Officer (Aged and Disability Services)	\$5,000 to re-print kit no	
8.3	Make the community aware of access issues.	In consultation with the Ku-ring-gai Access Advisory Committee conduct workshops/displays/ activity with the community to raise the awareness of the access needs of people with a disability.	Organise one event each year	Community Development Officer (Aged and Disability Services)	\$100 yes	Access walk held at Wahroonga on December 2005. Participated at Wahroonga fair 2006/07
8.4	Inaccessible public transport system. (25% accessible by 2007)	Council will liaise with Railcorp to improve access to all Ku-ring-gai railway stations.	Review June each year.	Community Development Officer (Aged and Disability Services) and Director Strategy .	Staff time yes	Report on access to train written and presented to the Access Committee and Council in June 2006. Gordon upgrade completed in December 2005. Turrumurra and Lindfield underway
8.5	Accessible bus services are not timetabled and limited to weekends only.	Council will liaise with government and private bus operators for the introduction of a timetabled accessible bus services in Ku-ring-gai.	Review June each year.	Community Development Officer (Aged and Disability Services)	Staff time yes	Council has had input with the implementation of regional bus plan. Shorelink currently have 20 low-floor buses in its fleet. Passengers can request buses to be available on a particular run.

	Section 3	Objective 9	Council's policies and plans are current in terms of access			
	Issues/barriers:	Action Strategies:	Timeframe:	Responsible Officer:	Estimated cost: Included in existing budget	Action to Date
9.1	Development Control Plan 31. Access is relevant and up to date.	Update the Developmental Control Plan 31 to incorporate draft Disability Standards for Access to Premises and revised Building Codes of Australia to ensure that Council documents meets the current building standards for access.	June 2006	Director Strategy	Staff time yes	The Draft standards have not yet been adopted.
9.2	Access issues will be included in all Council policies and plans	When a Council policy, planning instruments or control plan is developed or updated accessibility will be considered and shown to the Access Advisory Committee for comments	Review June each year.	Director Strategies	Staff time yes	Access has been included in the planning process, i.e. Outdoor dining DCP and Town Centre planning

KU-RING-GAI MEALS ON WHEELS EXTENSIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of a request from Ku-ring-gai Meals on Wheels Service for financial assistance for extensions to their premises at the Ku-ring-gai Support Services Centre in Turramurra.

BACKGROUND:

The Ku-ring-gai Meals on Wheels Service is a joint venture project between KOPWA (Ku-ring-gai Old Peoples Welfare Association) and Ku-ring-gai Council.

COMMENTS:

The proposed works will enlarge the existing dining room, create a volunteer reception room and build an additional cold and dry good storage area. The cost of the works is estimated at \$96,370. KOPWA has confirmed their commitment to this project and are prepared to match Council's contribution on a dollar for dollar basis. A funding application has been submitted to the NSW Department of Ageing, Disability and Home Care to assist with this project.

RECOMMENDATION:

That Council support the proposed building works at the Turramurra Community Centre and that Council allocate \$38,500 from the pre 1993 Section 94 Plan to undertake the necessary works at this facility.

PURPOSE OF REPORT

To advise Council of a request from Ku-ring-gai Meals on Wheels Service for financial assistance for extensions to their premises at the Ku-ring-gai Support Services Centre in Turramurra.

BACKGROUND

The Ku-ring-gai Meals on Wheels Service is a joint venture project between KOPWA (Ku-ring-gai Old Peoples Welfare Association) and Ku-ring-gai Council. The Ku-ring-gai Meals on Wheels Board was established in 1995 and is comprised of 3 members from KOPWA and 3 members from Ku-ring-gai Council.

Recently the Ku-ring-gai Meals on Wheels Service consolidated its food production and meals distribution operations to the Turramurra kitchen. Currently the Gordon Meals on Wheels kitchen is used primarily for cold storage of meals and provisions. The Meals on Wheels kitchen and dining room, located within the Ku-ring-gai Support Services Centre in Turramurra, is owned by Ku-ring-gai Council. This facility has undergone two major renovations in 1994 and 1996 through capital assistance grants received by Council from the NSW Department of Ageing, Disability and Home Care (current name of Department). The second major renovation in 1996 involved the construction of the Turramurra Meals on Wheels kitchen, dining room and servery area. Since that time this facility has not undergone any other structural changes.

Also located within this facility are a number of Home and Community Care Services including: Easy Care Gardening, Community Transport Service and the Volunteer Coordination Service.

The Meals on Wheels kitchen in Turramurra currently produces over 52,000 meals per year. Centre based meals are provided in the Turramurra kitchen dining room six times per month for socially isolated older clients, people suffering from dementia and their carers and people who are frail and/or disabled. In addition, meals are also produced for groups with special dietary needs and medical conditions. The number of meals produced by the Ku-ring-gai Meals on Wheels Service for the past three years is listed below:

Year	Number of Meals Produced
2005/2006	46,840
2006/2007	50,709
2007/2008	52,000 (trend after 8 months)

A Development Application was lodged with Council by the Ku-ring-gai Meals on Wheels Service for the proposed extension of the dining room and additional storage space. Development approval for the proposed extension was granted in December 2007 and Council recently issued a construction certificate to commence the building work.

COMMENTS

The proposed works will enlarge the existing dining room, create a volunteer reception area, and build an additional cold and dry goods storage area (Attachment 1 – Dining Room and Storage Room Extension Site Plans). The extension will increase the capacity of the dining room from

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approximately 42 to 65 people for centre based luncheons, volunteer functions and other related activities. Currently, during centre based meal days the number of clients able to access the service is limited due to the lack of space. In addition, many of the people attending the centre based meals have mobility difficulties, requiring the use of wheel chairs, walking frames and other similar aides. This places additional pressures on the limited space available for both clients and staff and reduces the comfort levels and accessibility of the dining room.

Demand for centre based meals is high and will continue into the future. The people who access the service are often isolated, experience mobility difficulties with a significant reliance on public transport and have limited opportunities to participate in social activities. For many Meals on Wheels clients, this is the only social activity that they participate in on a regular basis.

Our population is ageing and will continue to do so in the future. Ku-ring-gai has the fourth oldest population for Greater Sydney only behind Gosford, Wyong and Hunters Hill. Approximately 16% of Ku-ring-gai population is currently 65+ years of age, and this is projected to grow to 21.4 per cent by 2022. At an average growth of 0.31 percentage points per year, this force of ageing is faster than that projected for the Greater Sydney [0.28]. Ku-ring-gai's 85+ population is projected to increase from 2.4 to 3.7 per cent of the population over that period. The ABS Survey of Disability Ageing and Carers 2003 – Estimates, identified that in the Ku-ring-gai area there are:

- 4,286 people with a profound to severe disability
- 2,424 people with a moderate disability
- 4,908 people with a mild disability
- 11,618 people with any disability

As the population ages this will place increasing pressures and demands for meals and centre based activities. In addition, people living in SEPP5 developments will also increase demand for meal services as the population matures in these establishments.

The extension of the dining room will also create a space for Meals on Wheels volunteers when not in use or operating at full capacity. There are 11 Meals on Wheels volunteer runs that are operating from Turramurra every day. Currently the volunteer reception area at the Turramurra kitchen is both limited in terms of area and not very functional. It is an area which is highly congested in people traffic and provides limited opportunities for volunteers to interact with each other before or after the delivery of meals. This additional space will increase the capacity of the Meals on Wheels Service to deliver additional meals and provide an area where volunteers feel welcome and comfortable to socialise at the end of their volunteering duties. This will also assist the service with retention and attraction of new volunteers to expand the range of services provided by Ku-ring-gai Meals on Wheels.

There will also be a wider community benefit as a result of the extension of the dining room, as other community groups will also be able to access this space when not in use by Meals on Wheels. This includes other Home and Community Care services based at the centre, including East Care Gardening service, Community Transport, Volunteer Coordination, seniors groups, Computer Pals, service clubs, volunteer groups etc.

The additional storage space is required to accommodate two blast chillers and four upright freezers. This is all essential equipment required for the smooth operation of the service and to meet the increasing demand and dietary requirements for Meals on Wheels clients. A recent food

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safety audit of the kitchen's operations highlighted a lack of storage space for the range and level of production occurring from the Turramurra kitchen.

In addition to the production and distribution of 52,000 meals to local residents, extra meals are prepared for local service providers and Meals on Wheels services in neighbouring council areas. For example, in February and March 2008, 1,866 items were produced in addition to 2,000 meals delivered to Ku-ring-gai residents. The demand for additional storage is also a result of the range of meals requested by Meals on Wheels clients and their dietary requirements. The range of meals produced include, hot and cold meals, vegetarian, puree, gluten free, salads, sandwiches, soups and desserts. Often these types of specialised meals are not available from other suppliers in the Northern Sydney region and there is a reliance on Ku-ring-gai Meals on Wheels to supply other services.

CONSULTATION

Discussions have been held with officers from the NSW Department of Ageing, Disability and Home Care regarding funding priority areas and special needs groups for small capital and equipment grants for the Northern Sydney area.

A meeting was also held with the Ku-ring-gai Meals on Wheels Service Manager, KOPWA, Community Department and Council's General Manager to discuss the future direction of Meals on Wheels and financial aspects of this proposal.

FINANCIAL CONSIDERATIONS

The Ku-ring-gai Meals on Wheels Service sought quotations from a number of building companies. Three were received with the preferred tender, Magnolia Homes estimating the cost of the work at \$96,370. The other two companies assessed the work at a similar cost of \$98,860 and \$99,786, but did not include items such as a hot water system, folding door and air conditioning in their tender price.

The Ku-ring-gai Meals on Wheels Service, after assessing the various quotations, has approached Council (Attachment 2) and KOPWA for financial assistance in the completion of the proposed building work. During the meeting held between Council's General Manager, Manager of Ku-ring-gai Meals on Wheels Service and representative of KOPWA, it was confirmed that KOPWA were prepared to match Council's contribution on a dollar for dollar basis (Attachment 3).

The Ku-ring-gai Meals on Wheels Service have completed 2 submissions to the NSW Department of Ageing, Disability and Home Care under the special needs groups for small capital and equipment grants for the Northern Sydney area. The capital equipment submission requested \$45,000 for building work and the small equipment submission requested \$18,660. The initial response from officers within the NSW Department of Ageing, Disability and Home Care was positive and in compliance with the Departments special needs group and high priority criteria. While the Manager of the Ku-ring-gai Meals on Wheels Service is confident of receiving financial support from the NSW Department of Ageing, Disability and Home Care a decision is not likely before June 2008. The various recommendations from Departmental officers are submitted to the relevant Minister for final approval and sign off with a decision likely before the end of the current financial year.

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The Meals on Wheels Service has established financial reserves of approximately \$80,000 to assist with emergency situations, employee entitlements, replacement of expensive kitchen equipment and other important works related to the operation of the service. This level of reserves has been maintained since the joint venture with Council and KOPWA was established in 1995. In recent deliberations members of the Meals on Wheels Board have considered that a contribution of \$20,000 could be made towards this project using those reserves. The remaining \$60,000 in reserves will be maintained to cover any contingencies arising from the operation of the service and with the view of increasing the Meals on Wheels reserves to the original levels over time.

The KOPWA Board has also discussed this matter and has resolved to match Council's contribution on a dollar for dollar basis. On a shared cost basis with Council including the \$20,000 contribution of the Ku-ring-gai Meals on Wheels Service, this commitment is valued at approximately \$38,500 denoting half costs of carrying out the building works and purchase of the necessary kitchen equipment. The KOPWA Board consider the proposed works important to the efficient operation of Meals on Wheels and view themselves as equal partners with Council in the operation of the service.

Under the proposed financial commitments from the Ku-ring-gai Meals on Wheels Service and KOPWA the maximum financial contribution Council is required to make is approximately \$38,500. It is proposed that Council consider use of pre 1993 Section 94 Plan funds to contribute towards the Meals on Wheels dining room and storage space extensions as outlined in this report. The current balance within the pre 1993 Section 94 Plan stands \$98,257 for community facilities.

Meals on Wheels Extensions – Funding Contributors

Funding Source	Level of Funding
KOPWA	\$38,500
Ku-ring-gai Council	\$38,500
Ku-ring-gai Meals on Wheels Service Inc	\$20,000
TOTAL	\$97,000

The Long Term Financial Model, which was adopted by Council in December 2007, includes projects in case 1 that utilise these funds for the development of community centres and halls. These particular projects are currently scheduled for 2011 and 2012. The allocation of \$38,500 to the Meals on Wheels Service will require that amount of funds from general revenue in the years the projects are undertaken. It is anticipated that there is capacity in the model for this to occur without substantially affecting Council's projected position and the model over the long term.

It should be noted that in December 2007 Council resolved to allocate \$40,000 to undertake works at the West Lindfield Sport and Recreation Club to establish "The Shed" using funds from the pre 1993 Section 94 Plan. Currently negotiations between the West Lindfield Sport and Recreation Club and The Shed have stalled and the project is unlikely to proceed in that location. The allocation of funds for this particular project at a different location would require a new report to Council for a decision.

In the event that the application for funding by the Ku-ring-gai Meals on Wheels Service to the NSW Department of Ageing, Disability and Home Care is successful both Ku-ring-gai Council and KOPWA would be reimbursed in equal amounts. Officers from the NSW Department of Ageing, Disability and Home Care have advised that the Ku-ring-gai Meals on Wheels application for

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funding would not be adversely affected if building work commenced prior to the announcement of funding by the Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Director Corporate was consulted in relation to the funding of the project and the impact on the Long Term Financial Model. Comments have been provided in the Financial Considerations section of this report.

Council's Infrastructure Coordinator, Strategy, has advised:

This proposal is an extension (including fit-out) and augmentation of the community facility which primarily supports the provision of both a Meals on Wheels Service and regular on-site communal dinners for community members. This is an important community service provided out of a Council owned property. The property also supports a number of other volunteer services. The present size of the space is insufficient to accommodate the growing need for the service which is increasing due to a significant ageing population, many of whom are increasingly moving into new unit developments, especially SEPP 5 residences that are being developed in the locality.

The expansion of this facility will directly benefit the residents of the SEPP5 developments as they continue to age-in-place. Medium density housing for aged and disabled persons comprised, until quite recently, the bulk of new developments in the Ku-ring-gai Local Government Area providing a direct nexus to this proposal.

Through the nature of the facility residents of the Ku-ring-gai area will benefit both directly and indirectly through the expansion of space for a variety of volunteer support services. The support for residents to age-in-place is important for all residents, though the residents of the new SEPP5 developments will be some of the first to benefit.

A key issue in relation to this allocation is the expenditure of the pre 1993 Community Facilities contributions for the purpose for which they were levied within a reasonable time. By most interpretations of 'reasonable' that period has past and Council needs to proportionally allocate the remaining money in such a manner as to benefit the community as a matter of high priority. The balance of the account is below \$100,000 and can only, realistically, be used to support an apportioned part of small venture capital costs as in this case. Apportionment remains a key requirement of the allocation of contributions and, in this case, the shared cost among a number of sources, results in only a proportion of the total cost being required from contributions.

SUMMARY

The extension to the dining room and storage areas would greatly assist in the production of meals, enhance facilities for volunteers and allow the service to meet the future demands for meal services in the Ku-ring-gai area.

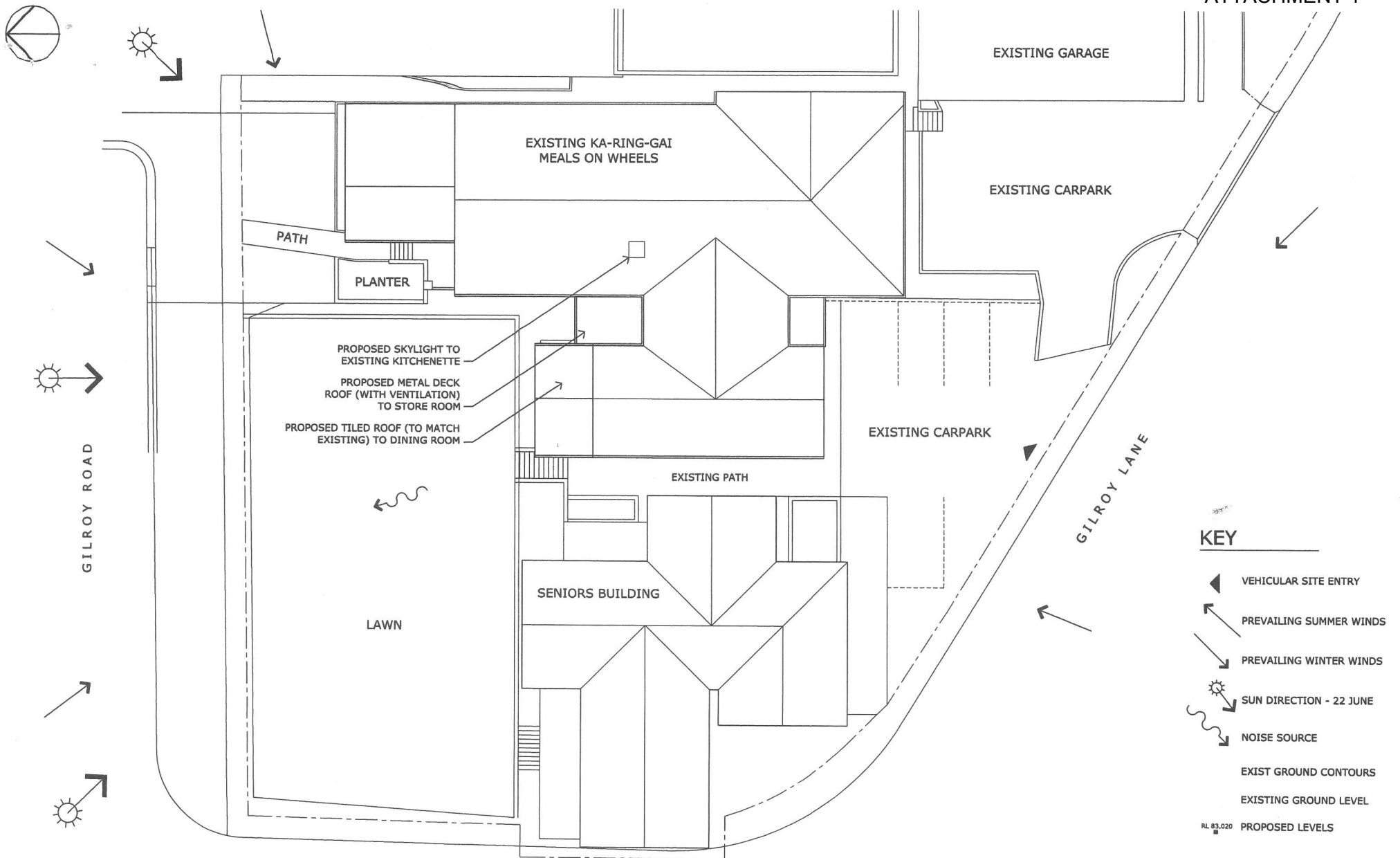
RECOMMENDATION

- A. That Council support the proposed building works at the Turrumurra Community Centre and that Council allocate \$38,500 from the pre 1993 Section 94 Plan to undertake the necessary works at this facility.
- B. That Council's allocation of any grant funding received from the NSW Department of Ageing, Disability and Home Care is returned to the pre 1993 Section 94 Plan reserve.

Danny Houseas
Manager Community Development

Janice Bevan
Director Community

Attachments: **Attachment 1 - Dining Room and Storage Room Extension site plans - 921745**
 Attachment 2 - Letter from Meals on Wheels - 921733
 Attachment 3 – Letter from KOPWA - 922118



SITE PLAN

1:200

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ALTERATION AND ADDITIONS TO
KA-RING-GAI MEALS ON WHEELS,
1-5 GILROY ROAD, TURRAMURRA

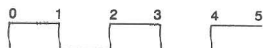
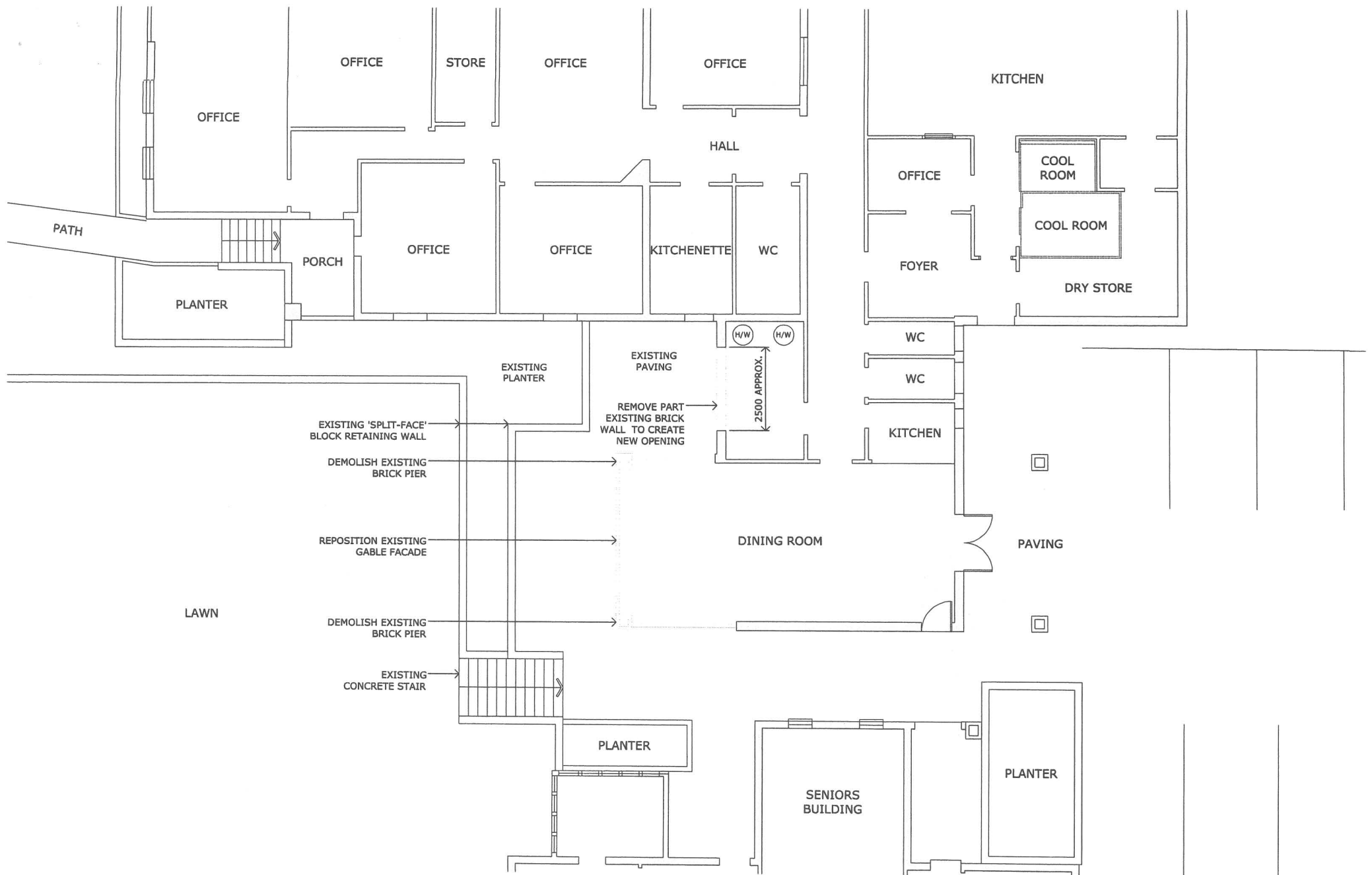
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Issue	Drawing Number	
PRE-DA ISSUE	A-01	



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ALTERATION AND ADDITIONS TO
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 1-5 GILROY ROAD, TURRAMURRA

Drawing Title
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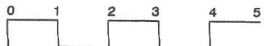
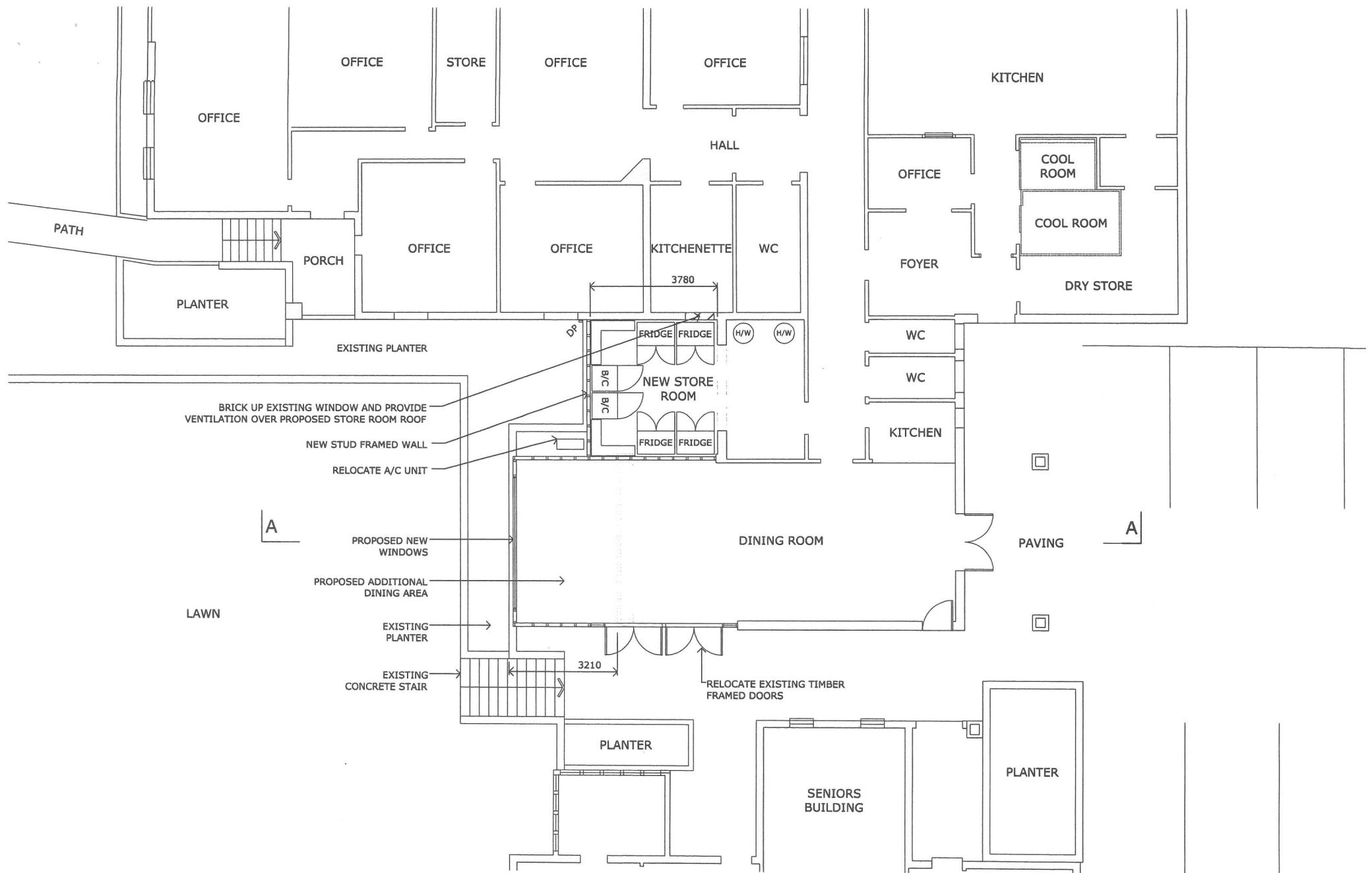
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ALTERATION AND ADDITIONS TO
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 1-5 GILROY ROAD, TURRAMURRA

Drawing Title
 PROPOSED PLAN

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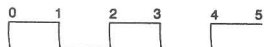
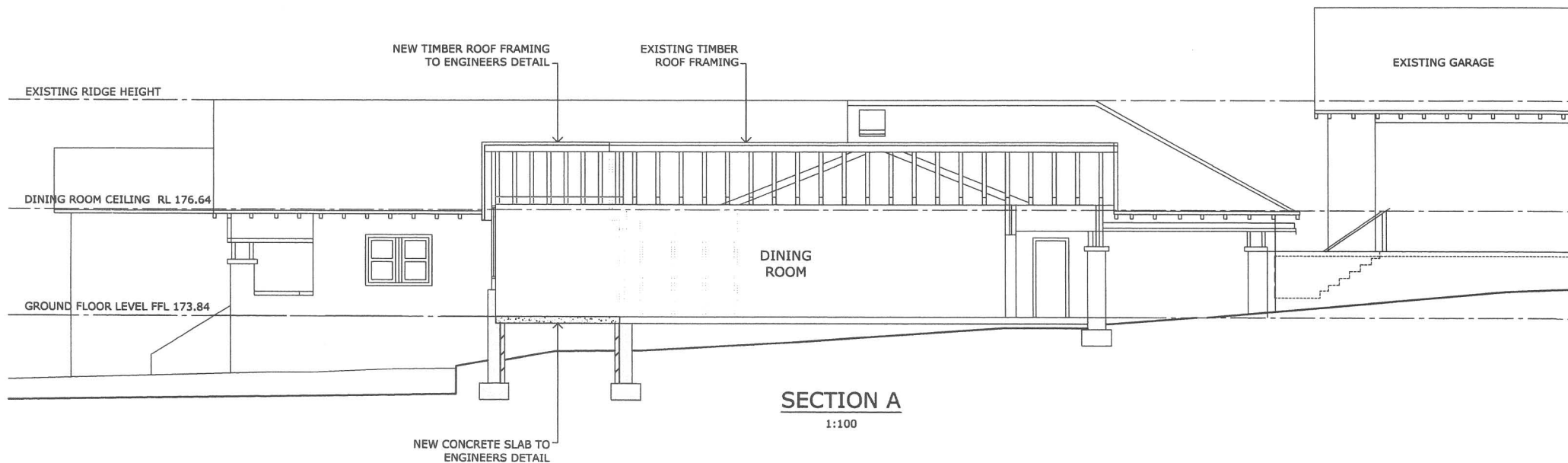
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ALTERATION AND ADDITIONS TO
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1-5 GILROY ROAD, TURRAMURRA

Drawing Title
SECTION

Scale
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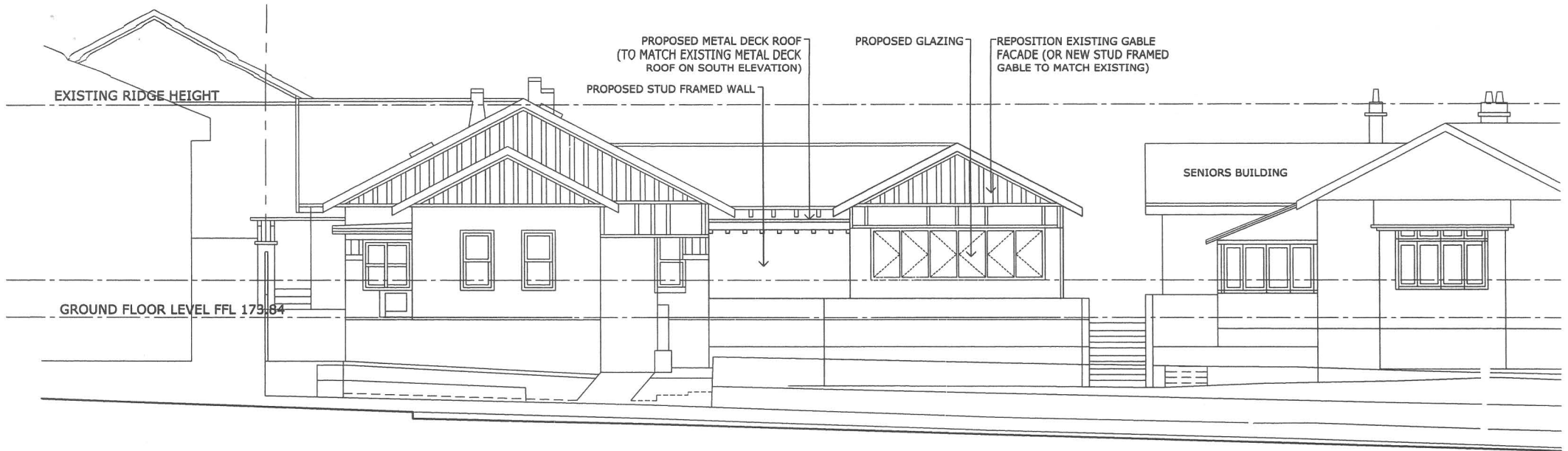
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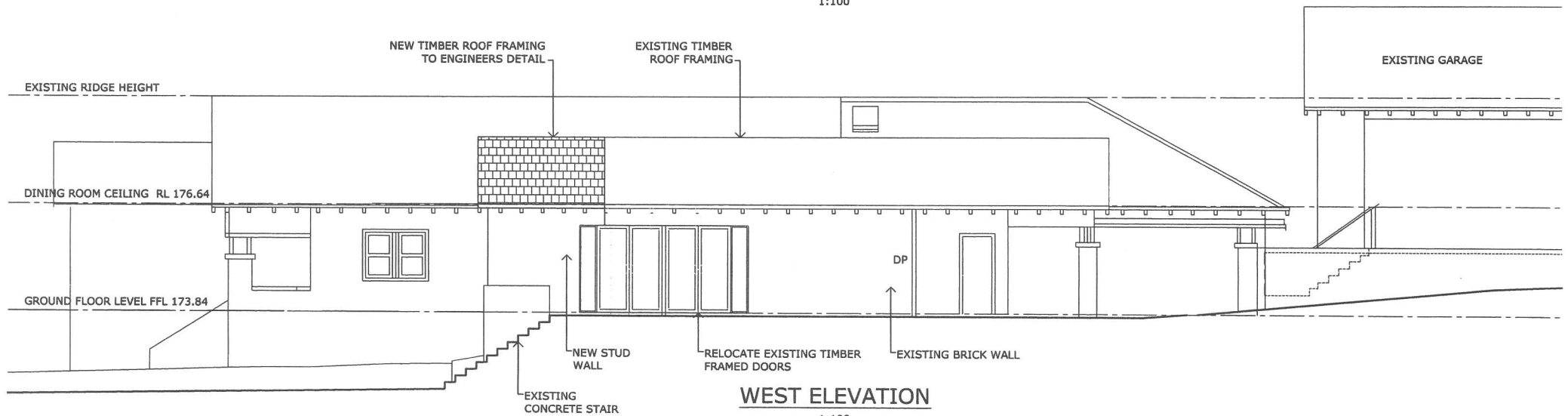
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A-05



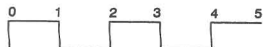
NORTH ELEVATION

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WEST ELEVATION

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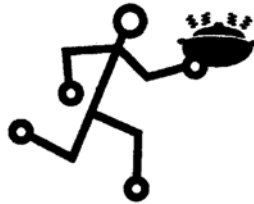
NOTE: CHECK ALL DIMENSIONS ON SITE. DO NOT SCALE DRAWING.

113 Curlew Street, Bondi 2026
adrianbuchenan@hotmail.com
ABN 50 298 082 037
M: 0420 944 778

ALTERATION AND ADDITIONS TO
KA-RING-GAI MEALS ON WHEELS,
1-5 GILROY ROAD, TURRAMURRA

Drawing Title
ELEVATIONS

Scale 1:100	Date AUGUST 2007	Drawn AAB
Issue PRE-DA ISSUE	Drawing Number A-04	



Ku-ring-gai Meals on Wheels

ABN 39 071 968 084
7 Gilroy Road
PO Box 173
TURRAMURRA NSW 2074

Telephone: 9144 2044
Fax: 9983 1659
Email: meals@kmow.org.au
Web site: www.kmow.org.au

18th March, 08

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

Dear McKee,

Ku-ring-gai Council has approved a Development Application for the extension of our storage area and dining room facilities. I am formally writing to request financial assistance from Ku-ring-gai Council for this building project.

It has become essential over the past couple of years that we extend the storage capacity and dining room space as soon as possible. After receiving quotes from 3 builders last year I would like to accept the final quote for this work from Magnolia Homes. Their quote has always been the most competitive and finally came in at \$96,370. This quote included many extras that the other builders did not allow for.

I have been actively sourcing potential funding for these capital works and am hopeful that we will receive \$45,000 from the Department of Disability and Home Care (DADHC – our funding body). I am also confident that KOPWA (previously known as Ku-ring-gai Old People's Welfare Association) will donate \$25,000 toward the costs of this building project. I am requesting that Ku-ring-gai Council provides the funds to make up the difference to the total quote.

Quote:

Magnolia Homes	\$96,370	
Allow for 15% more	<u>\$14,630</u>	\$111,000

Funding:

DADHC	\$45,000	
KOPWA	\$25,000	
Ku-ring-gai Council	<u>\$40,000</u>	\$111,000



If you would like to discuss my request with me or require further information please do not hesitate to contact me on 9144 2044. I look forward to a positive response from Council.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kathy Sharp', written in a cursive style.

KATHY SHARP
Manager



Mrs Kathy Sharp
Service Manager
Ku-ring-gai Meals on Wheels
7 Gilroy Road
TURRAMURRA NSW 2074

Dear Kathy

**RE: PROPOSED BUILDING ADDITIONS TO MEALS ON WHEELS KITCHEN FACILITY –
7 GILROY ROAD, TURRAMURRA**

I refer to your recent letter requesting financial support from KOPWA for the proposed additions to the Turramurra kitchen. Your letter was presented to the last board meeting of KOPWA and your chairman, Richard Staniland (who is also a member of the KOPWA board) spoke in support of your request.

As I understand the position, MOW has obtained approval from Ku-ring-gai Council, as the relevant consent authority, for the additions which comprise a storeroom and an extension of the existing dining room facility. I am assured that the additions are urgently required to enable the service to properly function.

I have been informed that MOW has applied to DADHC for a grant of some \$45,000.00 to assist in the construction costs and a further \$18,000.00 to assist in the purchase of equipment. Whilst it seems that the application will be favourably considered, I am told that there can be no guarantee of funding and in any event even if the funding is approved it may not be available for some months. It is upon this basis that MOW has approached KOPWA for assistance.

As you know, KOPWA has a long standing history of association with MOW. This association has existed since the service was first established many years ago and has continued through the joint venture company which was formed in 1995 to manage the service. KOPWA has always regarded itself as a joint stakeholder in the service with Ku-ring-gai Council and has always been prepared to honour its commitment as a joint venture partner. To that extent, if the service now requires funds then I am confident that the KOPWA board will approve a dollar for dollar contribution with Ku-ring-gai Council to ensure that the additions can be carried out without delay.

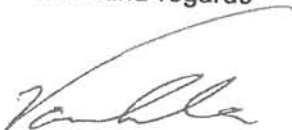
Richard Staniland informs me that after having obtained three separate quotations, the board of MOW has accepted a quotation for the sum of \$100,000.00. On the basis that MOW will contribute from its own reserves approximately \$20,000.00, I understand that you would like KOPWA to contribute \$40,000.00 and the Council to

contribute the same amount. If and when DADHC provide grant funds then you contemplate that KOPWA, the Council and the service would be partially reimbursed for their initial contributions on a proportionate basis.

I understand that you have made application to Ku-ring-gai Council for similar funding of \$40,000.00. I fully support the application and urge the Council to favourably consider it on the basis that if the Council approved it, KOPWA will make a similar contribution.

I would be happy to provide any other information which you require.

With kind regards



David Patten
Chairman
KOPWA Limited

NORTHSHORE BEEKEEPERS ASSOCIATION RENEWAL OF LICENCE AGREEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the granting of a five year licence to North Shore Beekeepers Association (NSW) Inc. within the North Turramurra Golf Course site.

BACKGROUND:

The North Shore Beekeepers Association was relocated from the tip area off Curagul Road in 1993, to the east of the Greenkeepers building of Bobbin Head Road, North Turramurra Golf Course. No formal agreement for their occupation of the site existed until 2002, when Council resolved to grant them a five year licence. This site houses their Clubhouse Building and bee keeping area.

COMMENTS:

The first licence agreement commenced on 8 June, 2002 and expired on the 7 June, 2007. The Deed is valid by virtue of the holding over provisions.

RECOMMENDATION:

That Council grant a five year licence to North Shore Beekeepers Association (NSW) Inc.

PURPOSE OF REPORT

To consider the granting of a five year licence to North Shore Beekeepers Association (NSW) Inc. within the North Turramurra Golf Course site.

BACKGROUND

The North Shore Beekeepers Association (NSW) Inc was relocated from the tip area off Curagul Road in 1993, to the east of the Greenkeepers Building off Bobbin Head Rd, North Turramurra. The Association constructed their clubhouse on the present site, as well as utilising it to house their bees.

Council gave development consent on 16 September 1993 to build a clubhouse within the designated compound area and one of the consent conditions was that *'formal lease arrangement is to be organised with Council pending the adoption of a Plan of Management with the aims and objectives of the Plan of Management.'*

Council adopted this Plan of Management on 20 November 2001. The Plan now authorises leases and licences in accordance with section 46 and 47A of the Local Government Act 1993. A Deed of Licence was subsequently executed on 8 June 2002 and expired on 7 June 2007. The Deed is carried over on a monthly basis until a new agreement is created.

COMMENTS

The terms and conditions of the proposed new license, including the special conditions will be the same as the expired licence, with exception of the following points:

1. Commencement date being the date following the expiration of the Public Notice.
2. The rental amount has been determined by increasing the final year's rent of the expired licence, by the CPI (\$1,938.25 + 3.3% = \$2002.12 – Year 1 Rent)
3. Rent reviews – rent to be increased by the CPI annually.
4. Rental rebate level – 80% of gross rent as is to remain for the proposed 5 years.

Year	Gross Rent incl GST	CPI increase	Rebate Level	Net Rent incl GST
1	\$2,002.21		80% = \$1,601.77	\$400.44
2	\$2,068.28	3.3%	80% = \$1,654.63	\$413.66
3	\$2,136.54	3.3%	80% = \$1,709.23	\$427.31
4	\$2,207.04	3.3%	80% = \$1,765.64	\$441.41
5	\$2,279.87	3.3%	80% = \$1,823.90	\$455.98

Note: The CPI is subject to change annually therefore the rent payable may change accordingly.

The Special Conditions Schedule remains the same and includes the same Relocation Clause (**Attachment 1**).

CONSULTATION

A letter of acceptance was received by Council from the president of the Beekeepers Association (**Attachment 2**).

The Beekeepers' facility is located on land that is classified as 'Community Land' in accordance with the Local Government Act 1993. Council must comply with section 47(A) of the Act and publicly notify the proposed licence for at least 28 days.

FINANCIAL CONSIDERATIONS

The North Shore Beekeepers Association (NSW) Inc has occupied this site since 1993 and no rent or fee was agreed to by the parties until 2002, when the Deed of Licence was first executed. A rental valuation then was borne by Council to determine the licence fee.

The proposed new licence fee is based upon the same amounts, including annual CPI increases. No official valuation has been completed since 2002.

As the holding over provisions are in place, keeping the agreement valid during the renewal period, the Association was invoiced the amount of \$400.44, representing a 3.3% increase of the previous years rent and the first year's rent. (See above table).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy have been consulted regarding the terms of the licence and any issues regarding the North Turrumurra recreation area.

SUMMARY

The North Shore Beekeepers Association (NSW) Inc has been in occupation of this site since 1993. In 2002 a licence for valuable consideration was created. This licence expired in 2007.

All terms and conditions of the agreement have been accepted by the Association for the new licence.

RECOMMENDATION

- A. That Council approve the granting of a new five year licence to North Shore Beekeepers Association (NSW) Inc for the use of the site to house their clubhouse building and beekeeping area, subject to conditions of the agreement and those of Section 47A of the Local Government Act.

Item 4

S02796
31 March 2008

- B. That the Mayor and General Manager be authorised to execute all documentation.
- C. That the Seal of Council be affixed to all necessary documents.

Mark Taylor
Manager Community & Recreation Properties

Janice Bevan
Director Community

Attachments:

- 1. Special Conditions Schedule - 922098**
- 2. Letter of Acceptance from Beekeepers Association - 907306**

SPECIAL CONDITIONS SCHEDULE

- A. At all times during the Term the Licensee will use all reasonable endeavours to remove feral bees swarms from throughout the Ku-ring-gai Council area.
- B. The Licensee will, at its own costs, repair and maintain all lines of fencing on and surrounding the Premises during the Term.
- C. The Licensee will during the Term upgrade the Licensee's Property on the Premises so that they comply with the terms of the Building Code of Australia unless the Premises are deemed to comply with the fire provisions of the Building Code of Australia.
- D. The Licensee will use its best endeavours throughout the term to provide educational talks on the subject of beekeeping to schools and community groups and organisations, and participate in other community activities where beekeeping information can be disseminated.
- E. Relocation

If the Licensor proceeds at any time during the Term with the project known as the "North Turrumurra Recreation Area" or carries out other work and the Licensor decides that the work associated with the project will affect the Premises, the Licensor may terminate this licence on 12 months' notice. In that notice the Licensor must:

- (a) specify the date by which the Licensee must surrender this Licence; and
- (b) offer the Licensee a Licence which shall be mutually agreeable of alternative premises, with terms similar to this Licence, including the same expiry date, and the same licence rebate fee per square metre as this Licence.

That offer must remain open for the period of the notice. If the Licensee accepts that new Licence then the Licensee must sign that new Licence before its starting date. If the Licensee does not accept the proposed new Licence then the Licensee may negotiate with the Licensor for a new licence of other premises within the Ku-ring-gai Council area on terms similar to this Licence.

If the Licensee accepts the new Licence offered by the Council, or successfully negotiates with the Council a new Licence of other premises within the Ku-ring-gai Council area, then the Council will pay to the Licensee an amount equal to the reasonable costs incurred by the Licensee in relocating the Licensee's property as set out in Annexure "B" to this Licence to those new premises.

North Shore Beekeepers Association (N.S.W) Inc**PO Box 686 Turramurra NSW 2074**

**Michelle Makler
Land Administration Officer
Ku-ring-gai Council
Locked Bag 1056
Pymble
NSW 2073**

11th March 2008**Dear Michelle Makler**

I refer to your letter of January 31, 2008 and advise that the Association's Management Committee, at its meeting on February 17th, 2008, resolved to advise you that the terms and conditions of the proposed new license agreement for the Bee-garden site at North Turramurra are acceptable to the Association.

I would be grateful if you could arrange for a new Agreement to be forwarded for signature.

Yours sincerely

**Peter Marvell
President**

POLICY FOR RELIEF FROM RATES HARDSHIP RESULTING FROM LAND VALUATION CHANGES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment.

BACKGROUND:

Council seeks to provide the Revenue Accountant with the authority to process applications under s601 of the Local Government Act 1993 – “Hardship resulting from certain valuation changes”.

COMMENTS:

An application to defer Rates payment due to hardship is assessed based on:

- the percentage increase in land value
- interest accrued on the Rates assessment; and
- any arrears of Rates at the time of application.

RECOMMENDATION:

That the relief from Rates hardship resulting from land valuation changes policy attached be adopted.

PURPOSE OF REPORT

To provide rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment.

BACKGROUND

Council seeks to provide the Revenue Accountant with the authority to process applications under s601 of the Local Government Act 1993 - "Hardship resulting from certain valuation changes".

It is expected that new land valuations will apply to the 2009/10 rating year and every three (3) years thereafter.

COMMENTS

It is proposed that rates will not be reduced or waived and the Revenue Accountant has the authority to defer rates payment once a hardship application is lodged. This ensures that Council's Rate revenue is protected.

Where the application is approved and payment of the increased Rates is made in accordance with the arrangement, interest charges will be held pending payments being made as per the arrangement.

This policy applies to all rateable owners whose land value has increased by more than the average increase for the particular rating category.

An application to defer Rates payment due to hardship is assessed based on:

- the percentage increase in land value
- interest accrued on the Rates assessment; and
- any arrears of Rates at the time of application.

CONSULTATION

No consultation was required.

FINANCIAL CONSIDERATIONS

There is no budget impact with the introduction of this policy. Rate revenue is protected, as rates will not be reduced or waived.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No consultation with other Council departments was required.

SUMMARY

This policy provides rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment

It is proposed that the Revenue Accountant be given the authority to defer rates payment of all or part of the increase in the amount of the rate, once a hardship application is lodged assessed based on:

- the percentage increase in land value
- interest accrued on the Rates assessment; and
- any arrears of Rates at the time of application.

The ratepayer may ask the Council to review any decision and Council has the discretion to do so.

RECOMMENDATION

That the relief from Rates hardship resulting from land valuation changes policy **attached** be adopted.

Tino Caltabiano
Manager Finance

John Clark
Director Corporate

Attachments: Policy for Relief from Rates Hardship Resulting from Land Valuation Changes - 888514

Policy for Relief from Rates Hardship Resulting From Land Valuation Changes

1. Purpose

The purpose of this policy is to provide Rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment.

2. Objectives

Council seeks to provide the Revenue Accountant with the authority to process applications under s601 of the Local Government Act 1993 - "Hardship resulting from certain valuation changes".

3. Legislative Framework

s601 Local Government Act 1993 - "Hardship resulting from certain valuation changes"

Part 3, Sections 29-36 of the Valuation of Land Act 1916 "Notices and objections".

4. Policy Statement

It is Council's intention that whilst rates will not be reduced or waived, the Revenue Accountant has the authority to defer rates payment of all or part of the increase in the amount of the rate once a hardship application is lodged. This ensures that Council's Rate revenue is protected. The ratepayer may ask the Council to review any decision and the Council has the discretion to do so.

Where the application is approved and payment of the increased Rates is made in accordance with the arrangement, interest charges will be written off.

This policy applies to all rateable owners whose land value has increased by more than the average increase for the particular rating category.

Doc distribution	1.0	Doc status		File No	S06392
Document owner	Manager Finance	Contact officer/s	Revenue Accountant		
Approval date		Approved by	Council		
Effective date	01/07/2008	Review period	3 Yearly	Review date	
History of Approved Versions					
Version 1.0	Effective date	Summary of changes			

5. Principles

An application to defer Rates payment due to hardship is assessed based on:

- the percentage increase in land value
- corresponding interest in the Rates assessment; and
- any arrears of Rates at the time of application.

6. Implementation

Responsibility of Manager Finance, Corporate.

DRAFT

Doc distribution	1.0	Doc status		File No	S06392
Document owner	Manager Finance	Contact officer/s	Revenue Accountant		
Approval date		Approved by	Council		
Effective date	01/07/2008	Review period	3 Yearly	Review date	
History of Approved Versions					
Version 1.0	Effective date	Summary of changes			

POLICY FOR THE PAYMENT OF EXPENSES & PROVISION OF FACILITIES TO COUNCILLORS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To recommend exhibition of a revised Policy for the Payment of Expenses and Provision of Facilities to Councillors.

BACKGROUND:

On 27 February 2007 Council adopted a new Policy for the Payment of Expenses and Provision of Facilities to Councillors.

COMMENTS:

The current Policy has been reviewed having regard to updated guidelines and advice issued by the Department of Local Government.

RECOMMENDATION:

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

PURPOSE OF REPORT

To recommend exhibition of a revised Policy for the Payment of Expenses and Provision of Facilities to Councillors.

BACKGROUND

On 27 February 2007 Council adopted a new Policy for the Payment of Expenses and Provision of Facilities to Councillors. The Policy was based on guidelines issued by the Department of Local Government (DLG) in September 2006.

COMMENTS

The current Policy has been reviewed having regard to updated guidelines and advice issued by the DLG.

Subsequent to the adoption of the current Policy the following occurred:

- clause 217 of the Local Government (General) Regulation 2005 relating to the reporting of costs was amended
- the DLG issued updated guidelines (Circular 07-22, 28 May 2007 – **Attachment A**)
- the DLG issued a report on findings from a review of Councillor Expenses and Facilities Policies (Circular 08-03, 18 January 2008 – **Attachment B**).

A planned review of Council's Policy was delayed pending the issue of Circular 08-03. In this Circular the DLG advises that it assessed a sample of 45 Councillor Expenses and Facilities Policies. The Ku-ring-gai Policy was one of the sample policies.

Subsequent to the issue of the Circular, the DLG has advised that Council's Policy received the highest rating of "Very Good". Only two of the 45 samples received this rating. The DLG advised that Council's Policy "fully complies with the legislation and guidelines".

A further review of Council's Policy has now been completed.

The legislative change has been incorporated into the Policy. This change deals only with reporting and has no impact on the regular operation of the Policy. Other minor changes have been made to the Policy to take into account the above Circulars and to refine the wording of some of the provisions.

In addition the monetary limits throughout the Policy have been increased by 2.4% (rounded to the nearest dollar) based on the Consumer Price Index (Sydney all groups) for December 2007.

An amended Policy is attached (**Attachment C**).

In addition to the legislative change, the main changes are:

- Clause 1.7 listing reference documents has been updated
- Clause 2.1 dealing with payments in advance – addition of a sentence to clarify that the level of supporting documentation is to be commensurate with the nature of the expenditure. This change arises from Circular 07-22 to deal with the situation where for very minor expenditure items it may not always be possible to obtain a receipt
- Clause 2.7 dealing with telephone/facsimile machine – wording clarified to more correctly cover the intent of the clause
- Clause 2.11 dealing with legal expenses and obligations – wording clarified so that Council does not meet the costs for any legal assistance in respect of legal proceedings initiated by a Councillor in any circumstances. This change arises from the two DLG Circulars
- Clause 3.3 dealing with the provision of meals and refreshments – wording clarified to include Forums.

CONSULTATION

The DLG was consulted prior to the review of the Policy.

Prior to adoption the revised Policy must be placed on public exhibition inviting submissions for at least 28 days.

The draft Policy was presented to the Policy Forum on 31 March for Councillors to provide feedback on its content.

FINANCIAL CONSIDERATIONS

As the monetary limits throughout the Policy have been increased by the CPI there is the potential for a minor increase in costs to Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The General Manager has been involved in the preparation of the amended draft Policy.

SUMMARY

The Policy for the Payment of Expenses and Provision of Facilities to Councillors has been revised having regard to updated guidelines and advice issued by the DLG. Minor amendments have been made to the Policy for clarification purposes and monetary limits have been increased by the Consumer Price Index (Sydney all groups) for December 2007. The revised draft must be placed on public exhibition.

RECOMMENDATION

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be endorsed for placing on public exhibition.

John Clark
Director Corporate

Attachments: **Attachment A: Department of Local Government Circular 07-22, 28 May 2007 - 778209**
 Attachment B: Department of Local Government Circular 08-03, 18 January 2008 - 881211
 Attachment C: Policy for the Payment of Expenses and Provision of Facilities to Councillors Draft March 2008 - 902681

Circular No. 07-22
Date 28 May 2007
Doc ID. A40402

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

UPDATED GUIDELINES FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO MAYORS AND COUNCILLORS – ADDITIONAL ANNUAL REPORTING REQUIREMENTS AND OTHER MATTERS

The purpose of this circular is to advise councils of the release of updated Guidelines to assist in the review and preparation of policies on the payment of expenses and the provision of facilities for mayors and councillors.

Following amendments in December 2006 to clause 217 of the Local Government (General) Regulation 2005, the Guidelines now contain information about additional annual reporting requirements.

From the 2006/2007 financial year, councils are required to report separately on:

Provision of facilities

- the cost of the provision of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile phones, telephones and facsimile machines and Internet installed in the councillors' homes (including line rental and Internet access). This item does not include the costs of using this equipment, such as calls.

Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and Internet services
- spouse/partner/accompanying person expenses (limited to circumstances outlined on page 14 of the Guidelines)
- conference and seminar expenses
- training and skill development expenses
- interstate travel expenses (including subsistence and out-of-pocket expenses)
- overseas travel expenses (including subsistence and out-of-pocket expenses)
- carer and other related expenses (of dependants to enable a councillor to undertake his/her civic functions).

Councils are reminded that:

- under section 252(5) of the *Local Government Act 1993* councils' expenses and facilities policies must comply with these guidelines
- provisions made by their policies in regard to the payment of expenses and the provision of facilities to councillors must be acceptable to and meet the expectations of the local community
- policies must not include a general expense or allowance clause. All expenses payments must be either reimbursed after the event or reconciled if an advance payment is made to the mayor or a councillor. The Guidelines clarify that procedures for reconciliation of expenses for councillors is discretionary and up to individual councils to determine. The level of supporting documentation should be commensurate with the nature of the expenditure
- limits to expenses and the level of provision of equipment and facilities must be set by individual councils to suit their needs and capacity to afford them
- there are no circumstances in which legal expenses should be met by a council for proceedings initiated by a councillor. Nor should legal expenses be met for a councillor defending any action in a matter not rising directly as a result of his or her civic duty.

Councils are required to submit their expenses and facilities policy to the department by 30 November each year. However, an extension has been granted for submission of policies for the current financial year. Councils have until **30 June 2007** to submit 2006/2007 policies that comply with these Guidelines.

Councils that have already advertised draft expenses and facilities policies for 2006/2007 based on the first version of the Guidelines issued in September 2006 are not required to readvertise those policies.

These Guidelines replace the Director General's Circular to Councils 06/57 – *Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors*.



Garry Payne AM
Director General



Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW

Department of Local Government

May 2007

ISBN: 1 920766 52 9

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ATTACHMENT 1

Suggested format for a councillor expenses and facilities policy.

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Acknowledgements

The Department of Local Government would like to thank the Local Government and Shires Associations Working Party on Councillor Expenses for their contribution to the review of these guidelines.

Purpose of these guidelines

These guidelines have been developed to assist councils review and prepare their policies on the payment of expenses and the provision of facilities for mayors and councillors in local councils in NSW.

These guidelines have been prepared under the provisions of section 23A of the *Local Government Act 1993* as Director General's Guidelines. Under section 252 of the Act relevant policies must comply with the provisions of the Act, the regulations and any relevant guidelines issued under section 23A.

The aims of these guidelines are to:

- clarify issues in regard to the scope and extent of the expenses that may be claimed by, and equipment and facilities provided to, mayors and councillors so that these are reasonable and appropriate,
- ensure a level of consistency in the content of council policies,
- provide direction for reporting requirements required by the Department of Local Government.

These guidelines set out certain principles and discuss relevant issues to assist councils with the making of their expenses and facilities policies. They do not provide model clauses for inclusion in policies. **However, a suggested outline structure or format for a policy is at ATTACHMENT 1.** Councils are encouraged to use this format and adapt it where necessary to suit their needs.

These guidelines replace the departmental Circular to Councils 04/60 *Policy on payment of expenses and provision of facilities to the mayor, deputy mayor and other councillors*.

These guidelines do not deal with matters associated with the setting and payment of councillors' annual fees, which are a matter for the Local Government Remuneration Tribunal.

Background

A departmental review of a number of council expenses policies revealed a high level of variability in their format and content, the scope of expenses and facilities provided, and the level of payment of expenses to councillors. Many councils did not set a limit to the payment of a number of types of expenses.

In order to address concerns, sections 252 and 253 of the *Local Government Act 1993* were amended (refer the *Local Government Amendment Act 2005*). These amendments are discussed under the statutory requirements section of these guidelines.

Note that a council may disburse money only if the disbursement is authorised by the *Local Government Act 1993*, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

Principles

Conduct

As required by section 439 of the *Local Government Act 1993* and reinforced in the Model Code of Conduct provisions, councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. Councillors should in particular, be mindful of the provisions of the *Anti-Discrimination Act 1977*.

Participation, equity and access

The expenses policy provisions must be **non-discriminatory and used in an equitable manner to enable the full participation by councillors from different walks of life**. The policy should allow councillors to represent the community in different ways and take account of, as much as possible, individual differences.

The provisions made in the policy should be at an appropriate level to **encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a councillor**. Such encouragement promotes a diversity of representation that can bring the benefit of new and different approaches and solutions to issues.

The council expenses policy should take account of and make reasonable provision for the **special needs of councillors** to allow access to the appropriate parts of council premises, and facilities, and maximise participation in the civic duties and business of council. This should include for example, provision for sight or hearing impaired councillors and those with other

disabilities. It should also make reasonable transportation provisions for those unable or unwilling to drive a vehicle.

Accountability and transparency

Council expenses policies must ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. They must cover the specific expenses for which councillors are entitled to receive reimbursement. Councillors can only receive reimbursement for expenses when the expense is identified in the policy.

The overriding principle to be addressed in the development of a council expenses policy is that **the details and range of expenses paid and facilities provided to councillors by the council must be clearly and specifically stated and be fully transparent and acceptable to the local community.**

More comprehensive reporting requirements defined under the Local Government Regulation and under these guidelines further reinforce accountability and transparency.

Reasonable expenses

The expenses and facilities policy must ensure that councillors are reimbursed for **expenses reasonably incurred** in their performance of their role as a councillor.

Recognising local differences

Individual policies should be sufficiently **flexible** and tailored to allow individual councils to determine **what they can afford to pay and what is acceptable to their communities.** They need to **recognise the differences between councils** in terms of levels of complexity of their governance, population size, the local economic and development environment and so on. These differences are broadly reflected in the various categorisations of councils, which have been determined by the Local Government Remuneration Tribunal to derive the level of annual fees paid to mayors and councillors.

Further, it is up to individual councils to determine the most appropriate procedure for reconciling expenses taking into consideration issues of accountability and transparency as well as resource availability.

Limits

The payment of expenses and the provision of equipment and facilities to councillors **must not be open-ended.** Councils must agree and set monetary limits to all expense provisions in their policy where practicable and where appropriate, as well as standards for the provision of equipment and facilities provided to councillors.

Annual fees and expenses

The relationship between the annual fees paid to mayors and councillors and the level and scope of expenses paid to councillors is a basic issue when considering the development of a policy for councillor expenses.

The Local Government Remuneration Tribunal has adopted the principle that **expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations**. However, the Tribunal also acknowledges the ability and practice of some councils to ask councillors to pay for some of their expenses from their annual fee. This practice, which has been adopted by some small country councils, can have the effect of financially disadvantaging their councillors and therefore is not encouraged.

Councils may only **pay a deputy mayor part of the mayor's annual fee** where a deputy mayor demonstrably acts in the role of the mayor. Such payment must only be done at the direction of the council and any amount paid to the deputy mayor must be deducted from the mayor's annual fee (section 249 of the *Local Government Act 1993*).

Policies should set levels of expenses and facilities to realistically account for costs incurred by councillors independent of the level of their annual fees.

Expenses and allowances

Councils may determine their own **local rates** of expenses, the level of equipment provision and procedures for reimbursement so long as they follow these guidelines, conform to legislative and statutory requirements, and other policies nominated in these guidelines.

Expenses and facilities policies must not include a general expense clause. Clause 403 (previously 42A) of the Local Government (General) Regulation 2005 provides that councils must not include in their section 252 policies any provision that enables council to pay a councillor an allowance in the nature of a general expense allowance.

Section 252 of the *Local Government Act 1993* only **authorises payment or reimbursement of actual expenses incurred by councillors in carrying out their civic duties**. It is not appropriate or lawful for councils to pay general allowances unrelated to actual expenses incurred or designed to supplement councillors' annual fees.

When requested by a councillor, consideration should be given to the provision of an **advance payment** for the cost of a service associated with a civic duty. This must then be reconciled at a future date within a timeframe stated in the policy. It is up to individual councils to determine the most appropriate means of reconciling such advance payments taking into account issues of accountability and transparency as well as resource availability. The level of supporting documentation should be commensurate with the nature of expenditure.

Monetary limits to expenses

These guidelines do not specify particular monetary limits for the payment of various expenses to councillors. Rather it is the responsibility of individual councils to establish what they would consider **a reasonable level of provision** by determining their own monetary limits and/or rates for the payment of expenses and other benefits to their councillors. **These limits are to be clearly stated in the policy.**

Identifying and publishing monetary limits allows members of the public to know the expected cost of providing services to councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where councillors incur costs that are unforeseen or considered unreasonable by other councillors and the public.

Standard of provision of equipment and facilities

These guidelines do not specify a specific standard for the provision of equipment and facilities to councillors. As with expenses, it is the responsibility of councils to establish and define an appropriate and reasonable level of provision that would enable councillors to effectively carry out their civic duties.

It is expected that **the needs of different councils would be reflected in the scale, scope and nature of equipment and facilities provided.** Like expenses, it is expected that councils of an equivalent Local Government Remuneration Tribunal category would generally make similar provisions.

Approval arrangements

The policy should clarify approval arrangements. In particular, it should **avoid any one person from being the sole decision maker.** This is to prevent potential conflicts. Approval for discretionary trips and attendance at conferences and the like should be where possible, approved by a full meeting of the council. If this is not possible then the approval should be given jointly by the mayor and the general manager. If the mayor requires approval to travel outside of council meetings it should be given jointly by the deputy mayor (if there is one) or another councillor (if there is not a deputy mayor) and the general manager.

Private benefit

Councillors **should not obtain private benefit from the provision of equipment and facilities**, nor from travel bonuses such as 'frequent flyer' schemes or any other such loyalty programs. However it is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Where more substantial private use has occurred the Act provides that a payment may be made to cover the level of that private use. Councils should establish a suitable rate for private use and include it within the policy (refer s252 (2)).

Notes to assist councils in the development of a councillor expenses policy are at APPENDIX 1. These notes do not form part of these guidelines.

Statutory requirements

A policy for the payment of expenses and the provision of facilities for councillors is made under section 252 of the *Local Government Act 1993* and in accordance with clause 403 of the *Local Government (General) Regulation 2005*.

Other policy provisions, which should be considered, include these guidelines, Department of Local Government circulars to councils, the Model Code of conduct for Local Councils in NSW and the Independent Commission against Corruption publication *No Excuse for Misuse*.

Details of relevant statutory requirements and other policy provisions are at APPENDIX 2 of these guidelines.

Development, promotion and review of an expenses and facilities policy

Development and adoption of the policy

Councils must implement section 253 of the *Local Government Act 1993* before adopting or amending a policy. Councils must give public notice of its intention and allow at least 28 days for public submissions. Councils must consider any submissions received and make any appropriate changes to the policy. Councils do not need to give public notice of a proposed amendment to the policy, **if the amendment is not substantial**. Within 28 days of adopting or amending the policy, the policy and details of submissions are to be forwarded to the Director-General of the Department of Local Government.

The term “not substantial” should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Substantial amendments to the policy that could include larger changes to monetary limits than the limit noted above, and/or major changes to the standard of provision of equipment and facilities, will require public notice of

the amendment. Any **new** category of expenses, facilities and equipment included in the policy will also require public notice.

Note that a council must adopt a policy each year even if the policy is the same as its existing policy. As noted above, public notice must be given prior to the annual adoption process.

Promotion and availability of the policy

Councils should promote their policies on the payment of expenses and the provision of facilities to councillors to the community by placing them on their websites and making them readily accessible. Councils should ensure that the policy is easy to locate and view by the public.

Review

Councils are required on an annual basis to review and submit their policy to the Director-General of the Department of Local Government within 28 days of adoption by council, even if they propose to adopt an unchanged policy.

Current policies must be submitted by 30 November each year.

Reporting obligations

Section 428 of the *Local Government Act 1993* requires councils to include in their annual report:

- the council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors
- the total amount of money expended during the year on providing those facilities and paying those expenses
- additional information as required by the Local Government (General) Regulation 2005.

Additional annual reporting requirements

Amendments to clause 217 of the Local Government (General) Regulation 2005 made in December 2006 now require councils to include additional reporting information in their annual reports.

The additional reporting information required is for the purposes of transparency and accountability and should not be seen as a disincentive for the payment of appropriate expenses to councillors.

Councils are now required to report separately on:

- the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

Provision of facilities

- the cost of the provision of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and Internet installed in the councillors' homes (including line rental and internet access). This item does not include the costs of using this equipment, such as calls.

Expenses

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services
- spouse/ partner/ accompanying person expenses (limited to circumstances outlined on page 14 of these Guidelines)
- conference and seminar expenses
- training and skill development expenses
- interstate travel expenses (including subsistence and out-of-pocket expenses)
- overseas travel expenses (including subsistence and out-of-pocket expenses)
- care and other related expenses (of dependants to enable a councillor to undertake his or her civic functions).

Reporting of exceptional equipment and facilities costs

In addition to the statutory reporting requirements, councils should report other costs where these are significant. For example, councils should report the cost of the provision of facilities and equipment where such provision is above what would **normally** be required for the day-to-day running of the council.

Appendix 1

Notes to assist councils in the development of a councillor expenses policy

Introduction

The following notes do not form part of the guidelines. However they have been provided to assist councils in clarifying various issues and include examples to assist councils to prepare their policies. Councils should give consideration to using these notes where they are appropriate to their needs and circumstances.

Status of the policy

The current status of the policy, including details of the date of commencement and previous amendments and revisions, should be provided. The date of the adoption of the amended policy and an outline of the current amendments should be provided in a separate section of the policy to facilitate perusal by the Department of Local Government.

Payment of expenses

General

Council should establish a time limit for councillors to seek reimbursement for their expenses.

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy.

Reimbursement and reconciliation of expenses

The means of reimbursement of costs and expenses to councillors is up to individual councils to determine. Expenses and costs incurred must be in accordance with the requirements of the council expenses policy. Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required it would be appropriate for councillors to certify that the expenditure was for the purpose intended.

Payment of expenses for spouses, partners and accompanying persons

There may be limited instances where certain costs incurred by the councillor on behalf of their spouse, partner or accompanying person are properly those of the councillor in the performance of his or her functions. An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

Meeting the reasonable costs of spouses and partners or an accompanying person for attendance at official council functions that are of a formal and ceremonial nature, is considered appropriate when accompanying councillors within the local government area. Such functions would be those that a councillor's spouse, partner or accompanying person could be reasonably expected to attend. Examples could include but not be limited to, Australia Day award ceremonies, Citizenship ceremonies, civic receptions and charitable functions for charities formally supported by the council.

Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences could be met by councils. These expenses should be limited to the cost of registration and official conference dinners. Travel expenses, any additional accommodation expenses, and the cost of partner/accompanying person tours etc would be the personal responsibility of individual councillors.

Consideration should also be given to the payment of expenses for the spouse, partner or accompanying person of a mayor, or a councillor when they are representing the mayor, when they are called on to attend an official function of council or carry out an official ceremonial duty while accompanying the mayor outside the council's area, but within the State. Examples could include charitable functions to which the mayor has been invited and award ceremonies and other functions to which the mayor is invited to represent the council.

The above circumstances should be distinguished from spouses, partners or accompanying persons who accompany a councillor at any event or function outside the council area, including interstate and overseas, where the costs and expenses of the spouse or partner or accompanying person should not be paid by council (with the exception of attendance at the Local Government and Shires Associations annual conferences, as noted above).

The above examples should also be distinguished from circumstances where spouses, partners or accompanying persons accompany councillors at seminars and conferences and the like. In these situations all costs, including any additional accommodation costs, must be met by the councillor or the spouse/partner/accompanying person.

The payment of expenses for spouses, partners or accompanying persons for attending appropriate functions as permitted above should be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses, partners or accompanying persons

such as grooming, special clothing and transport are not considered reimbursable expenses.

Incidental expenses

Reasonable out of pocket or incidental expenses associated with councillors attending conferences, seminars or training courses may be reimbursed provided that it can be demonstrated that the expenses were actually incurred and that established reconciliation procedures are followed, for example, the completion of a claim form. A claim form must include an itemised account of expenditure and should not be general in nature.

Incidental expenses could reasonably include telephone or facsimile calls, refreshments, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees. In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation. It is expected that councils would specify daily limits to these out of pocket or incidental expenses in their policy. All advanced payments are required to be reconciled.

Consideration of specific expenses for mayors and councillors

General travel arrangements

All travel by councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

Local travel arrangements and expenses

The policy should provide for the payment of reasonable travel expenses for local travel relating to defined council business.

For example, the policy could include arrangements for the use of a private vehicle and provisions for the use of public transport, taxis, hire cars, travel using a council vehicle and associated other costs such as parking and road tolls. The policy should clarify that the driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.

Interstate travel

Prior approval of travel should generally be required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

Overseas travel

It is strongly recommended that councils scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid international visits unless direct and tangible benefits can be established for the council and the local community.

Detailed proposals for overseas travel should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit, should also be provided.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Councils should not allow the retrospective re-imbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be included in the council business papers. The use of a mayoral minute to obtain council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community. Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council.

Details of overseas travel must also be included in councils' annual reports. Councils are also required to report on the benefits of any proposed overseas sister city relationships.

Attendance at seminars and conferences

Councils may provide specific guidance in their policies in regard to the type of seminars and conferences that may be attended, the number of councillors who may attend and approval arrangements.

Requests for attending conferences should generally be in writing outlining the benefits for council. After returning from the conference, councillors or a member of council staff accompanying the councillor/s, should provide a written report to council on the aspects of the conference relevant to council business

and/or the local community. No written report is required for the Annual Conferences of the Local Government and Shires Associations.

Councils may pay conference registration fees charged by the conference organisers including the costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of the council.

Councils should meet the reasonable cost of transportation and accommodation associated with attendance at the conference, and meals when they are not included in the conference fees.

Accommodation costs

Councils may make specific provision in the policy in regard to an appropriate standard of accommodation for councillors attending conferences, seminars and other functions.

Attendance at dinners and other non-council functions

The policy should address the issue of councillors' attendance at formal dinners and other non-council functions.

Consideration may be given to meeting the cost of councillors' attendance at dinners and other non-council functions which provide briefings to councillors from key members of the community, politicians and business. Approval to meet expenses should only be given when the function is relevant to the council's interest. Only the cost of the service provided should be met. No payment should be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

Training and educational expenses

Councils should consider making separate provision for the payment of relevant training and educational expenses incurred by councillors in the budget. These expenses would support and encourage an active learning process and skills development in addition to attending seminars and conferences related to council functions. It is essential where council is paying these expenses that the training or educational course is directly related to the councillor's civic functions and responsibilities.

This initiative also supports NSW Government policy. The Minister for Local Government is keen to encourage councillors to undertake relevant training and skills development to ensure they carry out their functions as effectively as possible.

Telephone call costs and related expenses

Councils should establish a monthly monetary limit for the cost of official mobile, landline and facsimile calls made by councillors. A system should be also be established to reconcile all telephone call costs claimed with account statements. Councils should also consider limiting expenses for Internet use.

Care and other related expenses

Councils are strongly encouraged to make provision for the reimbursement of the reasonable cost of carer arrangements, including childcare expenses and the care of elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations. This is in accordance with the principles of participation, access and equity outlined on page six of these guidelines and is considered by the Department of Local Government to be a legitimate expense. Councillors claiming the carer expense should not be subject to criticism for doing so.

Consideration should be given to the payment of other related expenses associated with the special requirements of councillors such as disability and access needs, to allow performance of normal civic duties and responsibilities.

Legal assistance provisions and expenses

The expenses policy may address the provision of the payment of legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the *Local Government Act 1993*.

The policy should be in accordance with provisions in the departmental Circular to Councils 05/08 *Legal assistance for councillors and council employees*.

The policy should also be consistent with the provisions of the model policy set out in the *Local Government Law Guide*, Sly and Weigall in association with Deacons, Graham & James (June 1994) p 322, point 252.3(6).

Consistent with this circular and this model policy, the expenses policy should not provide for legal assistance to be provided in respect of legal proceedings initiated by the Mayor and/or councillors in any circumstances.

Insurance provisions and expenses

Section 382 of the *Local Government Act 1993* requires a council to make arrangements for its adequate insurance against public liability and professional liability.

The policy should include a section outlining insurance provisions for councillors and as a minimum these insurances should cover:

- Public liability (for matters arising out of councillors' performance of their civic duties and/or exercise of their council functions)
- Professional indemnity (for matters arising out of councillors' performance of their civic duties and/or exercise of their functions)

Councils could also give consideration to providing additional insurance for councillors to cover:

- Personal injury while on council business. Note that councillors are not covered by workers' compensation payments or arrangements.
- Travel insurance for approved interstate and overseas travel on council business

All insurances are to be subject to any limitations or conditions set out in the council's policy of insurance.

Provision of facilities, equipment and services

General principles

Facilities, equipment and services should be provided that are appropriate to support mayors and councillors in undertaking their role as elected members of the council. Facilities should be provided to ensure the safety of councillors, for example the allocation of a safe and secure designated parking space at or near the council premises.

Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.

Provision of facilities, equipment and services for councillors

The following are examples of equipment, facilities and services that could be included in the policy and provided to mayors and councillors. The provision of facilities, equipment and services should not be limited to this list:

- Office equipment (phones, fax, photocopier)
- Mobile phone
- Internet
- Dedicated computer equipment including a desktop and/or laptop, printer, scanner and software
- Furnished councillors' room
- Secretarial and administrative support
- Stationery, office supplies, postage, business cards and other consumables
- Non-dedicated council vehicle
- Car parking set aside for the sole use of councillors
- Meals and refreshments
- Meals on evenings of council meetings and official dinners, light refreshments at committee and working party meetings
- Corporate clothing and protective clothing and equipment

Provision of additional facilities, equipment and services for mayors

In addition to the facilities, equipment and services provided to councillors, certain additional facilities may be provided to a mayor to recognise the special role, responsibilities and duties of the position both in the council and in the community.

Provision of a dedicated motor vehicle

Generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the mayor. The type of motor vehicle and all conditions of use, should be specified in the policy.

Other equipment, facilities and services

Other equipment to be provided for the use of the mayor may include, but not be limited to:

- Ceremonial clothing including mayoral robes, chains of office
- Dedicated staff support, including secretarial services
- Furnished mayoral office
- Allotted parking space at the council premises

Acquisition and return of equipment and facilities by councillors

Councils should provide details of arrangements for councillors to return equipment and other facilities to the council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The policy should provide the option for councillors to purchase council equipment previously allocated to them at the cessation of their duties. If the item is for sale it should be purchased at an agreed fair market price or written down value.

Appendix 2

Details of relevant statutory requirements and other policy provisions.

Provisions under the *Local Government Act 1993*

Changes to sections 252(5) and 253 of the *Local Government Act 1993*, made by the *Local Government Amendment Act 2005*, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the *Local Government Act 1993* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the *Local Government Act 1993*) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 states:

(1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.

(3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.

(4) A council may from time to time amend a policy under this section.

(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 states:

(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

(4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:

(a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

(b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and

(c) a copy of the notice given under subsection (1).

(5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2)(f) requires a council to include in its annual report:

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition Section 428(r) requires that councils must report on any other information required by the regulations.

Provisions under the Local Government (General) Regulation 2005

In December 2006 additional reporting requirement provisions were incorporated into the Local Government (General) Regulation 2005.

Clause 217 (Additional information for inclusion in annual reports) states in part:

(1) For the purposes of section 428 (2) (r) of the Act, an annual report of a council is to include the following information:

(a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),

(a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:

(i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),

(ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,

(iii) the attendance of councillors at conferences and seminars,

(iv) the training of councillors and the provision of skill development for councillors,

(v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

(vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

(vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,

(viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

(a) to pay any councillor an allowance in the nature of a general expense allowance, or

(b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

Other NSW Government policy provisions

Department of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

- Circular 05/08 *Legal assistance for councillors and council employees.*
- Circular 02/34 *Unauthorised use of council resources.*

As previously stated, these guidelines replace Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors.*

The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – December 2004*. The following parts of the code are particularly relevant to s252 policies:

Use of council resources (pp 23-24)

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

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

9.17 You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

9.18 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

9.19 You must not convert any property of the council to your own use unless properly authorised.

ICAC Publication - *No Excuse for Misuse, preventing the misuse of council resources*

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

Attachment 1

A suggested format for a policy for the payment of expenses and the provision of facilities for mayors and councillors

Part 1 INTRODUCTION

- **Title, commencement etc of the Policy**
- **Purpose of the Policy**
The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.
- **Objectives and coverage of the Policy**
- **Making and adoption of the Policy**
- **Reporting requirements**
- **Legislative provisions**
- **Other Government policy provisions**
 DLG Guidelines for payment of expenses and provision of facilities
 Model Code of Conduct
 DLG Circulars to councils
 ICAC publications
- **Approval arrangements for claiming expenses and use of facilities**

Part 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

- **Payment of expenses generally**
 Allowances and expenses
 Reimbursement and reconciliation of expenses

Payment in advance

- **Establishment of monetary limits and standards**
- **Spouse and partner expenses**

SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

- **Attendance at seminars and conferences**
- **Training and educational expenses**
- **Local travel arrangements and expenses**
- **Travel outside the LGA including interstate travel**
- **Telephone costs and expenses**
- **Internet**
- **Care and other related expenses**
- **Insurance expenses and obligations**
- **Legal expenses and obligations**

ADDITIONAL MAYORAL EXPENSES

Part 3 PROVISION OF FACILITIES

GENERAL PROVISIONS

- **Provision of facilities generally**
- **Private use of equipment and facilities**

PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYORS

Part 4 OTHER MATTERS

- **Acquisition and returning of facilities and equipment by Councillors**
- **Status of the Policy**

Circular No. 08-03
Date 18 January 2008
Doc ID. A117140

Contact Wendy Forrester
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FINDINGS FROM REVIEW OF COUNCILLOR EXPENSES AND FACILITIES POLICIES

A sample of 45 councillor expenses and facilities policies prepared for 2006/2007, as required under sections 252 and 253 of the *Local Government Act 1993* and the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW*, were reviewed to assess the understanding of and compliance with the Director General's legislated Guidelines.

The Guidelines were first released in September 2006 to promote accountability and transparency in the payment of expenses and provision of facilities to mayors and councillors (Council Circular Nos 06-57 and 07-22) to meet community expectations.

Councils whose policies were reviewed were:

- **Urban** – Auburn, Blacktown, Burwood, Fairfield, Holroyd, Hurstville, Kuring-gai, Leichhardt, Mosman, North Sydney, Randwick, Rockdale, Sutherland, Sydney and Waverley
- **Regional** – Albury, Armidale-Dumaresq, Bega Valley, Baulkham Hills, Blue Mountains, Byron, Campbelltown, Mid-Western Regional, Newcastle, Penrith, Port Macquarie-Hastings, Shellharbour, Tamworth, Wagga Wagga and Wollondilly
- **Rural** – Berrigan, Central Darling, Cooma-Monaro, Corowa, Glen Innes Severn, Gundagai, Hay, Jerilderie, Kyogle, Nambucca, Narromine, Oberon, Parkes, Tumbarumba and Upper Hunter.

Review Findings

The review found that:

- Approximately two-thirds of the policies reviewed adequately met the requirements of the legislation and the Guidelines with 2 (4%) rated 'Very Good', 8 (18%) rated 'Good', 19 (42%) rated Adequate.

- A high level of compliance was found in a number of areas (listed below). More than two-thirds of policies reviewed complied in that they contained:
 - clear and appropriate principles and details in relation to **approval, reimbursement and reconciliation** processes
 - a number of the expense categories outlined in the Guidelines, which were clearly and appropriately delineated and justified. These expense categories were **conferences/seminars, training/development, insurance, telecommunications and travel**. However, it was noted that the **training/development** expense category was often buried in the policy within the conferences/seminars category or given cursory mention. Councillor training has been identified as an area of priority and councils are encouraged to ensure their policies reflect this
 - clear and appropriate provision of **facilities for councillors** and provision for **additional facilities for Mayors**.
- A lower level of compliance was found in a number of areas (listed below). Approximately half of the policies reviewed did not comply in that they did not contain:
 - clear and appropriate principles and details in relation to setting **limits** as well as clear statements **disallowing a general allowance** and **disallowing private benefit**. It was noted that nearly half of the policies reviewed had few or no clear limits set for each expense and facility category, as required by the Guidelines.
 - clearly and appropriately delineated and justified expense categories including:
 - **legal expenses** – nearly half of policies reviewed left councils at risk of paying inappropriate legal expenses for councillors: i) initiating a legal action; or ii) where the outcome of an action against the councillor is unfavourable to that councillor. Policies should explicitly disallow payment of expenses in these circumstances
 - **Spouse/accompanying person expenses** – a high number of policies reviewed allowed inappropriate expenses for spouse/accompanying persons (such as for travel and accommodation)
 - **Carer expenses** – a high number of policies reviewed did not allow for carer expenses or allowed it only in relation to children and not for other potential dependents including people with disabilities and the elderly.
- There was no significant difference in terms of level of compliance or quality of policies between rural, regional and metropolitan councils.

Areas for improvement

Councils are encouraged to consider the findings of this review in the development of their future policies on councillor expenses and facilities, particularly those areas for which there was a lower level of compliance including legal expenses, spouse/accompanying person expenses and carer expenses (as discussed above).

Policies should include clear statements in relation to:

- disallowing general allowances
- disallowing private benefit (unless where private use occurs there is a mechanism in place to recoup costs and the policy states this)
- approval, reimbursement and reconciliation processes.

Policies should also include justification for *not* providing for the expense and facility categories listed in the Guidelines. For example, if a council determines it is inappropriate for the council to provide for carer expenses the policy should state this and justify why this is the case.

With respect to carer expenses, providing adequately for this in councils' policies will assist to attract and retain councillors who have carer responsibilities, which will in turn promote diversity in leadership in local government. The *Promoting Diversity in Leadership in Local Government* is a priority project discussed in the Department's *A New Direction for Local Government* position paper (October 2006).

Councils are also particularly encouraged to provide adequate expenses for councillor training. Training for councillors to assist them to be effective community leaders was also identified and discussed as a priority project in the Department's *New Direction* paper.

The date for submission to the Department of councillor expenses and facilities policies is 30 November annually. However, councils wishing to take into consideration the findings of this review have an extension for the submission of their 2007/2008 policies until 31 March 2008.

Councils should ensure councillors are aware of and understand the content of the Guidelines when preparing their councillor expenses and facilities policies.

Councils whose policies were reviewed may wish to contact Wendy Forrester, Senior Policy and Research Officer, on telephone 02 4428 4172 for more detailed information about the review findings in relation to their policy.

Attached is the template used during the review process to assess policies. This may be of assistance to councils in assessing and improving their policies.



Garry Payne AM
Director General

Councillor Expenses and Facilities Policies REVIEW TEMPLATE			
Council:		Date Reviewed:	
GENERAL PRINCIPLES			
Policy includes:	Y/N	Adequacy:	Y/N
Approval process	<input type="checkbox"/>	Appropriate approval process	<input type="checkbox"/>
Limits	<input type="checkbox"/>	Appropriate limits	<input type="checkbox"/>
Reconciliation process	<input type="checkbox"/>	Appropriate reconciliation process	<input type="checkbox"/>
Reimbursement process	<input type="checkbox"/>	Appropriate reimbursement process	<input type="checkbox"/>
No general allowances	<input type="checkbox"/>	No general allowances	<input type="checkbox"/>
No private benefit	<input type="checkbox"/>	Council allows only reasonable and infrequent private use of resources	<input type="checkbox"/>
		Where private use occurs, there is a mechanism in place to recoup costs	<input type="checkbox"/>
EXPENSES			
Policy includes:	Y/N	Adequacy:	Y/N
Conferences/Seminars	<input type="checkbox"/>	Appropriate conference/seminar	<input type="checkbox"/>
Training/skill development	<input type="checkbox"/>	Appropriate training/skill development	<input type="checkbox"/>
Local travel	<input type="checkbox"/>	Appropriate local travel	<input type="checkbox"/>
Travel outside LGA	<input type="checkbox"/>	Appropriate travel outside LGA	<input type="checkbox"/>
Telephone/fax/internet	<input type="checkbox"/>	Appropriate telephone/fax/internet	<input type="checkbox"/>
Carer expenses	<input type="checkbox"/>	Appropriate carer expenses	<input type="checkbox"/>
Insurance	<input type="checkbox"/>	Appropriate insurance	<input type="checkbox"/>
Legal	<input type="checkbox"/>	Appropriate legal expenses (inc no legal expenses for councillors or staff as plaintiffs)	<input type="checkbox"/>
Spouse	<input type="checkbox"/>	Appropriate spouse expenses (only for registration and dinner at LGSA conferences)	<input type="checkbox"/>
FACILITIES - COUNCILLORS			
Policy includes:	Y/N	Adequacy:	Y/N
Computer/phone/fax/internet at home	<input type="checkbox"/>	Appropriate facilities at home	<input type="checkbox"/>
Access to council resources eg. admin support (sec, copy/fax, stationery), staff knowledge, rooms, clothing, car	<input type="checkbox"/>	Appropriate access to council resources	<input type="checkbox"/>
ADD FACILITIES - MAYOR			
Policy additionally includes:	Y/N	Adequacy:	Y/N
Access to additional council resources eg. dedicated office/admin support, mayoral clothing etc	<input type="checkbox"/>	Appropriate additional access to council resources	<input type="checkbox"/>
Mayoral car	<input type="checkbox"/>	Appropriate use of mayoral car	<input type="checkbox"/>

DEVELOPMENT PROCESS*	Y/N	Adequacy:	Y/N
Policy reviewed			
Publicly advertised (if approp)			
Considered public comments			
Adopted			
Publicly available (eg. internet)			
Sent to DLG			
* Implementation and reporting processes not considered in scope of this review			
BETTER PRACTICE	Y/N	Comments	
General/Overall Better Practice			
Policy well structured and readable			
Participation, access and equity principles considered			
Good proformas (eg claims, private benefit)			
Local differences are well articulated and appropriate			
Appropriate limits specified for all expenses and facilities			
Indicates good transparency and accountability			
Council audited compliance with policy within past 12 mths			
Comments			



POLICY

for the Payment of Expenses
and
Provision of Facilities to
Councillors

(Section 252, Local Government Act 1993)

Draft March 2008

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2.1		Annual revision following DLG Circulars 07-22 and 08-03			

POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

(SECTION 252, LOCAL GOVERNMENT ACT 1993)

Part 1 - INTRODUCTION

Title and Commencement of the Policy

- 1.1** This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors.

The Policy is effective from XX.

In this Policy, unless otherwise stated, the expression "Councillor" refers to all Councillors of Ku-ring-gai Council including the Mayor and Deputy Mayor.

In this Policy the expression "year of term" means the twelve (12) month period commencing on the date of election to Council of a Councillor and every subsequent twelve (12) month period of the term of office.

Purpose of the Policy

- 1.2** The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

- 1.3** The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to, the Councillors the cost of which shall be met by Council.

This Policy also aims to uphold and demonstrate the following key principles:

- **Conduct.** Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the *Local Government Act 1993* ("the Act") or any other Act.

- **Participation, equity and access.** The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic functions and business of Council.

- **Accountability and transparency.** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- **Reasonable expenses.** Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Making and Adoption of the Policy

- 1.4** This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993. These sections are set out in clause 1.6.

The Policy is to be adopted by Council annually, within 5 months after the end of each financial year.

Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Public notice is not necessary if the proposed changes are insubstantial, i.e. if there are only minor changes to the wording of the Policy, changes to monetary provisions or rates that are less than 5% or minor changes to the standard of equipment and facilities to be provided. Public notice, however, is required prior to each annual adoption process even if there is no proposed change to the Policy.

Reporting Requirements

- 1.5 Section 428 of the Act and clause 217 of the *Local Government (General) Regulation 2005* ("the Regulation") require Council to include in each Annual Report a copy of this Policy and details of the cost of implementing the Policy. Copies of this legislation are set out in clause 1.6.

Legislative Provisions

- 1.6 The relevant legislative provisions are set out below. In this legislation the expression "year" means the period from 1 July to the following 30 June.

Local Government Act 1993

252 Payment of expenses and provision of facilities

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).**
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) A report must contain the following:
 - (f) the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,**

Local Government (General) Regulation 2005

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) the attendance of councillors at conferences and seminars,*
 - (iv) the training of councillors and the provision of skill development for councillors,*
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 *Payment of expenses and provision of facilities*

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.

Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government Policy Provisions

- 1.7 This Policy has been prepared with reference to other Government and Council Policy provisions as follows:
- Department of Local Government Circular No. 08-03, 18 January 2008, *Findings from Review of Councillor Expenses and Facilities Policies*
 - Department of Local Government Circular No. 07-22, 28 May 2007 *Updated Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors*
 - Department of Local Government Circular No. 05/08, 9 March 2005 *Legal Assistance for Councillors and Council Employees*
 - ICAC Publication *No Excuse for Misuse*, November 2002
 - Ku-ring-gai Council *Code of Conduct*.

DRAFT

Part 2 - PAYMENT OF EXPENSES

GENERAL PROVISIONS

Payment of Allowances and Expenses Generally

- 2.1** An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

Reimbursement and reconciliation of expenses

Claims for reimbursement of expenses shall be submitted no later than 12 months after the expenses were incurred. Claims shall be submitted to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim. Tax invoices and receipts are to be supplied when available to support claims.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

Where travel out of the Sydney metropolitan area can be undertaken by air, the amount payable for travel in a Councillor's own car shall be no more than the corresponding air fare and taxi fares to and from the airport.

Council shall, where possible pay expenses directly by account or through the corporate credit card. However it shall be necessary for Councillors to pay unexpected expenses and then seek reimbursement.

Once expenses of attending a conference, seminar or training course have been finalised, accounts shall be forwarded to Councillors for any expenses payable by them. Such accounts are to be repaid in full within Council's normal terms, i.e. 30 days. Any arrangements to finalise an account by periodic payment may only be approved by Council.

An employee delegated by the General Manager shall assess all claims made under this Policy. The employee shall review a claim against the provisions of this Policy and make a recommendation to the General Manager. The General Manager shall then determine the claim. Approved claims, in part or in whole, shall be paid within seven (7) days.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy, where the service or facility is not ordinarily acquired by Council. However, Councillors must fully reconcile all expenses against the cost of the advance. Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The level of the supporting documentation is to be commensurate with the nature of the expenditure. The maximum value of a cash advance is \$512.

Establishment of Monetary Limits and Standards

- 2.2 Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

Spouse and Partner Expenses

- 2.3 In this clause *accompanying person* means *a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor*.

In limited circumstances Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor, such as costs associated with attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.

Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function. Each Councillor is entitled to a maximum of \$205 per year of term for these types of expenses.

In addition Council shall meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.

Costs associated with spouses, partners or accompanying persons attending other conferences, seminars and training courses shall not be met by Council.

Also, Council shall meet limited expenses of spouses, partners or accompanying persons of the Mayor, or a Councillor representing the Mayor, when attending an official function of Council or carrying out an official ceremonial duty while accompanying the Mayor outside Council's area, but within New South Wales. Such circumstances could include charitable functions or award ceremonies to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

In all cases under this clause peripheral expenses of spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

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EXPENSES FOR COUNCILLORS

Attendance at Seminars, Conferences and other Training and Educational Expenses

2.4 Council shall meet expenses incurred by Councillors attending conferences, seminars and training courses in any of the following circumstances:

- Attendance authorised by resolution of Council
- Attendance at conferences which are included in Council's Annual Program of Conferences and funds are provided in the adopted Management Plan and where the prior authority of the Mayor and General Manager has been obtained
- Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained
- Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

Where the Mayor is seeking approval to attend a conference, seminar or training course the authority of the Deputy Mayor and the General Manager is required where applicable.

Requests from individual Councillors for attendance at conferences, seminars and training courses shall be in writing outlining the benefits for Council and the community.

After return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Such a report is not required for the Annual Conferences of the Local Government and Shires Associations.

If requested Council shall make all necessary arrangements for the attendance of Councillors at the conference, seminar or training course. Where the Councillor is being accompanied by another person, Council shall also make all of the necessary arrangements for that person. Council shall meet only those costs relating to the attendance of that person as set out in clause 2.3.

Council shall meet the following costs for attendance at approved conferences, seminars and training courses:

Registration fees

Council shall meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.

Accommodation

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Transportation

Councillors attending a conference, seminar or training course shall travel by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations. Any time and costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.

For conferences out of the Sydney metropolitan area Council shall meet the cost of an economy class air ticket or Council shall reimburse transportation expenses as detailed below whichever is the lesser amount.

Council shall reimburse transportation expenses by a Councillor with the Councillor's own vehicle. For travel within a Council-owned vehicle, actual costs incurred shall be reimbursed.

Council shall meet the cost of transferring Councillors from their place of residence to the airport and return or meet the cost of taxi fares, whichever is the lesser amount.

Council shall meet the cost of transferring Councillors from the airport to the hotel and return at the conclusion of the conference, seminar or training course, such costs not to exceed the cost of taxi fares.

Should a Councillor be accommodated in a hotel not being the site of the conference, seminar or training course, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of the Councillor travelling from the hotel to the site of the conference, seminar or training course and return each day, such costs not to exceed the cost of taxi fares.

Where as a result of attending a conference, seminar or training course a Councillor visits another Council in the course of discharging the functions of civic office or to further knowledge of local government, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of transfer of the Councillor from the hotel to the Council premises visited and return, such costs not to exceed the cost of taxi fares.

Meals

Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course. Council shall also meet the reasonable cost of drinks accompanying the meals.

Bar Service

Council shall meet the cost of any expenses incurred at a bar located within the conference hotel or the accommodation hotel only when special guests have been invited for drinks at the request of the Mayor or the leader of Council's delegation.

Other costs

Council shall meet other reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, such as telephone or facsimile calls, refreshments, other meals, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees up to a maximum amount of \$51 per day.

Local Travel Arrangements and Other Expenses

- 2.5** Travelling expenses shall be paid for travel on official business of Council in the Sydney metropolitan area. Councillors may, where necessary, be provided with a taxi voucher for transportation purposes on Council business.

Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines. Claims for reimbursement under this provision shall be supported with an explanation of the need for the travel in relation to official Council business.

Council shall meet the cost of Councillors' attendance at dinners and other non-council functions which provide briefings to Councillors from key

members of the community, politicians and business where the function is relevant to Council's interest. Council shall meet the cost of any component of the ticket to the function that is a donation to a registered charity but shall not meet the cost of any component of the ticket that is a donation to a political party, candidate's electoral fund or other private benefit. Each Councillor is entitled to a maximum of \$205 per year of term for these types of expenses.

Travel Outside the Local Government Area including Interstate and Overseas Travel

- 2.6** For any proposed travel by a Councillor on Council related business not otherwise addressed in clauses 2.4 and 2.5 the approval of Council in non-confidential session of a Council meeting is required. Approval shall be granted subject to any conditions Council so determines. Council shall meet only those expenses that Council so determines.

Telephone Costs and Expenses

2.7 Telephone/Facsimile

Council shall meet the cost of providing a telephone landline for any telephone/facsimile machine provided under this Policy. Council shall meet the cost of landline rental and all outgoing calls, to a maximum cost of \$102 per month.

Mobile telephone

Council shall meet the cost of a mobile telephone either:

- A Council provided mobile telephone including vehicle kit to the value of \$1024, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$205 per month for calls, provided that the mobile telephone is used for Council business only, and the number is available to be given out for general public information; or
- If the Councillor provides their own mobile telephone and mobile telephone service, Council shall reimburse the cost of rental plus the cost of those calls certified by the Councillor as being Council business calls charged against that service, to a limit of \$205 per month for calls.

In addition Council shall meet data costs in respect of mobile telephones up to a limit of 100 megabytes per month. For Councillor-owned mobile telephones the amount payable by Council under this provision shall not

exceed the amount paid under contracts entered into by Council for Council-owned mobile telephones.

Internet

- 2.8** Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor.

Care and Other Related Expenses

2.9 Care of relatives

In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Act;

Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).*

Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,048 per year of term.

Special requirements of Councillors

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,048 per year of term.

Insurance Expenses and Obligations

2.10 Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- Public Liability insurance
- Professional Indemnity insurance
- Personal Accident insurance

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Legal Expenses and Obligations

2.11 Council shall, if requested, indemnify or reimburse the reasonable legal expenses to a maximum of \$204,800 of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs for any legal assistance in respect of legal proceedings initiated by a Councillor in any circumstances.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

ADDITIONAL EXPENSES FOR THE MAYOR

Allowances and expenses

- 2.12** An additional annual fee is paid to the Mayor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

There are no other Mayoral allowances and expenses in this Part.

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Part 3 - PROVISION OF FACILITIES

GENERAL PROVISIONS

Provision of Facilities Generally

- 3.1 Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Management Plan.

All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

Private Use of Equipment and Facilities

- 3.2 Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes receipt of a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

If a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

EQUIPMENT AND FACILITIES FOR COUNCILLORS

Equipment and Facilities at the Council Administration Building

3.3 Councillors shall be provided with equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Councillors' Room and resources

A room furnished for use by all Councillors shall be provided by Council. Included in the Councillors' Room shall be:

- A computer, printer and peripherals for use by all Councillors
- A website directory of relevant local government internet sites
- A technical library
- Councillors' robes for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided to support all Councillors. The Executive Assistant shall be responsible to the General Manager.

Correspondence Processing

Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office. Council shall provide letterhead for use by Councillors in replying to correspondence.

Council shall provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence is to be carried out by the General Manager or delegate.

Copies of all correspondence by Councillors including facsimile transmission sheets shall be placed in folders in the Councillors' Room for reference by all Councillors.

Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

Meals and Refreshments

Prior to, during or after Council, Forum and Committee meetings the Councillors shall be provided with a suitable meal including refreshments. The standard of the meal provided shall be determined by the Mayor in consultation with the General Manager.

Car Parking

Three (3) car parking spaces shall be provided for Councillors in the Council car park at the Council administration building except on Committee meeting nights, public meetings and Council meeting nights when a further six (6) car parking spaces shall be allotted in the same car park.

Equipment and Other Items Required to be Returned

3.4 Upon election to office Councillors shall be provided with certain equipment and other items that shall be returned when the Councillor ceases to hold office. The following equipment and other items shall be provided under this clause:

- Printed copy of the current relevant Local Government and Planning Legislation
- Briefcase to the maximum cost of \$205
- Dictaphone (either hand held or desk variety) and cassettes to the maximum cost of \$205
- Facsimile/telephone machine to the maximum cost of \$512
- Filing cabinet for Council Business Papers and other Council correspondence to the maximum cost of \$307
- Bookcase to the maximum cost of \$205
- Personal computer, peripherals and software to the maximum cost of \$4096
- Security card to enable entry to Council's administration building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.

Other Items Not Required to be Returned

3.5 Upon election to office and where applicable throughout the term of office Councillors shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Councillor ceases to hold office. The following items shall be provided under this clause:

- Name badge
- Minor items of stationery to the maximum cost of \$102 each year of term.
- Transport to and from the Council administration building or other sites for meetings when the Councillor's own mode of transport is not available
- 100 Christmas cards each year of term
- A copy of clippings (weekly) from the newspapers relating to matters affecting local government in general and Ku-ring-gai in particular
- 500 business cards each year of term
- Corporate attire and presentation gifts for use in connection with civic functions, e.g. tie, scarf, spoon etc.
- Street Directory
- Refreshments/meals when undertaking official Council business (satisfactory explanation of official Council business required to support claims)
- Copies of the most recent Electoral Roll for all Wards
- Facsimile transmission sheets
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks, and toner (not including paper) for the continued operation of the equipment provided in clause 3.4.
- 5,000 sheets of plain white paper per year of term.

ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Equipment and Facilities at the Council Administration Building

- 3.6** The Mayor shall be provided with additional equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Mayoral Office and resources

Council shall provide:

- A furnished office
- A computer, printer and peripherals
- Mayoral letterhead
- Mayoral robes for official, civic and ceremonial use
- Mayoral Chain of Office for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided with equivalent experience, responsibilities and skills to that of the General Manager's Executive Assistant. The Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

Car parking

An allocated parking space shall be provided at the Council administration building.

Equipment and Other Items Required to be Returned

- 3.7** Upon election to office the Mayor may be provided with certain equipment and other items that shall be returned when the Mayor ceases to hold office. The following equipment and facilities shall be provided under this clause:

- Mayoral vehicle up to the standard of a Holden Statesman Caprice. The Mayoral vehicle shall be fully maintained by Council for the use by the Mayor for official, civic and ceremonial functions and appropriate use arising out of or in the course of the Mayor's official, civic and ceremonial functions. A petrol card shall be supplied to fuel the Mayoral vehicle at Council's cost for official use only.

- Mobile telephone costs additional to that provided under clause 2.7. The call limits referred to in clause 2.7 shall be increased by \$102 per month, making a total of \$307 per month and the data allowance shall be increased by 100 megabytes per month, making a total of 200 megabytes per month.

Other Items Not Required to be Returned

3.8 Upon election to the office and where applicable throughout the term of office the Mayor shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Mayor ceases to hold office. The Mayor shall receive all of the items listed for Councillors under clause 3.5 and the following:

- Name badge
- Refreshments when fulfilling the role of Mayor
- An additional 100 Christmas cards each year of mayoralty, making a total of 200 cards during each year of mayoralty.
- An additional 250 Business cards each year of mayoralty, making a total of 750 cards during each year of mayoralty.
- Additional corporate attire and presentation gifts e.g. Council ties, scarves, spoons, cuff links, etc for own use and presentations as appropriate and gifts suitable for younger persons.

Part 4 - OTHER MATTERS

Acquisition and Returning of Facilities and Equipment by Councillors

- 4.1** Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the depreciated value of the equipment as recorded in the Council's books of accounts at the time of ceasing to hold office. This clause does not include a vehicle.

Status of the Policy

- 4.2** This Policy was prepared having regard to Department of Local Government Circular No. 07-22 dated 28 May 2007 "Updated Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors". This is the first version of the Policy to be based on Circular No. 07-22. This Policy replaces the previous version of the Policy adopted by Council on 27 February 2007, Minute no. 40.

This Policy was adopted by Ku-ring-gai Council at its meeting held on XX, Minute no. XX. The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.

CODE OF MEETING PRACTICE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider a revised draft Code of Meeting Practice.
BACKGROUND:	Council has a Code of Meeting Practice that was last reviewed in May 2005.
COMMENTS:	Legislative changes have occurred necessitating an update of the code of Meeting Practice.
RECOMMENDATION:	That the revised Code of Meeting Practice be endorsed for placing on public exhibition.

PURPOSE OF REPORT

To consider a revised draft Code of Meeting Practice.

BACKGROUND

Council has a Code of Meeting Practice that was last reviewed in May 2005. (**Attachment A**)

Section 360(2) of the *Local Government Act 1993* (the Act) provides that a Council may adopt a Code of Meeting Practice that incorporates the relevant legislation supplemented with further provisions that are not inconsistent with that legislation.

COMMENTS

Revision of Code

Legislative changes have occurred necessitating an update of the Code of Meeting Practice.

The *Local Government (Meetings) Regulation 1999* was repealed in 2005 with the provisions of that Regulation being incorporated into the *Local Government (General) Regulation 2005* (the Regulation). Council's current Code has references to the repealed Regulation. In addition there have been some other legislative provisions that need to be incorporated into the revised Code.

The need for a review of the Code has provided the opportunity to generally revise the layout and presentation of the document. A revised Code of Meeting practice is attached (**Attachment B**).

Direct quotes from the Act and the Regulation are provided in the Code in *italics*.

The revised draft incorporates the provisions of the existing Code with the updated legislation. Minor additions to the Code have been included where considered appropriate to clarify some existing provisions.

Council currently has no formal Committees under the Act (Committees comprised only of Councillors) other than the Committee of the Whole. However, in a similar manner to the current Code, the revised draft Code includes a part dealing with Council Committees (Part 5). This part sets out the relevant legislation and is included so that the Code is complete and the provisions may be acted on if, and when, needed.

The main changes in the revised draft are:

- New layout organising the provisions into parts under new headings
- Clarification of provisions for extraordinary meetings (paragraph 2.2)
- Addition of legislative provisions clarifying procedures for leave of absence from meetings (paragraph 2.6)
- Clarification of provisions for confirming minutes (paragraph 3.4)

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- Clarification of provisions for seconding motions and amendments (paragraph 3.12)
- Addition of legislative provisions regarding misbehaviour (paragraph 4.6)
- Addition of legislative provisions regarding conflict of interests (Part 6)
- Clarification of provisions for access to information and records by Councillors (paragraph 8.3)
- Addition of provisions regarding mobile phones in meetings (paragraph 8.7)
- Addition of summary of legislative provisions for meetings closed to the public (**Attachment B**).

Closed meetings

In reviewing the Code consideration has also been given to relevant issues in the Department of Local Government's Promoting Better Practice Review. In particular the Review seeks to establish whether Council has a Code of Meeting Practice, whether public notice is given of meetings, whether business papers are publicly available, whether members of the public may speak at meetings and whether the minutes for closed meetings fully comply with the Act.

In respect of closed meetings, the Act is very prescriptive about when a meeting may go into closed session, about what justification must be provided and about what must be recorded in the minutes. The relevant sections of the Act are set out in Part 7 of the Code with a summary set out in **Attachment B**.

To ensure full compliance with the Act when going into closed session Council must state:

- the relevant provision of section 10A (2) of the Act
- the matter that is to be discussed during the closed part of the meeting
- the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Also this information must be recorded in the minutes of the meeting.

To assist in achieving full compliance with the Act where reports to Council propose that the matter be dealt with in closed session, additional information will be provided by staff with the report so that the appropriate justification for confidentiality is available and can be noted in the minutes.

Section 10A (4) of the Act (paragraph 7.3.1 of the Code) provides for members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. To ensure that this is understood by the public, prior to going into closed session, the Mayor should establish whether anyone wishes to make representations. The minutes should then record that the Mayor invited representations. They should also record whether anyone spoke and if so the name of the person/s who spoke.

After the meeting resumes in open session, clause 253 of the Regulation (paragraph 3.22 of the Code) requires the chairperson to make the resolution public as soon as practicable. Sufficient

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information should be provided and recorded in the minutes to enable the public to generally understand the decisions that have been made without breaching any necessary confidentiality, privilege or security.

CONSULTATION

Section 361 of the Act requires that public notice be given of a draft Code of Meeting Practice prior to adoption. Submissions must be invited for a period of at least 42 days.

The draft Code was presented to the Policy Forum on 31 March for Councillors to provide feedback on its content and the process for implementation.

FINANCIAL CONSIDERATIONS

There are no financial considerations other than the cost of giving public notice of the draft.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The draft has been reviewed by the General Manager.

SUMMARY

Council's Code of Meeting Practice has been reviewed to incorporate legislative and other minor changes.

RECOMMENDATION

That the revised Code of Meeting Practice be endorsed for placing on public exhibition.

John Clark
Director Corporate

Attachments: **Attachment A: Code of Meeting Practice, May 2005 - 494403**
 Attachment B: Draft Code of Meeting Practice, March 2008 - 902977

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KU-RING-GAI COUNCIL

AMENDED CODE OF MEETING PRACTICE

(This code provides guidelines for the procedure
for the conduct of Council and Committee meetings)

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>PART A: AIM</p> <p>The aim of this Code is:</p> <p>To ensure that Council and Committee meetings are held in a manner, which is orderly, efficient and earns the respect of the Ku-ring-gai Community.</p> <p>To ensure that Council and Committee meetings display open government and maximise access and participation by the community.</p> <p>To ensure that Councillors conduct themselves with high standards of behaviour, making a positive contribution to all debates and decisions.</p> <p>To ensure that Council meetings comply with the basic organisational principle of the Local Government Act 1993 with Councillors not involving themselves in the day-to-day administration of Council matters, and meetings restricting themselves to matters of policy, direction, resource allocation and statutory decisions by Council.</p> <p>PART B: STATUTORY PROVISIONS</p> <p>The Local Government Act, 1993 contains a number of provisions which govern aspects of Council's meeting procedures. These are presented in the column to the left.</p> <p>Attention is also drawn to the provisions of Chapter 14 the Local Government Act 1993 dealing with the declaration of pecuniary interest by Councillors.</p> <p>The Local Government (Meetings) Regulation 1999 details a number of matters relating to aspects of Councils meeting procedures not included in the Act. These are also presented in the column to the left.</p> <p>The Local Government Act 1993 provides that Council may adopt a Code of Meeting Practice. The provisions relating to this Code are:</p>

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 360 Local Govt Act 1993	Part B Statutory Provisions - Conduct of meetings of councils and committees <ol style="list-style-type: none"> (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors. (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them. (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it. 	
Section 361 Local Govt Act 1993	Part B Statutory Provisions - Preparation, public notice and exhibition of draft code <ol style="list-style-type: none"> (1) Before adopting a code of meeting practice, a council must prepare a draft code. (2) The council must give public notice of the draft code after it is prepared. (3) The period of public exhibition must not be less than 28 days. (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council. (5) The council must publicly exhibit the draft code in accordance with its notice. 	
Section 362 Local Govt Act 1993	Part B Statutory Provisions - Adoption of draft code <ol style="list-style-type: none"> (1) <i>After considering all submissions received by it concerning the draft code, the council may decide:</i> <ol style="list-style-type: none"> (a) <i>to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360; or</i> (b) <i>to adopt the draft code as its code of meeting practice.</i> (2) <i>If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.</i> 	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 363 Local Govt Act 1993	Part B Statutory Provisions - Amendment of the code <i>A council may amend a code adopted under this Part by means only of a code so adopted.</i>	
Section 364 Local Govt Act 1993	Part B Statutory Provisions - Public availability of the code <i>(1) The code of meeting practice adopted under this Division by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.</i> <i>(2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.</i>	
		<ul style="list-style-type: none"> In accordance with Section 360(2) of the Local Government Act 1993, should there be an inconsistency between this Code of Meeting Practice and the Local Government (Meetings) Regulation 1999, the provisions of the Meetings Regulations shall prevail.
Section 369 Local Govt Act 1993	DEFINITIONS - PART C: CODE OF MEETING PRACTICE 1.1 Meetings - Chairperson <i>(1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.</i> <i>(2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.</i>	
Cl.9 Local Govt (Meetings) Regulation 1999	<i>(1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.</i> <i>(2) The election must be conducted:</i> <i>(a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election; or</i> <i>(b) if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.</i> <i>(3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.</i>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(4) <i>For the purposes of subclause (3), the person conducting the election must:</i></p> <p>(a) <i>arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and</i></p> <p>(b) <i>then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.</i></p> <p>(5) <i>The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.</i></p>	
<p>Cl.10</p> <p>Local Govt (Meetings) Regulation 1999</p>	<p>1.2 Chairperson to have Precedence</p> <p><i>When the chairperson rises during a meeting of council:</i></p> <p>(a) <i>any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and</i></p> <p>(b) <i>every councillor present must be silent to enable the chairperson to be heard without interruption.</i></p>	
<p>Cl.11</p> <p>Local Govt (Meetings) Regulations 1999</p>	<p>1.3 Chairperson's Duty with respect to Motions</p> <p>(1) <i>It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.</i></p> <p>(2) <i>The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.</i></p> <p>(3) <i>Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.</i></p>	
<p>Section 368</p> <p>Local Govt Act 1993</p>	<p>1.4 Quorum for a Meeting</p> <p>The quorum for a meeting of the Council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.</p>	
<p>Cl.6</p> <p>Local Govt (Meetings) Regulation 1999</p>	<p>(1) <i>A meeting of a council must be adjourned if a quorum is not present:</i></p> <p>(a) <i>within half an hour after the time designated for the holding of the meeting; or</i></p> <p>(b) <i>at any time during the meeting.</i></p> <p>(2) <i>In either case, the meeting must be adjourned to a time, date and place fixed:</i></p> <p>(a) <i>by the chairperson; or</i></p> <p>(b) <i>in his or her absence - by the majority of the councillors present; or</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(c) <i>failing that, by the general manager.</i></p> <p>(3) <i>The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.</i></p>	
Section 365 Local Govt Act 1993	<p>1.5 Frequency of Meetings</p> <p><i>The council is required to meet at least 10 times each year, each time in a different month.</i></p>	<ul style="list-style-type: none"> The year referred to in Section 365 of the Local Government Act 1993 is 1 July to 30 June each year. Council's meeting cycle, adopted on 7 September 2004 (Minute No OMC.453), be as follows: <ul style="list-style-type: none"> 2nd Tuesday - 7.00pm - Ordinary Meeting of Council 4th Tuesday - 7.00pm - Ordinary Meeting of Council Where necessary, Council may by resolution vary the above Council meeting cycle.
Section 366 Local Govt Act 1993	<p>1.6 Calling of Extraordinary Meeting on Request by Councillors</p> <p><i>If the mayor receives a request in writing signed by a least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.</i></p>	
Section 367 Local Govt Act 1993	<p>1.7 Giving Notice of Meetings</p> <p>(1) <i>The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.</i></p> <p>(2) <i>Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.</i></p> <p>(3) <i>A notice under this section and the agenda for, and the business papers relating to the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.</i></p>	
Cl.14 Local Govt (Meetings) Regulation Act 1999	<p>(1) <i>A council must not transact business at a meeting of the council:</i></p> <p>(a) <i>unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p><i>(b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.</i></p> <p><i>(2) Subclause (1) does not apply to the consideration of business at a meeting if the business:</i></p> <p><i>(a) is already before, or directly relates to a matter that is already before, the council; or</i></p> <p><i>(b) is the election of a chairperson to preside at the meeting as provided by clause 9(1); or</i></p> <p><i>(c) is a matter or topic put to the meeting by the chairperson in accordance with clause 16; or</i></p> <p><i>(d) is a motion for the adoption of recommendations of a committee of the council.</i></p> <p><i>(3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p><i>(a) a motion is passed to have the business transacted at the meeting; and</i></p> <p><i>(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice.</i></p> <p><i>(4) Despite clause 22* only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.</i></p> <p><i>*(refer to Point 7. of this code)</i></p>	
<p>Cl.35 Local Govt (Meetings) Regulation 1999</p>	<p><i>Notice of Committee Meetings to be given</i></p> <p><i>(1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:</i></p> <p><i>(a) the time and place at which and the date on which the meeting is to be held; and</i></p> <p><i>(b) the business proposed to be transacted at the meeting.</i></p> <p><i>(2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.</i></p>	<p>That notice of Ordinary and Extraordinary meetings of the Council shall be given by facsimile, other electronic means or delivery to the home address of each member of the Council of a written notice of the meeting under the hand of the General Manager, and at least three days notice shall occur between the day on which the notice of meeting is issued and the day on which the meeting will be held; provided that where, in the opinion of the Mayor after receiving notice in accordance with Section 366 of the Local Government Act 1993, there is urgent need in accordance with Section 367(2) to call an Extraordinary meeting of the Council, he/she may direct the General Manager to do so and the General Manager shall thereupon call such meeting by notice delivered as aforesaid, giving at least twenty-four clear hours notice thereof; and provided further that, where all members of the Council are present within the Council Chamber or its immediate environs at 818 Pacific Highway,</p>

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		<p>Gordon (disregarding any extraordinary vacancy or the absence of any member of the Council to whom leave of absence has previously been given by resolution of the Council for any meeting of the Council held on such days or in respect of a period that includes such day) and all members so present agree to the immediate holding of an Extraordinary meeting of the Council and the business to be transacted thereat, a meeting for the transaction of such business may thereupon be convened by recitation by the General Manager of the notice convening such meeting, and the business proposed to be considered thereat.</p>
		<p>1.8 Mode of Addressing Council</p> <ul style="list-style-type: none"> • A member shall on all occasions, address their remarks through the chair. • A member shall on all occasions, when in Council address and speak of other members and staff, by their official designations, eg Mayor, Councillor, General Manager, etc. • A member shall on all occasions, when in Council, rise in his/her place and stand while speaking.
		<p>1.9 Relevance in Debate</p> <p>Councillors, in the course of debate, shall not introduce material which is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he/she shall immediately cease speaking and resume his/her seat. Failure to do so constitutes an act of disorder.</p>
		<p>1.10 Petitions</p> <ul style="list-style-type: none"> • Where the petition has already been placed upon an agenda, the Councillor presenting the petition is to briefly refer to the subject matter and move a motion as to how the matter is to be determined by Council. The usual motion would be along the lines of: "That the petition be received and referred to the appropriate officer of Council for attention." • Where the petition has not been placed upon an agenda the Councillor presenting the petition is to refer briefly to the subject matter of the petition without necessarily reading the petition and then hand it to the Mayor for subsequent reading by the General Manager (if necessary), and the Councillor may move a motion as detailed in A. above.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<ul style="list-style-type: none"> Only when the petition is urgent or refers to business already placed upon the agenda for that meeting is a Councillor to recommend that action be taken on the basis of the petition. That no Address the Council be allowed in relation to Petitions when initially presented to Council.
Section 376 Local Govt Act 1993	1.11 Attendance of General Manager at Meetings <p>(1) <i>The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.</i></p> <p>(2) <i>The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.</i></p> <p>(3) <i>However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.</i></p>	
Cl.12 Local Govt (Meetings) Regulation 1999	2.1 Business - Order of Business <p>(1) <i>At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.</i></p> <p>(2) <i>The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.</i></p> <p>(3) <i>Despite clause 23* only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.</i></p>	<ul style="list-style-type: none"> The order of business for Ordinary meetings is to be in accordance with the following: <ol style="list-style-type: none"> Meetings are to commence with a Prayer, then the following acknowledgement by the Mayor: "On behalf of Council I recognise the traditional custodians of the land, the Guringai people on whose land we stand". Apologies Declaration of Pecuniary Interest Reports to be considered in closed meeting Address the Council Documents circulated to Councillors Confirmation of Minutes Minutes from the Mayor Petitions Reports from Standing Committees

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>11. General Business –</p> <ul style="list-style-type: none"> i. The Mayor to invite Councillors to nominate any items on the Agenda that they wish to have a site inspection. ii. Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate. <p>12. Extra reports circulated at meeting</p> <p>13. Motions of which due notice has been given.</p> <p>14. Business Without Notice - Matters of great urgency</p> <p>15. Questions Without Notice</p> <p>16. Inspections Committee - Setting of date time and rendezvous</p> <p>17. Confidential Business - to be dealt with in closed meeting (Press and Public excluded)</p> <ul style="list-style-type: none"> • This order of business may be altered by a motion. The motion must be seconded, only the mover of the motion may speak. • The order of business for an Extraordinary meeting shall be determined by the General Manager having regard to the order of business for Ordinary meetings and the business to be transacted at the Extraordinary meeting.
<p>Cl.13 Local Govt (Meetings) Regulation 1999</p>	<p>2.2 Agenda & Business Papers for Council Meetings</p> <p>(1) <i>The general manager must ensure that the agenda for a meeting of the council states:</i></p> <ul style="list-style-type: none"> (a) <i>all matters to be dealt with arising out of the proceedings of former meetings of the council; and</i> (b) <i>if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting; and</i> (c) <i>subject to subclause (2), any business of which due notice has been given.</i> <p>(2) <i>The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the</i></p>	<ul style="list-style-type: none"> • The following procedure is to be observed in relation to the distribution of business papers: <ul style="list-style-type: none"> 1. That Council business papers and reports be delivered to Councillors at least 3 days before the scheduled commencement of a meeting to an address within the boundaries of the Council area. Where a Councillor requires delivery to an address outside the Council area, the business paper be posted with the first available mail following completion of the papers unless a Councillor makes prior arrangements with the General Manager for delivery of the business paper to an address outside the Council area at the Councillor's own expense.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p><i>business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.</i></p> <p>(3) <i>The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.</i></p> <p>(4) <i>The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.</i></p> <p>(5) <i>Nothing in this clause limits the powers of the chairperson under clause 16.</i></p> <p>(6) <i>That where a matter is considered to be of major significance (by the Mayor and/or) General Manager, the report is to be circulated to Councillors as a "Confidential Matter" at least 10 days prior to the matter being considered by Council.</i></p>	<p>2. That full copies of the Council Business Paper and reports be released to local press on the Monday morning prior to each Council meeting on the understanding that they would honour an embargo against publishing from the Business Paper and reports until midnight of the Tuesday of the Council meeting, or such earlier time in the evening that Council authorised released of individual reports supporting the Business Paper.</p> <p>3. Confidential Business Papers are to be distributed only to all Councillors and such senior Council staff as determined by the General Manager.</p> <p>4. That where a Councillor is, or is likely to be the subject of proceedings by or against the Council, any legal advice, reports and correspondence dealing with those proceedings or likely proceedings be withheld from the Business Paper of that Councillor.</p>
<p>Cl.14(3)&(4) Local Govt (Meetings) Regulation 1999</p>	<p>2.3 Giving Notice of Business</p> <p>3. <i>Despite subclause (1) business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p>(a) <i>a motion is passed to have the business transacted at the meeting; and</i></p> <p>(b) <i>the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice.</i></p> <p>4. <i>Despite clause 23, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.</i></p>	<p>The Chairperson should consider the matter to be of great urgency:</p> <p>a. when it requires a Council resolution in the first instance to action, and</p> <p>b. only if it could not be deferred until the next Ordinary Meeting Council.</p>
		<p>2.4 Late Reports</p> <p>As circumstances necessitate reports not listed for consideration on a business paper may be tabled at Ordinary or Committee meetings upon approval of the General Manager and will be dealt with at the conclusion of General Business to enable Councillors to read the report.</p>
<p>Cl.15 Local Govt (Meetings) Regulation 1999</p>	<p>2.5 Agenda for Extraordinary Meetings</p> <p>(1) <i>The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(2) <i>Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p>(a) <i>a motion is passed to have the business transacted at the meeting; and</i></p> <p>(b) <i>the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.</i></p> <p>(3) <i>Despite clause 23, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.</i></p>	
<p>Cl.45 Local Govt (Meetings) Regulation 1999</p>	<p>2.6 Disclosure & Misuse of Information</p> <p><i>For the purposes of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.</i></p>	
<p>Section 664 Local Govt Act 1993</p>	<p>(1) <i>A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</i></p> <p>(a) <i>with the consent of the person from whom the information was obtained; or</i></p> <p>(b) <i>in connection with the administration or execution of this Act; or</i></p> <p>(c) <i>for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or</i></p> <p>(d) <i>in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or</i></p> <p>(e) <i>with other lawful excuse.</i></p> <p>(1A)<i>In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with Section 10A(1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.</i></p> <p>(1B)<i>Subsection (1A) does not apply to:</i></p> <p>(a) <i>the report of a committee of a council after it has been presented to the council; or</i></p>	

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	<p>(b) disclosure made in any of the circumstances referred to in subsection (1)(a)-(e); or</p> <p>(c) disclosure made in circumstances prescribed by the regulations.</p> <p>(d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Section 12.</p> <p>(2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.</p> <p>(3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:</p> <p>(a) the determination of an application for an approval; or</p> <p>(b) the giving of an order.</p> <p>Maximum penalty: 50 penalty units.</p>	
		<p>2.7 Reports of Councillors & Presentations</p> <p>A. Councillors may provide a written report to Council on proceedings of meetings attended on behalf of Council.</p> <p>B. Such reports are to be received by the General Manager no later than 12 noon on the MONDAY, 8 DAYS PRIOR TO the Council meeting.</p> <p>C. Such reports to be reported in documents attached to the Business Paper as COUNCILLOR INFORMATION.</p> <p>D. Councillors should present plaques, certificates, awards and other ceremonial matters at Council.</p>
Section 375 Local Govt Act 1993	<p>3.1 Minutes</p> <p>(1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.</p> <p>(2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.</p>	

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<p>Section 12 Local Govt Act 1993</p>	<p>3.2 Inspection of the Minutes of a Council or Committee</p> <p>Section 12 of the Local Government Act 1993 confers a right to inspect the minutes of a Council or Committee of a Council.</p> <p>(1) <i>Everyone is entitled to inspect the current version of the following documents free of charge:</i></p> <ul style="list-style-type: none"> • <i>agendas and business papers for Council and Committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public).</i> • <i>minutes of Council and Committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.</i> • <i>applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents</i> • <i>development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents.</i> <p>(1A) <i>Despite subsection (1) and the other provisions of this Act, a person does not have the right to inspect so much of a development application, or an application under Part 1 of Chapter 7 for approval to erect a building, as consists of:</i></p> <p>(a) <i>the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or</i></p> <p>(b) <i>commercial information, if the information would be likely:</i></p> <p style="padding-left: 40px;">(i) <i>to prejudice the commercial position of the person who supplied it, or</i></p> <p style="padding-left: 40px;">(ii) <i>to reveal a trade secret.</i></p> <p>2. <i>Everyone is entitled to inspect free of charge:</i></p> <p>(a) <i>a document that was replaced by a current document referred to in subsection (1); and</i></p> <p>(b) <i>if a document referred to in subsection (1) is produced annually - the corresponding document produced for the previous year.</i></p> <p>3. <i>That, with regard to access to Council's Minute Books, Section 12 (3) of the Local Government Act 1993 be adhered to with the official Minute Books only being available during Council's</i></p>	

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	<p><i>normal business hours (ie 8.30am to 4.30pm Monday to Friday) and under constant supervision.</i></p> <p>4. <i>The council must allow inspection of versions of the documents other than the current and immediately preceding versions if those other versions are reasonably accessible.</i></p> <p>5. <i>The Council must allow inspection of its other documents free of charge unless, in the case of a particular document, it is satisfied that allowing inspection of the document would, on balance, be contrary to the public interest.</i></p> <p>6. <i>However, subsection (5) does not apply to the part (if any) of a document that deals with any of the following:</i></p> <p style="padding-left: 40px;">(a) <i>personnel matters concerning particular individuals;</i></p> <p style="padding-left: 40px;">(b) <i>the personal hardship of any resident or ratepayer,</i></p> <p style="padding-left: 40px;">(c) <i>trade secrets,</i></p> <p style="padding-left: 40px;">(d) <i>a matter the disclosure of which would:</i></p> <p style="padding-left: 80px;">(i) <i>constitute an offence against an Act, or</i></p> <p style="padding-left: 80px;">(ii) <i>found an action for breach of confidence.</i></p> <p>7. For the purpose of determining whether allowing inspection of a document would be contrary to the public interest, it is irrelevant that the inspection of the document may:</p> <p style="padding-left: 40px;">(a) <i>cause embarrassment to the Council or to Councillors or to employees of the Council, or</i></p> <p style="padding-left: 40px;">(b) <i>cause a loss of confidence in the Council, or</i></p> <p style="padding-left: 40px;">(c) <i>cause a person to misinterpret or misunderstand the information contained in the document because of an omission from the document or for any other reason.</i></p> <p>Note: Subsection (7) is in similar terms to Section 59A (Public Interest) of the Freedom of information Act 1989</p>	
<p>Section 12A Local Govt Act 1993</p>	<p>Restriction of access to information</p> <p>(1) <i>If the General Manager or any other member of the staff of a Council decides that access to a document or other information held by the Council should not be given to the public or a Councillor, the person concerned must provide the Council with written reasons for the restriction.</i></p>	

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	<p>(2) <i>The reasons must be publicly available.</i></p> <p>(3) <i>The Council must review any such restriction no later than 3 months after it is imposed.</i></p> <p>(4) <i>The Council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.</i></p> <p>(5) <i>The Council must remove the restriction if, at any time:</i></p> <p style="padding-left: 20px;">(a) <i>it finds that there are no grounds for the restriction, or</i></p> <p style="padding-left: 20px;">(b) <i>access to the relevant document or other information is obtained under the Freedom of Information Act 1989.</i></p> <p>(6) <i>A review is not required under this section if the restriction concerned has been removed.</i></p>	
<p>Section 12B Local Govt Act 1993</p>	<p>Copies of Documents</p> <p>(1) <i>A right under this Act to inspect a document includes the right to take away a copy of the document.</i></p> <p>(2) <i>Accordingly, a Council must have a copy of all relevant documents available for copying by, or on behalf of, any person who asks for one.</i></p> <p>(3) <i>The copies may be taken away either free of charge or on payment of reasonable copying charges; as the Council chooses (except as otherwise specifically provided by or under this Act).</i></p> <p>(4) <i>This section does not apply to the following:</i></p> <p style="padding-left: 20px;">(a) <i>the residential roll of electors referred to in Section 302(1),</i></p> <p style="padding-left: 20px;">(b) <i>the resumes of candidates for election referred to in Section 308,</i></p> <p style="padding-left: 20px;">(c) <i>building certificates.</i></p> <p>Note: Section 174(3) provides that a person may obtain a copy of a building certificate from the Council's record with the consent of the owner of the building (and on payment of the approved fee) – Section 174 has been repealed, however, this note was not deleted from Section 12B. See Section 149G(3) of the Environmental Planning & Assessment Act 1979 for a similar provision:</p> <p><i>A person may obtain a copy of a building certificate from the record with the consent of the owner of the building and on payment of the fee prescribed by the regulations.</i></p>	

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Cl.16 Local Govt (Meeting) Regulations 1999	3.3 Official Minutes <i>(1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.</i> <i>(2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.</i> <i>(3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.</i>	<ul style="list-style-type: none"> Mayoral Minutes shall always be in writing and signed by the Mayor.
Cl.17 Local Govt (Meeting) Regulation 1999	4.1 Report of a Department of Local Government Representative to be tabled at Council Meetings <i>When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:</i> <i>(a) is laid on the table at that meeting; and</i> <i>(b) is subsequently available for the information of councillors and members of the public at all reasonable times.</i>	
		5.1 Notices of Motion A. Notices of Motion in writing and signed by the Councillor are to be delivered or posted to the General Manager in order to reach her in the case of Council/Committee meetings not later than 2.00 pm on the Monday, 8 days prior to such meetings. B. Only the actual wording of the Notice of Motion will appear on the business paper, any background notes will be circulated as an attachment to the Business Paper. C. That Notices of Motion submitted by Councillors be limited to two (2) per Councillor per meeting.
Cl.18 Local Govt (Meetings) Regulation 1999	5.2 Notice of Motion - Absence of Mover <i>In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:</i> <i>(a) any other councillor may move the motion at the meeting; or</i>	5.3 Notice of Motion - Unopposed Where there is no objection to a Notice of Motion being taken as a formal motion, then the Chairperson will put the Motion to the vote without debate.

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	<i>(b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.</i>	
Cl.19 Local Govt (Meetings) Regulation 1999	5.4 Motion to be Seconded <i>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 16 (2)* and 23(5)^ .</i>	*(refer to Point 3.3 (2) of this Code) ^(refer to Point 8 of this Code).
Cl.20 Local Govt (Meetings) Regulation 1999	5.5 How Subsequent Amendments may be Moved <i>If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.</i>	
Cl.21 Local Govt (Meetings) Regulation 1999	5.6 Motions of Dissent <i>(1) A councillor can without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.</i> <i>(2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.</i> <i>(3) Despite clause 23,* only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.</i>	
		5.7 Motions of Recommittal <ul style="list-style-type: none"> That where a Councillor or group of Councillors, feel prior to the completion of a meeting of Council, that a decision made earlier in the meeting is lacking in judgement or precision a formal written Notice of Rescission shall be completed and brought to the immediate attention of Council. The Notice of Rescission should be dealt with as Business Without Notice in accordance with Clause 14 of the Local Government (Meetings) Regulation 1999.
		5.8 Motions of Adjournment Discussion shall not be permitted upon any motions for adjournment of the Council. If a

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		<p>motion for adjournment, when put to the vote, is lost, then the meeting shall continue and no further motion for adjournment may be put for a period of not less than half an hour.</p>
<p>Section 371 Local Govt Act 1993</p>	<p>6.1 What Constitutes a Decision of the Council</p> <p><i>A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.</i></p>	
<p>Section 372 Local Govt Act 1993</p>	<p>6.2 Rescinding or Altering Resolutions of the Council</p> <p>(1) <i>A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and, if applicable, the Council's code of meeting practice.</i></p> <p>(2) <i>If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.</i></p> <p>(3) <i>If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.</i></p> <p>(4) <i>A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</i></p> <p>(5) <i>If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.</i></p> <p>(6) <i>A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes.</i></p> <p>(7) <i>The provisions of this section concerning negatived motions do not apply to motions of adjournment.</i></p>	<ul style="list-style-type: none"> Pursuant to Section 372 of the Local Government Act 1993 a Notice of Motion to alter a Resolution (or a Notice of Motion which has the same effect as a Motion which has previously been negatived) must be signed by three Members if within three months of the original Resolution. Notice of Rescission must be placed upon Council's Agenda, or it can be brought forward as a matter of great urgency in terms of Clause 14(3) of the Local Government (Meetings) Regulation 1999, if Council so resolves. A Mayoral Minute cannot be used as a device to bring forward a Rescission Motion, although if a Mayoral Minute is also signed by two others, it can be regarded as a Notice of Rescission and by virtue of one of the signatories being the Mayor, prominence on the Agenda can be achieved. For the purposes of Section 372(6) of the Local Government Act (above) Council sitting as Committee of the Whole is regarded as a Committee of Council. If need be, Council may call an Extraordinary meeting in order to consider a Notice of Rescission. A Rescission Motion presented to Council prior to the closing of the meeting, has the effect of stopping all action on the decision made earlier in the evening. The Mayor or Councillors have absolutely no authority to prevent implementation of a Resolution of Council where a Notice of Rescission is presented at some time after closure of the meeting. Where a Resolution of Council involves the granting/refusal of a consent (such as development consent or building approval) or any other formal statutory licence giving rise to legal rights, and such decision has been communicated in writing to the Applicant, Council's decision is incapable of being revoked even if a Rescission Motion comes to light at some future stage.

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		<ul style="list-style-type: none"> If a Notice of Rescission is lodged in relation to a matter which involves a Development Approval, the Notice of Rescission should not be dealt with by Council until the applicant and any objectors who have addressed Council on the matter are informed in writing of the Notice of Rescission and the meeting date at which the Notice of Rescission is to be considered.
Section 374 Local Govt Act 1993	<p>6.3 Certain Circumstances do not Invalidate Council Decisions</p> <p><i>Proceedings at a meeting of a council or council committee are not invalidated because of:</i></p> <p>(a) <i>a vacancy in a civic office; or</i></p> <p>(b) <i>a failure to give notice of the meeting to any councillor or committee member; or</i></p> <p>(c) <i>any defect in the election or appointment of a councillor or committee member; or</i></p> <p>(d) <i>a failure of a councillor or a committee member to disclose a pecuniary interest at a council or committee meeting in accordance with section 451; or</i></p> <p>(e) <i>a failure to comply with the code of meeting practice.</i></p>	
Cl.22 Local Govt (Meetings) Regulation 1999	<p>7. Questions may be put to Councillors & Council Employees</p> <p>(1) <i>A councillor</i></p> <p>(a) <i>may through the chairperson, put a question to another councillor; and</i></p> <p>(b) <i>may, through the general manager, put a question to a council employee.</i></p> <p>(2) <i>However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.</i></p> <p>(3) <i>The councillor must put every such question directly, succinctly and without argument.</i></p> <p>(4) <i>The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.</i></p>	<ul style="list-style-type: none"> Questions Without Notice shall always be in writing. This removes the subsequent doubt as to whether Minutes recording the Question have been fairly recorded. Questions should not be so formed as an avoidance of Notices of Motion. Questions Without Notices are limited to two (2) Questions per Councillor per meeting. No debate shall take place on Questions Without Notice.
Cl.23 Local Govt (Meetings) Regulation 1999	<p>8. Limitation as to Number of Speeches</p> <p>(1) <i>A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to</i></p>	<ul style="list-style-type: none"> That each speaker be granted a maximum of five (5) minutes with the warning signal at 4 minutes 30 seconds and that no extensions of time be granted.

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	<p><i>it, as well as the right to speak on any such amendment.</i></p> <p><i>(2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.</i></p> <p><i>(3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</i></p> <p><i>(4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:</i></p> <p><i>(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it; or</i></p> <p><i>(b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.</i></p> <p><i>(5) The chairperson must immediately put to the vote without debate a motion moved under subclause (4). A seconder is not required for such a motion.</i></p> <p><i>(6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).</i></p> <p><i>(7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.</i></p>	<ul style="list-style-type: none"> That where the Mayor wishes to address Council on a matter he/she shall be bound by the limitations of Clause 23 of the Local Government (Meetings) Regulation 1999. This clause does not include the Mayor as Chairperson clarifying issues or statements during an address by a Councillor to facilitate the progress of the meeting.
<p>Cl.24 Local Govt (Meetings) Regulation 1999</p>	<p>9.1 Voting at Council Meetings</p> <p><i>(1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.</i></p> <p><i>(2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.</i></p>	<ul style="list-style-type: none"> In those instances where a decision is unanimous, the words 'CARRIED UNANIMOUSLY' are to be substituted for the list of Councillors' names. Where a matter is not CARRIED UNANIMOUSLY, the Chairperson announce the names of Councillors who voted against a motion/amendment and recorded as per Clause 24(4) of the Local Government (Meetings) Regulation 1999.

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	<p>(3) <i>The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</i></p> <p>(4) <i>When a division on a motion is demanded the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion, and those who vote against it are respectively recorded in the council's minutes.</i></p> <p>(5) <i>Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.</i></p> <p>Note: The Local Government (Elections) Regulation 1998 provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 124 and clause 3 of Schedule 3). Clause 3 of Schedule 3 also makes it clear that "ballot" has its normal meaning of secret ballot.</p>	
<p>Section 370 Local Govt Act 1993</p>	<p>9.2 Voting Entitlements of Councillors</p> <p>(1) <i>Each councillor is entitled to one vote.</i></p> <p>(2) <i>However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.</i></p>	<p>If a Motion, when put to the vote results in a tied vote (and the casting vote is not used), then the Motion is unsuccessful/fails.</p>
<p>Cl.28 Local Govt (Meetings) Regulation 1999</p>	<p>10.1A Questions of Order - Council</p> <p>(1) <i>The chairperson, without the intervention of any other councillor may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.</i></p> <p>(2) <i>A councillor who claims that another councillor has committed an act of disorder, or is out of order may call the attention of the chairperson to the matter.</i></p> <p>(3) <i>The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.</i></p> <p>(4) <i>The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.</i></p>	
<p>Cl.37 Local Govt (Meetings) Regulation 1999</p>	<p>10.1B Questions of Order - Committees</p> <p><i>The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.</i></p>	

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<p>Cl.29 Local Govt (Meetings) Regulation 1999</p>	<p>10.2 Acts of Disorder</p> <p>(1) <i>A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:</i></p> <ul style="list-style-type: none"> (a) <i>contravenes the Act or any regulation in force under the Act; or</i> (b) <i>assaults or threatens to assault another councillor or person present at the meeting; or</i> (c) <i>moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee or addresses or attempts to address the council or committee on such a motion, amendment or matter; or</i> (d) <i>insults or makes personal reflections on or imputes improper motives to any other councillor; or</i> (e) <i>says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring council or committee into contempt.</i> <p>(2) <i>The chairperson may require a councillor:</i></p> <ul style="list-style-type: none"> (a) <i>to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b); or</i> (b) <i>to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate to apologise without reservation; or</i> (c) <i>to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).</i> <p>(3) <i>A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.</i></p>	
<p>Cl.30 Local Govt (Meetings) Regulation 1999</p>	<p>10.3 How Disorder at a Meeting may be Dealt With</p> <p>(1) <i>If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the</i></p>	<ul style="list-style-type: none"> • The meeting Chairperson may call any Councillor to order whenever the necessity arises for doing so. • Any Councillor may seek a ruling from the meeting Chairperson on whether another Councillor is out of order or has committed an act of disorder, whereupon the Chairperson shall make a ruling.

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	<p><i>public as well as disorder arising from the conduct of councillors.</i></p> <p>(2) <i>A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.</i></p>	<ul style="list-style-type: none"> • If a Councillor, after having been called to order on three (3) occasions at the same meeting by the Chairperson, refuses to come to order, he or she shall have committed an act of disorder. • If a Councillor, having been called on by the meeting Chairperson to withdraw a disorderly or improper remark and apologise unreservedly, fails to do so, he or she will have committed an act of disorder. • When, through a ruling of the meeting, a Councillor has committed an act of disorder in accordance with Clause 29 of the Local Government (Meetings) Regulation 1999, the Chairperson may immediately, without debate, put to the meeting a motion that the Councillor be excluded from the remainder of the meeting. If the motion is carried, the Councillor shall leave the Chamber immediately and not participate further in the current meeting.
<p>Cl.31 Local Govt (Meetings) Regulation 1999</p>	<p>10.4 Power to Remove Persons from Meeting after Expulsion</p> <p><i>If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:</i></p> <p>(a) <i>immediately after the council has passed a resolution expelling the councillor or member from the meeting; or</i></p> <p>(b) <i>where the council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.</i></p>	
<p>Section 373 Local Govt Act 1993</p>	<p>11.1 Committee of the Council</p> <p><i>A council may resolve itself into a committee to consider any matter before the council.</i></p>	
<p>Cl.32 Local Govt (Meetings) Regulation 1999</p>	<p>11.2 Committee of the Whole</p> <p>(1) <i>All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.</i></p> <p>(2) <i>The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council proceedings in committee of the whole.</i></p>	

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	<p><i>It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.</i></p> <p>(3) <i>The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.</i></p>	
Cl.33 Local Govt (Meetings) Regulation 1999	<p>11.3 Council may Establish Committees</p> <p>(1) <i>A council may, by resolution, establish such committees as it considers necessary.</i></p> <p>(2) <i>A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.</i></p> <p>(3) <i>The quorum for a meeting of a committee is to be:</i></p> <p>(a) <i>such number of members as the council decides, or</i></p> <p>(b) <i>if the council has not decided a number - a majority of the members of the committee.</i></p>	<ul style="list-style-type: none"> A quorum for a committee of council shall be as specified in the Charter of Responsibility adopted by Council for that particular committee. <p>That in accordance with Clause 33(3)(a), Council determines that where the majority of members of the Committee are not present, those members present in the Chamber or Meeting Room shall constitute the quorum for that meeting and those members present may make recommendations relating to those items listed in the agenda for consideration by Council at a subsequent Council meeting.</p>
Cl.34 Local Govt (Meetings) Regulation 1999	<p>11.4 Functions of Committees</p> <p><i>A council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.</i></p>	
Cl.35 Local Govt (Meetings) Regulation 1999	<p>11.5 Notice of Committee Meetings to be Given</p> <p>(1) <i>The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:</i></p> <p>(a) <i>the time and place at which and the date on which the meeting is to be held, and</i></p> <p>(b) <i>the business proposed to be transacted at the meeting.</i></p> <p>(2) <i>However, a notice of less than 3 days may be given of a committee meeting called in an emergency.</i></p>	
Cl.36 Local Govt (Meetings) Regulation 1999	<p>11.6 Non-Members Entitled to Attend Committee Meetings</p> <p>(1) <i>A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.</i></p>	<ul style="list-style-type: none"> That all Councillors be permitted to attend any meeting as an observer unless specifically excluded pursuant to a formal resolution of Council

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	<p>(2) <i>However, the councillor is not entitled:</i></p> <p>(a) <i>to give notice of business for inclusion in the agenda for the meeting, or</i></p> <p>(b) <i>to move or second a motion at the meeting, or</i></p> <p>(c) <i>to vote at the meeting.</i></p>	
<p>Cl.38 Local Govt (Meetings) Regulation 1999</p>	<p>11.7A Procedure in Committees</p> <p>(1) <i>Subject to subclause (3), each Committee of a council may regulate its own procedure.</i></p> <p>(2) <i>Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.</i></p> <p>(3) <i>Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).</i></p>	<ul style="list-style-type: none"> Only Committees with specific delegations in accordance with Section 377 to carry out functions on behalf of Council may resolve matters. Other Committees may only make recommendations to Council for its consideration. <p>Charters of Responsibility for each of Council's Committees shall be adopted by Council and reviewed within 12 months of a Council general election.</p>
<p>Section 370(2) Local Govt Act 1993</p>	<p>11.7B Procedure in Committees</p> <p><i>However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.</i></p>	
<p>Cl.39 Local Govt (Meetings) Regulation 1999</p>	<p>11.8 Committees to keep Minutes</p> <p>(1) <i>Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular a committee must ensure that the following matters are recorded in the committee's minutes:</i></p> <p>(a) <i>details of each motion moved at a meeting and of any amendments moved to it;</i></p> <p>(b) <i>the names of the mover and seconder of the motion or amendment;</i></p> <p>(c) <i>whether the motion or amendment is passed or lost.</i></p> <p>(2) <i>As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.</i></p>	
<p>Cl.40 Local Govt (Meetings) Regulation 1999</p>	<p>11.9 Chairperson & Deputy Chairperson of Committees</p> <p>(1) <i>The chairperson of each committee of the council, must be:</i></p> <p>(a) <i>the mayor; or</i></p> <p>(b) <i>if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council; or</i></p>	<ul style="list-style-type: none"> Each year Council will elect a chairperson for its committees in conjunction with the Mayoral election unless the charter of responsibility for a committee provides for that committee to elect its chairperson at its Annual General Meeting.

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	<p><i>(c) if the council does not elect such a member - a member of the committee elected by the committee.</i></p> <p><i>(2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.</i></p> <p><i>(3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.</i></p> <p><i>(4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.</i></p>	
<p>Cl.41 Local Govt (Meetings) Regulation 1999</p>	<p>11.10 Absence from Committee Meetings</p> <p><i>(1) A member ceases to be a member of a committee if the member (other than the mayor):</i></p> <p><i>(a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or</i></p> <p><i>(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.</i></p> <p><i>(2) Subclause (1) does not apply if all the members of the council are members of the committee.</i></p>	
<p>Cl.42 Local Govt (Meetings) Regulation 1999</p>	<p>11.11 Reports of Committees</p> <p><i>(1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.</i></p> <p><i>(2) The recommendation of a committee of the council are, so far as adopted by the council, resolutions of the council.</i></p> <p><i>(3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:</i></p> <p><i>(a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and</i></p>	

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	<i>(b) report the resolution or recommendation to the next meeting of the council.</i>	
Cl.43 Local Govt (Meetings) Regulation 1999	11.12 Disorder in Committee Meetings <i>The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.</i>	
Cl.44 Local Govt (Meetings) Regulation 1999	11.13 Certain Persons may be Expelled from Council Committee Meetings <i>Certain persons may be expelled from council committee meetings:</i> <i>(1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.</i> <i>(2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</i>	<ul style="list-style-type: none"> That for the purposes of this Part, the General Manager or, in the absence of the General Manager, an employee of Council designated by the General Manager, shall be deemed to be the person authorised by Council for the removal of a person from a meeting.
Cl.46 Local Govt (Meetings) Regulation 1999	12.1 Inspection of the Minutes of a Council or Committee <i>(1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.</i> <i>(2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.</i> Note: Section 12 of the Act confers a right (restricted in the case of a closed parts of meetings) to inspect the minutes of a council or committee of a council.	
Cl.47 Local Govt (Meetings) Regulation 1999	12.2 Tape Recording of Meeting of Council or Committee Prohibited without Permission <i>(1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.</i>	<ul style="list-style-type: none"> That as an aid to the preparation of the Council minutes: <ul style="list-style-type: none"> a. Tape recording of all meetings of Council be taken, this to include: Ordinary Meetings of Council Extraordinary Meetings of Council

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	<p>(2) <i>A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.</i></p> <p>(3) <i>If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</i></p> <p>(4) <i>In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magneticord or not.</i></p>	<p>b. That tape recordings not be taken of:</p> <p>Closed Meeting - Confidential Business</p> <ul style="list-style-type: none"> That prior notice be given to people addressing Council that they are being tape recorded.
Section 11 Local Govt Act 1993	<p>12.3 Public Access to Correspondence & Reports</p> <p>(1) <i>A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.</i></p> <p>(2) <i>This section does not apply if the correspondence or reports:</i></p> <p>(a) <i>relate to a matter that was received or discussed; or</i></p> <p>(b) <i>were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.</i></p> <p>(3) <i>This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential.</i></p>	<ul style="list-style-type: none"> With regard to access to Council's Business Paper, please refer to Part 2.2 of this Code.
		<p>12.4 Communication of Council Decisions</p> <p>When requested, details of Council resolutions will be made available verbally to the public as soon as possible on the day following the meeting.</p>
Section 13 Local Govt Act 1993	<p>12.5 Retention & Preservation of Records</p> <p><i>The council must retain, preserve and destroy its records in accordance with any approved standards.</i></p>	<ul style="list-style-type: none"> Council's records are preserved, retained or destroyed in accordance with the General Records Disposal Schedule for Local Government.

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<p>Section 9 Local Govt Act 1993</p>	<p>13.1A Notice of Meetings & Provision of Reports</p> <p>(1) <i>A council must give notice to the public of the times and places of its meetings, and meetings of those of its committees of which all the members are councillors.</i></p> <p>(2) <i>A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.</i></p> <p>(2A) <i>In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:</i></p> <p style="padding-left: 40px;">(a) <i>the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and</i></p> <p style="padding-left: 40px;">(b) <i>the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.</i></p> <p>(3) <i>The copies are to be available to the public as nearly as possible to the time they are available to councillors.</i></p> <p>(4) <i>The copies are to be available free of charge.</i></p> <p>(5) <i>A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.</i></p>	
<p>Cl.5 Local Govt (Meetings) Regulation 199</p>	<p>13.1B Notice of Meetings & Provision of Reports</p> <p>(1) <i>This clause prescribes the manner in which the requirements outlined in section 9(1) of the Act are to be complied with.</i></p> <p>(2) <i>A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.</i></p> <p>(3) <i>The notice must specify the time and place of the meeting.</i></p> <p>(4) <i>Notice of more than one meeting may be given in the same notice.</i></p> <p>(5) <i>This clause does not apply to an extraordinary meeting of a council or committee.</i></p>	<ul style="list-style-type: none"> • Full copies of the Council Business Papers and Reports (excluding any Confidential Business Paper) will be made available for public perusal on Council's website and during normal opening hours at Council Chambers and Council Libraries, prior to each Council meeting where practicable the day after the Business Papers are available to the Councillors. • To assist members of the public at the meeting, a summary of Council meeting procedures be provided in the gallery together with the agenda.

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		<p>13.2 Addressing Council</p> <p>A. That members of the public be given the opportunity to address Council on any matter of a general nature or interest to Council and the community as well as any item on the Business Paper, with the exception of Petitions, Business Without Notice, Questions Without Notice. This right to address includes representation by members of the public as to whether any part of the meeting should be closed.</p> <p>B. The number of speakers is generally limited to a maximum of two (2) for and two (2) against a matter before Council / Committee. Except where there are more than two (2) speakers both for and against a matter, in which case the number of speakers be limited to equal numbers for and against the matter.</p> <p>On occasions where there are more than one (1) speaker for or against an item, new speakers be requested to limit their address to new material.</p> <p>The Chairperson shall have the right to so limit address.</p> <p>The number of speakers is limited to a maximum of three (3), on any one topic in general address to Council.</p> <p>C. That the following procedures operate with regard to Address the Council:</p> <ol style="list-style-type: none"> 1. Speakers name, address and subject must register with staff prior to the meeting; people who have not registered prior to the commencement of the meeting will not be permitted to address. No matter will be delayed due to a speaker not being present, nor will Council inhibit its right to alter the order of dealing with the agenda items. 2. A list of speakers is given to the Mayor / Chairperson as soon as possible following commencement of the meeting. 3. Members of public whose names do not appear on the list will not be allowed to address Council / Committee. 4. Speakers are limited to three minutes each, with a warning bell at 2 minutes 30 seconds. All addresses to be taped and no extensions of time will be granted. 5. Where the matter is of general interest or not included in the Business Paper, the speakers address the Council at the commencement of the meeting.

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		<p>6. Where the matter is included in the Business Paper, speakers to address the Council immediately prior to discussion of that item.</p> <p>7. If the matter under discussion is listed on the Committee Business Paper, the speaker should address the Committee immediately prior to the item under discussion.</p> <p>8. Speakers encouraged to leave notes of their speech for follow-up or review action.</p> <p>9. Speakers on Mayoral Minutes shall address Council after the Mayor has presented and spoken on his/her Minute.</p> <p>10. Speakers on Notices of Motion shall address Council after the Councillor concerned has moved and had seconded his/her Notice of Motion.</p> <p>11. That questions of speakers who address Council be permitted, with the consent of the Chairperson, for the purpose of points of clarification only. Under no circumstances will the matter be debated with the speaker.</p> <p>D. A brief summary of the procedures in relation to 'Address the Council' be provided to persons at the time of submitting their name to 'Address the Council'.</p>
		<p>13.3 Participation by Public Gallery</p> <ul style="list-style-type: none"> That members of the public present in the public gallery not engage in any disruptive or inappropriate behaviour or the passing of any note or document to Councillors during the course of the meeting, without the consent of the Chairperson. Passing of notes from Councillors to the public or press during a meeting without the consent of the Chairperson is prohibited.
<p>Section 10 Local Govt Act 1993</p>	<p>14. Meetings Open to the Public Who is entitled to attend meetings (1) <i>Except as provided by this Part:</i> (a) <i>everyone is entitled to attend a meeting of the council and those of its committees of which all the members are Councillors, and</i> (b) <i>A Council must ensure that all meetings of the Council and of such Committees are open to the public.</i> (2) <i>However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:</i></p>	

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	<p>(a) <i>by a resolution of the meeting, or</i></p> <p>(b) <i>by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.</i></p> <p>(3) <i>A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.</i></p>	
<p>Section 10A Local Govt Act 1993</p>	<p>14.1A Matters considered Confidential</p> <p>Which parts of a meeting can be closed to the public</p> <p>(1) <i>A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:</i></p> <p>(a) <i>the discussion of any of the matters listed in subclause (2), or</i></p> <p>(b) <i>The receipt or discussion of any of the information so listed.</i></p> <p>(2) <i>The matters and information are the following:</i></p> <p>(a) <i>Personnel matters concerning particular individuals,</i></p> <p>(b) <i>The personal hardship of any resident or ratepayer,</i></p> <p>(c) <i>Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</i></p> <p>(d) <i>Commercial information of a confidential nature that would, if disclosed:</i></p> <p>(i) <i>prejudice the commercial position of the person who supplied it, or</i></p> <p>(ii) <i>confer a commercial advantage on a competitor of the Council, or</i></p> <p>(iii) <i>reveal a trade secret.</i></p> <p>(e) <i>Information that would, if disclosed, prejudice the maintenance of law.</i></p> <p>(f) <i>Matters affecting the security of the Council, Councillors, Council staff or Council property.</i></p> <p>(g) <i>Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</i></p> <p>3. <i>A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.</i></p> <p>4. <i>A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
<p>Section 10B Local Govt Act 1993</p>	<p>14.1B Matters considered Confidential</p> <p>Further limitations relating to closure of parts of meetings to public</p> <p>(1) <i>A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2):</i></p> <ul style="list-style-type: none"> (a) <i>Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and</i> (b) <i>If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.</i> <p>(2) <i>A meeting is not to be closed during the receipt and consideration of information or advice referred to in Section 10A(2)(g) unless the advice concerns legal matters that:</i></p> <ul style="list-style-type: none"> (a) <i>are substantial issues relating to a matter in which the Council or Committee is involved, and</i> (b) <i>are clearly identified in the advice, and</i> (c) <i>are fully discussed in that advice.</i> <p>(3) <i>If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in Section 10A(2)).</i></p> <p>(4) <i>For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:</i></p> <ul style="list-style-type: none"> (a) <i>a person may misinterpret or misunderstand the discussion, or</i> (b) <i>the discussion of the matter may:</i> <ul style="list-style-type: none"> (i) <i>cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or</i> (ii) <i>cause a loss of confidence in the Council or Committee.</i> <p>Note: Subsection (4) is in similar terms to Section 59A (Public Interest) of the Freedom of Information Act 1989.</p> <p>(5) <i>In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 10C Local Govt Act 1993	<p>14.1C Matters considered Confidential</p> <p>Notice of likelihood of closure not required in urgent cases</p> <p><i>Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:</i></p> <p>(a) <i>it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Section 10A(2), and</i></p> <p>(b) <i>the Council or Committee, after considering any representations made under Section 10A(4), resolves that further discussion of the matter:</i></p> <p>(i) <i>should not be deferred (because of the urgency of the matter), and</i></p> <p>(ii) <i>should take place in a part of the meeting that is closed to the public.</i></p>	
Section 10D Local Govt Act 1993	<p>14.1D Matters considered Confidential</p> <p>Grounds for closing part of meeting to be specified</p> <p>(1) <i>The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.</i></p> <p>(2) <i>The grounds must specify the following:</i></p> <p>(a) <i>the relevant provision of Section 10A(2),</i></p> <p>(b) <i>the matter that is to be discussed during the closed part of the meeting,</i></p> <p>(c) <i>the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
Cl.25 Local Govt (Meetings) Regulation 1999	<p>14.1E Representations by members of the public - closure of part of meeting</p> <p>(1) <i>A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.</i></p> <p>(2) <i>That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.</i></p>	<ul style="list-style-type: none"> • That in the interest of ensuring that the public and the press may be well informed about Council business, all matters transacted at Council and committee meetings be dealt with in open meetings except in cases where matters are of a confidential nature in which case the Council (or the Committee) must pass a resolution specifying the items to be excluded and give a particular reason for so doing. • That the press and public only be excluded from Council and committee meetings when it is essential for confidentiality or other special reasons when discussing these matters as detailed in Section 10(A) of the Local Government Act 1993.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<ul style="list-style-type: none"> This policy is only for the guidance of Council and Committees. Council and Committees still have the power to decide which matters should be discussed when the press and public are either present at or excluded from a meeting.
Cl.26 Local Govt (Meetings) Regulation 1999	14.2 Resolutions passed at Closed Meetings to be made public <i>If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.</i>	
Cl.27 Local Govt (Meetings) Regulation 1999	14.3 Matters to be included in Minutes of Council Meeting <i>The general manager must ensure that the following matters are recorded in the council's minutes:</i> <ul style="list-style-type: none"> (a) details of each motion moved at a council meeting and of any amendments moved to it, (b) the names of the mover and seconder of the motion or amendment, (c) whether the motion or amendment is passed or lost. <p>Note: Section 375 (1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes)</p>	
		15. Inspections Committee <ul style="list-style-type: none"> When attending site inspections, Councillors should be introduced to the Applicants by name and wear Ku-ring-gai Councillor name badges. That Site Inspections be held at a time as may be determined by Council or the Committee. Such inspections are to enable Councillors to familiarise themselves with the impact of the proposed development only, with Minutes of attendees and sites inspected only being recorded, the Committee having no delegated authority, and having no authority to make recommendations. All Councillors are entitled to attend Inspections Committee. Where the Inspections Committee does not complete all inspections on the Agenda, a staff member will drive to the remaining sites to inform any people waiting of the circumstances of the cancellation of the inspection.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>16. Conclusion of Meetings</p> <ul style="list-style-type: none"> That continuance of the meeting after 12 midnight be dependent on a motion for extension being carried by at least two thirds of the members of the Council present at the meeting. <p>(Example: if 10 Councillors are present, it would require a vote of at least 7 for the motion; if 9 present, at least 6 etc.).</p> <ul style="list-style-type: none"> If at the conclusion of a meeting there is unfinished business then the matters remaining to be dealt with on the Business Paper shall be brought forward to be dealt with at the next meeting of the Council/Committee, such business to be dealt with at the next meeting as priority items of business and listed on the Business Paper accordingly.
Cl.48 Local Govt (Meetings) Regulation 1999	<p>17. Use of the Common Seal</p> <p>(1) <i>the seal of a council must be kept by the mayor or the general manager, as the council determines.</i></p> <p>(2) <i>the seal of a council may be affixed to a document only in the presence of:</i></p> <p>(a) <i>the mayor and the general manager; or</i></p> <p>(b) <i>at least 1 councillor (other than the mayor) and the general manager; or</i></p> <p>(c) <i>the mayor and at least 1 other councillor; or</i></p> <p>(d) <i>at least 2 councillors other than the mayor.</i></p> <p>(3) <i>the affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.</i></p> <p>(4) <i>the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.</i></p> <p>(5) <i>for the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.</i></p>	
Cl.8 Local Govt (Meetings) Regulation 1999	<p>18. Presence at Meetings</p> <p><i>A councillor cannot participate in a meeting of a council unless personally present at the meeting.</i></p>	<ul style="list-style-type: none"> A Councillor shall not be deemed to be present at any meeting of the Council unless he or she is within the Council Chamber. For the purposes of this section, the Council Chamber excludes the public gallery.
		<p>19. Items of Correspondence</p> <ul style="list-style-type: none"> Items of correspondence relative to Agenda Items will be circulated as "ADDITIONAL AGENDA INFORMATION". Confidential matters are for the information of Councillors and designated staff only and will be circulated as "CONFIDENTIAL AGENDA INFORMATION".

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<ul style="list-style-type: none"> Items of correspondence of a general nature will be circulated as "COUNCILLOR INFORMATION" separate from the Business Paper. Confidential items will be headed "CONFIDENTIAL INFORMATION". Correspondence shall not be presented or read by Councillors at a meeting of Council without the leave of Council.
		<p>20. Annual Elections</p> <p>That Council determine the meeting in September each year at which the election for Mayor, Deputy Mayor, Committee members and delegates is to be held.</p>
Section 451 Local Govt Act 1993	<p>21.1 Declaration of Interest - Councillor or Council Committee Member</p> <p>(1) <i>A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</i></p> <p>(2) <i>The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</i></p> <p>(a) <i>at any time during which the matter is being considered or discussed by the council or committee, or</i></p> <p>(b) <i>at any time during which the council or committee is voting on any question in relation to the matter.</i></p>	<ul style="list-style-type: none"> The role of the General Manager with regard to disclosure of interests is to record oral disclosures in the minutes of the meetings and in a book kept for the purpose, as well as to compile and maintain a Register of Disclosures from the information supplied by members and relevant staff in accordance with the Local Government Act 1993. The General Manager has no role in determining whether or not a Councillor has or does not have a pecuniary interest in a matter as the onus is on affected individual members and staff to make such decisions. Given the complexities involved and the fact that the onus is on Councillors and staff to determine whether an interest exists, when in doubt Councillors/staff should obtain appropriate advice from their own Solicitors, Council will not provide advice by staff or its solicitors. Complaints regarding the failure of a Councillor/staff member to disclose a pecuniary interest must be forwarded to the Director-General of the Department of Local Government in accordance with Section 460 of the Local Government Act 1993.
Section 460 Local Govt Act 1993	<p>21.2 Declaration of Interest - Complaints to Director-General</p> <p>(1) <i>A person may make a complaint to the Director-General, or the Director-General may make a complaint, that a person has or may have contravened Part 2.</i></p> <p>(2) <i>A complaint:</i></p> <p>(a) <i>must be in writing; and</i></p> <p>(b) <i>must identify the complainant and the person against whom the complaint is made; and</i></p> <p>(c) <i>must give particulars of the grounds of the complaint; and</i></p> <p>(d) <i>must be verified by statutory declaration; and</i></p>	<ul style="list-style-type: none"> In addition to the requirements of the Local Government Act 1993 concerning Declaration of Interest, Council has adopted a Code of Conduct for Members and Staff. Copies of the Code are available from the Public Officer.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p><i>(e) must be lodged with the Director-General.</i></p> <p><i>(3) The provisions of subsection (2)(b), in so far as they require a complaint to identify the complainant, (d) and (e) do not apply to a complaint made by the Director-General.</i></p>	
		<p>22. Other Matters</p> <p>Any other ruling or interpretation not covered by this Code of Meeting Practice or the Local Government Act shall be determined by resolution of Council.</p>



Ku-ring-gai Council

Code of Meeting Practice

[Draft March 2008]

Code of Meeting Practice
Cross references between the Act or Regulation and this Code

Section in Act	Paragraph in Code	Clause in Regulation	Paragraph in Code
9	3.6, 7.1	232	7.1
10	4.2, 4.3, 4.5, 7.2, 8.4	233	2.5
10A	3.6, 4.5, 7.3 - 7.7, 8.1	234	2.6
10B	7.4	235	2.6
10C	7.5	235A	2.6
10D	7.6	236	3.1, 3.7
11	7.7	237	3.2
12	7.7, 8.1, 8.3	238	3.3
12A	7.7, 8.3	239	3.5
12B	7.7	240	3.6
231	3.1	241	3.7, 3.24
234	2.6	242	3.8
360	1.4	243	3.6, 3.7, 3.9, 3.12
365	2.1	244	3.10
366	2.2	245	3.11
367	2.3, 3.7	246	3.12
368	2.4	247	3.13
369	1.3, 3.1	248	3.14
370	3.20	249	3.16
371	3.21	250	3.5, 3.7, 3.8, 3.12, 3.14, 3.18
372	3.24		
373	5.1	251	3.20
374	8.5	252	7.3
375	3.4	253	3.22
376	8.6	254	3.4
377	5.3	255	4.1
433	3.10	256	4.2
440F	4.6	257	4.3
440G	4.6	258	4.4
442	6.1	259	5.1
443	6.3	260	1.3, 5.2
448	6.1, 6.4	261	5.3
451	6.5, 8.5	262	5.4
453	6.7	263	5.5
454	6.5	264	7.3
456	6.5, 6.6	265	5.6
457	6.5, 6.6	266	5.9
458	6.5	267	1.3, 5.7
664	8.1	268	5.8
		269	5.10
		270	4.1, 4.2, 4.3, 4.4
		271	4.5
		272	8.2
		273	8.4
		412	8.1

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PART 1 - INTRODUCTION

1.1 Purpose

The purpose of this Code is to set out the manner in which meetings of Ku-ring-gai Council and formal committees are to be convened and conducted.

1.2 Objectives

The objectives of this Code are to:

- provide a summary of the statutory provisions relating to the conduct of council and formal committee meetings supplemented by additional provisions
- ensure that council and committee meetings are held in a manner that is orderly and efficient and earns the respect of the Ku-ring-gai community
- ensure that council and committee meetings display open government and maximise access and participation by the community
- ensure that councillors conduct themselves with high standards of behaviour, making a positive contribution to all debates and decisions
- ensure that meetings comply with the basic principle of the *Local Government Act 1993* that councillors not involve themselves in day-to-day administration and meetings are restricted to matters of policy, direction, resource allocation and statutory decisions.

1.3 Definitions

In this Code:

Act means the *Local Government Act 1993*

chairperson means,
in relation to a meeting of the council, the person presiding at the meeting as provided by section 369 of the Act, and, in relation to a meeting of a committee, the person presiding at the meeting as provided by clause 267 of the Regulation

committee means a committee established under clause 260 of the Regulation or the council when it has resolved itself into a committee of the whole

employee means an employee of Ku-ring-gai Council and includes the General Manager

Regulation means the *Local Government (General) Regulation 2005*

relative¹ means, in relation to a person, any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).

1.4 Legislation

The principle legislation governing council and committee meetings is the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

This Code is made pursuant to section 360(2) of the Act which provides that a council may adopt a Code of Meeting Practice that incorporates the relevant legislation supplemented with further provisions that are not inconsistent with the legislation. Under section 361 a draft Code must be publicly exhibited for 28 days and submissions must be invited for 42 days. Under section 362 council must consider all submissions received before adoption of the Code which can be with amendments or in original draft form.

Pursuant to section 360(3) of the Act, the council and a committee of which all members are councillors must conduct its meetings in accordance with this Code.

This Code incorporates relevant provisions of the Act and the Regulation.

Words appearing in *italics* are a direct quote from the Act or the Regulation.

In the event of any inconsistency between this Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency. Any ruling or interpretation not covered by this code or legislation shall be determined by resolution of council.

Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act, have the meanings set out in the dictionary.

1.5 Notes and Attachments

Footnotes in this Code are explanatory notes and together with the Attachments do not form part of the Code. They are provided to assist understanding.

¹ see dictionary (section 3) of the Act.

PART 2 - CONVENING OF AND ATTENDANCE AT COUNCIL MEETINGS

2.1 Frequency of meetings of the Council

2.1.1 Section 365 of the Act

The council is required to meet at least 10 times each year, each time in a different month.

- 2.1.2 Ordinary council meetings shall be held on the second and fourth Tuesdays of each month commencing at 7.00pm in the Council Chambers, 818 Pacific Highway, Gordon unless the council by resolution determines otherwise or an extraordinary meeting is called.

2.2 Extraordinary meetings

2.2.1 Section 366 of the Act

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

- 2.2.2 The mayor or general manager may call an extraordinary meeting of the council on any matter or matters considered necessary.

- 2.2.3 The mayor, in consultation with the general manager, shall determine the time and place of an extraordinary meeting.

- 2.2.4 If the mayor refuses or delays in calling an extraordinary meeting after receiving a request, signed by at least 2 councillors, those councillors may, in writing, request the general manager to call the meeting. The general manager shall call the meeting as soon as practicable.

2.3 Notice of meetings

2.3.1 Section 367 of the Act

(1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

(2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.

(3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.

2.3.2 Notice of ordinary or extraordinary council meetings shall be given to each councillor by electronic means or by delivery to a nominated address within the Ku-ring-gai local government area at least three (3) days before the meeting date for ordinary meetings and at least 24 hours before the meeting date for extraordinary meetings.

2.4 Quorum

2.4.1 Section 368 of the Act

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.

2.5 What happens when a quorum is not present?

2.5.1 Clause 233 of the Regulation

(1) A meeting of a council must be adjourned if a quorum is not present:

- (a) within half an hour after the time designated for the holding of the meeting, or*
- (b) at any time during the meeting.*

(2) In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or*
- (b) in his or her absence - by the majority of the councillors present, or*
- (c) failing that, by the general manager.*

(3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

2.6 Absence from Council meetings

2.6.1 Clause 235 of the Regulation

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

2.6.2 A councillor shall not be deemed to be present at a council meeting unless present within the council chamber. For the purposes of this paragraph, the council chamber excludes the public gallery.

2.6.3 Clause 235A of the Regulation

(1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.

(2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

2.6.4 Section 234(2) of the Act

For the purposes of subsection (1)(d)² a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.

² section 234(1)(d) of the Act provides that a civic office becomes vacant if the holder is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under section 482) without: (i) prior leave of the council, or (ii) leave granted by the council at any of the meetings concerned.

PART 3 - CONDUCT OF COUNCIL MEETINGS

3.1 Chairperson of Council meetings

3.1.1 Section 369 of the Act³

(1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

(2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

3.1.2 Clause 236 of the Regulation

(1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

(2) The election must be conducted:

- (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or*
- (b) if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.*

(3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

(4) For the purposes of subclause (3), the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and*
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.*

³ under section 231(3) of the Act, the deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.*

3.2 Chairperson to have precedence

3.2.1 Clause 237 of the Regulation

When the chairperson rises during a meeting of a council:

- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and*
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.*

3.3 Chairperson's duty with respect to motions

3.3.1 Clause 238 of the Regulation

- (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

3.4 Minutes

3.4.1 Section 375 of the Act

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.*
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.*

3.4.2 Clause 254 of the Regulation

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,*

- (b) the names of the mover and seconder of the motion or amendment,*
- (c) whether the motion or amendment is passed or lost.*

3.4.3 The correctness of the minutes of every preceding meeting, including any extraordinary meeting, not previously confirmed must be dealt with at a meeting of the council, in order that such minutes may be confirmed.

3.4.4 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

3.5 Order of business⁴

3.5.1 Clause 239 of the Regulation

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.*
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.*
- (3) Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.*

3.5.2 The order of business may be altered by a resolution. Only the mover of a motion to alter the order of business may speak to the motion.

3.5.3 The order of business for an extraordinary meeting shall be determined by the general manager having regard to the order of business for ordinary meetings and the business to be transacted at the extraordinary meeting.

⁴ the current order of business at a council meeting is set out in Attachment A.

3.6 Agenda and Business Papers for Council meetings

3.6.1 Clause 240 of the Regulation

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and*
 - (b) if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and*
 - (c) subject to subclause (2), any business of which due notice has been given.**
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.*
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.*
- (4) The general manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) Nothing in this clause limits the powers of the chairperson under clause 243.*

3.6.2 Items of correspondence relating to agenda items shall be circulated as “Additional Agenda Information”.

3.6.3 Items of correspondence of a general nature shall be circulated as “Councillor Information” separate from the business paper with confidential items headed “Confidential Information”.

3.6.4 Confidential items shall be circulated as “Confidential Agenda Information”.

3.6.5 Confidential business papers shall be distributed only to councillors and such employees as the general manager determines.

- 3.6.6 Where a councillor is, or in the opinion of the general manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10A of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person.
- 3.6.7 As circumstances necessitate, reports not listed for consideration on a business paper shall be made available at a meeting and shall be dealt with at the conclusion of General Business so as to enable councillors to be able to read the report.
- 3.6.8 Correspondence shall not be presented or read by councillors at a council meeting without the approval of the council.

3.7 Notice of business and Notices of Motion

3.7.1 Clause 241 of the Regulation

- (1) A council must not transact business at a meeting of the council:*
- (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and*
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.*
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:*
- (a) is already before, or directly relates to a matter that is already before, the council, or*
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236(1), or*
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or*
 - (d) is a motion for the adoption of recommendations of a committee of the council.*
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
- (a) a motion is passed to have the business transacted at the meeting, and*

*(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
Such a motion can be moved without notice.*

(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

- 3.7.2 A Notice of Motion signed and in writing must be provided to the general manager no later than 2.00 pm on the Monday eight (8) days prior to a meeting.
- 3.7.3 Only the actual wording of the Notice of Motion will appear on the business paper. Any background notes will be circulated as an attachment to the business paper.
- 3.7.4 A councillor may not submit more than two (2) Notices of Motion to a meeting.
- 3.7.5 The chairperson shall consider a matter to be of great urgency when it requires a resolution in the first instance to action and only if consideration could not be deferred until the next meeting of council.

3.8 Business paper for extraordinary meetings

3.8.1 Clause 242 of the Regulation

(1) The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

(2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:

(a) a motion is passed to have the business transacted at the meeting, and

(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

(3) Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

3.9 Mayoral minutes

3.9.1 Clause 243 of the Regulation

- (1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.*
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.*
- (3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.*

- 3.9.2 Mayoral minutes shall always be in writing and be signed by the mayor.

3.10 Report of a Departmental representative

3.10.1 Clause 244 of the Regulation

- When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:*
- (a) is laid on the table at that meeting, and*
 - (b) is subsequently available for the information of councillors and members of the public at all reasonable times.*

3.11 Notice of motion - absence of mover

3.11.1 Clause 245 of the Regulation

- In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:*
- (a) any other councillor may move the motion at the meeting, or*
 - (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.*

- 3.11.2 Where there is no objection to a Notice of Motion being taken as a formal motion, then the chairperson shall put the motion to the vote without debate.

3.12 Motions to be seconded

3.12.1 Clause 246 of the Regulation

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).⁵

- 3.12.2 The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

- 3.12.3 It is permissible to debate the motion and an amendment concurrently.

3.13 How subsequent amendments may be moved

3.13.1 Clause 247 of the Regulation

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.

- 3.13.2 It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

3.14 Motions of dissent

3.14.1 Clause 248 of the Regulation

(1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

⁵ clause 243(2) deals with Mayoral Minutes (see 3.9.1) and clause 250(5) deals with limitation as to the number of speeches (see 3.18.1).

(2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

(3) Despite clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

3.15 Petitions

3.15.1 Where a petition has already been placed on an agenda, the councillor presenting the petition is to briefly refer to the subject matter and move a motion as to how the matter is to be determined by council. The usual motion would be along the lines of:

"That the petition be received and referred to the appropriate officer of council for attention."

3.15.2 Where a petition has not been placed on an agenda the councillor presenting the petition is to refer briefly to the subject matter of the petition without necessarily reading the petition and then hand it to the mayor for subsequent reading by the general manager (if necessary) and the councillor may move a motion as set out in 3.15.1 above.

3.15.3 Only when a petition is urgent or refers to business already placed on the agenda for that meeting is a councillor to recommend that action be taken on the basis of the petition.

3.15.4 No address to the council shall be allowed in relation to petitions when initially presented to council.

3.16 Questions may be put to councillors and employees

3.16.1 Clause 249 of the Regulation

(1) A councillor:

(a) may, through the chairperson, put a question to another councillor, and

(b) may, through the general manager, put a question to a council employee.

(2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

(3) The councillor must put every such question directly, succinctly, and without argument.

(4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or employee under this clause.

3.16.2 Questions without Notice shall always be in writing so as to remove any doubt as to whether the minutes have recorded the question correctly.

3.16.3 Questions shall not be so formed as to be an avoidance of a Notice of Motion.

3.16.4 Questions without Notice are limited to two (2) questions per Councillor per meeting.

3.16.5 No debate shall be taken on Questions without Notice.

3.17 Mode of address

3.17.1 Councillors shall on all occasions address their remarks through the chairperson and shall refer to other councillors and employees by their official designation.

3.17.2 Councillors, with the exception of the chairperson, or any person prevented by physical infirmity, shall stand when speaking.

3.17.3 The requirement to stand when speaking shall not include any part of the meeting where the council is in committee of the whole.

3.18 Limitation as to number of speeches

3.18.1 Clause 250 of the Regulation

(1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.*
 - (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.*
 - (4) Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:*
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or*
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.*
 - (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.*
 - (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).*
 - (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.*
- 3.18.2 Each councillor shall be granted a maximum of five (5) minutes to speak on an item. A warning signal shall be given at 4 minutes and 30 seconds. No extensions of time shall be granted.
- 3.18.3 The mayor is bound by the provisions of 3.18.1 above except when clarifying issues or statements during an address by a councillor so as to facilitate the progress of the meeting.

3.19 Relevance in debate

- 3.19.1 In the course of debate a councillor shall not introduce material that is irrelevant to the item under discussion. If a councillor is called to order for second time in a single speech for introducing irrelevant material, the councillor shall immediately cease speaking and resume their seat. Failure to do so shall constitute an act of disorder.

3.20 Voting at Council meetings

3.20.1 Section 370 of the Act

- (1) Each councillor is entitled to one vote.*
- (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.*

- 3.20.2 If a motion, when put to the vote, results in a tied vote and a casting vote is not used, then the motion is unsuccessful.

3.20.3 Clause 251 of the Regulation

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.*

(5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.⁶

3.20.4 In those circumstances where a decision is unanimous, the words “CARRIED UNANIMOUSLY” shall be recorded in the minutes.

3.20.5 In those circumstances where a decision is not carried unanimously, the chairperson shall announce the names of the councillors who voted against a motion or amendment and the names shall be recorded in the minutes.

3.21 Decisions of the Council

3.21.1 Section 371 of the Act

A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

3.22 Resolutions passed at closed meetings

3.22.1 Clause 253 of the Regulation

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

3.23 Recommittal of items

3.23.1 If, prior to the completion of a meeting, a councillor or group of councillors consider that a decision made earlier is lacking in judgement or precision a formal written Notice of Rescission shall be completed and brought to the immediate attention of the Council.

3.23.2 Such Notice of Rescission shall be dealt with as Business without Notice (see paragraphs 3.7 and 3.24 of this Code).

⁶ part II of the Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that “ballot” has its normal meaning of secret ballot.

3.24 Rescinding or altering resolutions

3.24.1 Section 372 of the Act

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.*
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.*
- (3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with council's code of meeting practice.*
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by at least 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.*
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.*
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.*
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.*

- 3.24.2 A notice of rescission must be placed on a council meeting agenda, or it can be brought forward as a matter of great urgency in accordance with clause 241(3) of the Regulation (see paragraph 3.7) if council so resolves.

- 3.24.3 A mayoral minute cannot be used as a device to bring forward a rescission motion, although if a mayoral minute is also signed by two other councillors, it can be regarded as a notice of rescission, and by virtue of one of the signatories being the mayor can receive prominence on the agenda.
- 3.24.4 If need be an extraordinary meeting may be called to consider a notice of rescission.
- 3.24.5 A rescission motion presented to council prior to the close of a meeting has the effect of stopping all action on the decision.
- 3.24.6 The mayor or any councillors have absolutely no authority to prevent implementation of a resolution of council where a notice rescission is presented at some time after closure of a meeting.
- 3.24.7 Where a resolution of council involves the granting or refusal of consent or any other formal statutory licence giving rise to legal rights, and such decision has been communicated in writing to the applicant, council's decision is incapable of being revoked even if a notice of rescission is lodged at some future time.
- 3.24.8 If a notice of rescission is lodged in relation to a matter that involves a development approval, the notice of rescission should not be dealt with by council until the applicant and any objectors who have addressed council on the matter are informed in writing of the notice of rescission and the date of the meeting at which the notice of rescission is to be considered.
- 3.24.9 For the purposes of section 372(6), council sitting as a committee of the whole, is a committee of council.

3.25 Conclusion of meetings and motions of adjournment

- 3.25.1 The continuation of a meeting after 12.00 midnight shall be dependent upon a motion for extension being carried by at least two thirds of the members of the council being present at the meeting (e.g. if 10 councillors are present it will require a vote of at least 7 for the motion; if 9 are present, it will require a vote of at least 6).
- 3.25.2 Discussion shall not be permitted on any motions for adjournment of a Council meeting. If a motion for adjournment, when put to the vote, is lost, then the meeting shall continue and no further motion for adjournment may be put for a period of not less than half an hour.

3.26 Unfinished business

- 3.26.1 If at the conclusion of a meeting there is unfinished business, then the matters remaining to be dealt with on the business paper shall be brought forward to be dealt with at the next meeting of the council, such business to be dealt with at the next meeting as priority items of business and listed on the business paper accordingly.

3.27 Reports of councillors and presentations

- 3.27.1 Councillors may provide a written report to council on proceedings of meetings attended on behalf of council. Such reports are to be received by the general manager no later than 12.00 noon on the Monday eight (8) days prior to a council meeting. Such reports shall be reported in documents attached to the business paper as councillor information.
- 3.27.2 Councillors should present plaques, certificates, awards and other ceremonial items received on behalf of council at a council meeting.

3.28 Annual elections

- 3.28 Council shall determine the date of the meeting in September each year at which the election for mayor, deputy mayor, committee members and delegates is to be held.

PART 4 - KEEPING ORDER AT MEETINGS

4.1 Questions of order

4.1.1 Clause 255 of the Regulation

- (1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.*
- (2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.*
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.*
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.*

4.1.2 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

4.2 Acts of disorder by councillors

4.2.1 Clause 256 of the Regulation

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*
 - (a) contravenes the Act or any regulation in force under the Act, or*
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or*
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or*
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or*
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

- (2) The chairperson may require a councillor:*
- (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or*
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*
- (3) A councillor may, as provided by section 10(2)(a) or (b) of the Act be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.*

- 4.2.2 A councillor may seek a ruling from the chairperson on whether another councillor is out of order or has committed an act of disorder, whereupon the chairperson shall make a ruling.
- 4.2.3 If a councillor, after having been called to order by the chairperson on three (3) occasions at the same meeting, refuses to come to order, the councillor shall have committed an act of disorder.
- 4.2.4 If a councillor, having been called on by the meeting chairperson to withdraw a disorderly or improper remark and apologise unreservedly, fails to do so, the councillor shall have committed an act of disorder.
- 4.2.5 When, through a ruling of the meeting a councillor has committed an act of disorder, the chairperson may immediately, without debate, put to the meeting a motion that the councillor be excluded from the remainder of the meeting. If the motion is carried the councillor shall leave the chamber immediately and not participate further in the meeting.
- 4.2.6 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

4.3 Dealing with disorder

4.3.1 Clause 257 of the Regulation

- (1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.*
- (2) A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.*

4.3.2 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

4.3.3 Members of the public present in the gallery of a meeting shall not engage in any disruptive or inappropriate behaviour or pass any note or document to a councillor during the course of the meeting without the consent of the chairperson.

4.3.4 A councillor shall not pass any note or document to a member of the public during a meeting without the consent of the chairperson.

4.4 Power to remove persons from meeting after expulsion resolution

4.4.1 Clause 258 of the Regulation

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or*
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,*

a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

4.4.2 For the purposes of this paragraph, the general manager or, in the absence of the general manager, an employee designated by the general manager, shall be deemed to be the person authorised by council for the removal of a person from a meeting.

4.4.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

4.5 Expulsion from committee meetings

4.5.1 Clause 271 of the Regulation

(1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act any person who is not a councillor may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

(2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

4.5.2 For the purposes of this paragraph, the general manager or, in the absence of the general manager, an employee designated by the general manager, shall be deemed to be the person authorised by council for the removal of a person from a meeting.

4.6 Misbehaviour⁷

4.6.1 Section 440F of the Act

(1) In this Division:

misbehaviour of a councillor means any of the following:

(a) a contravention by the councillor of this Act or the regulations,

⁷ the process for the suspension of a councillor for misbehaviour is set out in sections 440H to 440Q of the Act.

- (b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440(5),*
 - (c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council but does not include a contravention of the disclosure requirements of Part 2.*
- (2) A reference in this Division to **misbehaviour** or **an incident of misbehaviour** includes a reference to misbehaviour that consists of an omission or failure to do something.*

4.6.2 Section 440G of the Act

- (1) A council may by resolution at a meeting formally censure a councillor for misbehaviour.*
- (2) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.*
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has misbehaved on one or more occasions.*
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.*
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.*

PART 5 - COUNCIL COMMITTEES

5.1 Committee of the whole

5.1.1 Section 373 of the Act

A council may resolve itself into a committee to consider any matter before the council.

5.1.2 Clause 259 of the Regulation

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches⁸.*
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.*
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.*

5.2 Establishment of committees

5.2.1 Clause 260 of the Regulation

- (1) A council may, by resolution, establish such committees as it considers necessary.*
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) The quorum for a meeting of a committee is to be:*

⁸ in accordance with paragraph 3.17.3 there is also no requirement to stand when speaking at a committee of the whole meeting.

- (a) such number of members as the council decides, or*
- (b) if the council has not decided a number - a majority of the members of the committee.*

- 5.2.2 A quorum for a committee shall be specified in the charter of that committee.
- 5.2.3 Where the majority of members of a committee are not present, those members who are present at the meeting shall constitute the quorum for that meeting, and those members present may make recommendations on the items listed in the agenda for consideration at a subsequent council meeting.

5.3 Charters, functions and powers of committees

5.3.1 Clause 261 of the Regulation

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

- 5.3.2 Only committees with specific delegations granted in accordance with section 377 of the Act to carry out functions on behalf of council may resolve matters. Other committees may only make recommendations for council's consideration.

5.4 Notice of committee meetings

5.4.1 Clause 262 of the Regulation

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:*
- (a) the time and place at which and the date on which the meeting is to be held, and*
 - (b) the business proposed to be transacted at the meeting.*
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.*

5.5 Non-members entitled to attend committee meetings

5.5.1 Clause 263 of the Regulation

- (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.*
- (2) However, the councillor is not entitled:*
 - (a) to give notice of business for inclusion in the agenda for the meeting, or*
 - (b) to move or second a motion at the meeting, or*
 - (c) to vote at the meeting.*

5.5.2 All councillors are permitted to attend any committee meeting as an observer unless specifically excluded by resolution of council.

5.6 Procedure in committees

5.6.1 Clause 265 of the Regulation

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.*
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.*
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands)*

5.6.2 In the absence of any decision in clause 265(2) of the Regulation, or if the council so resolves, the chairperson shall not have a casting vote except in the case of a committee of the whole.

5.7 Chairperson and deputy chairperson of committees

5.7.1 Clause 267 of the Regulation

- (1) The chairperson of each committee of the council must be:*
 - (a) the mayor, or*
 - (b) if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council, or*
 - (c) if the council does not elect such a member - a member of the committee elected by the committee.*

- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.*
- (3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.*
- (4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.*

5.8 Absence from committee meetings

5.8.1 Clause 268 of the Regulation

- (1) A member (other than the mayor) ceases to be a member of a committee if the member:
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or*
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.**
- (2) Subclause (1) does not apply if all of the members of the council are members of the committee.*

5.9 Committee minutes

5.9.1 Clause 266 of the Regulation

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,*
 - (b) the names of the mover and seconder of the motion or amendment,**

(c) whether the motion or amendment is passed or lost.

(2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

5.10 Reports of committees

5.10.1 Clause 269 of the Regulation

(1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.

(2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.

(3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:

(a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and

(b) report the resolution or recommendation to the next meeting of the council.

5.11 Inspections by committee

5.11.1 Site inspections may be held only for the purpose of enabling councillors to familiarise themselves with the impact of a proposed development. All Councillors are entitled to attend such inspections.

5.11.2 Site inspections shall be held at a time determined by council or a committee. Councillors should wear their councillor name badge and be introduced to the applicant when attending site inspections. Minutes shall be kept recording the sites attended and the names of attendees.

5.11.3 An inspections committee has no delegated authority to make decisions or recommendations.

PART 6 - CONFLICT OF INTERESTS⁹

6.1 Pecuniary interest

6.1.1 Section 442 of the Act

(1) For the purposes of this Chapter, 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.

(2) 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 the person might make in relation to the matter or if the interest is of a kind specified in section 448.

6.2 Non-Pecuniary interest

6.2.1 A non-pecuniary interest can involve personal or family relationships or involve sporting, social or cultural activities that could influence a person’s judgement or decisions even though there is no financial gain or loss to the person.

6.3 Persons who have a pecuniary interest

6.3.1 Section 443 of the Act

(1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
(a) the person, or
(b) the person’s spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
(c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.

(2) (Repealed)

(3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):

⁹ for additional information regarding conflict of interests, see the *Code of Conduct* and the *Conflict of Interests Policy*.

- (a) if the person 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 person 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 person 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 person has no beneficial interest in any shares of the company or body.*

6.3.2 The general manager has no role in determining whether or not a councillor has a pecuniary interest in a matter. The onus is on individual councillors to make such determinations. Given the complexities involved in the matter, where doubt exists individuals should seek their own legal advice. Such advice shall not be provided by staff or council's legal advisors.

6.3.3 Complaints regarding a failure of a councillor or staff member to disclose a pecuniary interest should be made to the Director-General of the Department of Local Government in accordance with section 460 of the Act.

6.4 Interests that do not have to be disclosed

6.4.1 Section 448 of the Act

The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,*
- (b) an interest as a ratepayer or a person liable to pay a charge,*
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,*
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,*
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),*

- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,*
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:*
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or*
 - (ii) land adjoining, or adjacent to, or in proximity to land referred to in subparagraph (i) if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,*
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,*
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,*
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:*
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,*
 - (ii) security for damage to footpaths or roads,*
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,*

- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),*
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,*
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,*
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,*
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,*
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.*

6.5 Disclosure and participation in meetings¹⁰

6.5.1 Section 451 of the Act

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.¹¹*
- (2) The councillor or member must not be present at, or in the sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*

¹⁰ section 458 of the Act provides that the Minister may in certain circumstances allow a councillor or a member of a committee who has a pecuniary interest to take part in the consideration or discussion of a matter or vote on a matter.

¹¹ a general notice of disclosure can be made in some circumstances pursuant to section 454 of the Act which will fulfil the requirement of this subclause.

(3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

6.5.2 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

6.5.3 A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered should disclose the interest to the meeting as soon as practicable.

6.6 Disclosure by adviser

6.6.1 Section 456 of the Act

(1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

(2) The person is not required to disclose the person's interest as an adviser.

6.6.2 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

6.7 Disclosures to be recorded

6.7.1 Section 453 of the Act

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

PART 7 - OPEN MEETINGS

7.1 Public notice of meetings

7.1.1 Section 9 of the Act

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.*
- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.**
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.*
- (4) The copies are to be available free of charge.*
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

7.1.2 Clause 232 of the Regulation:

- (1) This clause prescribes the manner in which the requirements outlined in section 9(1) of the Act are to be complied with.*
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (3) The notice must specify the time and place of the meeting.*

(4) Notice of more than one meeting may be given in the same notice.

(5) This clause does not apply to an extraordinary meeting of a council or committee.

7.1.3 Copies of business papers and reports (excluding any confidential items) shall be made available to the public on council's website and during normal opening hours at the council chambers and libraries prior to each council meeting, where practicable, the day after the business papers are available to the councillors.

7.1.4 To assist members of the public at a council meeting, a summary of council meeting procedures shall be provided in the gallery with the business papers.

7.2 Attendance at meetings of the council and committees

7.2.1 Section 10 of the Act

(1) Except as provided by this Part:

- (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and*
- (b) a council must ensure that all meetings of the council and of such committees are open to the public.*

(2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such committee if expelled from the meeting:

- (a) by a resolution of the meeting, or*
- (b) by the person presiding at the meeting, if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.*

(3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

7.3 Parts of a meeting closed to the public¹²

7.3.1 Section 10A of the Act

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2),*
or
 - (b) the receipt or discussion of any of the information so listed.**
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),*
 - (b) the personal hardship of any resident or ratepayer,*
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the council, or*
 - (iii) reveal a trade secret,**
 - (e) information that would, if disclosed, prejudice the maintenance of law,*
 - (f) matters affecting the security of the council, councillors, council staff or council property,*
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.**
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.*
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.*

¹² the provisions of sections 10A and 10B of the Act are summarised in Attachment B.

7.3.2 Clause 252 of the Regulation

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

7.3.3 Clause 264 of the Regulation

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

7.3.4 Members of the public wishing to make representations in accordance with section 10A(4) of the Act, may make such representations to the council or committee meeting in writing or verbally. Each person wishing to make verbal representations may speak do so in accordance with the procedures set out in paragraph 7.8 and Attachment C of this Code.

7.4 Further limitations to closure of parts of meetings

7.4.1 Section 10B of the Act

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security,*
 - and*

- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and*
 - (b) are clearly identified in the advice, and*
 - (c) are fully discussed in that advice.*
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
 - (a) a person may misinterpret or misunderstand the discussion, or*
 - (b) the discussion of the matter may:*
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or*
 - (ii) cause a loss of confidence in the council or committee.*
- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.*

7.5 Notice of closure not required in urgent cases

7.5.1 Section 10C of the Act

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2), and*
- (b) the council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:*
 - (i) should not be deferred (because of the urgency of the matter), and*
 - (iii) should take place in a part of the meeting that is closed to the public.*

7.6 Specification of grounds for closing part of a meeting

7.6.1 Section 10D of the Act

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) The grounds must specify the following:*
 - (a) the relevant provision of section 10A(2),*
 - (b) the matter that is to be discussed during the closed part of the meeting,*
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

7.7 Public access to correspondence and reports¹³

7.7.1 Section 11 of the Act

- (1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.*
- (2) This section does not apply if the correspondence or reports:*
 - (a) relate to a matter that was received or discussed, or*

¹³ for access to publicly available documents generally see sections 12, 12A and 12B of the Act. For inspection of minutes of meetings see also paragraph 8.2 of this Code.

(b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

(3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2) are to be treated as confidential.

7.8 Addressing council and committee meetings

- 7.8.1 Members of the public shall have the opportunity to address a meeting on any matter of a general nature or interest to council and the community as well as any item on the business paper, with the exception of petitions, business without notice and questions without notice. This right to address includes representations by members of the public as to whether any part of the meeting should be closed to the public.
- 7.8.2 The number of speakers shall generally be limited to a maximum of two (2) for and two (2) against a matter before the meeting. On occasions where there are more than two (2) speakers both for and against a matter, the number of speakers shall be limited to equal numbers for and against the matter. On occasions where there is more than one (1) speaker for or against an item, new speakers shall be requested to limit their address to new material. The chairperson shall have the right to so limit their addresses. The number of speakers is limited to a maximum of three (3), on any one topic in general address to Council.
- 7.8.3 Council shall have procedures for addresses to meetings¹⁴. A summary of the procedures shall be provided to persons at the time of submitting their name to address the meeting.

¹⁴ the current procedures for addressing a meeting are set out in Attachment C.

PART 8 - MISCELLANEOUS

8.1 Disclosure and misuse of information

8.1.1 Section 664 of the Act

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:*
- (a) with the consent of the person from whom the information was obtained, or*
 - (b) in connection with the administration or execution of this Act, or*
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or*
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or*
 - (e) with other lawful excuse.*
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A(1), a person must not, without the authority of the council or the committee, disclose, (otherwise than to the council or a councillor of the council), information with respect to the discussion at, or the business of, the meeting.*
- (1B) Subsection (1A) does not apply to:*
- (a) the report of a committee of a council after it has been presented to the council, or*
 - (b) disclosure made in any of the circumstances referred to in (1)(a)-(e), or*
 - (c) disclosure made in circumstances prescribed by the regulations, or*
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.*
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.*

(3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:

- (a) the determination of an application for an approval, or*
- (b) the giving of an order.*

Maximum penalty: 50 penalty units.

8.1.2 Clause 412 of the Regulation

For the purposes of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

8.2 Inspection of minutes

8.2.1 Clause 272 of the Regulation

(1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.

(2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

8.3 Access to information and records by councillors

8.3.1 Councillors shall have access to council documents in accordance with sections 12 and 12A of the Act and the *Councillor Access to Information and Interaction with Staff Policy*. However, nothing in this Code derogates from the common law right of councillors to generally inspect any record of the council relating to any business before the council, except where the councillor requesting inspection has, in the opinion of the general manager, a pecuniary interest in the matter.

8.4 Recording of meetings

8.4.1 Clause 273 of the Regulation

- (1) A person may use a tape recorder to record the proceedings of a meeting of the council or a committee of a council only with the authority of the council or committee.*
- (2) A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or a committee for using or having used a tape recorder in contravention of this clause.*
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*
- (4) In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

8.4.2 As an aid to the preparation of the minutes of a meeting, a recording of all ordinary and extraordinary council meetings shall be made with the exception of any matters dealt with in confidential session. Prior notice shall be given to anyone addressing the meeting that they are being recorded.

8.5 Certain circumstances do not invalidate council decisions

8.5.1 Section 374 of the Act

Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or*
- (b) a failure to give notice of the meeting to any councillor or committee member, or*
- (c) any defect in the election or appointment of a councillor or committee member, or*
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or a committee meeting in accordance with section 451, or*
- (e) a failure to comply with the code of meeting practice.*

8.6 Attendance of general manager at meetings

8.6.1 Section 376 of the Act

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.*
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.*
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.*

8.7 Mobile telephones

- 8.7.1 No person shall answer or otherwise use a mobile telephone during a council or committee meeting, unless permission is granted by the chairperson.
- 8.7.2 All mobile telephones shall be switched off or put on silent mode during every council and committee meeting, unless permission is otherwise granted by the chairperson.

8.8 Other matters

- 8.8.1 A ruling or interpretation not covered by the Act, the Regulation or this Code shall be determined by resolution of the council.

8.9 Amendment of Code

- 8.9.1 This Code may be amended in accordance with the provisions of the Act. However, any amendments to the Act or the Regulation will immediately apply and override this Code to the extent of any inconsistency. Such amendments will be inserted into this Code without the need for further public notification.

PART 9 – ASSOCIATED DOCUMENTS

9.1 Codes and policies

Code of Conduct

Conflict of Interests Policy

Councillor Access to Information and Interaction with Staff Policy

9.2 External references

Closed Council Meetings, Circular no. 07-08, Department of Local Government, 11 April 2007

Meetings Practice Note, Practice Note no. 16, Department of Local Government, November 2005

Open Meetings Guidelines, Department of Local Government, July 1998

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ATTACHMENT A

Order of business for Council Meetings

1. Prayer and the following acknowledgement
“On behalf of Council I recognise the traditional custodians of the land,
the Guringai people, on whose land we stand”
2. Apologies
3. Declaration of interests
4. Reports to be considered in closed meeting
5. Addresses to Council
6. Documents circulated to Councillors
7. Confirmation of minutes
8. Minutes from the Mayor
9. Petitions
10. Reports from Standing Committees
11. General Business
Mayor to invite Councillors to nominate any items on the Agenda that
they wish to have a site inspection.
Mayor to invite Councillors to nominate any items on the Agenda that
they wish to adopt in accordance with the officer’s recommendation
and without debate.
12. Extra reports circulated at meeting
13. Motions of which due notice has been given
14. Business without notice – matters of great urgency
15. Questions without Notice
16. Inspections Committee – setting of date, time and rendezvous
17. Confidential business – to be dealt with in closed session

ATTACHMENT B**Closed Meetings – Summary of Legislation**

A meeting may go into closed session for receipt or discussion of any of the following matters, **for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security:**

Matter - Section 10A	Restrictions - Section 10B
(2)(a) personnel matters concerning particular individuals (other than Councillors)	
(2)(b) personal hardship of any resident or ratepayer	
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(d) commercial information of a confidential nature that would, if disclosed: <ul style="list-style-type: none"> (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or (iii) reveal a trade secret 	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets)
(2)(e) information that would, if disclosed, prejudice the maintenance of law	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (2) advice must concern legal matters that: <ul style="list-style-type: none"> (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(3) so much of its meeting as comprises a motion to close another part of the meeting to the public	(3) must not include any consideration of the matter or information to be discussed

ATTACHMENT C

Procedures for Addressing a Meeting

1. Speakers name, address and subject must be registered with staff prior to the meeting. People who have not registered prior to the commencement of the meeting will not be permitted to address. No matter will be delayed due to a speaker not being present, nor will Council inhibit its right to alter the order of dealing with the agenda items.
2. A list of speakers is given to the Mayor/Chairperson as soon as possible following commencement of the meeting.
3. Members of public whose names do not appear on the list will not be allowed to address Council / Committee.
4. Speakers are limited to three minutes each, with a warning bell at 2 minutes 30 seconds. All addresses to be taped and no extensions of time will be granted.
5. Where the matter is of general interest or not included in the Business Paper, the speakers address the Council at the commencement of the meeting.
6. Where the matter is included in the Business Paper, speakers to address the Council immediately prior to discussion of that item.
7. If the matter under discussion is listed on the Committee Business Paper, the speaker should address the Committee immediately prior to the item under discussion.
8. Speakers are encouraged to leave notes of their speech for follow-up or review action.
9. Speakers on Mayoral Minutes shall address Council after the Mayor has presented and spoken on his/her Minute.
10. Speakers on Notices of Motion shall address Council after the Councillor concerned has moved and had seconded his/her Notice of Motion.
11. Questions of speakers who address Council be permitted, with the consent of the Chairperson, for the purpose of points of clarification only. Under no circumstances will the matter be debated with the speaker.

INVESTMENT REPORT AS AT 31 MARCH 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

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

COMMENTS:

The Reserve Bank of Australia (RBA) increased the official cash rate by 25 bps from 7.00% to 7.25% in March.

RECOMMENDATION:

That the summary of investments and performance for March 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 March 2008.

BACKGROUND

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

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of March, Council had a net cash inflow of \$3,434,000 and a net investment (interest and capital) gain of \$283,400.

Council's total investment portfolio at the end of March 2008 is \$70,610,200. This compares to an opening balance of \$55,578,000 as at 1 July 2007.

Council's net investment gain in March is a result of our strategy to move from managed funds to investing in high quality interest bearing bank subordinate Floating Rate Notes in anticipation of global financial markets experiencing further extraordinary levels of volatility with credit markets and credit rated funds performing poorly.

Whilst values have been falling, investors holding quality credit securities, such as Council, are reluctant to sell at these levels recognising that market bids are well below intrinsic value. As credit markets stop deteriorating and forced selling is curtailed, the market should see stability start to return, however it is unclear as to how long this may take. Even without such a correction of the market, the shortening of remaining term to maturity would improve prices of securities meaning that investments held by Council will increase in value as they get closer to maturity.

Subsequent to this reporting period the Department of Local Government (DLG) issued Circular 08-10 ***Council Invested Funds and the Cole Inquiry Report***, (Attachment A) which advised that the report by Michael Cole on a review of NSW Local Government Investments (Attachment B) had been released. The Circular summarised the recommendations contained within the report and the implementation process for those recommendations that the DLG was undertaking.

The following key points from the report are:

- Collateralised Debt Obligations (CDOs) of US sub-prime were specifically identified as a trigger for this exercise and the consequent recommendations (s 3.7).
- The "Regulators' intent" appeared to have been to restrict council investment to high quality interest bearing securities, and contemplated investment in growth assets only through TCorp Hour-Glass (s 4.2, 4.3).

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- Three CDOs are identified as having been downgraded to S & P CCC range and therefore “vulnerable to default” (s 5.11) – these total around \$30m.
- High proportions of managed funds are “not in any way necessarily indicative of imprudent investment behaviours” (s 5.5) and are “considered a responsible investment strategy” (s4.32) but are suspended until December 2009.
- The appointment of a central regulator of investments similar to APRA was rejected on cost grounds (estimated at over \$1m p.a.) (s 4.36).
- Councils’ data was of high quality, with a 100% response rate of “information sought” and capable of reconciliation to audited accounts (s 3.11).
- “The credibility of the credit ratings agencies as a key quality filter for investment decisions is being critically questioned. Until this issue is satisfactorily resolved any further investments of this type should be suspended.” (s 4.29).

Recommendations and Implications

The NSW Government has indicated that all recommendations will be adopted, and the DLG has issued Circular 08-10 adopting them. Therefore Council officers regard the changes as **effective immediately**, rather than at a future date of publication of a Minister’s Order.

Council officers have conducted a review of Council’s portfolio in consideration of the recommendations in the report and have consulted Grove Research & Advisory as to the most appropriate way forward. Further clarification of some of the recommendations is being sought by Grove Research & Advisory who are meeting with the DLG in the coming weeks. At this stage it would appear that the following investments currently held by Council are not allowed under the proposed guidelines:

Investment Type	Council Investment	Rating
Capital-guaranteed notes	Longreach CPWF	AAA
	Longreach STIRM	AA-
	Camelot	AA
	Longreach S26 Property	AA
Managed Funds	BlackRock	A
	Adelaide Bank	AAA
	Local Government Financial Services (LGFS)	AA-
Subordinated Debt	ANZ Subdebt FRN (there are three of these)	AA-
	Westpac Fixed Subdebt	AA-
	Bendigo Bank FRN	BBB
	HSBC Bank FRN	AA-
Corporate, structured and other non-ADI notes and bonds	Titanium	AAA
	Phoenix Notes	AA+
	Maple Hill II	AA
	ABN Amro PP CPDO	AA-
	Oasis	AAA

Therefore, of Council’s existing portfolio which consists of 21 investments, only 3 would be allowed under the proposed guidelines. They are:

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Investment Type	Council Investment	Rating
Cash and Deposits	Westpac Bank Deposit	AA
Senior securities of APRA-regulated banks, building societies and credit unions (provided both principal and interest are obligations of the institution)	Bendigo Bank Fixed Deposit	BBB+
NSW Treasury Corp	NSW Treasury Corp	Unrated

Other points to note in relation to the recommendations are:

Recommendation 2 - all existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered and existing securities that become ultra vires under the proposed amendments to the Investment Order can continue to be held to maturity. In terms of this recommendation, Grove Research & Advisory's preliminary advice is to take no action at this stage in relation to existing investments – many cannot be replaced if redeemed so portfolio construction options would be adversely affected.

Recommendation 3 - product manufacturers/distributors should be excluded from being appointed investment advisors to councils. The EOI process undertaken in March 2007 appointed Grove Research & Advisory Services who are independent advisors and not product manufacturers and/or distributors. The terms of their engagement also provides for a flat advisory fee with no commissions payable to them.

Recommendation 4 - eligibility based on credit rating is suspended until developing CDO experience provides a satisfactory study of whether ratings have been a relevant basis for authorising investments. New investments cannot be in rated funds or corporate securities. Securities with APRA oversight – eg bank debt, deposits, continue to be eligible investments.

Recommendation 5 - TCorp Hour-Glass Facilities remain eligible investments, including the more volatile asset classes suitable for long term investments.

Recommendation 6 - reiteration of fiduciary responsibilities, prudent person tests and risk management, including signed acknowledgement of these responsibilities.

Recommendation 7 - no subordinated investments (equity, hybrids, subordinated debt) – only senior debt is permitted. New investments in bank sub-debt will not be permitted. It appears that new subdebt is permanently excluded, not just suspended.

Recommendation 8 - guidelines should be issued, such as those issued by the Western Australian equivalent.

As previously stated, Grove Research & Advisory are scheduled to meet with the DLG in the next couple of weeks to clarify some of the issues raised by the recommendations. Following that, Council officers will meet with Grove to seek their advice in relation to the key points of the recommendations that directly affect Council. Once the new Minister's Order has been legislated a revised investment strategy and policy will be developed and reported to Council. At this stage the recommendation from our advisors is to take no action, where possible, in relation to existing investments.

PERFORMANCE MEASUREMENT

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

* **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

* **Funds Performance against the UBS Bank Bill Index**

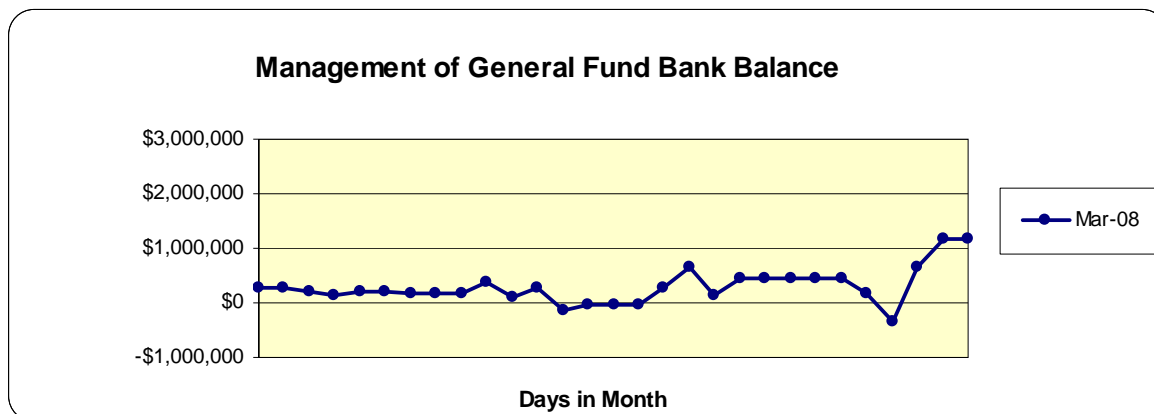
This measures the annualised yield (net of fees and charges) for Council's portfolio. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

* **Allocation of Surplus Funds**

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

Management of General Fund Bank Balance

During March Council had a net inflow of funds of \$3,434,000. This was largely due to the third quarter rates instalment payable at the end of February and Section 94 contributions.



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called "Discount recognised on purchase of investment" and a premium is credited to a Balance Sheet account called "Premium recognised on purchase of investment". Subsequent measurement is at amortised cost using the effective interest rate method.

Council's Annual Financial Statements for 2006/07 were prepared on this basis and were found to comply with all accounting standards and relevant legislation by Council's external auditors.

2. Fair Value through Profit or Loss investments

Investments classified at fair value through profit and loss are initially recognised at fair value with subsequent adjustments of fair value to the Income Statement as per AASB 139. A capital gain or loss is recognised in the Income Statement on a monthly basis. A capital gain is credited to the Income Statement and a capital loss is debited to the Income Statement.

Again Council's Annual Financial Statements for 2006/07 were prepared on this basis and were found to comply with all accounting standards and relevant legislation by Council's external auditors.

Investment Portfolio

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

1. Floating Rate Notes (FRN)

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

The following investments are classified as FRNs

ANZ sub-debt AA-	purchased 18/12/07 at premium
ANZ sub-debt AA-	purchased 20/12/07 at discount
ANZ sub-debt AA-	purchased 17/1/08 at par
Bendigo Bank BBB	purchased 9/11/07 at par
HSBC Bank AA-	purchased 14/3/08 at par

These FRNs are all sub debt which means that they are guaranteed by the bank that issues them but are rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

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

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

This type of investment was not owned by Council last financial year, however the intention is to classify them as Held to Maturity and account for them in the same manner as CDO investments.

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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 and Term Deposits

A fixed interest note and term deposits pay a fixed amount of interest on a regular basis until their maturity date. Council has one fixed interest note:

Westpac Fixed sub-debt	AA-	purchased 25/2/08 at discount
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As with FRNs, this investment is shown at purchase price with the discount amortised over the period to maturity. The purchase price was \$915,000 with a maturity value of \$1,000,000.

Council has one fixed interest deposit:

Bendigo Bank	BBB+	purchased 27/2/08 and held at par
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3. Collateralised Debt Obligations (CDO) and Constant Proportion Debt Obligations (CPDO)

The following investments are classified as CDOs or CPDOs :

Titanium AAA	purchased at a discount
Phoenix Notes AA+	purchased at par
Maple Hill 11 AA	purchased at par
SURF CPDO BBB+	purchased at a premium
Oasis Portfolio Note AAA	purchased at par

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.

At the end of 2006/07 Council owned 3 of these products, namely, Titanium, SURF and Oasis Portfolio Note. These were classified as held to maturity investments and therefore measured at amortised cost using the effective interest method in accordance with AASB 139: Financial Instruments: Recognition and Measurement. The intention is to continue this methodology at year end when the 2007/08 statements are prepared.

These investments are reported in the same manner as FRNs.

As a result of the current market volatility and to provide further security for Council's investments, a restructure of the SURF note was negotiated with the issuer during March. The outcome is a principal protected note and further details are provided later in this report.

4. Growth Investments

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

Longreach CPWF AAA
Longreach STIRM AA-

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Longreach s26 Property AA
Camelot AA
KRG C TCorp LTGF unrated

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

The principal is guaranteed by the investment issuer monitoring the net asset value and selling the investments if the NAV falls below the level where a risk free investment will return the principal at the maturity date. For example, to guarantee the repayment of \$100 in 6 years a bank bill could be purchased at current rates for about \$75. 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. The Net Asset Value increased 0.55% from February month end and is the first increase in valuation since September 2007.

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. Following a ratings downgrade of UBS AG by Standard & Poor's subsequent to this reporting period the investment is now rated AA-.

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

Camelot: This is an investment in a fund which invests in \$US foreign exchange rate movements, which have low correlation to other products and asset classes. It is reported at its market value each month. This is the Net Asset Value (NAV) of the fund's assets. Accrued interest is included in the return as it is included in the NAV like the other growth investment products. The fund guarantees the repayment of capital by calculating the "equity gap" each month. This is the surplus of fund assets above the level of assets required to guarantee return of capital at maturity. In March 2008 this equity gap was 16.83% as the fund was valued at \$92.51 per unit and the assets required to return \$100 at maturity were \$75.68 $[(92.51 - 75.68) / 100 = 16.83\%]$.

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The fund will pay an annual coupon payment equal to the average BBSW for the year, providing that this does not reduce the equity gap below 12.5%. The fund's margin above 12.5% in March 2008 was sufficient to make a coupon payment of \$71,380.10.

KRGC TCorp LTGF NSW Treasury Corporation: This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 30%, international shares 30%, bonds, listed property and cash 40%. 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, however the Minister's order specifically allows councils to invest in this fund under section (o). This fund had a -0.23% return for March and -1.85% since purchase, and underperformed the benchmark as the relative out performance in Australian shares and international bonds was insufficient to offset the relative underperformance from international shares and listed property.

5. Managed Funds

Council uses a variety of managed funds for liquidity and diversification purposes. These funds are rated from AAA through to A and returns are based on the fund's unit price at month end. During March Council has redeemed its holding in Aberdeen Income Fund.

Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @31 March 2008 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Valuation M=Mark to Market H=Hold to Maturity	Maturity
Working capital (0-3 Months)									
Adelaide Bank	AMF Yield Fund	AAA	4,077	0.63	7.09	7.09	5.77	M	0-3 mths
Westpac Bank	Westpac Bank Deposit	AA	3,551	0.60	6.88	6.88	5.03	M	0-3 mths
Short Term (3-12 Months)									
LGFS	Fixed Out Performance Fund	AA-	18,320	0.69	7.74	7.74	25.95	M	0-3 mths
Short -MediumTerm (1-2 Years)									
Bendigo Bank	Fixed Deposit TCB	BBB+	500	0.66	8.25	8.25	0.71	M	1yr
MediumTerm (2-5 Years)									
Longreach/Rabobank	Longreach CPWF	AAA	2,707	0.54	-18.78	-6.48	3.83	M	5 yrs +
UBS AG London	LongreachSTIRM	AA-	1,027	0.80	14.36	2.47	1.45	M	5 yrs +
Athena Finance (Westpac)	Camelot	AA	925	-2.51	-0.83	-0.32	1.31	M	5 yrs +
BlackRock Investment	BlackRock Diversified Credit	A	9,473	-0.27	-4.15	-4.15	13.42	M	0-3 mths
Select Access Investments	Titanium AAA	AAA	2,000	0.71	8.13	7.36	2.83	H	2-5 yrs
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	0.72	8.04	7.51	2.83	H	5 yrs +
ABN AMRO/Nomura	Pheonix Notes	AA+	2,000	0.80	9.60	9.60	2.83	H	2-5 yrs
ANZ Bank	ANZ Sub FRN	AA-	2,968	0.67	8.21	8.21	4.20	M	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,930	0.72	8.67	8.67	4.15	M	2-5 yrs
Westpac Bank	Westpac Subdebt	AA-	917	0.79	9.69	9.69	1.30	M	2-5 yrs
Long Term (5 Years+)									
HSBC Bank	Maple Hill 11	AA	3,000	0.81	9.66	9.66	4.25	H	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.72	8.73	8.73	0.71	H	5 yrs +
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	1,945	-0.23	-6.15	-1.85	2.75	M	5 yrs +
HSBC Australia	HSBC MTN	AA-	4,000	0.85	10.62	10.62	5.66	H	5 yrs +
Deutsche Bank	Longreach s26 Prop	AA	770	-3.84	-5.47	-26.87	1.09	M	5 yrs +
ABN AMRO Bank London	CPDO PP	AA-	6,000	0.70	8.70	8.63	8.50	H	5 yrs +
ANZ Bank	ANZ Subdebt 2018	AA-	1,000	0.70	8.63	8.63	1.42	H	5 yrs +
TOTAL/WEIGHTED AVERAGE			70,610	5.58	4.30		100		

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

1.24

Weighted Average Overall Return Year To Date (%)

3.72

Benchmark Return: UBSWA Bank Bill Index(%)

7.08

Variance From Benchmark (%)

-3.36

The weighted average return for the total portfolio year to date was 3.72% compared to the benchmark of the UBS Bank Bill Index of 7.08%.

Income Investments and Growth Investments

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

Comments on Individual Investment Performance

Longreach CPWF 1-2006: This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of March 2008, the investment has returned -6.48% with a 0.55% increase in net asset value from February 2008. The fund has equal exposure to the price growth of the S&P/ASX 200 Property Trust Index and UBS Australia Infrastructure and Utilities Index. The S&P/ASX Index ended the month down -3.88% and the UBS Australia Infrastructure and Utilities Index was down -2.67%. While fundamentals for the fund's underlying asset classes support medium term price growth, volatility in the broader market may continue to impact negatively on the fund's NAV short term. March was the first positive month since September 2007. General information on the fund in terms of its makeup, value and outlook are included in the monthly unit holder Report (**Attachment C**).

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 \$102.70 last month was \$101.87. The year to date return on the investment is 14.36% annualised and 2.47% since inception. Following a ratings downgrade of UBS AG by S & P on 1 April, this investment protected by UBS AG has been rated AA- from AA. General information on the fund in terms of its makeup, value and outlook are included in the monthly unit holder Report (**Attachment D**).

Longreach Series 26 Global Property: This investment was made in June 2007 in a basket of property spread globally across seven geographical areas. The chosen securities provide potential for regular income along with potential capital growth. Returns are based on a contingent semi annual coupon of 7.0% pa and additional return on maturity as capital gain. The current unit price is \$76.98 down from \$80.12 in February and from an issue value at inception of \$97.00 after upfront fees. The current allocation is 69.5% in the property basket and 30.5% in the discount debt security. The fund rating has previously been reported incorrectly at AA+ with the correct rating currently AA. General information on the fund in terms of its makeup, value and outlook are included in the monthly unit holder Report (**Attachment E**).

Note: The capital protection mechanism for the above three investments has worked to protect the initial capital invested during recent extreme market volatility. At 31 March the series 26 global property has 69.5% allocated to the asset class and 30.5% allocated to the discount debt security. The other two above investments remain fully allocated to the asset class.

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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 global market volatility has again impacted the returns this month with both the Australian and international equity markets contributing a fifth consecutive negative return. This was partially offset by the positive performance in the cash and international bond sector. The fund's annualised return was -6.15% and a negative return of -1.85% since purchase.

Athena Finance (Westpac)/Camelot: This investment was made at the end of February 2007 in a fund which invests in foreign exchange rate movements with low correlation to other products and asset classes. The fund's annualised return is -0.83% with a return of -0.32% since inception. The fund has continued to maintain a strong capital preservation focus during the volatile markets.

Blackrock Diversified Credit Fund: The fund managed \$244 million in assets at the end of March and the running yield rose from 175 basis points to 223 basis points. The prolonged crisis in credit markets took its highest profile victim in Bear Stearns. The fund has an exposure of 1.39% in Bear Stearns bonds. Although measures are in place to ensure the financial system has access to liquidity, synthetic securities rallied strongly following these solutions. However credit spreads of physical securities remained wide or pushed wider. As a consequence the fund underperformed the return available from bank bills in March. A summary of the fund's investment portfolio, strategy and outlook is attached to this report (**Attachment F**).

Westpac Fixed Subordinated Note: During February 2007 Council invested \$915,000 in this note callable in May 2012 with a fixed semi annual coupon of 6.75% and a traded yield of 9.20%. The logic behind this investment is to maintain stability within the portfolio and receive regular fixed income.

SURF Rembrant 2006-2: This Constant Proportion Debt Obligation (CPDO) was rated AAA at issue by S&P in September 2006 paying a quarterly coupon at 90 day BBSW+190bps. The underlying credit portfolio comprises credit swaps on 5 year DJ CDX.IG and iTraxx indices (125 investment grade company credits in each index, rolling every 6 months).

The average of the indices has widened considerably since issue especially over the last couple of months. This has seen the value of the notes drop significantly. If the NAV fell below 10% a cash-out event would have occurred and the credit portfolio fully unwound. Credit markets are expected to remain volatile and have continued to widen, increasing the likelihood of a cash-out occurring. As a result, SURF was downgraded to BBB+ in February. In light of credit markets remaining volatile and credit spreads continuing to widen, ABN Amro Bank in consultation with Council staff and Grove Research & Advisory, have restructured SURF, ensuring capital protection with effect from 7 March 2008, whereby SURF was sold back to ABN AMRO Bank (rated AA-) and replaced with a principal protected CPDO. The new note totalling \$6M (previously \$2M) pays a coupon of 90 day BBSW+65bps.

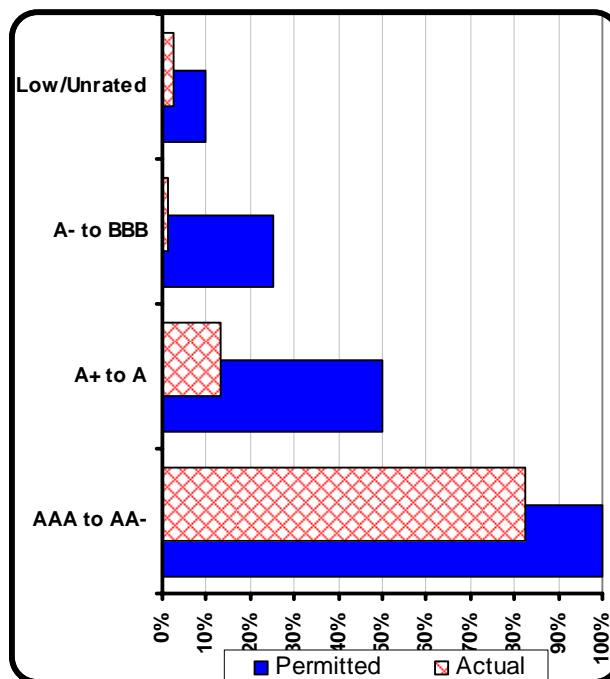
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Allocation of funds

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.



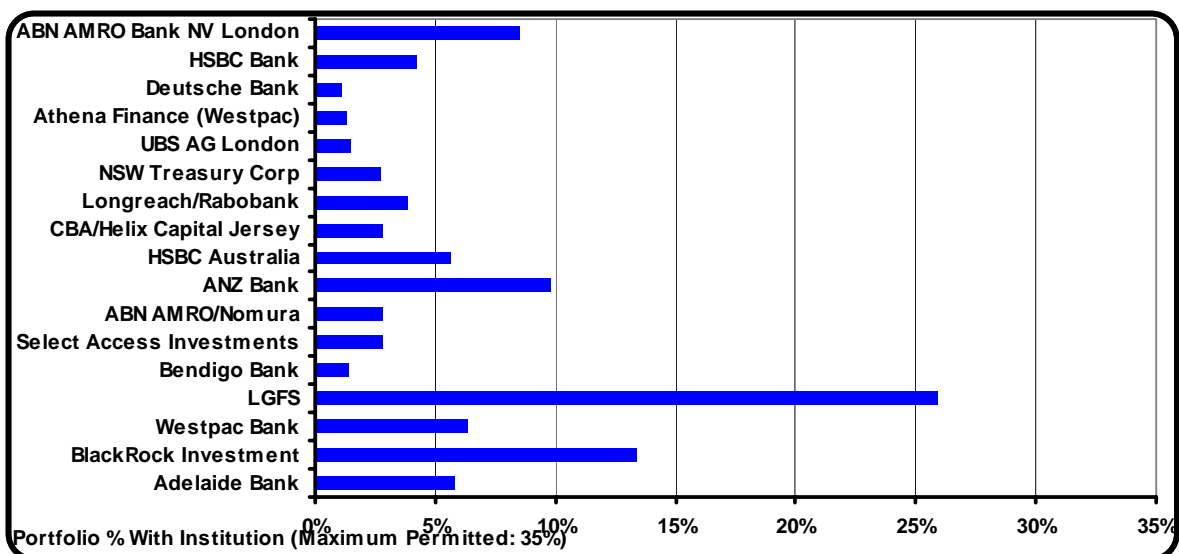
Investment Rating	Proportion
AAA to AA-	82.40%
A+ to A	13.40%
A- to BBB	1.40%
Less than BBB	2.80%

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

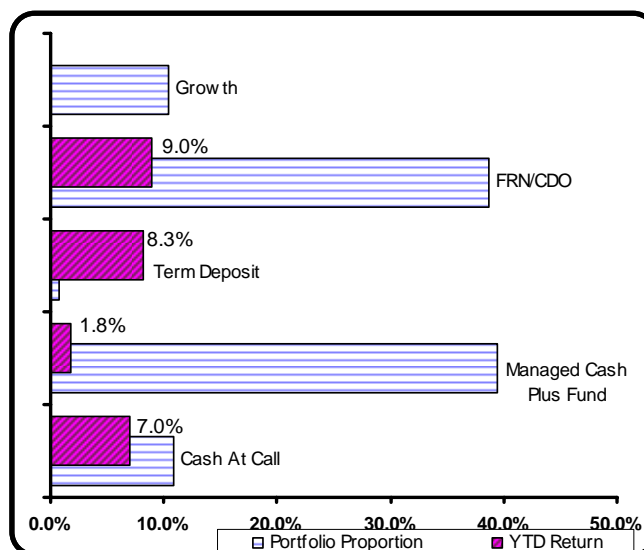
Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.

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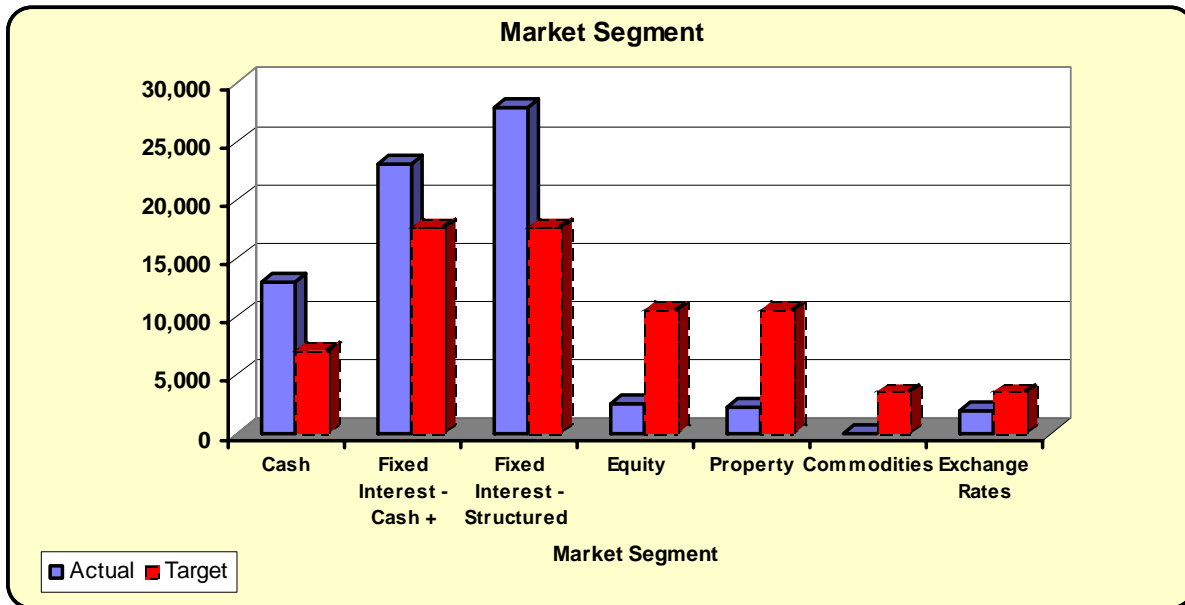
3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



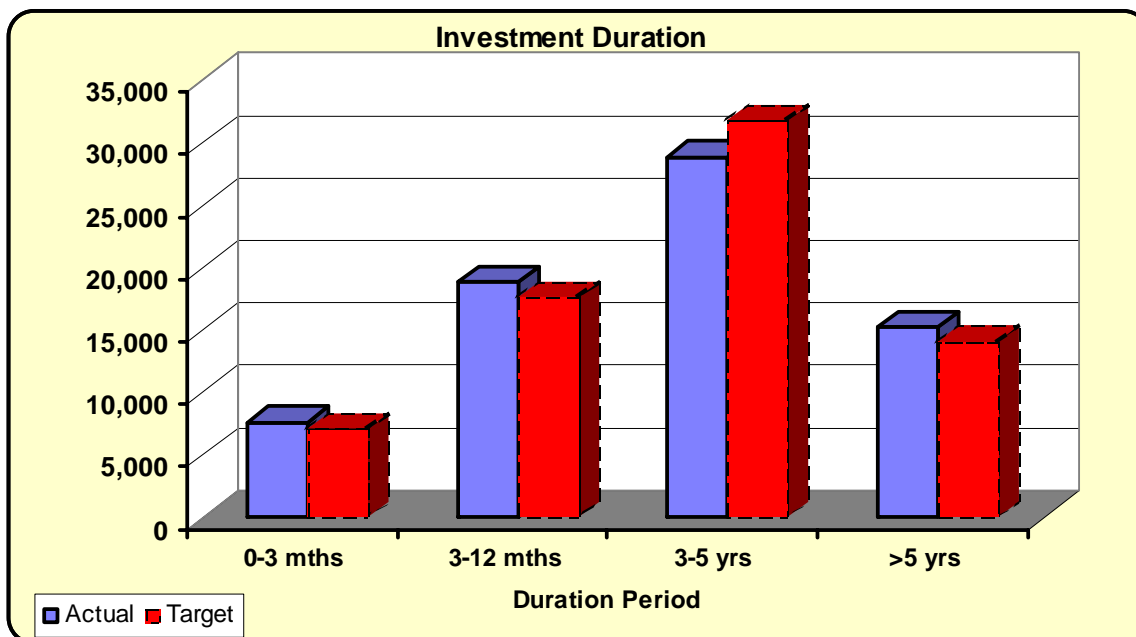
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- 4) **Market Segment:** Strategic allocation of investments by market segment compared to current level.



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



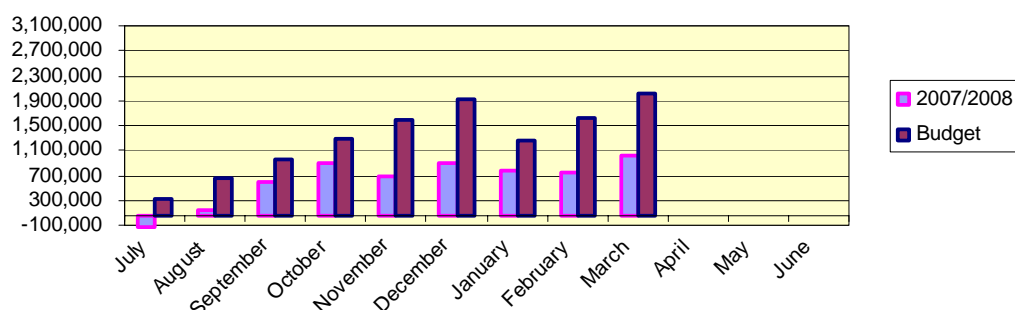
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21 April 2008**Cumulative Investment Return**

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

\$000's	Month	Financial YTD
Interest	451	2698
Cap Gain	32	1008
Cap Loss	-200	-2680
Net Return	283	1026
Budget	372	2007
Variance	-89	-981

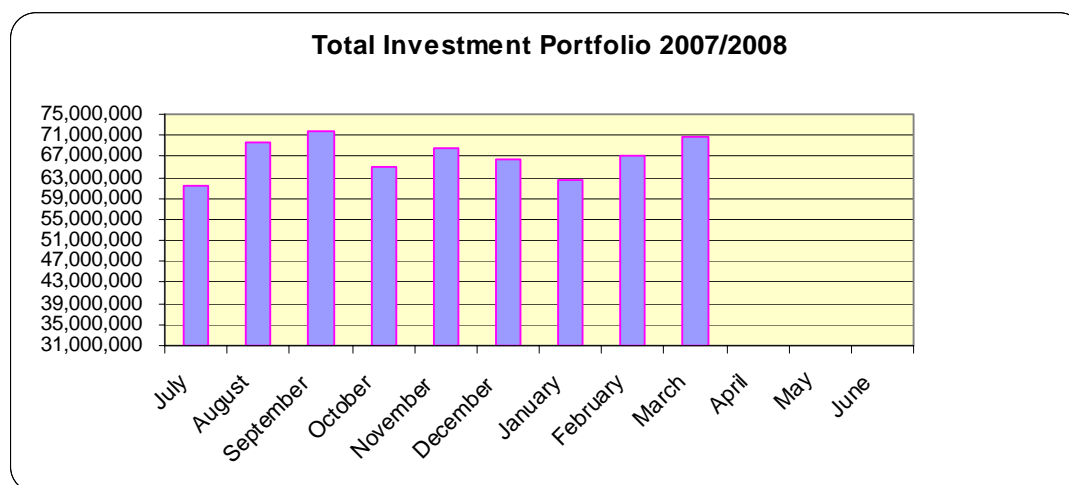
At the end of March the net return on investments totals \$1,026,000 against a revised year to date budget of \$2,007,000, giving a negative variance of \$981,000. This variation has been caused by the actual earning rates being lower than forecast and the volume of investment funds being lower than budgeted due to the recent outlay of funds to purchase community land and the budget factoring in the sale of the Depot. A further review of the budget for investment income is being undertaken and will be reported as part of the March Quarterly Budget Review Report.

Cumulative Investment Return 2007/2008 v's Budget

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21 April 2008**Total Investment Portfolio**

The following chart compares the year to date investment portfolio balances for 2007/2008.



During March 2008 Council's investment portfolio increased by \$3,434,000. Council's closing investment portfolio after interest and fees of \$70,610,000 is \$15,032,000 higher than the July 2007 opening balance of \$55,578,000.

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

- Credit markets appear to have bottomed after the shock US Federal Reserve (Fed) bailout of the failed Bear Stearns with US spreads in from a high of 190bp to 140bp at month end.
- The Reserve Bank of Australia (RBA) expects inflation to remain above the high end of its 2-3% target band until 2010. Tightening bias remains after lifting rates by 25bps to 7.25% in March. However, the April meeting left rates unchanged – tighter credit conditions, banks passing on additional rate increases, and global concerns dominating deliberations.
- The first quarter has ended with a fall of nearly 15% in the All Ordinaries, the worst quarter in 20 years.
- The second quarter started with the ASX200 pushing above 5,500 (from a low of 5,039).
- Property outperformed the broad market in March, with the most heavily discounted or distressed often bouncing the strongest.
- The US Federal Reserve (Fed) has been active, aggressively cutting interest rates (by 3% since September), expanding the range of securities it accepts as collateral for loans and giving dealers (not just banks) access to its discount window.
- The Australian Dollar pulled back from 25-year highs against the US dollar, despite interest rates moving in opposite directions.
- Gold, oil and base metal prices fell sharply following the Fed's latest cut of 0.75%, partly because the US rate cut was not as great as some areas of the market had anticipated.

Interest Rates

The Reserve Bank of Australia (RBA) increased the cash rate from 7.00% to 7.25% in March.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The revised budgeted interest on investments for 2007/2008 is \$3,123,550. Of this amount approximately \$2,065,600 is restricted for the benefit of future expenditure relating to developers' contributions, \$376,900 transferred to internally restricted depreciation reserves, and the remainder is available for operations.

At the end of March the net return on investments totals \$1,026,000 against a revised year to date budget of \$2,007,000, giving a negative variance of \$981,000. This variation has been caused by the actual earning rates being lower than forecast and the volume of investment funds being lower than budgeted due to the recent outlay of funds to purchase community land and the budget factoring in the sale of the Depot. A further downward revision of the budget will more than likely be required in the March quarterly budget review with financial markets not recovering as anticipated.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 March 2008:

- Council's total investment portfolio is \$70,610,000. This compares to an opening balance of \$55,578,000 as at 1 July 2007, an increase of \$15,032,000.
- Council's year to date net return on investments (interest and capital) totals \$1,026,000. This compares to the year to date revised budget of \$2,007,000. The variation is due to the recent outlay of funds to purchase community land, the budget factoring in the sale of the Depot and lower than anticipated returns on investments based on the global investment sentiment. Due to these unanticipated events the interest on investments budget was reviewed and revised in the December quarterly budget review and will be subject to a further review in the March quarterly budget review.

RECOMMENDATION

- A. That the summary of investments and performance for March 2008 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act, 1993, Clause 212 of the Local Government Regulation 2005 and Council's Investment Policy minute number 319.

Edwin Athaide
Accounting Officer

Tino Caltabiano
**Manager Finance
Responsible Accounting
Officer**

John Clark
Director Corporate

Attachments:

- A. DLG Circular 08-10 'Council Invested Funds and the Cole Inquiry Report' - 914518**
- B. Cole Report - 914558**
- C. Longreach Capital Protected Wholesale Fund 1-2006 Monthly Unit Holder Report March 2008 - 918524**
- D. Longreach Capital Markets Series 26 Noteholder Performance Report March 2008 - 918528**
- E. Longreach Series 23 Noteholder Performance Report March 2008 - 918529**
- F. Blackrock Diversified Credit Fund March 2008 - 918542**

Circular No. 08-10
Date 2 April 2008
Doc ID. A137391

Contact Chris Duff
02 4428 4133
chris.duff@dlg.nsw.gov.au

COUNCIL INVESTED FUNDS AND THE COLE INQUIRY REPORT

The Review of NSW Local Government Investments report has now been issued. The Review investigated the impact on councils that invested in structured financial products. The NSW Government has adopted all the recommendations from the report.

The recommendations include:

- Amendments to the Ministerial Investment Order
- Grandfathering existing investments that are excluded by the proposed changes to the Ministerial Investment Order
- Excluding the manufacturers and distributors of investment products from acting as investment advisors to councils
- Suspending investments with specific credit ratings until December 2009
- Ensuring councils are more fully aware of their obligations under the *Local Government Act 1993* and the *NSW Trustee Act 1925* and
- Issuing investment policy guidelines for councils.

A copy of the report can be accessed from the Department of Local Government's website at: www.dlg.nsw.gov.au.

The Department is currently working on the following to implement the recommendations from the Review:

- Amending the Ministerial Investment Order:
 - to include both principal and investment income in a definition of investment instruments
 - to suspend investments with specific credit ratings specified in section (k) and (l) until 31 December 2009, subject to further review
 - to exclude subordinate obligations under section (m)
 - to restrict mortgages over land to first mortgages with a Loan to Value ratio of no greater than 60% under section (f)
 - to exclude investments in ASX listed property trust investments under section (g).

The amended Ministerial Investment Order will be issued as soon as practicable.

- Preparing investment guidelines for all councils. The investment guidelines will include issues raised in the Report relating to:
 - conflict of interest such as product manufacturers and distributors being appointed as investment advisors
 - councils' fiduciary responsibilities in relation to investment activities under the *Local Government Act 1993*
 - councils' obligations under the *NSW Trustee Act 1925*.

The guidelines will be prepared with industry consultation.

Councils may continue to hold to maturity, redeem or sell investments that comply with the existing order, but any new investments must comply with the revised Ministerial Investment Order. Similarly, when councils restructure or replace non-complying investments with new investment products, the new products must comply with the revised Ministerial Investment Order.

When considering selling or restructuring current investments that fall below the requirements of the Ministerial Investment Order (see circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).

When determining the most practicable time to withdraw the funds, councils should consider, but not be limited by, the following factors:

- whether the downgrade of the rating is a short-term market fluctuation or long-term market correction
- the likelihood of the rating of the security changing
- the maturity date of the investment
- the preservation of capital if the investment was held to maturity
- the assessment of independent quotes for the market value of the investment
- the effect on interest received from the investment, and
- the capital loss incurred if the investment was sold.

Subject to changes to the Ministerial Investment Order already outlined and the introduction of Investment Guidelines by the Department and councils abiding by their fiduciary responsibilities, the current partial deregulation model operating in NSW will be retained.



Garry Payne AM
Director General

REVIEW OF NSW LOCAL GOVERNMENT INVESTMENTS

FINAL REPORT

MICHAEL COLE

APRIL 2008

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Section 1: Terms of Reference

TERMS OF REFERENCE - REVIEW OF LOCAL GOVERNMENT INVESTMENTS

- 1.1. Confirm the total exposure of Councils who have invested in structured financial products such as collateralised debt obligations (CDOs) and the nature of these (such as frequency of trading, specific structured product holdings and terms to maturity);
- 1.2. Assess the extent to which restricted and unrestricted council funds are being invested in structured products¹; and
- 1.3. Assess, in the context of total investment practices of NSW Councils, the extent that unrealised losses from structured investments are threatening the financial position of individual Councils and consider options to remedy this.

¹ Restricted and Unrestricted funds are those identified as internally restricted, externally restricted and unrestricted in note 6 to the financial statements in each council's Annual Financial Report.

Key Discussion Points Addressing Each of the Terms of Reference

1.4. Relevant table addressing the first point of the Terms of Reference:

Investment Type	Face Value @ 30-Jun-07 (\$m)	Market Value @ 31 Jan 08 (\$m)	Estimated loss / shortfall (\$m)	Estimated loss / shortfall
CDO	590	390	200	34%
Capital protected	450	400	50	11%
Managed Funds	2,420	2,350	70	3%
FRNs & Subordinated Debt	600	600	Nil	Nil
Term Deposit, cash, bills	1,630	1,630	Nil	Nil
Total	5,690	5,370	320	5.6%
Funds intended for medium term investment horizon ²	1,640	1,390	250	15.2%

1.5. See sections 5.2 and 5.3 for detailed commentary on the first point of the Terms of Reference.

1.6. Relevant table addressing the second point of the Terms of Reference:

	Restriction							
	Externally Restricted	Internally Restricted	Mixed	No Response	Other	Restricted	Unrestricted	Total
Capital Protected Note	38.1	3.6	28.1	157.0	29.5	113.6	79.3	449.2
Collateralised Debt Obligation	39.4	16.5	68.0	131.7	37.7	155.4	137.5	586.3
Floating Rate Note	1.0	5.7	20.1	25.5	19.0	56.4	29.9	157.7
Managed Fund (A rated)	47.9	32.4	224.6	430.4	116.5	517.7	407.8	1,777.3
Managed Fund (AAA & AA rated)	10.1	8.9	127.0	159.8	37.4	136.2	174.4	653.8
Other	13.9	0.5	10.6	18.0	6.3	20.6	7.6	77.5
Short-dated Deposits	46.6	84.2	213.9	363.9	148.2	310.9	373.2	1,541.0
Subordinated Debt	22.3	8.1	45.6	84.6	8.0	184.4	66.0	418.9
Total	219.4	160.0	737.8	1,370.9	402.8	1,495.1	1,275.6	5,661.6

1.7. See sections 5.20 and 5.21 for detailed commentary on the second point of the Terms of Reference.

² Excluding estimated working capital (i.e. cash, term deposits, bills and managed funds)

1.8. Relevant table addressing the third point of the Terms of Reference:

Council	Estimated Mark to Market Potential Losses (\$m)	Face Value of CDOs & Capital Protected Note Holdings 30-June-07 (\$m)	Total Investments (\$m)	Estimated Mark to Market Losses as a Percentage of Total Investments
Gosford	23.0	74	135.5	17%
Newcastle	12.6	39	138.4	9%
Hastings	10.7	45	82.3	13%
Wingecarribee	10.4	32	58.8	18%
Sutherland	9.1	55	123.0	7%
Parkes	8.6	26	41.2	21%
Coffs Harbour	8.0	39	144.3	6%
MidCoast County	7.9	54	58.7	13%
Hurstville	7.0	23	29.7	23%
Byron	6.9	44	60.3	11%
Total	104.3	430	872	12%

1.9. See sections 4.26 and 5.7 for detailed commentary on the third point of the Terms of Reference.

Section 2: Recommendations Summary

- 2.1. **Recommendation 1:** All investment instruments (debentures, securities, stocks and deposits, but excluding discount instruments such as bills of exchange) in the Investment Order be defined to include both principal and investment income.
- 2.2. **Recommendation 2:** All existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered. For the avoidance of doubt, existing securities that become ultra vires under the proposed amendments to the Investment Order can continue to be held to maturity, redeemed or sold, but new investments must comply with the amended Investment Order. Note that investment portfolio restructurings / switches currently being offered by product manufacturers or advisors are specifically excluded from consideration if the switch investments are outside the amended Investment Order. If the proposed switch investment is within the amended Investment Order all transactions must be on a market value basis. Book value transactions are explicitly prohibited.
- 2.3. **Recommendation 3:** Product manufacturers / distributors should be excluded from being appointed investment advisors to Councils.
- 2.4. **Recommendation 4:** Investments specified in k) and l) of the Investment Order be suspended for the period to 31/12/2009 and be subject to a further review after this period to determine the relevance of using a credit ratings based approach to determining authorised investments, particularly in light of the current CDO credit experience. It should consider whether to restore the current investment powers under k) and l). Any such review should have specific regard to the trade-off between the cost of Government monitoring and Council compliance which would be required, and the prospective incremental investment return.
- 2.5. **Recommendation 5:** It is recommended that the current partial deregulation model operating in New South Wales be retained with the modifications suggested in Points 4.13, 4.15, 4.18 and 4.30 of this report, as well as the minor modifications set out in Points 4.39 and 4.41. Consistent with the existing Investment Order, interest income and capital growth investment options will continue to be available through the TCorp Hour-Glass Investment Facilities. This outcome provides a number of the advantages highlighted in the centralised model in section 6.19.
- 2.6. **Recommendation 6:** It is most important that the Councils' fiduciary responsibility in relation to investment activities under the *Local Government Act 1993*, should be reinforced strongly. All participants should be made explicitly aware of the obligations under the *Trustee Act 1925 (NSW)*, and be requested to sign to acknowledge the same. Inclusion of the relevant sections of the Trustee Act in the Investment Order may also assist in this regard. In particular, it is important that long term assets including Section 94 funds are invested in a manner consistent with meeting future liabilities, on the basis that the nominal return sought is consistent with an acceptable level of investment risk.
- 2.7. **Recommendation 7:** With regards to the Investment Order section (m), permitted investments in securities should explicitly exclude subordinated obligations. The permitted investments under (m) must rank pari passu with deposits of the same group entities; under (f) mortgages over land should be restricted to first mortgages with a Loan to Value ratio of no greater than 60%, and under (g), permitted land investments are to explicitly exclude ASX listed property trust investments.
- 2.8. **Recommendation 8:** The NSW Department of Local Government should give consideration to releasing a document, similar in content to the Western Australian Department of Local Government and Regional Development, Investment Policy – Local Government Operational Guidelines- Number 19, February 2008 (refer Appendix C). Further as noted in this document, there are deemed to be significant benefits from external monitoring: "a well constructed investment policy with clear objectives will facilitate an external review. The review should act as an intermediary to confirm that the investments explicitly align with the investment policy." (7-3/92).

Section 3: Background to the Review

The New South Wales Local Government Act and Investment Order

- 3.1. The permitted forms of investment for Local Government are outlined by order from the Minister for Local Government (with the Treasurer's concurrence) under section 625 of the *Local Government Act 1993* (a copy of the latest Ministerial Order is included in Appendix A).
- 3.2. Unlike the framework adopted within other areas of the NSW public sector, operational guidance is not provided by Government to Councils. For example, within the general government / PTE sectors, the Treasury Management Policy is produced by the Department of Treasury in support of Investment PAFA approvals / Investment Orders.
- 3.3. Operational guidance supporting the Ministerial Order has been developed for Councils by the NSW Local Government Association – Finance and Professionals Special Interest Group. This document provides guidance on a range of issues and is widely used by Councils.

US sub-prime

- 3.4. Buoyant credit conditions in the United States in recent years have led to an expansion of investments into new sectors. One such avenue is the sub-prime mortgage market. Sub-prime mortgages are residential loans to borrowers with low credit quality that do not conform to the criteria for prime mortgages and so have higher interest rates and lower probability of full repayment.

Structured products and CDOs linked to sub-prime

- 3.5. Recently there has been a strong shock to the USA sub-prime mortgage market. This has been referred to in popular media as a credit crisis. This "credit crisis" has been caused not so much by the expansion of US sub-prime originations and their subsequent default, but more as a result of the securitisation of sub-prime mortgages into Mortgage Backed Securities (MBS). As a result, credit risk has been spread across a large number of investors worldwide and has created uncertainty about the underlying exposure to sub-prime due to their complex structures.
- 3.6. CDOs are a type of structured Asset Backed Security (ABS) that gain exposure to the credit of a portfolio of fixed income assets and divides the credit risk among different tranches, each with a different level of risk and return: senior tranches (rated AAA), mezzanine tranches (AA to BB), and equity tranches (unrated). The collateral for CDOs includes MBS, ABS, leveraged loans and corporate bonds. By combining low rated sub-prime MBS with high rated collateral, originators were able to create highly rated CDOs that could be widely distributed to traditionally conservative investors such as commercial banks, insurance companies and pension funds.

NSW Councils investing in products with sub-prime links

- 3.7. Some NSW Councils have invested in collateralised debt obligations (CDOs); particularly in recent times. To the extent that these investments are linked to asset backed securities and potentially the sub-prime mortgage market in the US, this has created potential exposure to movements in the secondary market valuations of CDO holdings for some NSW Councils. As a result, the NSW Treasurer initiated a review of NSW Council investments, with Michael Cole appointed to undertake this review.

Methodology

- 3.8. The review involved two main components:
- 3.9. a survey of all 152 NSW Councils asking each to report all their investments, short and long term including cash, categorised by type of investment; and
- 3.10. a series of informal interviews with key stakeholders in the sector including product providers, advisers, ratings agencies and Councils from which anecdotal evidence could be drawn upon.
- 3.11. Despite tight deadlines, compliance from Councils with the survey return was very good with over 85% of returns received by the due date. In time, 100% of data sought was collected. The data was of high quality, able to be reconciled to audited annual account figures, and formed the basis of a robust database used to analyse investment holdings of the Local Government sector.

Section 4: Report on the Review and Recommendations

- 4.1. The form of investments currently permitted by Councils in New South Wales (NSW) is set out in the Investment Order under s625 of the *Local Government Act 1993 (NSW)* (Refer Appendix A).
- 4.2. From an investment professional's perspective, the Regulator's intent would appear to be to limit such investments to interest paying deposits or securities issued by entities of high quality credit status. Mortgages secured over land (f), whilst conceptually a different security, have the same interest income characteristics as interest paying deposits / securities.
- 4.3. The only asset class in the Investment Order, which explicitly contemplates a capital gain, is the purchase of land (g). In addition, investments in the TCorp Hour-Glass investment facility (o) can include growth asset portfolios such as shares, and hence include capital gains in the prospective investment returns.
- 4.4. All investments entail some risk. Generally the higher the expected rate of return of an investment, the higher the risk and variability of returns. In each of the 3 years to 30/6/2007, the ASX 300 Accumulation Index increased in excess of 20% per annum; nearly doubling over the period.
- 4.5. The excess return of shares over the risk free rate was over 15% per annum and twice the theoretical equity risk premium based on longer term trends. It was a permissive investment environment where increased risk was seemingly well rewarded with enhanced returns. The warning of an inevitable severe adjustment was clear when Alan Greenspan, Chairman of the U.S. Federal Reserve said in 2005: "History has not dealt kindly with the aftermath of low risk premiums"
- 4.6. In this equities bull market, the attraction to NSW Councils of higher prospective returns offered by new investments different from the traditional suite of fixed interest products was an enticing proposition. At 30/06/2007, investments held by NSW Councils totalled \$5.64 billion. Council investment funds fall broadly into two categories: the shorter term working capital balances, which account for approximately 70% of the total, and the residual 30% are the longer term funds, including S94 balances for deferred capital expenditure commitments.
- 4.7. Councils have continued to invest their short-term cash balances in the traditional fixed interest manner with a high level of security.
- 4.8. In relation to the longer term investment portfolio, the nominal rate of return required by Councils should preferably be sufficient to accommodate inflation in respect of future capital works. The nominal returns required could probably have been achieved by investment in traditional fixed interest securities. However, Councils appear to have invested these longer term assets to seek out the highest return available, so long as investments were consistent with the restrictions imposed by the Investment Order.
- 4.9. A new range of longer term investments were specifically financially engineered to accommodate the requirements of (k) and (l) of the Investment Order. These investments fell into two broad categories:
- 4.10. Highly structured credit products, the most common being Collateralized Debt Obligations (CDOs). At 30/06/2007 the book value of these investments was \$590 million; and
- 4.11. Capital Guaranteed Products, with some exposure to high risk non-prescribed investments such as shares. At 30/06/2007 the book value of these investments was \$450 million.
- 4.12. In both categories but particularly 4.11, it is common for only the principal investment amount to be credit rated or bank guaranteed. As a result, the income stream from these investments is not guaranteed or credit rated. This is a liberal interpretation of the Investment Order as it is incorrect to simply gauge the riskiness of an investment by the likelihood of capital loss as this ignores the

contribution of interest income to overall return on the investment portfolio. This ambiguity needs to be removed by amendment in relation to new investments.

- 4.13. **Recommendation 1:** All investment instruments (debentures, securities, stocks and deposits, but excluding discount instruments such as bills of exchange) in the Investment Order be defined to include both principal and investment income.
- 4.14. Any investments that are no longer permitted because of amendments to the existing Investment Order may continue to be held to maturity or redemption.
- 4.15. **Recommendation 2:** All existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered. For the avoidance of doubt, existing securities that become ultra vires under the proposed amendments to the Investment Order can continue to be held to maturity, redeemed or sold, but new investments must comply with the amended Investment Order. Note that investment portfolio restructurings / switches currently being offered by product manufacturers or advisors are specifically excluded from consideration if the switch investments are outside the amended Investment Order. If the proposed switch investment is within the amended Investment Order all transactions must be on a market value basis. Book value transactions are explicitly prohibited.
- 4.16. It is unclear whether the new suite of investment products offered to NSW Councils was initially 'demand driven' or 'supply pushed' but it was most likely a combination. However, it is clear that once the market was identified, the product suppliers aggressively sold these complex investment products as complying with the Investment Order. This compliance was a necessary, but not a sufficient, condition for NSW Councils to invest, as they are also governed by their fiduciary responsibility as trustees for the prudent investment of public funds.
- 4.17. The manufacturers of these new investment products promoted them directly to Councils. A limited number of distributors both promoted products as well as acted as advisers to the Councils. In one case, the participant acted as product promoter, adviser and investment manager. A party performing more than a single function has a responsibility to deal with the conflict of interest in a transparent manner. There is anecdotal evidence this was not the case.
- 4.18. **Recommendation 3:** Product manufacturers / distributors should be excluded from being appointed investment advisors to Councils.
- 4.19. The challenge facing product promoters offering complex investment products to NSW Council investors with limited broad investment experience was to thoroughly explain all the product risks. The difficulty of this task is highlighted by a current court case between a NSW Council investor and a product provider that misleading representations were made in relation to the security underlying the Federation CDO.
- 4.20. This period of buoyant share markets has been characterised by excess liquidity and very aggressive pricing of credit risk by historical standards. Since mid 2007, liquidity in global markets has tightened dramatically; share markets have adjusted downward by over 20% globally and are now technically in a bear market. It is now clear there was significant mispricing of the liquidity and credit risk embedded in these highly structured investment products.
- 4.21. The sub-prime securities issued in the US, and the associated global credit crisis, has resulted in securities write-downs by major financial institutions approaching \$US 180 billion. This has adversely affected all CDO credit spreads, but the impact on sub-prime CDO issues has been most pronounced. However, the dramatic deterioration in CDO prices was not matched by a negative adjustment in credit ratings. Initially, credit rating agencies continued to defend their unaltered ratings against dramatic secondary market price reductions in CDO securities by explaining the negative price movement as being caused by a loss of market liquidity rather than a change in the underlying credit quality.

- 4.22. CDO investments by New South Wales Councils backed by corporate credits have typically declined by approximately 25-35% in the secondary market trading. The market value of the aggregate CDO portfolio of NSW Councils is now 34% less than the book value. However, the Federation CDO, backed by sub-prime mortgages is currently priced at around 15% of the issue price. That is an 85% decline in value. S&P initially reduced the Federation CDO rating from AAA to AA then to AA negative credit watch, still above the investment grade minimum qualification under the existing Investment Order. The Federation CDO rating was only downgraded to CCC- in late February, 2008.
- 4.23. Prior to the downgrade, the Federation CDO highlighted the serious difference in opinion between the market view of the CDO securities intrinsic value and the credit rating agencies forecast probability of default and loss. The market was strongly of the view that the credit rating was far too optimistic and it would significantly deteriorate in the period ahead. In the end S&P was left to play rating catch-up by downgrading too late and to the investor's disadvantage.
- 4.24. The market value of the investments held by NSW Councils is currently \$5.37 billion, a fall of \$320 million from the book value. It represents a decline of 5.6% of the total investments and a fall of 15.2% of the longer term funds. It must be emphasised these are market valuations and hence unrealised estimates of potential market losses. To date, only \$2 million of CDO securities losses have actually been realised by a Council selling its holding of the Federation CDO.
- 4.25. These unrealised losses are significant in absolute terms but are not considered to pose a threat to the financial viability of the NSW Local Government Sector. As noted earlier the pursuit of a higher rate of return entails the acceptance of higher risk and variability in returns. The main criticism of the NSW Councils investment strategy is the poor risk /return trade-off. The upside return was capped at a couple of per cent over the risk free rate but, in one instance, the downside risk exposure has been recorded at 85% of the capital investment.
- 4.26. A number of NSW Councils have been identified as holding in excess of 45% of their total investments in CDOs and/or Capital Protected Notes. As these instruments represent the greatest risk of potential loss, further analysis should be undertaken by the NSW Department of Local Government to identify any potential negative impact on the financial viability of individual Councils. By comparison with 34% deterioration in the market value of aggregate NSW Council CDO portfolio, the market value of aggregate NSW Council holdings of Capital Protected Notes have deteriorated by 11%. It is noted that Councils have typically diversified their holdings within each investment category and do not appear to be materially exposed to any single investment.
- 4.27. US SEC Chairman Christopher Cox, whose agency gained oversight over the credit agencies eight months ago, told US Congress recently:
- 4.28. "Critics have faulted rating agencies for initially assigning ratings that were too high, for failing to adjust those ratings as the performance of the underlying assets deteriorated, and for not maintaining appropriate independence from issuers and underwriters for those securities. Now some market participants have lost faith in the ratings."
- 4.29. Mr. Cox said that he expected to receive a preliminary report on whether ratings agencies failed to impartially rate billions of dollars of mortgage backed securities. Both in Australia and globally the integrity of credit ratings methodologies are under close scrutiny by Regulators and investors. In short, the credibility of the credit ratings agencies as a key quality filter for investment decisions is being critically questioned. Until this issue is satisfactorily resolved any further investments of this type should be suspended.
- 4.30. **Recommendation 4:** Investments specified in k) and l) of the Investment Order be suspended for the period to 31/12/2009 and be subject to a further review after this period to determine the relevance of using a credit ratings based approach to determining authorised investments, particularly in light of the current CDO credit experience. It should consider whether to restore the current investment powers under k) and l). Any such review should have specific regard to the trade-off between the

cost of Government monitoring and Council compliance which would be required, and the prospective incremental investment return.

- 4.31. A full appreciation of the risk of investing is obtained by monitoring the variation in the book value and market value of the investment portfolio. This is an important component of calculating the rate of return of the investment portfolio. The relevant accounting standards are AASB 132 – Financial Instruments: Disclosure and Presentation, AASB 7 – Financial Instruments: Disclosures, AASB 139 – Financial Instruments; Recognition and Measurement and AASB 136 – Impairment of Assets. In addition to ensuring that the value of the investments is adequately disclosed in the financial statements, attention needs to be given to a consistent definition of investments between current assets and longer term maturities. Discussions with NSW Councils suggested there was some ambiguity on this point.
- 4.32. Given the current negative investment climate for credit based products, this proposed new investment restriction is not anticipated to practically impact on current Council investment activity in CDOs or Capital Protected Notes. However, NSW Councils have over \$2.42 billion invested in Managed Funds rated A or higher. This is considered a responsible investment strategy and the diminution in market value has been around 3%. This investment option for new funds will no longer be available but a number of the same managers maybe be used by TCorp as external managers of their Hour Glass products.
- 4.33. Following the above proposed amendment to the Order, all residual investments will now be limited to deposits / securities of entities which are directly regulated by either Commonwealth or State Government entities. The exception is investments in land and mortgages, where clear fiduciary guidelines already exist.
- 4.34. NSW Councils wishing to invest in higher risk, higher return securities further along the ‘efficient frontier’, will be able to do so by investing in the TCorp Hour-Glass Investment Facilities. These investments are liquid, cost-effective and transparent in terms of their underlying security and secondary market pricing. TCorp uses selected “best of breed” external managers to achieve an optimal risk return across a broad range of investment strategies focusing on both interest income and capital growth. Finally, TCorp’s existing governance framework provides oversight to ensure that investment decisions and portfolio allocations are consistent and aligned with the risk management requirements and objectives of individual clients. Currently, TCorp holds \$33 million on behalf of Councils invested across a range of Hour-Glass products.
- 4.35. A review of investment regulation methodologies including the centralised and decentralised models as well as a highly regulated and deregulated approach is discussed in section 6. It is contended that the fully deregulated model is most effective when policed by a strong regulator. For example, the successful investment performance of the \$1 trillion Australian superannuation industry with full deregulation of investment powers is in part due to the strong supervisory activities at APRA.
- 4.36. In relation to NSW Councils the deregulated model was considered as an option but rejected in large part because of the estimated high cost of establishing and maintaining an independent regulator of over \$1 million per annum or an impost of \$10,000 per NSW Council. Further, in the short term, the investment activities of NSW Councils would be restricted to low risk investments until competency was established to the satisfaction of the Regulator. Another factor supporting rejection of the deregulated model is that investment activities are a relatively minor component of Local Government activities, unlike the superannuation sector where it is the dominant activity. Accordingly, it is unrealistic to expect that NSW Councils will achieve the same level of investment expertise as the superannuation sector.
- 4.37. **Recommendation 5:** It is recommended that the current partial deregulation model operating in New South Wales be retained with the modifications suggested in Points 4.13, 4.15, 4.18 and 4.30 of this report, as well as the minor modifications set out in Points 4.39 and 4.41. Consistent with the existing Investment Order, interest income and capital growth investment options will continue to be available

through the TCorp Hour-Glass Investment Facilities. This outcome provides a number of the advantages highlighted in the centralised model in section 6.19.

- 4.38. A further factor in the success of the Australian superannuation regime in Australia is the clear fiduciary responsibility of the Trustees in undertaking investment activities and administration of the funds.
- 4.39. **Recommendation 6:** It is most important that the Councils' fiduciary responsibility in relation to investment activities under the *Local Government Act 1993*, should be reinforced strongly. All participants should be made explicitly aware of the obligations under the NSW *Trustee Act 1925*, and be requested to sign to acknowledge the same. Inclusion of the relevant sections of the Trustee Act in the Investment Order may also assist in this regard. In particular, it is important that long term assets including Section 94 funds are invested in a manner consistent with meeting future liabilities, on the basis that the nominal return sought is consistent with an acceptable level of investment risk.
- 4.40. Two additional amendments are suggested to the Investment Order to reduce potential investment risk exposures to Councils.
- 4.41. **Recommendation 7:** With regards to the Investment Order section (m), permitted investments in securities should explicitly exclude subordinated obligations. The permitted investments under (m) must rank pari passu with deposits of the same group entities; under (f) mortgages over land should be restricted to first mortgages with a Loan to Value ratio of no greater than 60%, and under (g), permitted land investments are to explicitly exclude ASX listed property trust investments.
- 4.42. To assist NSW Councils to develop a consistent approach to investing, a standard reference document could be issued by the NSW Department of Local Government. The recently released Western Australian Council Investment guidelines would provide an excellent starting point. Technical input from the NSW Local Government Finance Professionals Group would assist in formulating the template and assist in lifting its credibility with NSW Councils. Finally, external monitoring of performance to the guideline may assist in improving standards of compliance.
- 4.43. **Recommendation 8:** The NSW Department of Local Government should give consideration to releasing a document, similar in content to the Western Australian Department of Local Government and Regional Development, Investment Policy – Local Government Operational Guidelines- Number 19, February 2008 (refer Appendix C). Further as noted in this document, there are deemed to be significant benefits from external monitoring: "a well constructed investment policy with clear objectives will facilitate an external review. The review should act as an intermediary to confirm that the investments explicitly align with the investment policy."(7-3/92).

Section 5: Findings from the Survey Responses

Review of council investments

- 5.1. The total face value of financial assets held by Councils at 30 June 2007 was \$5.6 billion. Investments can be classified into five broad categories as outlined in Table 1 below, ranging from interest bearing deposits with banks, Structured Debt Products such as CDOs to longer term capital guaranteed products with performance linked to longer term equity market indices.

Table 1: Summary of Council Investments by Product

Investment Type	Face Value @ 30-Jun-07 (\$m)	Market Value @ 31 Jan 08 (\$m)	Estimated loss / shortfall (\$m)	Estimated loss / shortfall
CDO	590	390	200	34%
Capital protected	450	400	50	11%
Managed Funds	2,420	2,350	70	3%
FRNs & Subordinated Debt	600	600	Nil	Nil
Term Deposit, cash, bills	1,630	1,630	Nil	Nil
Total	5,690	5,370	320	5.6%
Funds Intended for Long Term Investments ³	1,640	1,390	250	15.2%

- 5.2. As at 31 January 2008, it is estimated that Councils have suffered mark-to-market losses of approximately \$320 million on their investment portfolios. This loss represents around 5.6% of total investments. Attempting to remove working capital from consideration and concentrate only on those funds intended to be long term "growth" investments results in an estimated loss of 15.2%.
- 5.3. Losses have been concentrated in the CDO, capital protected and managed funds products, with write-downs of \$200 million, \$50 million and \$70 million respectively. As a percentage of the funds invested in those products, the losses represent write-downs of 34%, 11% and 2.9%. All three products remain exposed to further deterioration in economic and market conditions. No material market valuation losses were identified on other investment products.

³ Excluding estimated working capital (i.e. cash, term deposits, bills and managed funds)

- 5.4. The largest holders of each of type of investment that has suffered potential losses are summarised in the following three tables ordered by largest face value investment in each product type. The estimated losses give a theoretical indication of the Councils which may be most affected by potential losses from their holdings of each type of investment.

Table 2: Summary of Largest CDO Holders by Council

Council	Face Value 30-June-07 (\$m)	Total Investments (\$m)	CDOs Proportion of Total Investments	Estimated Loss ⁴ (\$m)
Gosford	65	136	48%	22
Newcastle	36	138	26%	12
Wingecarribee	30	59	52%	10
Port Macquarie Hastings	25	82	30%	9
Parkes	25	41	60%	9
Hurstville	20	30	66%	7
Coffs Harbour	16	144	11%	5
Sutherland	13	123	11%	4
Ryde	13	66	20%	4
Lake Macquarie	13	101	13%	4
Total	256	920	28%	87

Table 3: Summary of Largest Capital Protected Note Holders by Council

Council	Face Value @ 30-Jun-07 (\$m)	Total Investments (\$m)	Capital Protected Notes Proportion of Total Investments	Estimated Loss ⁵ (\$m)
Mid Coast County	45	59	77%	5
Sutherland	42	123	34%	5
Byron	35	60	58%	4
Coffs Harbour	23	144	16%	3
Port Macquarie Hastings	20	82	25%	2
Canterbury	19	60	31%	2
Rockdale	19	47	39%	2
Goulburn Mulwarre	17	36	48%	2
Waverley	15	50	30%	2
Warrumbungle	11	14	76%	1
Total	245	677	36%	27

⁴ Assuming 34% loss from Table 1 above. It should be noted these estimates are theoretical calculations only and will depend upon the specific investments held by Councils. Actual losses if holdings were sold at market would differ significantly.

⁵ Assuming 11% loss from Table 1 above. It should be noted these estimates are theoretical calculations only and will depend upon the specific investments held by Councils. Actual losses if holdings were sold at market would differ significantly.

Table 4: Summary of Largest Managed Funds Exposure by Council

Council	Face Value @ 30-Jun-07 (\$m)	Total Investments (\$m)	Mgd Funds as a % of Total Investments
Sydney	277	420	66%
Blacktown	186	200	93%
Wyong	100	109	92%
Clarence Valley	91	100	91%
Tweed	83	129	65%
Liverpool	83	113	73%
Parramatta	76	88	86%
Fairfield	71	75	95%
Tamworth Regional	70	110	64%
Bankstown	67	83	80%
Total	1,104	1,427	77%

- 5.5. Managed funds holdings are likely to include a high proportion of working capital meaning high proportions of managed fund holdings compared to total investments are not in any way necessarily indicative of imprudent investment behaviours.

The following table summarises the largest combined holders of capital protected notes and CDOs combined. These two product types are those suffering the highest potential losses.

Table 5: Summary of Largest Exposure to Capital Protected Note and CDO Investments combined by Estimated Mark to Market Loss

Council	Estimated Mark to Market Potential Losses (\$m)	Face Value of CDOs & Capital Protected Note Holdings 30-June-07 (\$m)	Total Investments (\$m)	Estimated Mark to Market Losses as a Percentage of Total Investments
Gosford	23.0	74	135.5	17%
Newcastle	12.6	39	138.4	9%
Hastings	10.7	45	82.3	13%
Wingecarribee	10.4	32	58.8	18%
Sutherland	9.1	55	123.0	7%
Parkes	8.6	26	41.2	21%
Coffs Harbour	8.0	39	144.3	6%
MidCoast County	7.9	54	58.7	13%
Hurstville	7.0	23	29.7	23%
Byron	6.9	44	60.3	11%
Total	104.3	430	872	12%

- 5.7. Table 5 shows that \$104 million of the estimated \$250 million of potential losses in the CDO and capital protected note product types are being held by the largest holders of these products. The remainder of the estimated potential losses are spread across Councils with face value holdings of \$20 million or less. None of these Councils are holding estimated individual potential losses of more than \$4 million.

- 5.8. The following table summarises the largest holders of the Federation CDO by face value at June 2007. Federation is directly linked to sub-prime mortgages and is exposed to potentially the greatest losses of the CDO products. At last check Federation was estimated at 15c in the dollar – 85% less than face value.

Table 6: Summary of Largest ‘Federation’ Exposure by Council

Council	Volume June ‘07 (\$m)	Issuer	Restrictions
Gosford	5.0	SPRC (Federation)	Unrestricted
Wingecarribee	3.0	TBD SPRC Federation	Restricted
Newcastle	2.5	TBD -(Federation)	Restricted
Parkes Shire	1.0	Lehman Brothers - Federation	Mixed
Woollahra	0.5	SPRC (Federation’)	No response
Armidale Dumaresq	0.5	SPRC	No response
Eurobodalla	0.5	Lehman Brothers Treasury Co. B.V Federation	Unrestricted
Manly	0.5	Lehman Brothers Treasury Co	Unrestricted
Oberon	0.5	Lehman Brothers Treasury Co.B.V. Federation	Unrestricted
Tamworth	0.5	SPRC (Federation)	Other
Total	14.5		

- 5.9. Fourteen other Councils have holdings of Federation with June 2007 face values of between \$200,000 and \$400,000.

Future Performance of Investments – Key Risk Factors

- 5.10. At the time of writing, only a small number of the investments held by Councils have been downgraded by the credit rating agencies.
- 5.11. The credit ratings on 38 of the 50 CDO transactions held by Councils were reviewed in February 2008. Of those, 24 ratings remained unchanged whilst 14 have been downgraded or placed on “credit-watch”. Of those downgraded, 3 have been reduced to CCC- which is a level indicating vulnerability to default. Those 3 are Federation, Helium Capital Ltd series 69 and Helium Capital Ltd series 70. Data collected from Councils indicate a total of \$15.2 million invested in the two Helium series.
- 5.12. In late February, 2008, S&P downgraded 240 securities including the Federation CDO and the Helium Capital bonds. The timing of this response suggests that the rating agencies may be somewhat slow to react to changes in underlying creditworthiness as reflected in secondary market pricing.
- 5.13. It does not appear that any of the credit ratings on the capital guaranteed products have been downgraded.
- 5.14. The credit ratings on other products appear to be unchanged.

Investment Purpose – Restricted and Unrestricted

- 5.15. Councils' investments attempt to fulfil a range of investment objectives; from short term and long term, cash management, to matching of investments to specific non-current exposures (e.g. section 94 developer contributions).
- 5.16. Funds held for investment by Councils are classified as restricted or unrestricted as to their end use. Furthermore, restricted funds may be subject to external restrictions (e.g. s.94 developer contributions, environmental levies) or internal restrictions (e.g. leave entitlements, facility reserves).
- 5.17. From the data provided by Councils, it is clear that while Councils account and report on these various investment objectives individually, actual investment funds are usually pooled together with returns reinvested into the same large pool of funds. There appears to be little partitioning of investments into specific funds or products to meet identified liabilities.
- 5.18. Therefore it is difficult to precisely comment on any one component of Councils' investment funds by the liability intended to be met. It is likely that a portion of non-current externally restricted funds shown in Table 7 below are comprised of section 94 developer contributions aimed at meeting long term infrastructure obligations, for example.

Table 7: Summary of Council Liabilities – by Classification

Classification	Current	Non-Current	Total
Externally Restricted	2,323	598	2,922
Internally Restricted	1,726	206	1,932
Unrestricted	736	25	761
	4,785	829	5,615

Source: Local Government data, 31 December 2007.

- 5.19. Table 8 is intended to be used to identify how developer contributions, to continue the example above, may be invested into a particular product type. Councils reported that the liabilities are represented by financial assets as set out in the table below.

Table 8: Summary of Council Financial Assets – by Product Type

	Restriction							
	Externally Restricted	Internally Restricted	Mixed	No Response	Other	Restricted	Unrestricted	Total
Capital Protected Note	38.1	3.6	28.1	157.0	29.5	113.6	79.3	449.2
Collateralised Debt Obligation	39.4	16.5	68.0	131.7	37.7	155.4	137.5	586.3
Floating Rate Note	1.0	5.7	20.1	25.5	19.0	56.4	29.9	157.7
Managed Fund (A rated)	47.9	32.4	224.6	430.4	116.5	517.7	407.8	1,777.3
Managed Fund (AAA & AA rated)	10.1	8.9	127.0	159.8	37.4	136.2	174.4	653.8
Other	13.9	0.5	10.6	18.0	6.3	20.6	7.6	77.5
Short-dated Deposits	46.6	84.2	213.9	363.9	148.2	310.9	373.2	1,541.0
Subordinated Debt	22.3	8.1	45.6	84.6	8.0	184.4	66.0	418.9
Total	219.4	160.0	737.8	1,370.9	402.8	1,495.1	1,275.6	5,661.6

Source: Local Government Review survey data, November 2007

- 5.20. The data in Table 8 gives an indication of the variety of responses from Councils (including a significant proportion of "no response" or "mixed" returns). This data is not useful in making specific comments on Councils' use of investment types to meet particular liabilities.
- 5.21. The way many Councils appear to fund long term liabilities is from one large pool of investments, irrespective of whether those funds are associated with a liability or long term restriction which must be met in future, making it an impossible task to accurately assess the extent to which restricted or unrestricted funds are being invested in structured or other products given the data received by Councils.

Section 6: Key Observations, Matters of Discussion and Findings from Interviews with Market Participants

- 6.1. The following section outlines a summary of issues that were discussed and the conclusions reached during the informal interview sessions with various market participants.
- 6.2. The parties interviewed by Michael Cole as part of the Review included: Longreach Capital, ANZ Bank, Grove Advisory Services, Oakvale Capital, Moody's Ratings Agency, Fitch International Ratings, Grange Securities, Westpac Bank, Deutsche Bank, Commonwealth Bank, BlackRock Investments, National Australia Bank, PIMCO and APRA, plus representatives from various local Councils and the NSW Local Government Finance Professionals Group.

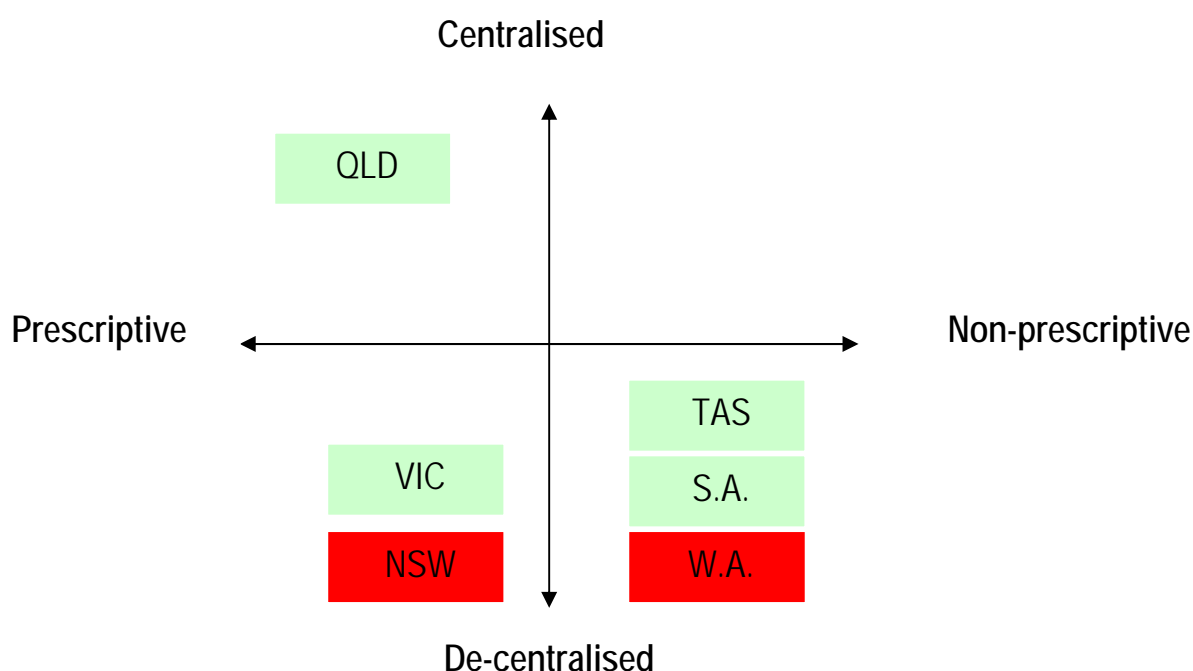
Discussion topic 1 – Choice of Fiduciary Model – prescriptive or non-prescriptive

- 6.3. Finding: There is no evidence to suggest that a non-prescriptive model results in significantly different outcomes than a prescriptive model.

Interstate Comparison of Fiduciary Models

- 6.4. Across Australia, there are two main methods by which the State Governments limit council investments:
- 6.5. Restrictions on the types of products which Councils can invest in by prescribing permitted forms of investment either through legislation, regulation or Ministerial Order; and
- 6.6. Requiring that Councils invest through a Central Government authority for some or all investments.
- 6.7. These two measures create a mixture by which State Governments regulate council investments. This is illustrated in the following matrix which maps states to the fiduciary framework they have in place.

Figure 1 – Comparison of States by Fiduciary Model



- 6.8. Figure 1 ascribes a position to a state based on the degree of centralisation (measured along the Y axis) and whether a prescriptive order is used to limit permitted investments (indicated on the X axis).
- 6.9. Looking at centralisation (the difference between the Northern and Southern hemisphere on the matrix) reveals that Queensland is currently the only state which requires local Councils to invest through a central authority. Queensland Councils must invest through either the Queensland Investment Corporation (QIC) or Queensland Treasury Corporation.
- 6.10. Turning to prescription (the difference between the Eastern and Western hemispheres of the matrix) reveals that the six states are evenly divided between those that generate a list prescribing types of products Councils may invest in, and those which allow Councils to invest in products as they see fit.
- 6.11. Queensland, Victoria and New South Wales all use a prescriptive approach, while Tasmania, South Australia and Western Australia allow Councils to invest in any products they deem appropriate.
- 6.12. The relative exposure to negative impacts as a result of the sub-prime fallout is indicated by the colours for each state. New South Wales and Western Australia are the two states with comparatively high exposure to losses from sub-prime– these two states have been marked in red. All other states have had relatively little exposure to sub-prime and are marked green.
- 6.13. Broadly speaking, the experience of other States indicates that the use of a prescriptive list was not a significant mechanism in protecting Councils from losses as a result of the sub-prime fallout.

Discussion topic 2 – Choice of Fiduciary Model – centralised or de-centralised

- 6.14. Finding: There is no evidence to suggest that a centralised model results in significantly different outcomes than a decentralised model.
- 6.15. Figure 1 shows that Queensland, the only state to use a centralised fiduciary model, has insulated Councils effectively from the sub-prime fallout. Though this cannot necessarily be interpreted as meaning that a centralised fiduciary model is necessarily more effective than a decentralised model, it provides some confidence that centralisation assists in ameliorating the risk of exposure of local Councils to high risk investments.
- 6.16. However, comparing the results in Queensland with those of Victoria, a decentralised state, reveals that Councils in both states have no serious exposure.
- 6.17. While there may not be any evidence to suggest any significant difference in the outcomes of either a centralised or decentralised fiduciary model, each model clearly has its own advantages and disadvantages, which can lead to a certain model being preferred over another.
- 6.18. These advantages and disadvantages are presented below.

The Centralised Approach

- 6.19. A centralised system implies that investments are managed on a consolidated basis by Central Government or an established entity. The management framework requires that the central management authority is suitably qualified in investment management and has appropriate skills, expertise, systems and governance to reliably fulfil this role.
- 6.20. Advantages of the centralised system:
- Provides the strongest controls with the associated lowest risk of unfavourable outcomes;
 - Can be monitored externally by a board and external audit control procedures;
 - Transactions costs are minimised as work is performed at the wholesale level. Under a decentralised system, Councils make transactions at retail margins; and
 - Allows for the concentration of expertise and knowledge which is made available to all individual entities.

6.21. Disadvantages of the centralised system:

- Increased cost to the incumbent management authority (either central agency or public financial institution) which must facilitate the additional account activities of Councils;
- Loss of flexibility at the individual entity level;
- Centralised policy and political accountability; and

The Decentralised Approach

6.22. A decentralised system means Councils independently manage their investment transactions at the individual entity level. Where a council has a large or complex investment portfolio, the management framework must be more sophisticated than when dealing with small, simple portfolios.

6.23. Advantages of the decentralised system:

- Flexibility that allows for the precise matching of actual investment strategies with optimal strategies at the individual entity level;
- Direct accountability at the entity level where investment decisions are made. Particularly given the additional incentive of being responsible to the Local Government electorate;
- Allows for innovation; and

6.24. Disadvantages of the decentralised system:

- Requires high levels of skill at the individual entity level;
- Transactions conducted at retail margins, negatively impacting on value-for-money across the sector; and
- Maintenance cost as there is a requirement for ongoing supervision where incentive structures do not guarantee optimal outcomes.

Discussion topic 3 – Behaviour of market participants in NSW

6.25. Finding: The current decentralised NSW framework has led to examples of behaviour by market participants which differs from that found in other sectors.

6.26. It appears that the separating of advisory roles from product manufacturing and distribution is not always practiced across the sector. Anecdotal evidence to suggest this includes:

- i. Feedback suggesting that at least one major market participant's governance model and compliance monitoring framework was weak; and
- ii. The fact that some market participants offer purely advisory services while others offer a mixture of advisory and product distribution services.

Discussion topic 4 – Separation between advice and product manufacture and distribution

6.27. Finding: The requirement for complete separation of product advice from product distribution needs to be better understood by the sector.

6.28. Compared to NSW Councils, market investor participants who are subject to strong regulatory supervision (e.g. the superannuation market under APRA's supervision) demonstrate a greater understanding of:

- i. The requirement to clearly separate the advisory role from product distribution role; and
- ii. The risks to reputation associated with selling products that are not fully understood by the client or are inconsistent with the prudent objectives of the client.

Discussion topic 5 – Investment management objectives

- 6.29. Finding: There is a need for better quality investment advice to guide council investment strategies.
- 6.30. There is evidence of two key drivers influencing the investment patterns of NSW Councils:
- i. Contraction in interest rates leading to increased holdings of higher yielding but more complex securities; and
 - ii. A trend toward higher growth; higher return strategies pursued through riskier investments.
- 6.31. There is anecdotal evidence that the relationship between the investment time horizon and the risk-return trade off is not well understood by investment managers across the sector. This is further compounded by the fact that the use of independent advice, common in the superannuation sector, is not widely accessed by the NSW Local Government sector.
- 6.32. There is quantitative evidence to support this. For example, some Councils have a significant proportion of their total investments allocated to CDOs or Capital Protected Notes. This practice is inconsistent with prudent investment strategies, exposing these Councils to the risks that would not be present in a lower risk or less concentrated portfolio. It would be a surprise if this pattern were consistent in a sector that regularly sought and followed independent investment advice.

Discussion topic 6 – Prescribed investments list in the Ministerial Investment Order

- 6.33. Finding: Evidence to suggest that a much tighter monitoring of investment products and consistency with intended objectives of investments is required. There are potential benefits to greater control at the Central Government level.
- 6.34. The Ministerial Investment Order, which restricted Councils to investing in products with a credit rating of at least A (among other controls), was intended to restrict investment options to the least complex products in the market. The evolution of the market now allows Councils to invest at a higher risk / return point, while still complying with the Order. There is potential to improve aggregate returns to the sector by moving toward less complex products.
- 6.35. There is anecdotal evidence to suggest a lack of accountability to monitor, interpret and update the existing prescribed list. Neither the Department of Local Government nor Treasury actively administer the Order. Councils have sought legal interpretations of the Order in lieu of State Government interpretation.
- 6.36. The current operational guidance developed for Councils supporting the Ministerial Order has been developed by the NSW Local Government Finance Professionals Group. This document provides guidance on a range of issues, and the guide seems to be widely used by Councils.
- 6.37. There are a number of improvements that could be made to the existing best practice guide provided to councils:
- i. The Guide is not produced or reviewed by the Department of Local Government. In comparison, the NSW Treasury produces and regularly updates a Treasury Management Policy framework guide;
 - ii. CDOs are commonly referenced within the Guide without reference to the different nature of these sorts of structured products when compared with, for example, traditional bank floating rate notes;
 - iii. Limiting the use of derivatives to purely hedging purposes is acknowledged within the guide. However, the document supports the use of products such as CDOs (CDOs are classified as a security, however the security generally represents the combination of a traditional bond with a derivative);

- iv. The absence of risk-adjusted benchmarks for investment performance analysis potentially enables relative investment performance to be overstated or gives a misleading impression of returns, as the risks associated with achieving these returns are not highlighted;
 - v. Potential for inconsistency between investments prescribed under Part 3 of *Public Authorities (Financial Arrangements) Act* and those instruments outlined in Guide; and
 - vi. Unlike the Treasury Management Policy framework, individual Councils are not required to renew their investment objectives, exposures and performance with shareholder departments on a regular basis (for example, by way of an annual Statement of Intent).
- 6.38. There is potential to further develop the use of best practice guidelines to improve investment management practices and procedures and, correspondingly, investment outcomes (one of has recently been released by the Western Australian Government, see Appendix C).

Discussion topic 7 – Accounting valuation issues

- 6.39. Finding: There is a need to improve consistency in accounting for investments across the sector.
- 6.40. Inconsistent accounting policies across the sector impede transparency in reporting of some investment products. Under existing treatment, some products with credit risk can be accounted for on an accrual basis, masking liquidity risk. In particular, products with some form of capital guarantee on maturity appear to be accounted for in this way. This ignores the risk that the product may have to be liquidated at market prior to maturity.
- 6.41. The lack of consistency in accounting policy impedes central agency policy implementation also. Inconsistency restricts the ability for valid comparisons across the sector, making it difficult to develop targeted policy and implications are less predictable. Market participants should advocate the use of market valuations across the sector.
- 6.42. It appears that some Councils may be seeking to restructure their existing investments without triggering market value or accounting losses. The restructuring of investments to specifically meet accounting outcomes requires further investigation.

Section 7: Disclosures

- 7.1. The review was undertaken by Mr Michael Cole, supported by a representative from the Department of Local Government, Department of Treasury, Department of Premier & Cabinet and NSW Treasury Corporation.
- 7.2. Mr Cole's interests include being Chairman of IMB Limited, Chairman of Platinum Asset Management Limited, Director Ascalon Capital Management and a member of the Board of NSW Treasury Corporation.

Section 8: Appendices

8.1. APPENDIX A

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, David Campbell, MP, Acting Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or Government stock or Government securities of the Commonwealth or any State of the Commonwealth;
- (b) any debentures or securities guaranteed by the Government of New South Wales;
- (c) any debentures or securities, issued by a public or local authority, or a statutory body representing the Crown, constituted by or under any law of the Commonwealth, of any State of the Commonwealth or of the Northern Territory or of the Australian Capital Territory and guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- (d) any debentures or securities issued by a Territory and guaranteed by the Commonwealth;
- (e) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993);
- (f) mortgage of land in any State or Territory of the Commonwealth;
- (g) purchase of land (including any lot within the meaning of the Strata Schemes Management Act 1996) in any State or Territory of the Commonwealth;
- (h) interest bearing deposits in a bank authorised to carry on the business of banking under any law of the Commonwealth or of a State or Territory of the Commonwealth;
- (i) interest bearing deposits with a building society or credit union.
- (j) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank, building society or credit union as the acceptor or endorser of the bill for an amount equal to the face value of the bill;
- (k) any securities which are issued by a body or company (or controlled parent entity either immediate or ultimate) with a Moody's Investors Service, Inc. credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1" or "A2" or a Standard & Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", or "A" or a Fitch Rating credit rating of "AAA", "AA+", "AA", "AA-", "A+" or "A";
- (l) any securities which are given a Moody's Investors Service Inc credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1", "A2" or "Prime-1" or a Standard and Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", "A", "A1+" or "A1" or a Fitch Rating credit rating of "AAA", "AA+", "AA", "AA-", "A+" or "A";
- (m) any debentures or securities issued by a bank, building society or credit union;
- (n) a deposit with the Local Government Investment Service Pty Ltd;
- (o) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Dated this day of 15TH JULY 2005


Hon DAVID CAMPBELL MP
Acting Minister for Local Government

8.2. APPENDIX B

Further details on analysing product types

CDOs

- Valuations were obtained on 65% of the assets.
- Those valuations indicated an average write-down of 34%.
- Extrapolating across all CDOs produces a write-down of \$200 million.
- Most valuations were provided by the promoters or distributors of the product and therefore may represent the optimistic end of a valuation range.
- A small number of CDOs are listed on the ASX and the last observed trade was used for valuation purposes.
- CDOs are highly illiquid and the valuation typically represents an *estimate* of the market price rather than the actual level at which the bond could be sold.
- Given the structure of the CDOs, the write-down incurred to date represents (with a few notable exceptions) the *increased risk* of loss rather than a realised loss. CDOs are highly leveraged to the creditworthiness of a pool of corporate borrowers. To date, very few borrowers have actually defaulted, however the bonds have been marked-down on the expectation that there is a higher likelihood that they might. The final value of the bonds potentially ranges between zero (many defaults) and 100% (no defaults).

Capital Protected

- Valuations were obtained on 70% of the bonds.
- Those valuations indicated an average write-down of 11%.
- Extrapolating across all capital protected products produces a write-down of \$50 million.
- A number of capital protected bonds offer the prospect of capital gain at maturity. That is, the council receives not only interest and principal but also an additional amount on maturity dependent upon the performance of the underlying investments. For the purpose of this exercise, we have capped the valuations at 100 cents in the dollar.
- Most valuations were provided by the promoters or distributors however the structure of the notes suggests that the valuations are likely to be relatively accurate.
- The capital guarantee on these products means that the value should not fall below approximately 70 cents in the dollar and will trend toward 100 cents in the dollar as the bond approaches maturity.

Managed Funds

- Valuations were obtained on 70% of the funds.
- Those valuations indicated an average write-down of 2.9%.
- Extrapolating across all managed funds produces a total write-down of \$70 million.
- Valuations are sourced from the relevant fund manager but are calculated daily and generally based on independent valuations of the underlying assets. They are considered accurate.
- Further losses are possible in the event of deterioration in corporate creditworthiness or significant market disruption.

Other investment types

- Modest market value losses may have been suffered on other investment types (perhaps 1% - 2% on individual assets) however in aggregate these losses are not considered material when weighed against the losses noted above.
- The major risk for these assets lies in a significant deterioration in the creditworthiness of Australian financial institutions (banks, credit unions and building societies).

8.3. APPENDIX C

Western Australian Local Government Guideline no. 19 – Financial Investments

A copy of this appendix can be found at:

<http://www.dlgrd.wa.gov.au/LocalGovt/SupportDev/Guidelines.asp?Return=True>



LONGREACH CAPITAL PROTECTED WHOLESALE FUND 1-2006 **PROPERTY, INFRASTRUCTURE AND UTILITIES** **MONTHLY UNIT HOLDER REPORT** **March 2008**

Longreach Global Capital Pty Limited, as Investment Manager for the Longreach Capital Protected Wholesale Fund, 1-2006 Property, Infrastructure and Utilities, is pleased to provide Unit holders of the Fund with the Monthly Unit holder Report for March 2008.

1. Longreach Capital Protected Wholesale Fund 1-2006 General Information

Type of Fund: Medium Term Growth AAaf rated Capital Protected Growth Fund with equal exposure to the price growth of the S&P/ASX 200 Property Trust Index and UBS Australia Infrastructure and Utilities Index (ASX Index Investments)	Fund Investment Date: 29 September 2006	Buy/Sell Spread: Nil
Investment Objectives: The Fund aims to provide investors with semi-annual distributions of 2% p.a. on their invested amount after ordinary expenses, the opportunity for enhanced participation in any price growth of the ASX Index Investments over the life of the Payment Contract and 100% capital protection of their invested amount at Payment Contract Maturity.	Recommended Investment Timeframe: 5 years	Distributions: 2% p.a. Paid Semi Annually: 30 June 31 December

2. Actual Performance of Fund's ASX Index Investments

Index	Index Value as at Fund Investment Date	Index value at Start of Month	Index value as at Month End	% Change over Month	% Change Since Fund's Investment Date
S&P/ASX 200 Listed Property Trust Index	2,186.0	1,708.0	1,703.5	-0.26%	-22.07%
UBS Australia Infrastructure and Utilities Index	2,483.6	2,418.7	2,354.1	-2.67%	-5.21%
ASX Index Investments*				-1.47%	-13.64%

The S&P/ASX 200 Index ended the month down **-3.88%** over March, a month which was characterised by continued levels of volatility as investors look for any sign that the bottom of the market has been reached. The S&P/ASX Listed Property Trust Index was close to flat, down only **-0.26%** which is a positive result given the last 6 months of continued underperformance. The UBS Australian Infrastructure and Utilities Index was down for the reporting period by **-2.67%**.

The Fund's ASX Index Investments experienced **a decrease in value by -1.47% over the month** of March driven this time by the performance of the UBS Australian Infrastructure and Utilities Index. The Manager's expectation for total Fund returns is in the target range of 6% to 8% p.a. over the life of the investment.

* ASX Index Investments provide a composite return showing a combination of a 50% weighting in both the UBS Australia Infrastructure and Utilities Index and the S&P/ASX Property Trust Index.

3. Fund Unit Net Asset Value

Fund Unit Price at Fund Investment Date	Unit Net Asset Value at Month End	Growth	2% p.a. Income (Accrued)	Actual % Change in Unit Price Since Fund Inception
\$1.0000	\$0.9022	\$0.8973	\$0.0049	-9.78%

The Fund's Unit NAV at month end provided to the Investment Manager by the Calculation Agent was **\$0.9022**. This NAV represents a **0.55% increase** from February month end and is the first increase in valuation since September 2007 on the back of medium term interest rate changes and their affect on the NAV. This valuation represents the price at which a Unit holder could have redeemed Fund Units at month end inclusive of Fund Ordinary Expenses.

For each \$1mm invested an investor could redeem and receive **\$902,200** based on the current unit price within the Fund Payment Contract.

The Fund return to Unit holders at the Payment Contract Maturity is based on the enhanced price growth of the Fund's ASX Index Investments. In accordance with the Fund's Information Memorandum dated 20 September 2006, Unit holders will receive 130% (i.e the Index Participation Multiplier) of the price growth of the Fund's ASX Index Investments.

4. Market Commentary

March saw another volatile month for global equity markets with the steep losses early in the month being followed by a Fed-lead recovery in the later half. The US Federal reserve came to the rescue via several initiatives including; facilitating the takeover of Bear Stearns by JPMorgan (for \$2 a share), a series of market policy changes aimed at boosting liquidity, and lowering the key Fed Funds rate by a further 0.75% to 2.25%. The local market tracked offshore developments and finished the month at 5355.70, (down 3.3% from its February close on a total return basis) after closing as low as 5086.10 on March 18. The RBA raised the cash rate by 0.25% to 7.25% - the 12th rate rise in this cycle - sighting inflationary pressures still persisting in the economy. Australia's unemployment rate fell to a new 33 year low of 4.0%.

While fundamentals for the Fund's underlying asset classes support medium term price growth, volatility in the broader market may continue to impact negatively on the Fund's NAV short term.

Detailed independent research on listed property, infrastructure and utilities sectors is available to Unit holders from the Fund's Manager.

Contact:

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Disclaimer: This report has been prepared by Longreach Capital Markets Pty Limited (ABN 93 113 578 804) in its capacity as Sales and Marketing Manager for the Longreach Capital Protected Wholesale Fund 1 – 2006, Property, Infrastructure and Utilities (the “Fund”). Longreach Capital Markets Pty Limited is an Authorised Representative of Longreach Global Capital Pty Limited (ABN 27 080 373 762, AFSL 247015). Full details of the Fund can be found in the Information Memorandum dated 20 September 2006. Terms defined in that Information Memorandum have the same meaning in this report.

The information contained in this report is current as at the close of business on the date indicated and is for the information of wholesale clients within the meaning of section 761G of the Corporations Act 2001 who have invested in the Fund. Performance of the Fund to date is not a guarantee or indicator of Fund performance in future. Similarly, references to the performance of ASX Index Investments do not imply future performance guarantees or returns. To the maximum extent permitted by law, neither Longreach Capital Markets Pty Limited nor Longreach Global Capital Pty Limited will be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.



NOTEHOLDER PERFORMANCE REPORT

March 2008

Longreach Capital Markets Series 26 Secured Limited Recourse Debt Instruments

Series 26 - Capital Protected Note 'Global Property Stocks'

Type of Note: Capital Protected Note with exposure to Global Property Stocks	Investment Date: 07-Jun-2007	Liquidity: Available Daily
Investment Objectives: The chosen basket aims to provide both a regular income stream via the fixed semi annual coupon, as well as the potential capital growth within the capital protection framework.	Recommended Investment Timeframe: 7 Years	Distributions: Fixed 7.00% p.a. coupon paid semi-annually.

Underlying Asset Price change (7 June 2007)

The following table sets out the Basket's performance by security:

Security	Industry	%	Buy-In-Price	Closing Price	Change (i)
Bene Stabili	Property	14.3	1.13	0.79	-29.73%
British Land	REIT's	14.3	1,361.80	917.50	-32.63%
City Developments	Property	14.3	17.20	11.02	-35.93%
Mitsubishi Estate	Property	14.3	3,588.00	2,420.00	-32.55%
Simon Property	REIT's	14.3	99.69	92.91	-6.80%
Stockland	REIT's	14.3	8.66	6.99	-19.25%
Sun Hung Kai	Property	14.3	89.45	121.40	35.72%
Average					-17.32%

Note (i) All percentage changes shown are absolute levels and are not calculated on a per annum basis.

Net Asset Value (NAV)

The NAV of the Notes is **76.98%** (29-Feb-2008 80.12%). If an investor chose to exit prior to maturity the 'Redeemable NAV' would incorporate the current NAV less the cost of the unwind of the currency protection. The currency hedge ensures buy and hold investors are not exposed to changes in the underlying currency values at maturity.

Internal Rate of Return (IRR)

The IRR of the Notes is **-23.49% p.a.** This represents the true annual rate of earnings on an investment. This rate takes into account the movements in the underlying securities as well as compound interest factors (time value of money).

** IRR is a discounted cashflow method of calculating returns defined mathematically as the rate by which future anticipated net cash flow must be discounted so that their value will be equal to the initial cost of the investment.*

Coupon Payments

Coupon payments are distributed to Note holders on a Semi Annual basis.

Coupon	Coupon Payment Date	Per Annum %	BBSW Comparison
Forecast Coupon	09-Jun-2008	7.00% *	7.37%

*Assuming contingencies to coupon payment are met.

Dynamic Portfolio Allocation

The current allocations within the Dynamic Portfolio are:

Series 26 Basket 69.50%

Discount Debt Security 30.50%

The current Gap is approximately **16.80** (29-Feb-2008 20.10) compared to the sell trigger of 15. Please refer to the Series 26 Discussion Paper for a description of the workings of the capital protection mechanism.

Market Recap for March

➤ Broader Market Performance

March saw another volatile month for global equity markets with the steep losses early in the month being followed by a Fed-lead recovery in the later half. The early weakness was driven by the collapse of the Carlyle Capital Fund (a UK registered Fund managed by executives in the US) and exacerbated by the similar failure of US investment bank Bear Stearns. The US Federal Reserve came to the rescue via several initiatives including; facilitating the takeover of Bear Stearns by JPMorgan (for \$2 a share), a series of market policy changes aimed at boosting liquidity, and lowering the key Fed Funds rate by a further 0.75% to 2.25%. This action combined with stronger than expected earnings reports from Goldman Sachs and Lehman Brothers helped restore investor confidence and triggered a strong recovery in credit and equity markets. Financials were one of the sectors to rally the hardest, while Resources were less impressive as commodity prices pulled back following record highs earlier in the month (oil reaching \$110 per barrel and gold \$1000 per ounce).

The local market tracked offshore developments and finished the month at 5355.70, (down 3.3% from its February close on a total return basis) after closing as low as 5086.10 on March 18. The RBA raised the cash rate by 0.25% to 7.25% - the 12th rate rise in this cycle - sighting inflationary pressures still persisting in the economy. Australia's unemployment rate fell to a new 33 year low of 4.0%.

➤ Basket Performance

The performance of individual stocks within the basket over the previous month is outlined in the table below.

Month on Month Change

Security	Country	%	Closing Price February	Closing Price March	Change
Simon Property	United States	14.29	83.800	92.910	10.87%
Bene Stabili	Italy	14.29	0.744	0.795	6.79%
Stockland	Australia	14.29	7.050	6.990	-0.85%
British Land	Britain	14.29	951.500	917.500	-3.57%
Mitsubishi Estate	Japan	14.29	2,610.000	2,420.000	-7.28%
City Developments	Singapore	14.29	11.960	11.020	-7.86%
Sun Hung Kai	Hong Kong	14.29	139.000	121.400	-12.66%

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Important Information

This monthly report has been prepared by Longreach Capital Markets (ABN 93 13 578 804) in its role as Authorised Representative of Longreach Global Capital Pty Limited (ABN 27 080 373 765, AFSL 247015). The forecasts in this report are subject to change. Past performance does not guarantee future returns. Accordingly, investors should make their own assessment of the adequacy, relevance and accuracy of the information in this report (together with the Series documentation of each Series) and in making any investment decision should rely on their own independent investigation of the notes/commercial paper. This report is not an invitation or recommendation for applications or offers to buy any products issued by Longreach CP Limited.

This report has been prepared exclusively for use by wholesale clients (within the meaning of section 761G of the Corporations Act 2001) of Longreach CP Limited and may not be distributed to external parties without the prior written consent of the Programme and Issuer Manager, Longreach Global Capital Pty Limited. The report has been prepared solely for informational purposes. It includes certain information that has been obtained from independent sources that Longreach considers to be both accurate and reliable. To the maximum extent permitted by law, neither Longreach Capital Markets Pty Limited nor Longreach Global Capital Pty Limited will be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.



NOTEHOLDER PERFORMANCE REPORT March 2008

Longreach Series 23 Secured Limited Recourse Debt Instruments

Series 23 – Capital Protected Notes – ‘STIRM’

Type of Note: Capital Protected Note with exposure to a short term interest rate yield enhancement strategy	Investment Date: 26 February 2007	Liquidity: Available Daily
Investment Objectives: The short term interest rate yield enhancement strategy provide for both a potentially high regular income via performance based coupon component as well as any potential capital growth within the capital protection mechanism.	Recommended Investment Timeframe: 5 years	Distributions: Distributions paid quarterly.

1. Net Asset Value (NAV)

The NAV of the Notes is **104.91** (last month 104.12). If an investor chose to exit prior to maturity the ‘Redeemable NAV’ would be **102.70** or **\$1,027,000** per \$1mm invested - calculated as the current NAV less the present value of unpaid LCM fees.

2. Internal Rate of Return (IRR)

The IRR of the Notes is **7.83% p.a.** This represents the true annual rate of earnings on an investment. This rate takes into account the movements in the underlying securities as well as compound interest factors (time value of money).

** IRR is a discounted cashflow method of calculating returns defined mathematically as the rate by which future anticipated net cash flow must be discounted so that their value will be equal to the initial cost of the investment.*

3. Coupon Payments

The coupon will be made up of a Fixed and Floating component as outlined in the Series 23 Discussion document. The **Fixed** component is set at 2.50% p.a. payable quarterly (unless strategy is fully allocated to the UBS cash investment), and the **Floating** component is set at 125% of the strategy's positive intra period performance, with a cap on total coupon of BBSW + 40bps.

Coupon	Coupon Payment Date	Per annum %	BBSW Comparison
Coupon 1	10 May 2007	2.50%	6.42%
Coupon 2	10 Aug 2007	2.50%	6.39%
Coupon 3	12 Nov 2007	2.50%	6.73%
Coupon 4	12 Feb 2008	7.52%	7.12%
Coupon 5	due 10 May 08		

4. Allocation to the Diversified Basket

The current allocations within the Dynamic Portfolio are:

STIRM Strategy	100%
UBS Discount Debt Security	0%

The current NAV would require a fall of approximately 24% to breach the Sell Trigger. Please refer to the Series 23 Discussion Paper for a description of the workings of the capital protection mechanism.

5. Market Recap

In March the U.S. Federal Reserve and the Reserve Bank of Australia took monetary policy action. The Fed **lowered** the key rate by 75bp to 2.25% - 25bp less than most market participants expected – while the RBA again **raised** their key interest rate by 25 bp to 7.25%. The main topic during March was the takeover of Bear Stearns by JP Morgan. This bailout deal was backed by the Fed and in addition flanked by more flexible lending facilities.

6. STIRM Strategy Performance

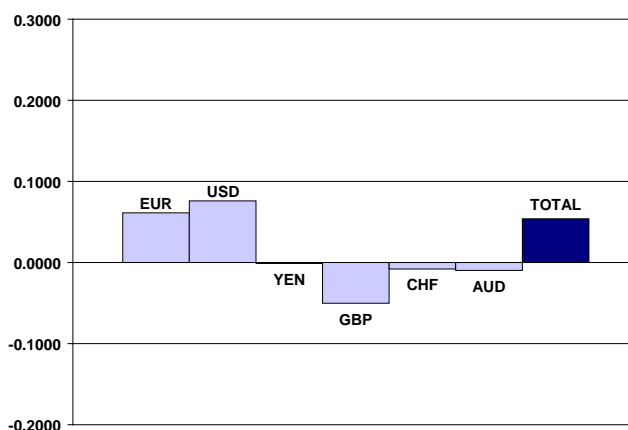
The STIRM Index gained 5 ticks to close the month at 108.68.



** This chart reflects STIRM performance gross of fees and in EUR terms.*

The EUR and USD positions were the positive performance as shown below:

STIRM Monthly Performance by Currency (in ticks)



The Euro, GBP and CHF positions were switched from long to short during the month.

The average duration of the basket ended the month at **-0.2 (down from +0.6 last month)**. This is a measure of the weighted, net long or short positions in each of the underlying currencies. A figure of +1 would represent a long position in each of the 6 currencies and a figure of -1 would represent a short position in each of the 6 currencies. So the -0.2 reflects a net short position for the strategy at month end.

The following table summarises the composition and performance of the STIRM strategy over the month:

Futures Currency	Futures Allocation	Futures Position as at Previous Month End	Futures Position as at Current Month End	Performance on Month
USD	40%	Long	Long	Positive
Euro	25%	Long	Short	Positive
Yen	15%	Short	Short	Negative
GBP	10%	Long	Short	Negative
CHF	5%	Long	Short	Negative
AUD	5%	Short	Short	Negative

Notes:

Contact:

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BlackRock Diversified Credit Fund

Portfolio Performance ¹ - Periods to End March 2008								
	1 Month	3 Months	6 Months	FYTD	1 Year	2 Years (pa)	3 Years (pa)	Since Inception (6/5/2003) (pa)
Fund	-1.78%	-3.31%	-4.01%	-4.36%	-2.62%	2.10%	3.60%	4.78%
Benchmark	0.67%	1.82%	3.59%	5.29%	6.99%	6.60%	6.33%	5.96%
Out- Performance ²	-245 bps	-512 bps	-760 bps	-965 bps	-960 bps	-450 bps	-273 bps	-117 bps

¹ The performance figures assume the reinvestment of all income and are calculated gross of fees and charges.

² Out-performance represents the difference between gross return and the return of the benchmark.

Past performance is not a reliable indicator of future performance.

Rounding used in the presentation of returns may result in minor addition errors.

- The Fund managed \$244,136,667 in assets at the end of March.
- At the end of March, the Fund's credit duration remained at 3.8 years and the running yield rose to 223 basis points (bps) from 175 bps at the end of February. The S&P credit score at the end of the quarter was (data not available at present). (The maximum allowable for the Fund is 90).
- On March 7, in a move to improve liquidity in the financial system and boost confidence in private sector securities, the Fed introduced the Term Securities Lending Facility (TSFL) whereby the Fed lends up to \$200bn of Treasury securities to primary dealers for up to 28 days (previously overnight) through a pledge of securities including Federal Agency debt, Fed agency Residential Mortgage Backed Securities (RMBS) and AAA/Aaa-rated private label MBS. The first auction was proposed to be on 27 March.
- However this action was not implemented soon enough for Bear Stearns (Bear). Bear experienced significant stress in the second week of March due to concerns regarding its liquidity position. Although the firm's liquidity, at the beginning of the week, was of excess cash of \$18 billion, ongoing pressure and anxiety in the markets resulted in significant cash outflows toward the week's end, leaving Bear with a significantly deteriorated liquidity position at the end of business on Thursday, March 13, 2008. The severe impairment of Bear's liquidity resulted in the negotiation of a 28-day, Fed-backed secured loan facility with JPMorgan Chase (JPM) to ease Bear's liquidity pressures until it could implement a longer term funding structure. On this announcement, ratings agencies Standard & Poors and Moodys acted swiftly to downgrade the credit rating of Bear from A/A2 to BBB/Baa1. It was clear that a more long term solution was required as confidence in Bear was significantly diminished. Over that weekend, the Fed negotiated with JPM and Bear for JPM to buy Bear for the discounted price of \$2 per share (the share price had closed at \$79.86 as at end of February).
- The Fed also announced two measures to boost liquidity, relieve the pressure on banks and broker/dealers and prevent a similar style crisis of confidence in liquidity in the financial system. They cut the discount rate 25bps to reduce the spread between the discount window and the Fed

Funds rate to 25bps and created a new lending facility, the Primary Dealer Credit Facility (PDCF) for "participants in the securitisation markets", where the Fed will lend money against a range of investment grade collateral.

- On Monday March 24th JPM raised its offer to \$10 per share. Bear issued an additional 95mn shares to JPM giving them 39.5% of Bear shares, essentially diluting existing shareholders and giving JPM a large enough stake to ensure that the deal would proceed. Ratings agency Standard & Poors moved to align Bear's credit rating with JPM following this move on the expectation that the deal would be completed. The Fund has an exposure of 1.39% to Bear Stearns bonds.
- Domestically the Reserve Bank of Australia (RBA) gave the Australian banking sector a clean bill of health, stating that the local banks remain "highly profitable" and "well capitalised". The RBA noted that the banks have minimal direct exposure to the sub-prime problems in the US, in part because they typically take relatively small open positions in financial market instruments (particularly sub-prime mortgage backed securities, CDOs and other derivatives) relative to many international banks.
- In March, the prolonged crisis in the credit markets took its highest profile victim yet in Bear Stearns. Measures have now been put in place to ensure that critically important cogs in the financial system have access to liquidity and that a similar style crisis could not occur. Synthetic credit indices rallied strongly following these solutions. However, the credit spreads of physical securities remained wide, and in many cases were pushed wider during the month. This was due to limited trading and the absence of "marks" of requisite integrity which would allow the market to ascertain where credit spreads of physical bonds should be, while primary issuance remained scarce. As a consequence, the Fund again significantly underperformed the return available from bank bills in March as implied by a further increase in the running yield.
- Focus is now turning to the macroeconomic impact of this prolonged financial crisis with cyclical sectors vulnerable. That said, with credit spreads already priced towards recessionary levels it is difficult to see corporate bonds continuing to underperform government bonds or cash over the medium term. Moreover, a number of the recent measures taken that are designed to alleviate the consequences of the credit crunch are thought to support the interests of the debt holders over those of equity holders. However, volatility is expected to continue to characterise the financial markets over the near term whilst confidence remains low and de-leveraging continues.

LOCAL GOVERNMENT AND SHIRES ASSOCIATION - REQUEST FOR CONTRIBUTION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To authorise the payment of a contribution to the Local Government and Shires Association (LGSA) publicity campaign against State Government planning proposals.

BACKGROUND:

The State government proposes a number of changes to planning laws that are generally not supported by local government.

COMMENTS:

At an LGSA Leader's Forum on Planning in January 2008 it was agreed that councils would contribute to a publicity campaign against the State government planning proposals.

RECOMMENDATION:

That Council contribute \$1,776.97 to the LGSA publicity campaign against the State Government planning proposals.

PURPOSE OF REPORT

To authorise the payment of a contribution to the Local Government and Shires Association (LGSA) publicity campaign against State Government planning proposals.

BACKGROUND

The State government proposes a number of changes to planning laws that are generally not supported by local government.

COMMENTS

At an LGSA Leader's Forum on Planning in January 2008 it was agreed that councils would contribute to a publicity campaign against the State government planning proposals. The decisions of the meeting are set out in a letter dated 30 January 2008 from the LGSA (Attachment A).

As Council has been a strong opponent of the government's proposals, payment of the amount is recommended.

CONSULTATION

None undertaken or required.

FINANCIAL CONSIDERATIONS

Funds are available in the account for Urban Planning – Sundry Expenses (2851.1170).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Manager Urban Planning has been consulted in respect of the allocation of funds for this invoice.

SUMMARY

The LGSA has conducted a publicity campaign against the State government planning proposals. Council's contribution to the campaign is \$1,776.97.

RECOMMENDATION

That Council contribute \$1,776.97 to the LGSA publicity campaign against the State government planning proposals and this amount be charged to Urban Planning – Sundry Expenses.

John Clark
Director Corporate

Attachments: **Attachment A: Letter dated 30 January 2008 from LGSA - 887798**
 Attachment B: Letter dated 31 March 2008 from LGSA - 913566



Our ref: R04/0066.dh Out-15720
30 January 2008

To all Mayors and Administrators

PLANNING CHANGES: OUTCOMES OF LEADERS FORUM

Thank you to all mayors, councillors and staff who attended our Leaders Forum in Sydney today to discuss the NSW Government's proposed planning changes. The forum was well attended, the debate enthusiastic, and a great example of Local Government working together.

The meeting made the following resolution and asked that it be brought to the attention of all mayors as a matter of urgency:

1. That the meeting supports the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government's proposed planning changes, including both the issue of section 94 developer contributions and the recommendations in the Government's discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, councils, stakeholders and the community.
2. The meeting calls on all NSW councils to refuse to cooperate with the NSW Government if requested to transfer section 94 funds held in trust by councils, to the Government.
3. The meeting supports in principle the proposal that the Associations seek contributions from member councils towards the costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign.

We reported to the meeting that the preparation of a paper had commenced, with the assistance of Mr John Mant, planning consultant, scoping an alternative reform package. We will distribute this paper to all mayors in early February for your review and comment, and hopefully your endorsement, as the basis for our campaign to ensure that any reforms made to NSW planning legislation are in the best interests of councils and our communities.

As you are aware, our campaign to date has included Local Government's open letter to the Premier, published in metropolitan and selected regional newspapers prior to Christmas, and the ongoing media campaign which marries our template media releases and messages with your local experiences. Local Government media exposure has been frequent and sustained throughout the summer, and we congratulate all councils on your successes in capturing media and public attention.

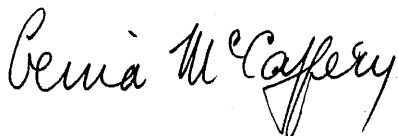
Further, we have released our preliminary response to the Government's discussion paper and aim for our alternative reform package to be similarly released shortly, with a view to generating widespread and constructive discussion across the state. You can read the speech from today's forum outlining the framework for our alternative package on our website at www.lgsa.org.au.

Many of the mayors who spoke at today's forum stressed that it is essential our campaign has the support of every mayor and council in New South Wales, and that Local Government must be united against this serious attack on good governance and our communities. We cannot agree too strongly. United support and action will be the crucial components of our campaign.

We would be pleased if you would seek a resolution of council endorsing the three points above, and advise us as soon as this has occurred.

Thank you again for your support. We look forward to working with you on this important issue.

Yours sincerely



Cr Genia McCaffery

President

Local Government Association of NSW



Cr Bruce Miller

President

Shires Association of NSW



Monday, 31 March 2008

Cr Nick Ebbeck
Mayor of Ku-ring-gai
Locked Bag 1056
PYMBLE NSW 2073

Dear Cr Ebbeck
cc: Mr John McKee



PLANNING REFORMS - REQUEST FOR CONTRIBUTIONS

On 30 January 2008 mayors, general managers and councillors from 84 councils across NSW attended the Associations' Leader's Forum on Planning.

At that meeting attendees resolved the Associations hire a communications consultant to continue and expand the public campaign against some of the State Government's proposed changes to the planning system, and particularly the revised development contributions framework. The resolution also stated councils be asked to help fund the campaign.

The proposed changes are a direct attack on Local Government and if they proceed will have significant impacts on local autonomy and the future provision of community infrastructure.

In line with the resolution of the Leaders Forum, a consultant has been hired with a brief to communicate the likely implications of the proposed changes to all NSW communities. The Associations are now asking members to support the campaign and contribute to the cost.

The support of councils throughout the campaign to date - through the signing of an open letter to the Premier and by raising the issue locally - has been greatly appreciated and it is crucial we keep up the pressure.

Please find attached an invoice, which we hope you will action. Your council's suggested contribution has been calculated based on member subscriptions.

Please do not hesitate to contact our Communications Manager, Kristie Down on 9242 4061 if you have any queries.

Thank you again for your ongoing support.

Yours sincerely,

Cr Genia McCaffery
President
Local Government Association of NSW

Cr Bruce Miller
President
Shires Association of NSW

**Local Government
Association of NSW**

ABN: 49 853 913 882

GPO Box 7003 SYDNEY NSW 2001

Level 8 28 Margaret Street SYDNEY NSW 2000

Tel: (02) 9242 4000 Fax (02) 9242 4111

www.lgsa.org.au lgsa@lgsa.org.au



Shires Association of NSW

Tax Invoice

Invoice Number 52484

Date 28/03/08

Invoice to:

Ku-Ring-Gai Council

Locked Bag 1056

PYMBLE NSW 2073

**Customer
Code**

**Customer
Reference**

KURI

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
MEDCAM	Media Campaign Call	1		1615.43	161.54	1,776.97

Above being for 'your contribution to fund cost of Campaign
re: State Government's proposed changes to Planning System'

Attn: The Mayor

Terms: 30 Days

Total Includes GST of
161.54

Total
1,776.97

Payment to: LGSA NSW BSB: 062005 Account No. 00090198

NSW FOOD AUTHORITY & NEW PROCEDURES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide a summary for Council on the recent legislative changes which have a direct impact on Local Government food surveillance programmes.

BACKGROUND:

In 2004 the State Government established the NSW Food Authority. This agency consulted with stakeholders and developed a Food Regulation Partnership to clearly define the respective roles of Councils and the NSW Food Authority. On 1 January 2008, legislation amended the NSW Food Act 2003. Councils now having a mandated role in food regulation with the formal commencement date proposed for 1 July 2008.

COMMENTS:

Ku ring gai Council, being the 'enforcement agency' under the Food Regulation 2004, maintains a register and inspects all foodshops in our council area. The proposed changes do not present any major obstacles to our present food surveillance procedures

RECOMMENDATION:

- A. That the impending changes in NSW Food Regulation be noted.
- B. That the General Manager be granted delegated authority to make a nomination to the NSW Food Authority for Ku ring gai Council to be an enforcement agency for the Ku-ring gai Local Government area and to carry out food surveillance work in accordance with Category B responsibilities.
- C. That upon the Council being appointed by the NSW Food Authority as an enforcement agency, Council's Environmental Health Officers be duly authorised as "Authorised Officers under the Food Act 2003".

PURPOSE OF REPORT

To provide a summary for Council on the recent legislative changes which have a direct impact on Local Government food surveillance programmes.

BACKGROUND

The State Government established the NSW Food Authority on April 2004. The Food Authority was formed by merging SafeFood NSW with the food regulatory activities of NSW Health. A potential outcome of this change is to establish an effective through-chain system of food regulation. The NSW Food Authority is responsible for food safety across the entire food industry, from primary production to point-of-sale.

Regulatory framework

Australia and New Zealand have established a joint regulatory framework and developed food safety standards and other requirements related to food handling, labelling and composition.

Local Government

All Councils in NSW have 'enforcement agency' status under the Food Act 2003. This enables, but does not require, Councils to enforce the requirements of the Act (and National Food Safety Standards). These arrangements continue Council's long standing role in food regulation in NSW.

Despite the previous non-mandatory role, most councils operating in NSW appoint 'Authorised Officers' to enforce the requirements of the Food Act. A NSW Health survey of Councils in 2001 indicated that approximately 344 Council staff, most of who are Environmental Health Officers (EHOs) have part-time responsibilities for food, with the total resource being equivalent to 92 full time staff. These are a substantial portion of the total food regulatory resources in NSW – the NSW Food Authority employs approximately 50 full time officers to undertake compliance and enforcement work.

The current activities of many Councils include

- Approval of food premises
- Monitoring compliance with the Food Standards Code and enforcement actions
- Food recalls
- Advising food business operators on food safety practices
- Investigating complaints
- Conducting education and training of food handlers

Developing the food regulation partnership between local government and the NSW Food Authority

The NSW food safety system was independently reviewed in 2002 by the Hon John Kerin. In relation to Councils, the Review recommended that:

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8 April 2008

'The responsibility of local government for food regulation should be clearly defined and appropriately resourced. The NSW Government should explore with local government the implementation model which would mandate a local government role;

- *commensurate with the skills, expertise and range of responsibilities of local government Environmental Health Officers;*
- *involving activities for which cost recovery would be appropriate;*
- *funded by a mechanism for cost recovery such as an annual administrative fee;*
- *assisted by the NSW food agency through the provision of tools and/or training as appropriate;*
- *co-ordinated by the NSW food agency through mechanisms such as approved local government plans or service level agreements; and*
- *supported by robust strategic liaison arrangements'*

In 1997, a comprehensive survey of Councils found that 98% played a role in food regulation.

In 2005, most Councils in NSW remained committed to food regulation work. An Issues and Options Paper sought feedback on the following three levels of food surveillance service levels which are available to Councils.

Category A - Minimal base role only

Category B - Category A plus

- For food service and retail businesses;
- Food Safety Standard compliance and enforcement – **service agreement**
- Basic labelling compliance and enforcement – **service agreement**

Category C - Category A & B plus

- any other role negotiated directly between Council and the NSW Food Authority

Councils can elect their preferred category from A, B or C and it recommended that Ku ring gai Council choose Category B. This is because:

- This is similar to our present service delivery to the mostly local retail and food service businesses.
- Most of the food sold locally is not distributed outside our region and there is little primary production and food production which is distributed state wide, nationally or internationally.

COMMENTS

Category B is very suitable for Ku ring gai Council as it enables Council to generate income for inspections carried out by Council staff as well as an administration charge.

Category B consists of the following activities

- Food recall investigations
- Routine inspection and enforcement of the retail and food service sector
- Medium and low risk food complaint investigations
- Food Handler training

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Council has a staff establishment of 3 Environmental Health Officers who presently undertake this work as part of their normal duties.

It is respectfully suggested Council seek the approval of the NSW Food Authority to act as an enforcement agency for the Ku-ring gai local government area undertaking tasks associated with Category B responsibilities.

Such activities would not have a major impact on this Department's existing resources, whilst at the same time maintaining general income.

Category A only asks Councils to provide urgent response to food safety issues requiring immediate action to prevent a public health danger and does not allow cost recovery for food shop inspections.

Category C provides the flexibility to do more. This could include auditing food safety programs. Food safety programs are needed for abattoirs, oyster harvesting or milk product production and other specific industries. Regulating these requires specialist expertise and given the lack of food manufacturing in the area this activity is not recommended.

The NSW Food Authority is now proceeding with the consultation process for appointing enforcement agencies moving towards the 1 July 2008 commencement date.

The Authority requires Council to nominate for a category of functions that may be exercised by an enforcement agency currently referred to as category A, B or C.

The Authority will review each nomination considering the council's resources and skills and then formally advise the Council in writing of their determination.

As previously reported it is suggested this Council nominate for category B as the responsibilities associated with this category closely align with current duties performed by Council's staff.

FINANCIAL CONSIDERATIONS

Continuing to inspect food shops in our area, by selecting Category B, will mean Council retains the revenue generated from this activity.

Council presently charges \$110 for each food shop inspection with over 320 premises on our food premises register.

A new fee of \$330 is proposed for the issuing of an Improvement Notice and one re-inspection fee. Failure to pay this fee incurs a further penalty.

Council will also have the ability to charge an annual administration fee based on the number of full time food handlers employed in the business. This fee is regulated by Clause 173C of the Food Regulation 2004.

SUMMARY

Safe food is paramount to our life and establishing a regime for safe food from 'paddock to plate' is very worthwhile. Councils will play an important role in applying the new National Food Safety Standards and Ku ring gai Council is well equipped to continue this service at a local level.

RECOMMENDATION

- A. That the impending changes in NSW Food Regulation be noted.
- B. That the General Manager be granted delegated authority to make a nomination to the NSW Food Authority for Ku ring gai Council to be an enforcement agency for the Ku-ring gai Local Government area and to carry out food surveillance work in accordance with Category B responsibilities.
- C. That upon the Council being appointed by the NSW Food Authority as an enforcement agency, Council's Environmental Health Officers be duly authorised as "Authorised Officers under the Food Act 2003".

Tom Cooper
Compliance Team Leader

Anne Seaton
Acting Director Development & Regulation

BUSHFIRE MANAGEMENT POLICY (2007) AMENDMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To update the Bushfire Management Policy (2007) to reflect recent legislative and government policy changes.

BACKGROUND:

Changes to legislation affecting the Community Fire Unit (CFU) and government policy in relation to bushfire planning and operation have occurred since Council adopted the Bushfire Policy (2007) in 2007.

COMMENTS:

The updated Policy proposes seven amendments to the text of the Bushfire Management Policy (2007). They include; clarification of terms used in the Policy; changes to highlight recognition of the CFU and Council support of that Group; changes made that include further groups in the referral process.

RECOMMENDATION:

That Council consider for adoption the amendments to the Bushfire Management Policy (2007).

PURPOSE OF REPORT

To update the Bushfire Management Policy (2007) to reflect recent legislative and government policy changes.

BACKGROUND

On Tuesday 8 May, 2007 Council adopted a Bushfire Management Policy (2007). This came about for two reasons. First, it is a requirement of the Policy that it be reviewed every five years as it was last updated and adopted in December 1998. Second, new policy and legislation had been enacted which brought into being two new instruments for use by land managers. Planning for Bushfire Protection (NSW Rural Fire Service 2001 as revised in 2006) and the Environmental Assessment Code (NSW Rural Fire Service 2001 as revised in 2006).

Since its adoption a need has arisen to further amend the Policy. On March 11, 2008 Council resolved to amend the Policy to reflect "The contribution by Community Fire Unit volunteers located in Ku-ring-gai local government area in managing wildfire, protecting their homes and our community and their role in disaster management be given greater recognition and support and that a draft be reported to Council by July 2008."

COMMENTS

On review of the Policy, seven amendments have been made as outlined below. Rationale supporting these changes is given.

1. Paragraph 1.1.3 has had the word "assessment" added and will now read – "Take all practicable steps to ensure that trees protected by Council's "Tree Preservation Order" are not removed without the prior **assessment and** consent of Council."

This addition was deemed appropriate as no clearing of any vegetation, including trees, can be undertaken without prior consent. An assessment is part of the consent process.

2. Paragraph 1.3.5 has had the word "pre and" added and now reads – "Plan fuel management works annually to ensure that **pre and** post-fire weed management is integrated with fuel management."

In situations where ecological burns take place both pre and post fire weed management occurs. Ecological burns are small in size and the amount of work required to prepare them is not extensive compared with general bushland where patch sizes are much greater. It was determined that the word pre should be added to the text to reflect that pre-fire weeding occurs, but the extent depends on the plant community present.

3. Paragraph 1.3.6 (fourth point) has been expanded to now read "**where burns are a part of an approved research study area, the Bushland, Catchments & Natural Areas Reference Group will be part of the consultative process.**"

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This was added as it was felt it would give a wider forum for the dissemination of information and create a platform for input and feedback on the project.

4. Paragraph 1.3.8 (fourth point) which deals with declared fire exclusion zones has the words "and Ku-ring-gai Bat Colony Society" added to the text to read – "within the Ku-ring-gai Flying-Fox Reserve, except with approval of the NPWS and Ku-ring-gai Bat Colony Society."

The Ku-ring-gai Bat Colony Society is instrumental in the management of this colony and should be included in all matters relating to its management and any other activities that may impact upon it.

5. Paragraph 1.4.6 has been expanded to reflect Council's commitment to the Community Fire Unit (CFU) volunteers, by including the following "make available sporting facilities for CFU training and open days. Provide small grants so that CFU groups can maintain and upgrade equipment and provide training opportunities to burn piles of vegetative debris created during bushfire hazard reduction clearing". The paragraph will now read, "Encourage community participation in Community Fire Units (CFU) as coordinated and supervised by the NSW Fire Brigade. **Make available sporting facilities for CFU training and open days. Provide small grants so that CFU groups can maintain and upgrade equipment and provide training opportunities to burn piles of vegetative debris created during bushfire hazard reduction clearing.**"
6. The term "integrated development" and definition has been added to Part 3 of the Policy which deals with definitions. The addition reads:-
"Integrated Development: Proposals that require development consent plus a specified permit/approval from a state agency, for example, under 100B of the Rural Fires Act 1997 a Bush Fire Safety Authority (BFSA) is required from the Rural Fire Service prior to development consent, when building in bushfire prone areas."

Questions were raised in the recent policy review as to the meaning of "Integrated Development". It was therefore decided to add a definition of this term to the definitions section of the Policy.

7. Under heading 4. LEGISLATION part 4.7 the following addition has been inserted:

Fire Brigades Amendment (Community Fire Units) Act 2005.

This Act amends the Fire Brigade Act 1989 to provide a legislative framework for the establishment and operation of community fire units; and for other purposes.

The Community Fire Unit (CFU) are subject to the direction, control and operational guidelines of the Commissioner.

- 4.1.1 The objects of the community fire units are to assist with the defensive protection of homes and to carry out other fire protection works as directed by the commissioner.
- 4.1.2 The functions of the community fire units are to:-
 - Undertake fire prevention work by encouraging preparation of home and garden prior to the onset of the bushfire danger period and assist with hazard reduction work such as clearing and pile burning.

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11 April 2008

- Assist fire fighters during a bushfire particularly through defensive protection of homes from spot fires and ember attack before fire fighters arrive, or while they are working at the main fire front.
- To assist in recovery operations post fire, such as bush regeneration.
- To educate the community in fire safety and prevention

Under section 78 of the Act, members of the community fire units are protected from liability.

This has been inserted following 4.6 Native Vegetation Conservation Act 1997 therefore State Environmental Planning Policy No. 19 will now be number 4.8, Bushfire Environmental Assessment Code for NSW (2006) is now 4.9 and Planning for Bushfire Protection (2006) is now 4.10.

CONSULTATION

As part of the review, consultation has occurred with the Community Fire Unit Co-ordinator from the NSW Fire Brigade in relation to point 5. It should be noted that the NSW Fire Brigade do not maintain a database on the number, location or details of CFU's and CFU volunteers in the Kuring-gai local government area (LGA).

The policy was also referred to the Bushland, Catchments and Natural Areas Reference Group at their meeting of 31 March 2008, from which a number of comments were received and have been incorporated as per changes 1, 2, 3, 4 and 6.

Based on the minor nature of the changes it is not recommended that the amendments be placed on public exhibition rather, Council consider adopting the amended Policy.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

No consultation with other Council departments was required.

SUMMARY

In May 2007, Council adopted the Bushfire Management Policy (2007). Following a resolution of Council on 11 March 2008, a further review has occurred and as a result minor administrative changes have been made. It is recommended that Council adopt this revised Policy without consultation.

RECOMMENDATION

That Council consider for adoption the amendments made to the Bushfire Management Policy.

Mark Arnfield
Technical Officer – Fire

Peter Davies
**Manager Corporate Planning
& Sustainability**

Andrew Watson
Director Strategy

Attachments: **Bushfire Management Policy (2007) - 922055**



Ku-ring-gai Council

Bushfire Management Policy

2007 Version

PUBLIC USE

First Adopted

30 April 1991

Revised Version Adopted

March 1992

Revised Version Adopted

November 1994

Revised Version Adopted 8

December 1998

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Introduction

Ku-ring-gai Council is responsible for the management of 1,100 hectares of bushland, subject to the provisions of State Environmental Planning Policy No. 19 - Bushland in Urban Areas and the Bushland Plan of Management prepared in accordance with the *Local Government Act, 1993*. Much of this bushland is contiguous with larger natural areas to the north, south-west and east administered by the NSW National Parks and Wildlife Service (NPWS).

Fire is a natural periodic event in bushland and Council has statutory obligations to prevent the occurrence and to minimise the danger of the spread of bushfires. These obligations however, need to be enacted without totally compromising the basis for which the land is managed which is primarily to ensure the long term conservation of the natural values.

The biodiversity, both flora and fauna, has evolved over thousands of years experiencing periodic bushfires and this type of disturbance has influenced the species and the ecosystems we presently recognise. This influence benefits the populations of some species and restricts others with the period between fires determining the balance. The fire intensity and season also influence the species in the community.

The management of fuel levels is the responsibility of the property owner or land manager. In Ku-ring-gai, fuel management is the responsibility of Council, State authorities and the individual property owners. As highlighted by the January 1994 bushfires, there needs to be a commitment from all land managers to undertake adequate fuel management and fire protection measures.

In balancing ecological aims and fire management objectives, there also is a need to consider smoke management and its impact on air pollution levels within the Sydney region.

Regional co-operation with other land managers in the Council area, particularly the NPWS, is essential to ensure effective fire management. Consistent plans and operations in both the Rural Fire District and the Sydney Fire District are co-ordinated with the NSW Rural Fire Service and the NSW Fire Brigades through the Hornsby/Ku-ring-gai Bushfire Management Committee.

1. Bushfire Management Policies

1.1 Fuel Management on Private Property, Regulatory Control.

1.1.1 Make property owners or occupiers aware of the presence of hazardous fuel levels on their land.

1.1.2 Take all practicable steps to ensure that property owners or occupiers take action to prevent and minimise the danger of spread of bush fires in accordance with their statutory obligations under the *Rural Fires Act 1997*.

1.1.3 Take all practicable steps to ensure that trees protected by Council's "Tree Preservation Order" are not removed without the prior assessment and consent of Council.

1.1.4 Ensure that only authorised officers issue a Hazard Reduction Certificate for fuel management burning on private property where the material to be burnt is vegetation and there is no practical method of physically removing fuel from the site.

1.1.5 Ensure that all Hazard Reduction Certificates issued on private land meet the requirements of the Bushfire Environmental Assessment Code for NSW (NSW Rural Fire Service February 2006).

1.1.6 Consider issuing a Hazard Reduction Certificate for fuel management on private bushland, in lieu of section 1.1.4, where the land holder wants to reduce vegetative fuel levels and maintain the diversity of native or locally indigenous flora and fauna within their property.

1.1.7 Ensure that owners or occupiers who are issued with a Hazard Reduction Certificate are aware of other restrictions such as:

- Special conditions associated with the Hazard Reduction Certificate
- Appropriate fuel management techniques including the standards for pile burning
- "Total Fire Ban", declared by the Minister in accordance with the *Rural Fires Act 1997* or
- "No Burn Period", declared by Environmental Protection Authority (EPA)
- A fire permit must be obtained from one of the states fire authorities (either the NSW Rural Fire Service or NSW Fire Brigade) prior to the implementation of any burning.

1.1.8 Promote the planning and implementation of fuel management works in accordance with the current Bush Fire Risk Management Plan prepared by the Hornsby/Ku-ring-gai Bushfire Management Committee.

1.2 Planning and Development Control

1.2.1 Ensure that Council's Local Environmental Plans and Development Control Plans address the issue of

providing protection from bushfires by means of the location and design of dwellings and other assets.

1.2.2 Ensure that subdivision and development applications, for properties that are at risk from bushfires, provide for and accommodate adequate bushfire protection measures within the property boundaries. Council owned/managed bushland shall not be used for future asset protection purposes to accommodate new development. This is consistent with Section 3.3 Part b page 13 of Planning for Bushfire protection 2006.

1.2.3 Ensure that all developments classified as integrated development on bushfire prone land are referred to the NSW Rural Fire Service prior to granting approval.

1.2.4 Ensure that any residential or infill development that does not comply with the 'acceptable solutions' outlined in Section 4.2 of Planning for Bushfire protection 2006 are referred to the NSW Rural Fire Service prior to granting approval.

1.2.5 Ensure that Ku-ring-gai Bushfire Prone Land Map is updated every five years in accordance with Section 146 of the *Environmental Planning and Assessment Act 1979* and the Guidelines for Bushfire Prone Land Mapping (NSW Rural Fire Service June 2006).

1.3 Fuel Management on Public Land, Bushland

1.3.1 Maintain a database of fire history, identifying the areas burnt, type of fire, date of burn, season, fire intensity and other relevant information.

1.3.2 Plan and implement fuel management works in accordance with the current Bushfire Risk Management Plan prepared by the Hornsby-Ku-ring-gai Bushfire District Management Committee.

1.3.3 Consider the methods of both burning and manual/mechanical removal as appropriate fuel reduction techniques provided that they are conducted in a manner consistent with other statements in this Policy.

1.3.4 Plan management burns in bushland with the aim of maintaining a diverse range of age classes of each vegetation community (reference should also be made to section 1.3.7).

1.3.5 Plan fuel management works annually to ensure that pre and post-fire weed management is integrated with fuel management.

1.3.6 Plan areas for fuel management works in accordance with the following priority order:

- Where the works provide local asset protection (fuel reduced outer zones), immediately adjacent to residential properties and the fuel loads exceed 15 tonnes per hectare

- Where the works provide regional strategic fire protection and the inter-fire period is within the range outlined in Appendix A of this Policy or where fuel loads are greater than 15 tonnes per hectare
- Where the burns provide ecological benefits and the inter-fire period specified for the vegetation association has exceeded the maximum specified in the Bushfire Environmental Assessment Code for NSW (NSW Rural Fire Service 2006) or Appendix A
- Where burns are a part of an approved research study area, the Bushland, Catchments & Natural Areas Reference Group will be part of the consultative process.

1.3.7 Plan management burns so that no more than 30 per cent of contiguous bushland is burnt within a five year period except where a reserve adjoins areas managed by the NSW National Parks and Wildlife Service (reference should also be made to section 1.3.4 of this policy).

1.3.8 Declared fire exclusion zones:

- In Mangrove swamps (Ocean Shores to Desert Dunes - Keith 2004)
- Around any known species listed in Schedule 1 of the *Threatened Species Conservation Act 1995* except under the direction of the NPWS or where the proposed fire regime is within the range of that recommended by the Bushfire Environmental Assessment Code for NSW (NSW Rural Fire Service 2006) or Appendix A
- Around any known Aboriginal or other heritage sites listed on Aboriginal Sites Register held by the Department of Environment and Conservation or on the NSW Heritage Databases that are subject to fire exclusion conditions as directed by the Aboriginal Cultural Heritage Division (e.g State Heritage Inventory or State Heritage Register) or any sites of local significance. Note; not all aboriginal sites within the register need fire exclusion
- Within the Ku-ring-gai Flying-Fox Reserve, except with approval of the NPWS and Ku-ring-gai Bat Colony Society
- Local areas where damage may occur to infrastructure assets such as walking track signs, fences and bridges etc may be isolated from the fire but not used as measure for exclusion of fire from that area
- In areas where soil erosion is likely to occur such as steep slopes (>18 degrees) burns are to be maintained at low intensity
- No direct lighting of fire can be carried out along the bank of a watercourse.

1.3.9 Avoid the implementation of manual/mechanical vegetation removal within areas that contain any known threatened animals, plants or endangered ecological communities.

1.3.10 Where fuel levels exceed 15 tonnes per hectare the frequency of managed burns are to be carried out in accordance with the Bushfire Environmental Assessment Code for NSW (NSW Rural Fire Service 2006) or at various intervals and seasons within the inter-fire periods as specified in Appendix A.

1.3.11 Make exceptions and compromises to the fire exclusion zones (section 1.3.8) and inter-fire period (section 1.3.9):

- In identified fuel reduced zones adjacent to residential boundaries where fuel loads exceed 15 tonnes per hectare
- At a local level where it is beneficial for threatened species or communities, significant vegetation associations or fauna colonies.

1.3.12 Assess the environmental impact associated with proposed fuel management works or activities prior to undertaking the works, specifically giving consideration to:

- The season in which the burn is planned to take place and the impact on flora and fauna
- Species listed in the Schedules of the *Threatened Species Conservation Act 1995*
- Pre-fire species diversity
- Environmental assessment under the Bushfire Environmental Assessment Code for NSW (NSW Rural Fire Service 2006)
- Environmental assessment under Part five of the *Environmental Planning and Assessment Act 1979*.

1.3.13 Maximise the fire intensity (above 500 kilowatts per metre of fire front) of management burns where it is beneficial to the vegetation community, given the limitations associated with containment and damage control.

1.3.14 Suspend fuel management burns during a "Total Fire Ban", declared under the Rural Fires Act 1997, or during a "No Burn Period", declared by the EPA under the *Protection of the Environment Operations Act 1997*.

1.3.15 Suspend fuel management burning in bushland areas adjacent recreational reserves and ovals when smoke is likely to cause serious discomfort or inconvenience to participants at organised or formal events.

1.3.16 Undertake manual/mechanical fuel reduction works in fuel reduced zones at the residential/ bushland interface, as identified by the Hornsby Ku-ring-gai Bushfire Risk Management Plan.

1.3.17 Only allow residents to undertake manual/ physical fuel management works in Council open space bushland when the resident has a current permit issued under the provisions of the Bushcare volunteer program.

1.4 Bushfire Suppression

1.4.1 Assist in bushfire suppression operations in accordance with the Plan of Operations prepared by the Hornsby/Ku-ring-gai Bushfire Management Committee.

1.4.2 Ensure action is undertaken to suppress bushfires as soon as possible.

1.4.3 Give priority to the suppression of bushfires over all other bushland management activities.

1.4.4 Maintain a network of designated service trails in bushland to provide vehicular access for fire suppression and fire management purposes. In accordance with the Bushfire Co-ordinating Committee policies on fire trails.

1.4.5 Maintain designated walking tracks in bushland to provide access and establish control lines for fire suppression and fire management purposes.

1.4.6 Encourage community participation in Community Fire Units (CFU) as co-ordinated and supervised by the NSW Fire Brigade. Make available sporting facilities for CFU training and open days. Provide small grants so that CFU groups can maintain and upgrade equipment and provide training opportunities to burn piles of vegetative debris created during bushfire hazard reduction clearing.

1.4.7 Encourage community interest in the Static Water Supply signs through NSW Fire Brigades.

1.4.8 Encourage Community interest in Community Fire Guard sponsored by the NSW Rural Fire Service.

1.4.9 During the hazard reduction burn season (extending from the beginning of April to the end of October) make available Sporting Ovals to be used as staging areas and helicopter landing zones for personnel carrying out prescribed burns.

1.5 Smoke Management

1.5.1 Ensure management burns conducted by Council are not carried out during a "No Burn Period" declared by the EPA.

1.5.2 Make assessments of the fuel moisture levels prior to undertaking management burns so as to minimise local smoke nuisance resulting from management burns.

1.5.3 Undertake other smoke mitigation techniques including rubbish removal (e.g., vehicle tyres) and rapid rate ignition (e.g., backfiring) to minimise smoke emissions.

1.5.4 Prohibit open fire burning on public and private land in accordance with regulations prepared under the *Protection of the Environment Operations Act 1997*, except where the purpose is exempted by regulation and, on public land authorised by Council (authorisation, refer section 2).

1.5.5 Ensure that all adjoining property owners that could potentially be impacted upon by smoke emissions are

provided with notification at least 24 hours prior to the commencement of the proposed works.

1.6 Community Education

1.6.1 Undertake education of residents living adjacent to bushland by:

- Encouraging them to maintain a level of bushfire preparedness within their own property
- Explaining what to do in the event of a bushfire
- Advising on appropriate steps to retrofit vulnerable dwellings to minimise the risk of loss of life, property and assets.

1.6.2 Promote community awareness and understanding of fire management policies and practices of Council and the plans prepared by the Hornsby/Ku-ring-gai District Bushfire Management Committee.

1.6.3 Provide bushfire awareness information to residents adjacent to bushland when fuel management works are programmed for their local area.

1.6.4 Co-ordinate with other local authorities and land managers.

1.7 Incentives

1.7.1 Investigate, encourage and utilise opportunities for incentive programs which encourage the proper management of bushfire fuels on private lands.

1.7.2 Investigate opportunities for incentive programs which encourage home owners to retro-fit their dwellings to minimise the risk of loss of life, property and assets.

1.8 Regional Co-operation

1.8.1 Promote regional fire management planning through the Hornsby/Ku-ring-gai District Bushfire Management Committee constituted under the *Rural Fires Act 1997*.

1.8.2 Assist in fire suppression operations in accordance with the Hornsby/Ku-ring-gai District Bushfire Management Committee's Plan of Operations and Bushfire Risk Management Plan.

1.8.3 Formalise communication links between regional authorities through the Hornsby/Ku-ring-gai District Bushfire Management Committee.

2. Administration

2.1 Responsibilities

This Policy is to be reviewed annually and is to be administered on the following basis:

- The Director Strategy is responsible for reviewing this Policy in consultation with the General Manager, is responsible for planning and commissioning fuel management works on land zoned as public open space as well as commissioning bushfire education programs. In addition, the Director Strategy is also responsible for the issuing of fire permits on private land
- The Director Strategy is responsible for ensuring Local Environmental Plans (LEPs) and Development Control Plans (DCPs) address bushfire protection measures
- The Director Operations is responsible for Council administration activities and liaising with emergency services in relation to bushfire suppression, planning and commissioning fuel management works within road reserves and all other public land owned or managed by Ku-ring-gai Council
- The Director Development and Regulation is responsible for assessing subdivision and development applications with regards to the provision of bushfire protection measures within properties (Planning for Bushfire Protection 2006), and for the regulatory enforcement of fuel management on private land
- The Director Operations is responsible for commissioning fuel management works on Council properties
- The Director Operations is responsible for undertaking works, activities or programs commissioned by other Directors.

3. Definitions

Bio-diversity: 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.

Bushfire: is a fire in bushland which is not planned and is generally not under effective control.

Available fuel: is the vegetative or flammable matter of less than 6mm in diameter occurring within 4.5 metres above ground level.

Inter-fire period: is the period between fire events whether the fire event was an unplanned wild fire or a fuel management burn.

Fire intensity: is a measure of heat energy generated by a fire. This is influenced by amount of available fuel, air temperature, ground fuel moisture levels, humidity (air) levels and the rate of spread of the fire. The rate of spread of a fire is influenced by wind speed and slope of the land.

Integrated Development: Proposals that require development consent plus a specified permit/approval from a state agency as part of the consent. For example, a Bush Fire Safety Authority (BFSa) is required from the

Rural Fire Service, for some developments prior to development consent when building in bushfire prone areas.

4. Legislation

4.1 Statutory Obligations

Council has statutory obligations with respect to fire management under the following legislation:

- *The Rural Fires Act 1997*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *The Environmental Planning and Assessment Act 1979*
- *Native Vegetation Conservation Act 1997*
- State Environmental Planning Policy No. 19 - Bushland in Urban Areas 1986
- Bushfire Environmental Assessment Code for NSW NSW Rural Fire Service 2006
- Planning for Bushfire Protection NSW Rural Fire Service 2006.

4.2 Rural Fires Act 1997

The *Rural Fires Act 1997* requires Council to take measures to prevent the occurrence of bushfires and to minimise the danger of the spread of a bushfire on land under its control or management. The Act gives powers to constitute Bushfire Management Committees and requires these committees to prepare Plans of Operations for fire suppression and Bushfire Risk Management Plans for fire prevention and planning.

The Act specifies the bushfire Danger Period as beginning 1 October and ending 31 March the following year, unless otherwise varied by a notice. During this period it is an offence to light a fire for hazard reduction purposes unless a fire permit is issued.

Where the Minister is of the opinion that it is in the public's interest for example extreme weather conditions, the Minister has the powers to declare a "Total Fire Ban", prohibiting the lighting of any fires.

The Act also empowers Council to give notice to the occupier or owner of land to reduce the bushfire hazard on their land.

4.3 Local Government Act 1993

Public land which is bushland is managed in accordance with the Bushland Plan of Management prepared in accordance with the *Local Government Act 1993* and takes into account the aims of State Environmental Planning Policy No. 19 - Bushland in Urban Areas.

The Bushland Plan of Management recognises fire as an issue which needs to be considered in managing such land.

4.4 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* provides the Environmental Protection Authority (EPA) with the power to issue orders, impose penalties and make regulations pertaining to air quality and other environmental issues.

Regulations prohibit all refuse burning except for burning which is to be carried out for approved purposes. Approved purposes listed in the regulations includes burning for preventing or controlling bushfires, in accordance with the *Rural Fires Act 1997*.

Overriding these provisions which allow burning for approved purposes, the Act (*s. 113*) allows the EPA to issue an order to prohibit approved burning if, it is of the opinion that meteorological conditions are such that burning is likely to substantially contribute to air pollution levels.

4.5 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* allows for Council to consider impacts on the natural and built environment as well as social and economic impacts when assessing subdivision and development applications. This assessment includes consideration of bushfire hazards and the need for protection measures.

The Act also specifies the environmental considerations which need to be undertaken before carrying out fire management works or activities associated with fire management operations. The environmental impact assessment considerations are outlined in Part 5 of the Act and include threatened species, communities and habitats listed in the schedules of the *Threatened Species Conservation Act 1995*.

Furthermore, *Section 146* of the Act refers to Bushfire Prone Land Maps and requires all councils through out NSW to update and maintain a Bushfire Prone Land Maps every five years.

4.6 Native Vegetation Conservation Act 1997

Whilst the *Native Vegetation Conservation Act 1997*, in its entirety, does not apply to the Ku-ring-gai Local Government Area, the Act (*s. 10*) makes reference to State protected land which is relevant to all areas throughout the State. However, the Act does not apply to residential land (*s.9*). State protected land is defined (*s.7*) as land with greater than 18 degrees slope, land within 20m of specified river, or land which is environmentally sensitive.

Specified rivers are those identified in (*s.26d*) of the *Water Act 1912*, and include Cowan Creek.

The Act is intended to prevent clearing of vegetation particularly on State protected land, however a number of exemptions are permitted (*s. 12a*). These exemptions include clearing authorised under the *Rural Fires Act 1997*.

4.7 Fire Brigades Amendment (Community Fire Units) Act 2005

This Act amends the Fire Brigade Act 1989 to provide a legislative framework for the establishment and operation of community fire units; and for other purposes.

The Community Fire Unit (CFU) are subject to the direction, control and operational guidelines of the Commissioner.

4.7.1 The objects of the community fire units are to assist with the defensive protection of homes and to carry out other fire protection works as directed by the commissioner

4.7.2 The functions of the community fire units are to:

- Undertake fire prevention work by encouraging preparation of home and garden prior to the onset of the bushfire danger period and assist with hazard reduction work such as clearing and pile burning.
- Assist fire fighters during a bushfire particularly through defensive protection of homes from spot fires and ember attack before fire fighters arrive or while they are working at the main fire front.
- To assist in recovery operations post fire such as bush regeneration.
- To educate the community in fire safety and prevention

Under section 78 of the Act members of the community fire units are protected from liability.

4.8 State Environmental Planning Policy No. 19

Public land on which there is remnant bushland is managed in accordance with the provisions of State Environmental Planning Policy No. 19 - Bushland in Urban Areas (SEPP No 19). The primary aim of SEPP No 19 is "to protect and preserve bushland within the urban area, so as to provide representation of the original vegetation in its natural state and enable the existing plant communities to survive in the long term".

4.9 Bushfire Environmental Assessment Code for NSW (2006)

The Bushfire Environmental Assessment Code provides for a streamlined environmental assessment process for use by issuing and certifying authorities in determining Bushfire Hazard Reduction Certificates. This document was prepared pursuant to sections 100J to 100N of the *Rural Fires Act 1997*.

The Code identifies the key environmental aspects that need to be considered when undertaking hazard reduction works. The requirements of the Code must be satisfied in order to approve hazard reduction works and issue a Hazard Reduction Certificate. Ku-ring-gai Council acts as both an issuing and a certifying authority. Therefore, authorized officers must issue Hazard Reduction Certificates in accordance with this regulation.

4.10 Planning for Bushfire Protection (2006)

Development in areas considered to be bushfire prone are subject to the provisions of Planning for Bushfire Protection 2006. This document requires development on bushfire prone land to meet certain standards prior to issuing development consent. Standards relate to the provision of asset protection zones, construction standards, access and egress, water supply, emergency management arrangements and appropriate landscaping. Councils development control officers need to be aware of these requirements and refer any development outlined in Section 1.4 of this policy to the NSW Rural Fire Service.

Appendix A - Inter-fire Periods for Bushland Vegetation

The following inter fire periods have been established as guidelines with assistance from Council's Bushland Catchments Natural Area Reference Group, Doug Benson from Royal Botanical Gardens Sydney, Ross Bradstock from NSW National Parks & Wildlife Service (NPWS) and staff of Ku-ring-gai Council, Hornsby Shire Council and the Nth Met. Office of the NPWS.

FIRE INTERVAL GUIDELINES					
Vegetation formation	Vegetation Sub-formation	Minimum Interval	Maximum Interval	Corresponding Plant Structure	NOTES
Wet Sclerophyll Forest	North Coast Wet Sclerophyll Forest	25	60	Tall open-forest (BGHF)	Crown fires should be avoided in the lower end of the interval range
Wet Sclerophyll Forest	Northern Hinterland Wet Sclerophyll Forest	10	50	Tall open-forest, Open-forest (STIF, Duffys Forest)	Crown fires should be avoided in the lower half of the interval range
Dry Sclerophyll Forest	Sydney Dry Sclerophyll Forests	7	35	Open-forest, Woodland, Low open-forest, Low Woodland	
Heathlands	Sydney Coastal Heaths	7	30	Closed scrub-heath/heath	
Saline Wet Lands	Mangrove Swamps	25	N/A	Low closed-forest, Closed-scrub/heathland	Fire should be avoided
SOURCE : Keith 2006 and NSW Flora Fire Response Data Base					

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETING HELD 31 MARCH 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 31 March 2008.

BACKGROUND:

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

At the meeting of Monday 31 March 2008, six items were discussed including fox baiting, road reserves and drainage easements, vegetation mapping, ecologically sensitive lands policy, bioretention swales at the University of Technology (UTS) site and revision of Bushland Plan of Management.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 31 March 2008 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday 31 March 2008.

BACKGROUND

The role of the Bushland, Catchments & Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

There were six items for general business discussion at the meeting of Monday 31 March 2008. Minutes of the meeting are included as **Attachment 1** to this report.

The following items were discussed:-

- **Fox baiting** – a presentation was given by the Senior Ranger - Pest Species from the National Parks and Wildlife Service (NPWS) – Sydney North Region, on the Fox control program in the Sydney North region. A copy of the Fox control NPWS Sydney North Region – March 2008 update was distributed to members (**Attachment 2**). From the success of this program, anecdotal evidence suggests there is an increase in wildlife deaths on major roads. It was recommended that the Bushland, Catchments & Natural Areas Reference Group seek the support of Council to review its road signage policy to enable wildlife crossing or awareness signs.
- **Road reserves and drainage easements** - discussion on this item focused on the cessation of mowing parks and road reserves for ecological purposes as has occurred at Killara Park, Yanko Road and Wallalong Crescent and other sites. It was recommended that the Bushland, Catchments & Natural Areas Reference Group support the no-mow program at specific sites across the Local Government Association (LGA) where the outcomes support the protection of biodiversity objectives whilst balancing community needs.
- **Vegetation mapping** – an update on the mapping of endangered ecological communities covered the ongoing collaboration with the Department of Environment and Climate Change and the Sydney Harbour Catchment Management Authority with regard to the aerial photography interpolation and field mapping methods.
- **Ecologically sensitive lands policy** - the development of the policy would be the basis of the report to Council to encompass a review of the Bushland Plan of Management and related policies.

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- **Bioretention Swales** - discussion on this item was in response to various letters by STEP to Council in relation to the proposed development of the University of Technology Ku-ring-gai site and the use of bioretention systems to minimise the impact of stormwater flows and nutrients to bushland.
- **Bushland Plan of Management review** – the Reference Group resolved to form a sub-committee to determine the scope of the revision of the Plan of Management.

Turiban Reserve/Water Street was listed on the agenda but was not discussed at this meeting.

CONSULTATION

The Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Reference Group considered six items of business at its meeting held on Monday 31 March 2008 including the success of the regional fox baiting program, the impact of no-mow areas within road reserves and drainage easements, progress of the vegetation mapping, development of an ecologically sensitive lands policy, the effectiveness of bioretention swales at the UTS site and the review of the Bushland Plan of Management.

RECOMMENDATION

- A. That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 31 March 2008, and attachments be received and noted.
- B. That Council review the Road Signage Policy to examine the merits of wildlife signs along key road sites.

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- C. That the Bushland, Catchments & Natural Areas Reference Group support the no-mow program at specific sites across the Local Government Association where the outcomes will support the protection of biodiversity objectives while balancing community needs.

Peter Davies
**Manager Corporate Planning &
Sustainability**

Andrew Watson
Director Strategy

Attachments:

- 1. Minutes of meeting of 31 March 2008 - 917192**
- 2. NPWS Fox Control March 2008 update - 920255**

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 31 March 2008
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Nancy Pallin Margery Street Margaret Booth Alla Kamaralli Janet Harwood Stephen Shortis Chris McIntosh Ian Wright Stephanie Vaughan John Burke (STEPP alternate)	Clr E Malicki – Chair	Andrew Watson – Director Strategy Peter Davies – Manager Corporate Planning & Sustainability

Others: Mel Hall (NPWS) for Item BC&NARG 72 – Fox Baiting

Apologies:

Members	Councillors	Staff
Colin Manton Michelle Leishman John Martyn	Clr A Andrew – Deputy Chair Clr N Ebbeck (Mayor)	

Meeting opened 7.05pm.

Declaration of Pecuniary Interests:

No pecuniary interests declared.

General Business

BC&NARG 72 – Fox Baiting

A presentation was given by the Senior Ranger – Pest Species from the National Parks and Wildlife Service – Sydney North Region, Ms Mel Hall, on the Fox control program in the Sydney North region. A copy of the update is provided as attachment 1 to these minutes.

Discussion on this item turned on the value of the coordination of the 18 agencies including 16 Councils that have participated in the program across bushland areas. Anecdotal evidence suggests that it has been successful in terms of the increase in sightings of native fauna.

An unfortunate consequence of the return in native fauna has been an anecdotal rise in deaths on major roadways adjoining bushland areas. The group discussed the value of placing warning signs at key sites. It was raised by Councillor Malicki that Council has a current policy that does not support wildlife warning signs and it was recommended that this be reviewed by Council. Further targeted sites for signage be identified where risks of accidental deaths are higher. In relation to this, NPWS were asked if they could identify high priority sites across the LGA.

Recommendation

1. The Bushland, Catchments & Natural Areas Reference Group seek the support of Council to review its road signage policy.

Action

- A. That NPWS work with Council staff to identify high priority wildlife crossing sites.
- B. That this item return to a future Reference Group meeting for discussion.

BC&NARG 73 – Road Reserves and Drainage Easements

Discussion on this item focused on the cessation mowing of parks and road reserves for ecological purposes, as has occurred at Killara Park, Yanko Road and Wallalong Crescent. Manager Corporate Planning and Sustainability gave a brief outline of the history of the decision to reduce the mown area at Killara Park to promote regeneration, noting that this was an initiative of this Reference Group some years ago. The Group articulated ongoing support to this activity noting the need to balance all social and environmental needs at the parks and reserves. Nancy Pallin recommended that the initiative be continued given its success in recreating important bio-linkages and regenerating endangered ecological communities and species.

Recommendation

2. That the Bushland, Catchments & Natural Areas Reference Group support the no-mow program at specific sites across the LGA where the outcomes will support the protection of biodiversity objectives while balancing community needs.

BC&NARG 74 – Vegetation Mapping

The Manager Corporate Planning and Sustainability gave a brief update on the mapping of endangered ecological communities. This continued from the presentation at the previous Reference Group meeting. Key aspects covered included the ongoing collaboration with the Department of Environment and Climate Change and the Sydney Harbour Catchment Management Authority with regard to the aerial photography interpolation and field mapping methods. Further updates will be provided at the next meeting.

The importance of mapping the SAN hospital site was raised by John Burke and Cr Malicki reflecting the current interest in the redevelopment of the site. The Manager Corporate Planning and Sustainability committed to mapping this area as a priority.

BC&NARG 75 – Turiban Reserve / Water Street

This item was not discussed.

BC&NARG 76 – Ecologically Sensitive Lands Policy

The Director Strategy identified that the development of policy would be the basis of the report to Council to encompass a review of the Bushland Plan of Management and related policies. It was noted that this has been discussed by Council's Planning Forum and has been raised at the Policy Forum and at the Councillors workshop.

BC&NARG 77 – Bioretention Swales

Discussion on this item was in response to various letters by STEP to Council in relation to the proposed development of the University of Technology Kuring-gai site and the use of bioretention systems to minimise the impact of stormwater flows and nutrients to bushland.

John Burke suggested piping stormwater water directly to Lane Cove River as an option citing a concern that bioretention systems may not deliver the projected benefits. Chris McIntosh raised that there would be a requirements for various approvals and studies if a new stormwater pipe was to travel through National Park estate. General discussion noted the possibility for the site to reuse and recycle water as a potential solution.

Confirmation of Minutes:

The minutes were accepted.

Councillor Malicki noted that at the Council meeting of 25 March that Council resolved to:

- Support and acknowledge the value of the nursery.
- Ensure that the development of the North Turramurra Recreation Area be undertaken with regard to maximising water recycling and re-use and that any design minimise the impact on adjacent bushland and waterways and that the design and construction of bushland walking tracks around the site be give consideration to ecological impacts.
- Update the current Bushland Plan of Management so that it is more flexible and robust in relation to critically endangered ecological communities.

Business arising from the previous meeting:

1. Plan of Management review.
Councillor Malicki sought the establishment of a sub-group from the Reference Group to assist staff in the revision of the Plan of Management. In relation to this discussion it was noted that this should initially focus on the scope of the revision and that this be reported back to the Group for consideration.

Action: Manager Corporate Planning and Sustainability to call for interest and organise a meeting.

Other business

Nancy Pallin raised the proposal by the Botanic Gardens to relocate the colony of Flying Foxes, and the concern this may have on other colonies and the supporting environments.

Ku-ring-gai Council Bushfire Management Policy – this was included for discussion as Council resolved for this Group to review this in recognition of the role of Community Fire Units, changes in legislation among other matters. Written comments were received by Nancy Pallin and other members were invited to respond by e-mail.

The following was circulated at the meeting:-

- Ground Crew at Turrumurra Pty Ltd v Ku-ring-gai Council (First Respondent) The Commissioner of the Rural Fire Service (Second Respondent) [2008] NSWLEC 86.

Next Meeting

Monday 16 June 2008 – Level 3 Ante Room at 7.00pm.

Meeting closed at 9.20pm.

Attachments:

1. Fox control NPWS Sydney North Region – March 2008 update.



NSW National Parks
and Wildlife Service

Fox Control NPWS Sydney North Region – March 2008 update

Reason for control:

- Foxes are listed as a Key Threatening process under the *Threatened Species Conservation Act 1995*.
- Implementation of the NSW Fox Threat Abatement Plan 2001 and NSW Southern Brown bandicoot Recovery Plan 2006. Garigal & Ku-ring-gai Chase National Parks are listed in the Fox TAP as high priority sites. Aim: to reduce the impacts of fox predation on threatened species (in this case the endangered Southern Brown Bandicoot) and to help conserve biodiversity more generally.
- Sydney North Region Fox Control Program. A region wide multi agency (18 agencies) cross tenure fox control program incorporating Fox TAP sites and urban bushland reserves. Aim: to lower fox numbers across a broad landscape and therefore limit the impacts of fox predation on threatened and common native fauna across northern Sydney. Lane Cove National Park, Berowra Valley Regional Park and Muogamarra Nature Reserve are baited under this program. Ku ring gai Council is currently baiting bushland reserves in the Lovers Jump Catchment as part of this project.

Current Status

- Fox control undertaken four times per annum in Ku-ring-gai Chase NP since 2000.
- Fox Activity Monitoring undertaken twice annually in Garigal and Ku-ring-gai Chase.
- Small mammal (bandicoot) surveys undertaken twice annually in Garigal and Ku-ring-gai Chase.
- Fox TAP experiment to measure the impacts of predation: The experimental design predicts a decrease in fox activity at the treatment site and a greater rate of increase in bandicoot numbers at the treatment site relative to the non treatment site.
- Preliminary assessment of seven years (2000-2007) of data shows lower fox activity in the treatment site (Ku-ring-gai Chase) than the nil treatment site (Garigal). However statistically there is no significant rate of increase in bandicoot activity at the treatment site as result of fox control.
- Fox bait take was initially high in Ku ring gai Chase NP (2000 – 2003) but declined and has remained consistently low 2003-2008. In the past year attractants (e.g. Feralone®) have been used to try to increase bait take.
- Anecdotal evidence from staff and park neighbours supports a decline in fox numbers i.e. less complaints about nuisance foxes, less sightings on roads adjacent Ku-ring-gai Chase NP (and also Lane Cove NP) compared to adjacent Garigal NP. Informed anecdotal evidence suggests an increase in common species adjacent urban areas i.e. Long-nosed bandicoots, Swamp Wallaby, Brushtail and Ringtail Possum, Echidna, Lyrebird and Brush-turkey. Levels of public enquiry, observations of staff and trained volunteers support this observation.
- Staff, residents and Bushcare volunteers have reported an increase in Swamp Wallaby and Long-nosed Bandicoot distribution and abundance in Lane Cove NP. These two species were considered absent or in very low

numbers in Lane Cove NP in 2000 (anecdotal and supported by a formal fauna survey).

- Willoughby Council undertook five years of small mammal monitoring in nine bushland Reserves. In 2000 no bandicoots were captured and no signs observed. Monitoring was undertaken annually for five years and bandicoot activity increased in seven of the reserves over time after the introduction of twice annual fox control. Bait takes by foxes have declined over time across the Willoughby LGA.

Future directions

- Continue to undertake fox control in Lane Cove National Park and Berowra Valley Regional Park to benefit biodiversity/common species.
- Continue to support local government and other agencies involved in the Sydney North Regional Fox Control Program through the Urban Feral Animal Action Group (UFAAG).
- Investigate the proposal from the Fox TAP coordinator to swap the Fox TAP treatment sites i.e. commence baiting in Garigal NP and cease baiting in Ku-ring-gai Chase NP (proposed date for swap August 2008)
- Encourage (if sites swapped) councils Pittwater, Warringah, Hornsby and Ku-ring-gai to cease fox control in reserves immediately adjacent Ku-ring-gai Chase NP and concentrate control efforts adjacent Garigal NP and Lane Cove NP.
- Investigate the potential for new methodologies. Continue to trial the use of Feralmone® as an attractant. Liaise with DECC Pest Animal Research and Advisory Officer re new technology and bait delivery methods e.g. M44 ejectors.
- Work with Research Officer and Fox TAP coordinator to examine monitoring and data analysis methods.

Mel Hall
Senior Ranger – pest species
NPWS Sydney North Region



HERITAGE ADVISORY COMMITTEE - MINUTES OF MEETING HELD 25 FEBRUARY 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council the minutes of the Heritage Advisory Committee meeting held on 25 February 2008.

BACKGROUND:

The minutes taken at the 25 February 2008 meeting were confirmed and accepted at the Heritage Advisory Committee (HAC) meeting held on 1 April 2008.

COMMENTS:

A range of heritage issues were discussed at the Committee meeting and a number of issues were raised for further consideration.

RECOMMENDATION:

That Council receive and note the minutes of the Heritage Advisory Committee meeting held 25 February 2008.

PURPOSE OF REPORT

To report to Council the minutes of the Heritage Advisory Committee meeting held on 25 February 2008.

BACKGROUND

On 1 April 2008 Council's Heritage Advisory Committee (HAC) held their meeting and confirmed the HAC Minutes of the meeting on Monday 25 February 2008. The minutes of this meeting would have been reported to Council earlier, but were delayed to allow the HAC to conduct a site visit the Roseville Park Playground.

COMMENTS

ROSEVILLE PARK PLAYGROUND (IN THE VICINITY OF FIRS ESTATE COTTAGE)

At the Ordinary Meeting of Council held on 5 February 2008 Council resolved the following regarding playground replacement at Roseville Park due to tree damage

- B. That the heritage impacts of a reconstructed playground on both Firs Cottage and Roseville Park be referred to the Heritage Advisory Committee for comments and/or recommendation to Council.*

A presentation was made to the HAC regarding the playground relocation proposed to be approximately 20m closer to the west elevation of the property from its existing position under mature gum trees which have been subject to limb drop. A list of advantages and disadvantages for the relocation of the Roseville Park Playground were discussed by the Committee.

Background

Council's Principal Landscape Architect provided a report to the HAC outlining the history of the site and a proposed location for the new playground. The suggested location involved moving the playground closer to the heritage-listed Firs Cottage. Mr Holman expressed concern that this would create spatial crowding of the heritage item. Councillor Anderson moved for a site inspection. The Committee agreed to defer the matter pending a site inspection.

Site inspection

Following a site inspection on Wednesday 6 March 2008 at 6pm at Roseville Park the Heritage Advisory Committee suggested an alternative location for the playground. Rather than moving the playground closer to Firs Cottage, it was proposed to move the playground laterally, to the south-east of its current location. This would incorporate the area where the current swing set is located, which is outside the existing fenced playground area. All present at the site inspection concurred. New plans reflecting this proposal were prepared by Council's Principal Landscape Architect and circulated to the HAC for final approval (**Attachment 1**).

The new plans were subsequently emailed to HAC members with full-scale plans available for perusal.

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S03816
8 April 2008

Comment

The Heritage committee resolved:

"That the Heritage Advisory Committee recommends to Council adoption of revised plan LI-B "Landscape Plan for HAC Approval" (as attached) for the playground at Roseville Park in order to relocate the playground laterally, south-east of its current location, ensuring its new position is no closer to the heritage-listed "Firs Cottage" than is currently the case. Further, that as far as practicable, heritage colours be used on the play equipment so as not to detract from the heritage item."

COUNCIL'S PRINCIPLE LEP PROCESS – HERITAGE

Staff gave an outline of the Principal LEP process that the Strategy department has commenced and the NSW Standard LEP Template, other areas that will also be looked into concurrently in the preparation of a Local Environment Study (LES), and eventually the Principal LEP and associated DCP. Staff presented draft heritage objectives and targets for discussion and feedback from the HAC.

Comment

HAC advised they would like to be involved and offer their assistance in the preparation of the Principle LEP. It was decided that HAC would have additional meetings to be able to assist staff in the preparation of the background heritage information for the Principle LEP.

HERITAGE MATTERS BEFORE THE LAND & ENVIRONMENT COURT

The results of the recent L & E Court case for no 16 Stanhope Rd, Killara by the NSW Land and Environment Court was discussed and it was noted that the appeal was upheld.

Comment

It was noted that the HAC Minutes were incorrectly represented in the NSW L & E Court Judgement. The HAC Committee also expressed its appreciation to all the parties involved in the preparation for this case including the researchers and those presenting historical material in support of the retention of this property.

RAILWAY HERITAGE

Ms Harvey noted that HAC should look at railway heritage as part of filling the gaps of un-identified heritage items in Ku-ring-gai. Ms Harvey also believed that heritage buildings and items should not be located off site from the Lindfield railway including a pre fabricated building on the platform dating from c. 1900- additional research material was circulated on this item. It was also noted City Rail heritage officers are a good source of heritage information on matters such as the Lindfield station.

Comment

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8 April 2008

It was noted there was a condition by Council to retain the pre-fabricated building and for it to be relocated within the precinct. A request was made for a full set of plans to be provided to HAC.

Staff advised the development application for Lindfield station upgrade was lodged at Council mid 2007 and an assessment had been made including a review of the heritage impacts from Council's heritage officer.

CONSULTATION

The Heritage Advisory Committee includes representatives from the community and nominated heritage organisations.

FINANCIAL CONSIDERATIONS

The cost of running the Committee is covered by the Strategy Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Operations Department has been consulted in the preparation of this report.

SUMMARY

The Heritage Advisory Committee Meeting was held on Monday 25 February 2007. A range of issues were discussed with a number of issues reserved for further review.

RECOMMENDATION

- A. That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on Monday, 25 February 2008.
- B. That the Heritage Advisory Committee's recommendation to Council of revised plan LI-B "Landscape Plan for HAC Approval" for the playground at Roseville Park in order to relocate the playground laterally, south-east of its current location, ensuring its new position is no closer to the heritage-listed Firs Cottage than is currently the case, be adopted.
- C. That as far as practicable, heritage colours be used on the play equipment to be installed at Roseville Park so as not to detract from the heritage item."

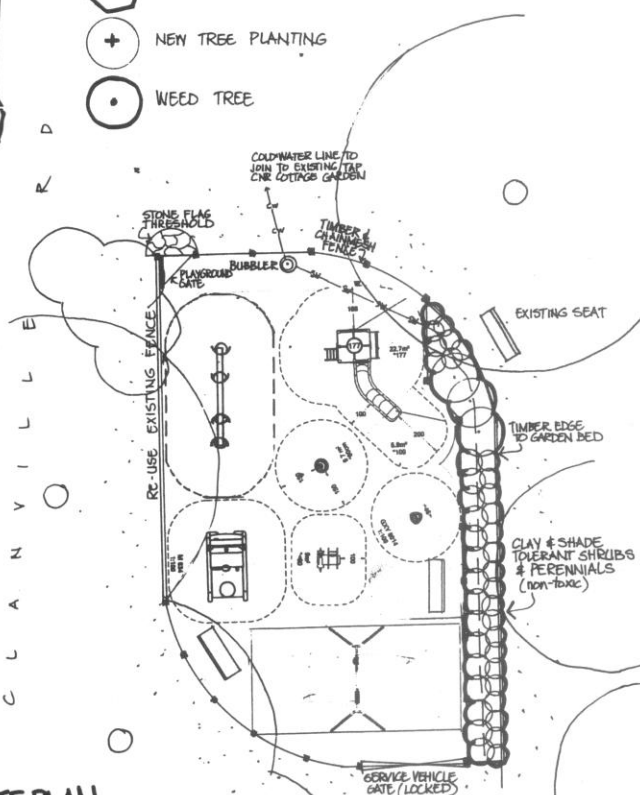
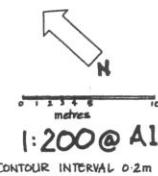
Antony Fabbro
Manager Urban Planning

Andrew Watson
Director Strategy

Attachments: 1. Plan No L1-B "Landscape Plan for HAC approval" - 919921
2. Heritage Advisory Committee Meeting Minutes of 25 February 2008 - 915897



SITE PLAN



DETAIL PLAN 1:100

Client	KU-RING-GAI COUNCIL
Project	ROSEVILLE PARK PLAYGROUND

Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072
Locked Bag 1054
PYMBLE NSW 2073
1001 7424 0000
www.kncc.nsw.gov.au

Title	LANDSCAPE PLAN FOR HAC APPROVAL	Drawing No.	- L1
		Issue	B

**MINUTES
HERITAGE ADVISORY COMMITTEE MEETING**

MONDAY 25 February 2008

**Council Chambers
818 Pacific Highway, Gordon**

MEETING OPEN: 6:30 PM (File S03816)

1.0 WELCOME BY THE CHAIR

2.0 APOLOGIES Councillor Cross

3.0 ATTENDANCE

Community Members:

Mr Moore (National Trust)
Mr Stutchbury (RAIA)
Mr Holman
Ms Harvey (Ku-ring-gai Historical Society)
Ms Mack

Councillors:

Councillor Anderson
Councillor Bennett (part of meeting)

Council Officers:

Mr Fabbro, Manager Urban Planning.
Mr Dignam, Heritage Advisor.
Mr Barber, Student Planner.
Ms Starr, Urban Designer (part of meeting)
Ms Walker, Landscape Architect (part of meeting)
Mr Royal, Team Leader Urban Design (part of meeting)

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Not required.

5.0 DECLARATIONS OF INTERESTS

Greg Holman declared he has an interest with Harry Seidler's 'Gissing house' at 9a Water Street Wahroonga.

6.0 Roseville Park Playground (in the vicinity of Firs Estate Cottage)

Council resolved at OMC 05/02/2008 regarding *Playground Replacement at Roseville Park due to Tree Damage*

B. That the heritage impacts of a reconstructed playground on both Firs Cottage and Roseville Park be referred to the Heritage Advisory Committee for comments and/or recommendation to Council.

A presentation was made to the HAC regarding the playground relocation proposed to be about 20m closer to the west elevation of the property from its existing position under mature gum trees which have been subject to limb drop.

The advantages for the nominated site are:

- the existing shade available from deciduous trees for the playground,
- the level nature of the land, allowing access by all.
- the ability of the playground to be seen from the tennis shelter adjacent, as well as the cafe tables at the front of Firs Cottage and the parkland to the south.
- The ability to use part of the existing playground fence in its existing location, and link the path system into the park circulation paths.
- The light nature of the playground structures having a minor impact on the views of the cottage.
- The ability to return the existing fenced playground area back to parkland use.
- The retention of the front paddock parkland area for the cottage setting as an open undeveloped area (just trees and grass).
- The proximity of services for water connection for bubbler, and the nearby existing swings which will be retained in their existing position.
- This location was previously the footprint of a formal garden as evidenced on the aerial photo in 1943, so it has been developed before.
- There are no other areas on the site that are available for the playground in its current form without impacting on either the Albion Croft Memorial, the front open parkland, or requiring a tennis shelter to be moved (expensive).

The disadvantages of the relocation are:

- Possible perceived visual impact on Firs Cottage from closeness of playground to cottage.
- Loss of designated toddler cycle track.

The HAC have determined to have a site visit to see the site and potential impacts, required as soon as possible.

Update report following the Site inspection 6 March, 2008

Roseville Park playground relocation adjacent to Firs Cottage

Background

Ms Walker, Council's Principal Landscape Architect provided a report to the HAC outlining the history of the site and a proposed location for the new playground. The suggested location involved moving the playground closer to the heritage-listed Firs Cottage. Mr Holman expressed concern that this would create spatial crowding of the heritage item. Councillor Anderson moved for a site inspection. The Committee agreed to defer the matter pending a site inspection.

Site inspection

Following a site inspection on Wed 6 March at 6pm at Roseville Park the Heritage Advisory Committee suggested an alternative location for the playground. Rather than moving the playground closer to Firs Cottage, it was proposed to move the playground laterally, to the south-east of its current location. This would incorporate the area where the current swing set is located, which is outside the existing fenced playground area. All present at the site inspection concurred. Ms Walker undertook to sketch new plans reflecting this proposal for circulation to the HAC for final approval.

The new plans were subsequently emailed to HAC members with full-scale plans available for perusal.

The Committee resolved:

"That the Heritage Advisory Committee recommends to Council adoption of revised plan LI-B "Landscape Plan for HAC Approval" (as attached) for the playground at Roseville Park in order to relocate the playground laterally, south-east of its current location, ensuring its new position is no closer to the heritage-listed Firs Cottage than is currently the case. Further, that as far as practicable, heritage colours be used on the play equipment so as not to detract from the heritage item."

7.0 Council's Principle LEP process – Heritage

Staff gave an outline of the Principal LEP process that the Strategy department has commenced background research for, and how heritage fits into that process. Staff explained in detail the NSW Standard LEP Template, other areas that will also be looked into concurrently (for example - Natural Areas, Open Space & Biodiversity, Remaining business centres / neighbourhood centres, High/low density interface etc), and that the teams working on all concurrent projects will be working towards the production of a Local Environment Study (LES), and eventually the Principal LEP and associated DCP. Staff presented draft heritage objectives and targets for discussion and feedback from the HAC.

Staff provided an overview of the work to date, encompassing the collection of background material, the establishment of a mapping group, and gave examples of drawings produced which document the state of heritage as it currently stands in the LGA. Also presented were examples of heritage tourism that have been produced by neighbouring LGAs, and discussed issues and identified where input from the HAC might fit into the Principal LEP process. HA advised they would like to be involved and offer their assistance in the preparation of the Principle LEP. It was decided that HAC would

have additional meetings to be able to assist staff in the preparation of the background heritage information for the Principle LEP.

8.0 Heritage Assistance Fund update

The Local Heritage Assistance Fund sub-committee which consisted of Mr Stutchbury (RAIA), Councillor Anderson, Mr Dignam and Mr Barber had a meeting where they gave their recommendations on funding for applicants. A report to council will be prepared to recommend the grant funding for each successful application.

9.0 Gissing House, 9A Water Street, Wahroonga.

A summary briefing of the history of the Harry Seidler house on 9a Water Street, Wahroonga, with some associated pictures. It was noted that the Gissing house was recently for sale and sold. Mr Barber also presented information on the Gissing House.

10.0 Update on heritage matters before the L&E Court

12 Woonona Avenue, Wahroonga will be heard at the NSW Land and Environmental court on 13 March 2007.

The results of the recent L&E Court case for no **16 Stanhope Rd**, Killara by the NSW Land and Environment Court was discussed and it was noted that the appeal was upheld. It was also noted that the HAC Minutes were incorrectly represented in the NSW L&E Court Judgement.

The HAC Committee expressed its appreciation to all the parties involved in the preparation for this case including the researchers and those presenting historical material in support of the retention of this property.

11.0 Update on festivals and celebrations – Aboriginal Heritage Festival at the Wildflower Garden & 90th Anniversary of the end of WWI

Councillor Anderson informed members of the Heritage Advisory Committee last week that she received an invitation to attend the Official Opening of the new Aboriginal Heritage Office and Education Centre to be held on Wednesday 12th March 2008, 6pm - 8pm at Unit 39, 137-145 Sailors Bay Road Northbridge. Councillor Anderson contacted the organisers and secured an invitation to the opening for members of the Ku-ring-gai HAC who wish to attend.

The AHO works with 7 Local Government Councils: Lane Cove, North Sydney, Manly, Willoughby, Pittwater, Warringah and Ku-ring-gai.

Lindfield soldier's memorial park is listed for funding in 2008 -2009. Ms Walker is currently working with a proposal to refurbish the 'Avenue to the Fallen' from Eastern

Arterial Road, down Tyron Road. If funding is allocated the aim would be to have the avenue and gateway refurbished before the WW1 ceremony.

12.0 28 Treatts Road, Lindfield and 'Woodlands'

There was discussion on this item.

13.0 General Business

1. Ms Harvey noted that HAC should look at railway heritage as part of filling the gaps of un-identified heritage items in Ku-ring-gai. Ms Harvey also believed that heritage buildings and items should not be located off site from the Lindfield railway including a pre fabricated building on the platform dating from c. 1900- additional research material was circulated on this item. Railcorps/City Rail heritage officers are a good source of information on matters such as the Lindfield station. A full set of plans to be provided to HAC. It was noted there was a condition by Council to retain the pre- fab building and for it to be relocated within the precinct.

Staff advised the development application for Lindfield station upgrade was lodged at Council mid 2007 and an assessment had been made including a review of the heritage impacts from Council's heritage officer.

2. It was suggested that each HAC member contribute a brief summary of their professional background and interests to assist with the heritage research process for the principle LEP.

14.0 Proposed meeting dates for 2008-02-26

The following proposed meeting date for 2008 are;

31 March (in lieu of April school holidays)

16 June

11 August

Note after September meetings are to be rescheduled after council election.

The Heritage Advisory Committee discussed whether a heritage sub-committee should be developed or whether HAC should meet bi-monthly.

15.0 Close

The meeting closed at 9:30 PM

COMMUNITY CONSULTATION POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To exhibit the draft Community Consultation Policy.

BACKGROUND:

In 2001, Council adopted a Community Consultation Policy however, Council's commitment to community consultation has greatly increased since the adoption of this policy. In response to this, the current policy has been amended to reflect the greater commitment to public consultation.

COMMENTS:

A draft Community Consultation Policy has been developed to reflect the changing approach to consultation in Ku-ring-gai. Further, a set of draft guidelines has also been developed to assist Council staff in implementing the consultation processes in line with the intent of the draft policy.

RECOMMENDATION:

That Council publicly exhibits the draft Community Consultation Policy for a period of 28 days with a further 14 days for public comment. That during the exhibition period copies of the draft Policy be placed at the Council Chambers and Libraries and on Council's website. That a further report be presented to Council following the public consultation process.

PURPOSE OF REPORT

To exhibit the draft Community Consultation Policy.

BACKGROUND

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

On 14 December 2004, Council resolved to hold a consultative forum to discuss roles and methods of consultation and community engagement. This was in response to a report that discussed Council's Notification Policy and the increasing need for consultation arising from the requirement to undertake planning for the town centres. From this forum and a subsequent Council decision, a residents' feedback register (RFR) was established. The RFR is a demographically representative (by age, gender, postcode, culturally and linguistically diverse (CALD)) means of engaging with local residents. An external community consultation consultant established a panel of approximately 250 persons drawn from the residents register. Questions to the panel were overseen by a recognised community consultation expert. The register has been used frequently since its inception including gathering information on the scope and acceptance for the introduction of two special rate variations.

In 2005 a town centres register (TCR) was established. Unlike the RFR, this focused on the urban planning of Ku-ring-gai's town centres. The 4,000 participants were drawn from 10,000 responses to a survey requesting residents to nominate if they were willing to be included in a database for future electronic surveys covering all postcodes except Wahroonga (as this suburb was not part of the town centres process). The register has been used to undertake over 20 surveys related to the town centres and has provided a mechanism through which the community have been informed on key issues and as a means of disseminating information affecting the town centres.

More recently Council has undertaken other consultations, such as that for the development of the Sustainability Plan and is involved in the Just Communities Network (JCN), an initiative of the Local Government Community Services Association of Australia and the Centre for Local Government, University of Technology, Sydney.

The need to revise the Community Consultation Policy comes in response to the review of all Council policies as part of the Department of Local Government Health Check review and timetable of policy review as adopted by Council.

COMMENTS

The consultative methods used by Ku-ring-gai Council have actively sought the involvement of our community, interest groups, businesses, commercial property owners and other stakeholders. The existing Community Consultation Policy has been amended in response to combining current and future initiatives. Attachment 1 provides a copy of the draft Policy.

The objectives of the draft Policy are to:-

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

In addition to the Policy, draft Community Consultation Guidelines have been developed (Attachment 2). This is to assist Council staff to implement the Policy and help clarify the intent and purpose of the draft Policy. The Guideline gives consideration to the level of impact affecting the consultation and seeks to direct the level of community participation in the participatory process.

As part of the review of the Community Consultation Policy that commenced late 2007, a review of the electronic registers was undertaken. Since 2005 e-surveys have been well supported by the community as a means to obtain rapid and cost effective feedback across a range of issues. As part of the draft Community Consultation Policy and Guideline it is proposed that these registers be updated and expand. This would be achieved through general invitations sent with the rate notices and via advertisements in the local paper and Council publications including targeting minority and other special interest groups. In addition, telephone and postal survey data bases would also be developed to capture the views of those who do not have email access, do not want email surveys or are necessary to target, such as specific culturally and linguistically diverse groups.

Other aspects of the draft Policy and Guidelines relate to privacy and disclosure. Under both Federal and State legislation there are restrictions as to what personal information can be disclosed. In relation to reporting on consultations, this would prohibit the release of personal information of respondents that would enable identification directly or indirectly. For example this would include dissemination of survey results that contain personal details, as typically collated as part of the surveys or the release of interview transcripts or focus group notes where persons can be specifically identified. In effect, it is not possible to have a policy that requires full reporting; rather the emphasis is on faithfully reporting the outcomes of the community engagement process. This implies reporting must be unbiased, objective and accurate.

While surveys can be designed such that individual consent for release and use of personal information is granted by respondents or participants, there remains difficulties as to how such information should be used if not all respondents grant such permission. In this respect, the format of survey and how results are collated and reported must be carefully considered as part of designing the consultation process, to ensure there is no unauthorised release or misuse of

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S02090
15 April 2008

confidential information. It is expected that this matter will be considered by Council in the near future as part of the development of a privacy management plan as required by the Department of Local Government

Another issue for consideration is the release of comments that may be defamatory. Whilst experience suggests this occurs in a minority of survey responses, a general release of results, without review and selective editing (as appropriate) may have significant consequences.

CONSULTATION

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

It is recommended that the draft Community Consultation Policy be exhibited for comment for a period not less than four weeks with a further 14 days for public comment and a subsequent report on the responses be submitted to Council for consideration.

FINANCIAL CONSIDERATIONS

Budget impacts from the exhibition of this draft policy will be negligible. Implementation is expected to cost in the vicinity of \$30,000 per year. This has been incorporated into the operational expenditure of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This matter has been discussed with all Directors and specifically Governance and Finance sections as to the broader policy ramifications.

SUMMARY

The draft Community Consultation Policy has been prepared to replace the current Policy as adopted by Council in 2001. The draft Policy builds on Council's continued support for community consultation in decision making and seeks to optimise the use of traditional and emerging technologies to build community interest and confidence in decision making processes and outcomes. The Guidelines have been prepared to assist staff to ensure the appropriate level of consultation is matched to the impact and scale of the matter under consideration.

RECOMMENDATION

- A. That Council publicly exhibits the draft Community Consultation Policy for a period of 28 days with a further 14 days for public comment.
- B. That during the exhibition period, copies of the draft Community Consultation Policy be placed at Council Chambers, Council Libraries and on Council website.
- C. That a further report be presented to the Council following the public consultation process.

Peter Davies
Manager Corporate Planning & Sustainability

Andrew Watson
Director Strategy

Attachments:

- 1. Draft Community Consultation Policy - 921276**
- 2. Draft Guidelines - 922088**

Ku-ring-gai Council

Community Consultation Policy

Policy Statement

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

Purpose

This policy has been developed to increase participatory decision making with the community of Ku-ring-gai.

Context

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

Ku-ring-gai Council has actively sought the involvement of all sectors of our community in decision making including residents, interest groups, businesses, commercial property owners and others. This has and will continue to rely on a diversity of techniques both traditional and emerging.

Consultation encompasses part of the process of community engagement. It is about involving the community to make better decisions and accurately reporting on the decision making process and findings. Confidentiality and privacy must be at the forefront to uphold Council's reputation and ensure community confidence. This will guide what information can be reported and to whom it is reported.

Genuine engagement with the community underpins sustainable decision-making. Sustainable decisions should be technically feasible, economically viable, environmentally compatible, and publicly acceptable. As participation in decision making increases, public support for both the process and outcome will direct us to a more sustainable society. A commitment to continuous improvement in this area will help ensure that decisions reflect the needs of both present and future generations.

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

Objectives

Our objectives are to:-

- ensure that Council is informed of and able to respond to the community needs
- provide all sectors of the community with opportunities to participate in decision making on both present and future issues;
- provide unbiased, objective and accurate reporting to our community, Councillors and managers on the results of relevant consultations, to aid decision making and priority setting for Ku-ring-gai;
- incorporate a range of engagement methods that identify and report on key issues and where necessary provide access to specific groups within the community;
- ensure staff understand and effectively implement the Community Consultation Policy and Guidelines.

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

Associated Documents

Ku-ring-gai Council
Community Consultation Guidelines 2008

Others

International Association for Public Participation (2005) *Planning for Effective Public Participation*.
NSW Department of Environment and Conservation (2006), *A Guide for Engaging Communities in Environmental Planning and Decision Making*. July 2006.

Definitions

In this policy:-

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

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

Legislative Framework

The following policies and legislation affects this policy:

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

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Community Consultation Guidelines

Purpose

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

Background

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

In 2002 Ku-ring-gai Council adopted its first Community Consultation Policy. This summarised why Council undertakes consultation, its responsibilities when consulting and various methods of consultation available. The revision of the policy has been undertaken in parallel with the development of these guidelines as reported to Council on 29 April 2008.

Supporting these guidelines is the strong use of emerging consultative technologies and networks such as the use of e-registers and participation in the National Just Communities Network. These guidelines continue this commitment through encouraging greater participation in decision making.

Consultative outcomes

How decisions are made as a result of or as part of the consultation remains critical to the participatory decision making process. This applies to whether the objectives of the consultation are to keep the public informed through to placing the final decision in their hands.

Representation and sample size

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

Where consultation is necessary for minority groups such as CALD and access-impaired sectors, targeted consultation is required to elicit the necessary feedback and to engage these parties.

Effectiveness

While consensus is rare in any consultation, it is necessary that the outcomes as well as the process be made known to the participants. Disillusionment relating to participant input must be a key consideration. Similarly the investment of individuals' time must be considered when determining the method of consultation and the decision making processes.

Governance

Each consultative technique has strengths and weaknesses (refer to attachment 1). Underlying most of these are the needs for accurate and unbiased reporting and where necessary confidentiality.

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

Survey methods and reporting results must be cognisant of privacy legislation to ensure the reputation, trust and credibility. In this respect, individuals' responses should not be able to be identified unless consent is clearly given.

Consultation strategy

The intent of the draft consultation policy is to ²:

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

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

Objectives

The objectives of the policy and this guideline are to:

1. loyally, faithfully and impartially report to our community, Councillors and managers on the results of relevant consultations, to aid their decision making and priority setting for Ku-ring-gai;
2. Provide all sectors of the community opportunities to participate in decision making on both present and future issues;
3. Ensure staff understand and effectively implement the community consultation policy and guidelines; and

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

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

4. Incorporate a range of engagement methods that:
 - identify and report on key issues;
 - where necessary provide access in different community languages and use the National Association of Australian Translators & Interpreters (NAATI) and/or AUSLAN (Australian sign language)³;
 - provide the community opportunities to give feedback;
 - proactively and regularly inform the community about outcomes from consultations;
 - ensure that Council is informed of and able to respond to the community needs – recognising representation of the silent majority and the 'squeaky wheels';
 - ensure adequate notice and time is given for consultations; and
 - recognise the role of emerging technologies.

Council's commitment

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

Clarity of Purpose

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

Commitment

Demonstrate commitment to establish and maintain credibility and accountability.

Communication

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

Evidence

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

Flexibility & Responsiveness

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

Timeliness

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

³ the predominant language of the Australian deaf community.

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

Inclusive

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

Collaboration

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

Continuous Learning

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

When would community engagement occur?

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

Strategic planning

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

Policy Development and/or implementation

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

Urban planning

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

Service planning

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

Areas of improvement

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

Legislative requirements, including planning and development issues

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

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

Table 1. Level of impact affecting consultation⁵

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

What level of engagement would occur?

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

Table 2. Level of community participation⁶

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

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

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

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

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

Table 3. Impact and preferred engagement methods

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

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

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

How will community engagement activities be managed?

1. Each community engagement activity will be the responsibility of the relevant divisional manager;
2. Managers need to ensure that engagement resources (staff and finance) for engagement activities across Council are effectively allocated and managed as part of their business and works plans;
3. Managers will ensure that they report back to the participants the results of any decision arising from the consultations;
4. All consultations and subsequent decision will be summarised in a report outlining the community engagement outcomes, considerations and recommendations made by Council;
5. Council's Annual Report would include a summary of key consultations undertaken throughout the year;
6. Managers are to inform prior to consultation planning and provide a report on the outcomes to the Strategy Department; and
7. The Consultation and Community Planner will have responsibility to coordinate and corporately report on all consultations quarterly in association with the respective managers.

Evaluation of community engagement

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

- community representation;
- communication methods;
- consultation method/s;
- timing;
- findings; and
- proposed reporting back to community.

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

Staff skills and training

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

Community Consultation Guidelines

1.0 Preparing a Consultation Plan

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

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

1.1 Background of the consultation

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

1.2 Who is undertaking the consultation

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

1.3 The purpose of the consultation

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

1.4 Desirable outcomes

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

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

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

1.6 Deciding the method(s) of consultation

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

1.7 Limits to what is negotiable in the consultation

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

1.8 Equal participation

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

1.9 How the decisions and recommendations will be used

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

1.10 Time frame and restrictions of the consultative process

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

1.11 Time frame for implementation of recommendations

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

1.12 Feedback

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

1.13 Second round consultation

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

1.14 Evaluation

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

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

2.0 Level of impact

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

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

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

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

2.1 Level 1 — High impact Ku-ring-gai

- High level of real or perceived impact on the whole or a large part of Ku-ring-gai
- Significant impact on attributes that are considered to be of value to the whole of Ku-ring-gai such as the natural environment
- Any impact on the health, safety or well being of the Ku-ring-gai community
- Potential high degree of controversy or conflict
- Likely high level of interest across Ku-ring-gai
- Potential high impact on state or regional strategies or directions
- Examples include Council's Management Plan, Local Environmental Plan, change of zoning, removal or key changes to a facility or service across the whole local government area, changes which impact on natural bushland or waterway.

2.2 Level 2 — High impact local

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

2.3 Level 3 — Lower impact Ku-ring-gai

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

2.4 Level 4 — Lower impact local

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

3.0 Levels of participation

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

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

3.1 Information Giving

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

3.2 Information Seeking

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

3.3 Information Exchange

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

3.4 Participatory

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

4.0 Deciding on a consultation method

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

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

4.1 Information Giving

4.1.1 Personal telephone contact

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

4.1.2 In person meeting

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

4.1.3 Written correspondence

- Letter informing residents of a project, issue, service or action
- All affected people receive the same information
- Record of communication
- Generally cost effective, however, if mailed to a large proportion of the community, Council costs become prohibitive
- Should include feedback mechanism, contact person for further information

4.1.4 Brochure

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

4.1.5 Letterbox drop

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

4.1.6 Notice in local paper

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

4.1.7 Targeted Newsletter

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

4.1.7a Council Newsletter

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

4.1.8 Media release

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

4.1.9 Display

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

4.1.10 Displays in other locations

- Information placed in areas of high public use such as shopping centres
- Potential to inform a wide cross section of community
- Impact of information depends on quality and visibility of the display

4.1.11 Website

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

4.1.12 Telephone survey

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

4.1.13 Written survey

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

4.1.14 Letter inviting submissions

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

4.1.15 Media promotion inviting submissions

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

4.1.16 Public Exhibition

- Formal exhibition of a plan or document at key locations for a set period of time
- Gives all people in the community the opportunity to view and comment on a plan or strategy
- Requires high level of promotion
- Requires longer time frame for planning process to allow time for feedback
- Requires motivated people to respond
- Statutory requirements for planning issues

4.1.17 Interview

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

4.1.18 Focus group session

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

4.2 Information exchange

4.2.1 Meeting with user or stakeholder groups

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

4.2.2 Meeting with existing groups

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

4.2.3 Workshop session

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

4.2.4 Community forum

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

4.2.5 Community debate

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

4.2.6 Site tour/meeting

- Semi-structured or unstructured meeting at place of issue
- Opportunity for affected parties to view/visualise issues or proposals
- Opportunity to clarify concerns and exchange views
- Requires balanced participation to resolve issues and make recommendations

4.2.7 Public Meeting

- Gathering of large numbers of people to inform them of an issue or enable comment/input
- Open to anyone who has an interest

- Requires good facilitation and management to ensure information exchange is handled well
- Risk of control or disruption by interest groups/individuals
- See Attachment 3 for Protocol for Public Meetings

4.3 Participatory

4.3.1 Committee of management

- Committee that works with Council under delegated authority to manage a service or facility
- Representation may be by appointment or election
- Involves community members in the care and control of local resources
- Need to ensure the broad involvement of interested individuals
- Potential to be controlled by a select few

4.3.2 Taskforce or working party

- Group of people selected to work with Council to complete a task or develop a new service or facility
- Opportunity to maximise skills and resources within the community
- Rich source of skills and abilities to complement the roles undertaken by Council
- Requires a skilled chairperson to maximise the contribution of all members

Attachment 1 Analysis of consultation types by level of consultation⁷

Level 1 Inform

Type of consultation	Description	Strengths	Challenges
Written correspondence	Letter to resident or household informing of service, action or project	Identical information to all recipients, can utilise rates notice	Assumes mailing database up to date, renters / owners may not get copy, assumes degree of literacy, costly (depending on distribution)
Pamphlet or letterbox drop	Designed to provide information on particular project or issue	Identical information to all recipients, allows detailed information, can be targeted by subject and area	Can be seen as "junk mail", assumes literacy, can be costly (depending on distribution)
Electronic correspondence	Electronic document or message to e-mail address	Low cost, can provide supplementary web links to more information, rapid dissemination	Updated e-mail addresses, can be seen as "Spam", limited to persons with access to web and e-mail account
In person meeting	Formal to informal, one-to-one or small group	Allows discussion across specific and broad meeting	Limited access to wide number of people, can result in dispute as to what was discussed and agreed to
Notice in local paper	Advertisement or mayoral/council column	Wide distribution	Assumes residents read local paper and also mayor/council column
Media release	News story and/ or photo	Creates interest, can raise profile of issue, project or event, able to generate "news"	Depends on media to uptake, media may print counter story as way of making "news", cannot control (angle, timing, placement)
Displays	Information display about proposed project or activity	Can inform cross section of community, able to target specific sites, can have accompanying staff to answer questions	Depends on locality, weather, time of year, need to check regularly (vandalism), cannot guarantee information accessed by or seen by targeted users
Community notice board	Fixed information display	Able to be updated with broad range of topics	Location important to maximise exposure and interest, needs regular updating

⁷ Adapted from Blue Mountains City Council Community Consultation Matrix 2004 and Ideas for Community Consultation - A discussion on principles and procedures for making consultation work: A report prepared for the NSW Department of Urban Affairs and Planning February 2001 - Dr Lyn Carson and Dr Katharine Gelber

Level 2 Consult

Type of consultation	Description	Strengths	Challenges
e-survey	Structured survey distributed by e-mail and collated electronically	Provides quantitative data, rapid response, low cost, able to report back results easily, can relate to demographics (depending on database), able to track trends, can link with emerging e-technologies	Update e-mail addresses, can be seen as "Spam", limited to persons with access to web and e-mail account, limited ability for qualitative information, requires skills in question writing and analysis
Telephone surveys	Structured survey by phone, collated electronically or hard copy	Provides quantitative data, rapid response, can relate to demographics (depending on database), able to track trends	Relies on public interest, competing with marketing surveys, householder interrupting, finding suitable time when citizens available, requires skills in question writing and analysis
Written surveys	Structured written survey	Provides quantitative data, can relate to demographics (depending on database), able to track trends	Costs; requires skills in question writing and analysis, delays in receiving data, collating and analysis of data, can be seen as "junk mail"
Suggestion box and web-blogs	Place for community to provide ideas or feedback – can be physical box or via web	Easy for community input to be provided across wide topics	Feedback should be provided, web-blogs may require editing
Interview	Individual or group interview, structured format	Able to reflect, expand and clarify points Forms the basis for addressing an issue or trend	Time consuming, costly, may not yield representative opinion
Focus group	Semi structured, invited participants	Participants are able to explore issue typically having some prior knowledge of the topic, able to gauge attitudes and provide	May not be representative, time consuming, may require several meetings if multiple focus groups are used

		qualitative information	
Meeting	Face to face semi structured with a specific group	Opportunity to draw out issues of concern, uncertainty or contention, able to develop an action strategy to respond to an issue	Required competent and effect facilitator, vested or narrow interests can dominate and drive agenda
Public exhibition	A formal exhibition of materials or documents at a set location and fixed period of time	Provides opportunity for community comment	Requires high level of promotions, success can be dependent on motivation of residents to respond
Residents panels	Established a large cross section or respondents to be called upon to provide quantitative and qualitative information related to a range of issues	Allows involvement of cross section and enables selection based on demographics, can be used to track changes over time with same panel	Maintenance of data base, consultation, fatigue, can be costly

Level 3 Involve

Type of consultation	Description	Strengths	Challenges
Meeting with existing groups	Link to existing groups to discuss both broad and specific issues	Build on existing community groups that may not otherwise comment on local government issues	May not engage with “silent majority”, requires good facilitation
Public meetings	Gathering of large number of residents to inform them, generate discussion and enable comment	Able to get message out to large audience in one go, open and accessible	Can get out of hand and off topic, risks disruption, requires good facilitator
Workshop	Structures process to work through particular issue and develop solutions	Can produce a way forward, inclusive approach, participants have ownership	Need to limit numbers to be effective, requires good facilitation
Community forum	Panel of speakers provide information and facilitate discussion on a topic	Able to generate good general discussion	Need to have balanced speakers, risk of disruption

Community debate	Organised speakers and debating panel to discuss specific topic	Able to generate interest and provide balance of opinion	Need for balance, must have articulate and well informed debaters
Web based forums	Discussion board posted on web site accessible to all	Able to gather diversity of opinion, can be used to generate discussion	Restricted to those with internet, cannot control content (may require censoring)
Site tours	Structured meeting to a site	Able to visualise impact with location context	Requires good organisation, may assumed previous site knowledge
Community reference groups / forums	Community and elected representatives to provide input and discuss various topics	Able to use participants to disseminate information, can be used to gather diversity of opinions from representatives	Needs to ensure members are representative, terms of reference must be clear (sometimes assume by participants that it is a decision making body)

Level 4 Collaborate

Type of consultation	Description	Strengths	Challenges
Formal Council committee	Committee that is constituted by Council under the Local Government Act to manage a service, facility or functional area	Has shared responsibility or management, involved members of the community that have an interest or specialist knowledge, able to share decision making	Needs to ensure broad involvement, risk that select few control and drive narrow agenda, need to ensure accountability
Joint venture	A formal arrangement with stakeholders or organisations to plan and achieve a project or service	Less reliance on council funding and resourcing, greater levels of commitment and trust by both sides, outcome has greater ownership	Time and costs, devolving responsibility
Taskforce or working party	Group of people, agencies or others selected to work with council to complete a task or develop a new facility, project of service or delivery	Opportunities to maximise skills and resources	Requires skilled chair to facilitate outcomes and maximise contribution of all members

Level 5 Empower

Type of consultation	Description	Strengths	Challenges
Citizen jury	Participants are brought together to deliberate in an informed way to arrive at a joint solution, recommendations published and implemented (if not must be publicly explained why)	Representative selection of participants, use of experts to present information, able to deal with complex issues	Requires skilled facilitator, usually small number (12-25), time intensive and costly
Consensus conference	Created under a commissioning authority to deliberate in an informed way on a particular issue, recommendations published and implemented (if not must be publicly explained why)	Representative participants, participants have greater control over agenda and decide on experts, inclusive, able to deal with complex issues	Time (usually longer than a citizens jury) Cost and resource intensive, requires skilled facilitator

Attachment 2 Privacy issues

Federal disclosure of information

The recent national Privacy Awareness Week highlighted the importance of recognising individual privacy. It noted 10 points for organisations like council's to promote on protecting *Other People's* Personal Information⁸:

1. Only collect information that is necessary. Make sure individuals know what personal information your organisation or agency collects and why. Consider whether each piece of information is necessary for any of the functions or activities of the organisation or agency and whether the information is required in the circumstances.
2. Do not collect personal information about an individual just because you think that information may come in handy later. You should only collect information that is necessary at the time of collection.
3. Tell people what you are going to do with the personal information you collect about them. You should let individuals know why you need to collect the information, how you plan to use it and if you intend disclosing it.
4. Consider whether you should be using personal information for a particular purpose. Organisations often begin using personal information for a secondary purpose unrelated to the main purpose they collected the information.
5. Consider whether you need to disclose personal information. In some cases, organisations and agencies disclose personal information that they do not need to disclose or disclose information without thinking about whether the disclosure is authorised. The Privacy Act allows disclosures in some circumstances.
6. If people ask, give them access to the personal information you hold about them. Organisations and Government agencies have a general duty to provide individuals with access to their personal information.
7. Keep personal information secure. It is important that you keep personal information safe and secure from unauthorised access, modification or disclosure and also against misuse and loss.
8. Don't keep information you no longer need or are no longer required to retain. If you no longer need personal information and there is no law that compels you to retain the information, then destroy it.
9. Keep personal information accurate and up to date. Personal information can change. This is why you need to take reasonable steps to keep the personal information your organisation or agency holds current.
10. Consider making someone in your organisation or agency responsible for privacy. This could be a designated person (often called a Privacy Contact Officer or Chief Privacy Officer) who is aware of your organisation or agency's responsibilities under the Privacy.

⁸ Office of the Privacy Commissioner, Australia - 2006 Guidelines - 10 Steps to Protecting Other People's Personal Information

NSW privacy protection

The above Australian Government Guidelines indicate strategic direction on privacy in Australia. In addition, Councils are subject to a wide range of disclosure requirements and pressures which renders identifying and protecting sensitive information difficult. A number of issues arise, including how to ensure information that needs to be protected - ranging from commercially sensitive information to personal information to that considered in closed meetings. The misuse or leakage of information, and why it occurs is often due to poor control of data and a lack of understanding of the disclosure and privacy requirements applying.

A notable breach of these may result in serious damage, including damage from the unauthorised release or misuse of confidential information. This may include:

- damage to Council's reputation & confidence in Council.
- damage an organisation's ability to function effectively.
- breach of 'commercial-in-confidence' agreements.
- breach of Local Government Act.
- breach of privacy legislation or suppression order.
- endangering safety or the reputation of an individual.
- increase the possibility of corrupt or illegal practices.

Managing the issues of privacy and confidentiality is essential in building trust and continuing consultative relationships with our community.

The Council is bound by the *NSW Privacy and Personal Information Protection Act 1998* (the "PPIPA") and Privacy code of Practice for Local Government that requires each Council have a Privacy Management Plan. The latter outlines local processes to complement a Privacy Code published by the Department of Local Government.

The issue of quoting individual survey responses in reports - when those surveys have been indicated as confidential - requires some definition. The ABS takes a view in line with privacy considerations that potential identification of individuals or their families is not acceptable. For example, there are few eight person households, or 100 year olds in each suburb, so reports should not refer specifically to these. In similar vein, comments from qualitative data could be quoted in reports provided it was most unlikely to be attributed to a specific individual.

Attachment 3

Protocol for Public Meetings

1. Public Meetings are open to members of the Ku-ring-gai community.
2. Public Meetings will be chaired by the Mayor, the Mayor's delegate, or an independent facilitator.
3. The Agenda for Public Meetings will be set by the Mayor in consultation with the General Manager. Copies of the Agenda, where possible, will be available at least three days before the meeting at the Council Chambers, in Council's libraries and on Council's website.
4. Guest Speakers will be invited by the Mayor.
5. Speakers wishing to address the meeting must register with Council staff at the meeting venue no later than five minutes prior to the commencement of the meeting. People who have not registered prior to the commencement of the meeting will not be permitted to address the meeting. The meeting will not be delayed due to a speaker not being present.
6. Persons addressing the meeting will have a maximum of three minutes in which to speak. The Chair of the meeting will notify speakers of 30 seconds remaining. No extension of time will be granted beyond the three minutes.
7. All addresses at Public Meetings will be tape-recorded.
8. After all speakers have completed their addresses there will be question time of 20 minutes duration. Question time can be extended at the discretion of the Chair.
9. Members of the public are asked to observe the normal courtesy of silence when a speaker is addressing the meeting.
10. Speakers are reminded that no privilege exists in relation to comments made in the address and accordingly should refrain from any defamatory or slanderous remarks.

REQUEST TO AMEND SUBURB BOUNDARY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to a petition to have part of Memorial Avenue, St Ives Chase to be amended to be located within the suburb of St Ives.

BACKGROUND:

On 17 July 2007 Council resolved that the petition for the suburb boundary change be referred to the appropriate Council officer for attention and a report be submitted back to Council.

COMMENTS:

The request has been researched and reviewed. It appears these properties have a long history of being located within the suburb of St Ives Chase and there has been previous consultation on this matter. An amendment of this nature may create an unwanted precedent for the naming of suburb boundaries across the local government area and there is no compelling reason to warrant the proposed amendment.

RECOMMENDATION:

That there be no amendment to the suburb boundary of the properties in Memorial Avenue, St Ives Chase. That the residents be notified of Council's decision.

PURPOSE OF REPORT

To respond to a petition to have part of Memorial Avenue, St Ives Chase to be amended to be located within the suburb of St Ives.

BACKGROUND

On 17 July 2007 Council considered a petition with 14 signatures to have part of Memorial Avenue, St Ives Chase amended to be located with the suburb of St Ives.

The petition reads:-

"As residents of the cul-de-sac at the northern end of Memorial Avenue, St Ives, we have learnt only recently that our official -address has been changed from St Ives to -St Ives Chase. The Geographical Names Board has advised verbally that the change was effected in 1994.

For reasons set out below, we, the undersigned, request that the name of the vicinity be amended back to St Ives as it was previously.

- 1. Six of the eight properties were originally purchased pre 1994, inter alia on the basis that they were located in St Ives and not St Ives Chase.*
- 2. The two properties purchased since 1994, viz No 93 in December 2001 and No 88 as late as December 2005, were purchased on the clear understanding that the location was St Ives. That includes documentation from Council indicating the location as St Ives.*
- 3. The amendment to St Ives Chase was effected without consultation with affected residents, without notice, without any reasons being advanced, and without opportunity to object. Nor was any advice of the amendment provided to residents.*
- 4. The vicinity has always been and continues to be generally perceived as St Ives and not St Ives Chase.*
- 5. With the exception of the last 60 m or so at the northern end of Memorial Avenue, the entire 1.5 km length of Memorial Avenue lies within St Ives.*
- 6. The eight properties in the cul-de-sac should be included in St Ives for the same reasons that the two corner properties, viz Nos 82 and 89 Memorial Aye, and all those properties on the northern side of Toolang Road and fronting Toolang are included in St Ives.*
- 7. It is confusing for anyone looking for Memorial Avenue, St Ives Chase as street directories do not list a Memorial Avenue in St Ives Chase.*
- 8. Despite the change to St Ives Chase apparently having been made some 13 years ago, as late as August 2006 Council was still issuing our Rate Notices and other correspondence addressed to St Ives."*

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Council resolved on 17 July 2007:

That the Petition be received and referred to the appropriate officer of Council for attention & a report be submitted back to Council.

See **Attachment 1** for the area covered by the request for the boundary change.

COMMENTS

Council's Manager of Land Information has reviewed the petition and provided the following response:

1. Council's TCS Property system indicated incorrectly that these properties were in the suburb of St Ives. The data within the TCS Property System was imported from an old Valuer General's rating database. Due to limitations in the TCS system, suburb boundaries could not be changed in relation to individual properties therefore, these properties continued to be shown as being within St Ives until such time as Council implemented the New Proclaim Property System.
2. In 2006/2007 the suburb details within the Proclaim Property System were updated to comply with those held in the Geographical Names Board (GNB) which is the authority for the allocation of suburb boundaries. This resulted in a number of changes being made which included the details for the subject properties.
3. According to Council's mapping records, this section of Memorial Avenue has been known as St Ives Chase since 1975 and possibly even earlier. An old map dated 5 May 1960 also shows these properties as being within the neighbourhood of Warrimoo.
4. On 5 August 1994, the GNB gazetted the suburb boundaries for Ku-ring-gai. This was as a result of a lengthy consultation with the public and Council to reduce the number of suburbs. It would appear that there was no change to the boundary between St Ives and St Ives Chase at this time.
5. It would appear that while Council's TCS records had these properties incorrectly shown as being within the suburb of St Ives, they have in fact been in the suburb of St Ives Chase since the 1960's.

Comment

The request has been researched and reviewed. It appears these properties have a long history of being located within the suburb of St Ives Chase, and there has been previous consultation on this matter.

The suburb boundary amendment could create an unwanted precedent for defining suburb boundaries across the LGA, in this case Toolang road runs generally east- west and is the northern boundary for the suburb of St Ives. Properties that have a frontage to Toolang road are identified within the suburb of St Ives. In this case the request for the properties in the northern section of memorial Ave (No's 84, 86, 88, 90, 97, 95, 93 and 91) to be included have no frontage to Toolang Road and have no connection to the suburb of St Ives.

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If an amendment of this nature is made it could set an unwanted precedent for other streets with similar circumstances, thereby undermining the principles for defining suburb boundaries, resulting in further issues such as confusion over suburb boundaries and naming.

The Geographical Names Board of NSW (GNB) have issued guidelines for determining address localities (**Attachment 2**).

An assessment of the proposed amendment with the guidelines for the establishment of address localities is provided below:-

- Does the proposed address locality represent a new community?

Not relevant.

- Does it have a unique character compared to surrounding areas?

No.

- Is there a significant change of land use?

No.

- Is it isolated physically from the surrounding suburbs or localities?

No, the area is physically similar with the adjoining area and locality.

- What is the vehicular and pedestrian access?

For this part of Memorial Ave to the pedestrian and vehicle access is similar to the surrounding streets.

- There must be community acceptance by the residents and from the surrounding area as well as agreement by local council.

Noted. This report recommends that Council do not support the amendment. The petition has been signed by 12 signatories.

- The name should comply with the GNB's naming guidelines.

Not relevant.

In summary the proposed amendment is not warranted when assessed against GNB guidelines.

In addition there is no other compelling reason to amend the suburb boundary, for example Council is not aware of any issues in finding and locating the properties (eg. for emergency services).

CONSULTATION

The properties covered by the petition and the signatories of the petition have been notified of this matter going to Council.

FINANCIAL CONSIDERATIONS

The cost of preparing this report is covered by the Strategy Department Budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was conducted with all Department of Council. An objection was received from the Operations Department on the basis it would set an unwanted precedent.

SUMMARY

A petition was made to Council to have part of Memorial Ave, St Ives Chase to be amended to be located with the suburb of St Ives. An amendment of this nature is not supported as it may create an unwanted precedent for the naming of suburb boundaries across the LGA and there is no compelling reason to warrant the proposed amendment.

RECOMMENDATION

That there be no amendment to the suburb boundary of the properties in Memorial Avenue, St Ives Chase.

Antony Fabbro
Manager Urban Planning

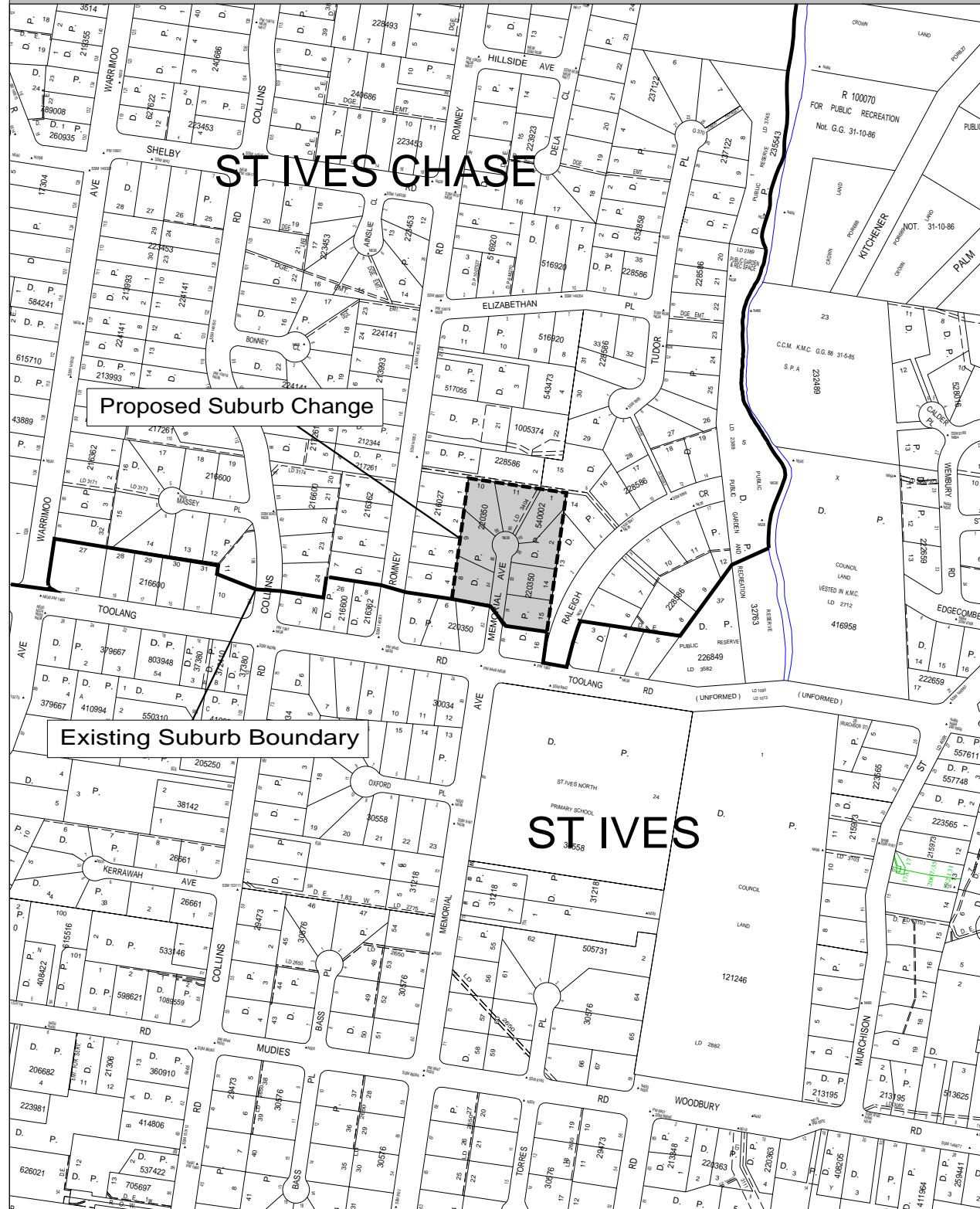
Andrew Watson
Director Strategy

Attachments: Attachment 1 - Existing suburb boundaries map - 920923
 Attachment 2 - Geographical Names Board of NSW Guidelines - 921201

EXISTING SUBURB BOUNDARIES

Memorial Avenue

ATTACHMENT 1



SCALE: 1:4000

DATE: 31-07-2007

SUBJECT PROPERTIES

920923



Determining suburbs and localities in NSW

The Geographical Names Board (GNB) has a statutory responsibility to determine definitive boundaries for suburbs and localities throughout New South Wales.

The GNB works closely with local councils when defining boundaries because local residents are one of the most significant users of the names.

The process of determining boundaries is one of acknowledging existing names and formalising their extent according to common local usage.

Defining an address locality

An address locality is a division of the landscape that has defined limits—a suburb in urban areas or a locality in rural areas. It is the legal name that is used as the last line of address with the postcode.

Guidelines for determining address localities

The GNB has developed the following guidelines for the establishment of address localities within NSW.

- Does the proposed address locality represent a new community?
- Does it have a unique character compared to surrounding areas?
- Is there a significant change of land use?
- Is it isolated physically from the surrounding suburbs or localities?
- What is the vehicular and pedestrian access?
- There must be community acceptance by the residents and from the surrounding area as well as agreement by local council.
- The name should comply with the GNB's naming guidelines.

Process outlined

The process for determining address localities is outlined in the *Geographical Names Act 1966*. The key points of this procedure are:

1. Anyone can place a proposal to the GNB to create or amend an address locality. However, the GNB requires that the local council must concur with the proposal.
2. The GNB recommends that the local council ensures wide community support through public consultation prior to its concurrence.
3. The proposal is then submitted to the GNB. It should include a map showing the proposed boundaries and supporting documentation addressing compliance with the GNB's guidelines.
4. The GNB will then consider the proposal. If approved, it will advertise the proposal in a local newspaper and the NSW Government Gazette (the Gazette) and will also provide maps for public exhibition.
5. The community will have one month to comment on the proposal. If no objections are received, the address locality will be formalised by way of notice in the Gazette and the local council will be notified.
6. If objections are received, the local council is asked to provide feedback. The GNB will either re-advertise the proposal, abandon the proposal or make a recommendation to the Minister for Lands for final determination.
7. Councils can then implement boundaries and names on signposts, rates database etc. It is also a good idea for the council to prepare an item for the local media confirming the determination of the names and boundaries.

Cultural designations

The following categories of names can be used in conjunction with address localities.

- City.
- Town.
- Village.
- Urban place.
- Rural place.
- Historic area.
- Historic site.

It is important to note that these features are unbounded and are represented as points only. As such they cannot be used as the legal name that is used in the last line of the address with the postcode. Furthermore, the GNB allows a name to be designated as both an address locality and a cultural designation (e.g. Bathurst can be both a suburb and a city, Adelong can be both a locality and a town and Cudgen can be both a locality and a village).

Legislation

- *The Geographical Names Act 1966*

For further advice or assistance

For further advice or assistance on determining suburbs and localities in NSW contact the GNB.

Geographical Names Board
Panorama Avenue
Bathurst NSW 2795
T 02 6332 8214
F 02 6332 8217
E gnb@lands.nsw.gov.au
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Department of Lands
Head Office
1 Prince Albert Road
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SYDNEY NSW 2000

T 13000 LANDS
61 2 9228 6666
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www.lands.nsw.gov.au

PLANS OF MANAGEMENT REVIEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council a timetable for the preparation of new and review of existing Plans of Management.

BACKGROUND:

The Local Government Act 1993 requires that all land classified as community must have a Plan of Management. A plan may apply to one or more areas of community lands, a generic plan or to just one site, a specific plan. Council can amend or revoke a plan of management at any time.

COMMENTS:

Council currently has twenty-seven (27) plans of management for community land. There is still no plan for drainage reserves, road reserves and other miscellaneous lands. This report seeks to establish a timetable for the preparation and revision of plans of management to ensure statutory compliance and to maintain the relevance of the plans to inform use and management.

RECOMMENDATION:

That Council consider for adoption the timetable for the preparation and review of its Plans of Management.

PURPOSE OF REPORT

To present to Council a timetable for the preparation of new and review of existing Plans of Management.

BACKGROUND

The management of public land owned or controlled by Council was substantially amended on 1 July 2003 with the commencement of the Local Government Act 1993. This required all community classified land be covered by a plan of management.

In 1998 changes in legislation resulted in the Local Government Amendment (Community Land Management) Act 1998 and subsequent preparation of a practice note for the management of public land by the Department of Local Government, (May 2000). More recent Departmental circulars have advised of changes to the Local Government Act to make the community land management process more efficient for councils.

Plans of management are not only required under the Local Government Act (s36) but are an essential management tool. Under the Act plans of management:-

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

Apart from the benefits of properly managing community land, there are legal requirements under the Act. A plan of management may apply to one or more areas of community land (a 'generic' plan) or to just one area (a 'specific' plan). Councils are free to determine whether a generic or specific plan of management will be prepared for its community land, with a few exceptions.

Sections 36A-36D requires specific plans of management be prepared for certain pieces of community land that is:-

- land declared to be "critical habitat" under the Threatened Species Conservation Act 1995 (s.36A)
- land directly affected by a recovery plan or threat abatement plan under the TSC Act (s.36B)
- land declared by council to contain 'significant natural features' (s.36C)
- land declared by council to contain an 'area of cultural significance' (s.36D).

(Refer to page 6 of Department of Local Government Practise Note 1, Public Land Management. May 2006).

The Act does not specify a frequency for the review of any plan of management. A council may amend a plan of management at any time. If it does so, any amendment is regarded as another plan of management.

Section 40 enables that a council may adopt a draft plan of management without public notification of amendments to an advertised draft plan if the amendments are "not substantial", though noting

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S06604
21 April 2008

“not substantial” is not defined. In applying a substantiality test, it is likely this would consider the community interest in the plan, the nature of the changes (be they administrative or could impact on future activities) and impact that it may have on community use and management by council.

The current plans adopted by Council in date order are listed in Table 1.

To-date not all community land is covered by a plan of management. Land without such a plan include drainage reserves, some road reserves (where classified as community) and other miscellaneous land that have not been picked up through existing generic plans.

Table 1. Current plans of management adopted by Council

No.	Plan of Management	Date Adopted	Type
1	Tennis Courts	June 1996	Generic
2	St Ives Village Green	August 1998	Site Specific
3	North Turramurra Recreation Area	December 1998	Site Specific
4	St Ives Showground	June 1999	Site Specific
5	Rowe Street Car Park	August 1999	Site Specific
6	East Roseville Community Centre	December 1999	Site Specific
7	Canoon Road Recreation Area, South Turramurra	June 2000	Site Specific
8	Firs Cottage, Roseville Park, Roseville	June 2000	Site Specific
9	Community Halls and Meeting Rooms	October 2000	Generic
10	Tulkiyan, 705 – 707 Pacific Highway, Gordon	February 2001	Site Specific
11	Ku-ring-gai Performing Arts Resource Centre (PARC)	March 2001	Site Specific
12	Car Parks	October 2001	Generic
13	Community Groups Centre and Car park, St Ives	October 2001	Site Specific
14	Wahroonga Car Park	October 2001	Site Specific
15	Gordon Golf Clubhouse Precinct	November 2001	Site Specific
16	Gordon and North Turramurra Golf Courses	November 2001	Site Specific
17	St Ives Village Car Park	November 2001	Site Specific
18	Ku-ring-gai Bicentennial Park	August 2002	Site Specific
19	Marian Street Theatre	August 2002	Site Specific
20	Lindfield Library	September 2002	Site Specific
21	Ku-ring-gai Library	December 2003	Site Specific
22	Echo Point Park	June 2004	Site Specific
23	Unit 1, 12-18 Tryon Road Lindfield Lindfield Early Childhood Centre	December 2004	Site Specific
24	Ku-ring-gai Art Centre	(draft March 2005)	Site Specific
25	Parks	September 2005	Generic
26	Bushland Reserves	May 2006	Generic
27	Sportsgrounds	February 2008	Generic

COMMENTS

While there is no statutory period for the review of plans of management, it is good practise to have established a regular review process. This ensures plans remain current, relevant and with statutory compliance. From an operational perspective the plans of management should be the major driver behind the development and implementation of service standards and, as such, their review should also consider and respond to operational issues.

Throughout the various reports to council that have adopted plans of management, there is no standard set governing the frequency of review. While this may reflect the differing scope and impact of the plans, the fact that a number of plans are over 10 years old suggests a formal review process is needed.

For the purpose of policy review, it is recommended that prior to any review or revision of any current plan of management, all community land should be covered by a plan of management. Beyond this, the plans of management should be reviewed on the basis of the adoption commencing with the oldest plan.

Notwithstanding this recommendation, Council resolved on the 25 March 2008 to update the current Bushland Plan of Management. The intent behind the resolution was to provide a more flexible and robust approach in relation to the management of bushland sites containing critically endangered ecological communities. While no date was set for the completion of this review as a resolution, its timing must take priority over the review of existing plans. However given the legislative requirement for all community land to have a plan, this review should follow the preparation of a draft plan of management covering miscellaneous community land not yet covered.

In terms of the impact of any review process, consideration must also be given to the current work program, particularly where specific expertise is required. Further, the review must also consider relevant strategies and business plans, such as Open Space Strategy and other business plans. These too will require review that in turn will impact on workloads.

The program of revision included in the draft Management Plan for 2008/09 has identified a review of North Turrumurra Recreation Area (as resolved by Council on 13 November 2007) and St Ives Showground. It should be noted that the Department of Lands will need to be included in this particular review given they are the owner of the site. The review of the generic tennis courts plan of management will follow the completion of a review of the tennis courts business plan and preparation of a netball facilities plan.

The Bushland Plan of Management review is best undertaken following the mapping of the critically endangered and endangered ecological communities as currently underway. This mapping is scheduled for completion late 2008, with a review of the plan of management soon thereafter.

CONSULTATION

No public consultation has occurred in the preparation of this report.

FINANCIAL CONSIDERATIONS

There will be no impact on the development and review of plans if undertaken by staff at a rate of three plans per year. If this is to be increased, the cost will be in the vicinity of \$25,000 for a generic plan and \$15,000 for a site specific plan, though this has not been budgeted. The review of the Bushland Plan of Management has been identified within the forward work program in the Strategy Department and will be able to be completed without a significant budget impact.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The report has been undertaken with the land information and sport and recreation sections of Council.

SUMMARY

The Local Government Act 1993 requires that all community land must have a plan of management. Council is still in the process of preparing plans of management for all community land and has been reviewing and updating plans over the past 10 years. It is recommended that prior to any future reviews, land not covered by a plan of management be prioritised as part of work program and that three plans be reviewed per year. In 2008/09 the Bushland Plan of Management will also be reviewed, as per a resolution of Council that will follow the completion of the mapping of the critically endangered and endangered ecological communities.

RECOMMENDATION

- A. That a miscellaneous plan of management be prepared to cover all community land not presently covered by existing plans of management.
- B. That three plans of management be reviewed per year in date order, as per Table 1 in the report.
- C. That Bushland Plan of Management be reviewed in 2008/09 following the completion of the mapping of the critically endangered and endangered ecological communities.

Peter Davies
Manager Corporate Planning and Sustainability

Andrew Watson
Director Strategy

REPLACEMENT OF BUS SHELTER AT ILLOURA AVENUE, WAHROONGA WITH ADSHELL-TYPE BUS SHELTER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council approval to replace a vandalised bus shelter situated on Illoura Avenue, Wahroonga, with a single non-advertising bus shelter.

BACKGROUND:

On 17 January 2008, the existing bus shelter situated on Illoura Avenue, Wahroonga was vandalised and as a consequence was substantially removed for the safety and welfare of the public.

At Council's meeting on 11 March 2008, a report on the proposed replacement of the damaged bus shelter was considered by Council. Council resolved to defer to arrange for presentation to assess alternative designs.

A presentation was held on 8 April 2008 where alternative shelter types were presented to interested Councillors.

COMMENTS:

A presentation of six shelters was shown to consider the preferred design option.

It is recommended to install the standard "Classic" style shelter consistent with other shelters constructed across the LGA.

RECOMMENDATION:

That Council approve the replacement of the existing shelter, situated at Illoura Avenue, Wahroonga, with the installation of a Classic style Adshel type, single 3 bay non-advertising shelter.

PURPOSE OF REPORT

To seek Council approval to replace a vandalised bus shelter situated on Illoura Avenue, Wahroonga, with a single non-advertising bus shelter.

BACKGROUND

On the evening of 17 January 2008, the existing bus shelter situated on Illoura Avenue, Wahroonga, adjoining Wahroonga Park was vandalised. Brickwork on the sides and rear was damaged and removed resulting in minimal support for the roof posts. The existing shelter was considered to be hazardous and the roof and damaged brickwork was removed. The bus seat has been kept in place for the use of patrons until a suitable replacement bus shelter can be provided.

At Council's meeting on 11 March 2008, a report on the proposed replacement of the damaged bus shelter was considered by Council. Council resolved:

- A. *That the installation of a new bus shelter adjacent to Wahroonga Park be deferred for staff to arrange a presentation to interested Councillors on alternative designs that may be compatible with the existing features in the Park.*
- B. *That the replacement shelter not incorporate advertising.*
- C. *That a further report be brought back to Council on the preferred design options following the presentation to Councillors and, that funding for the replacement shelter be provided from the Street Furniture Reserve.*

A presentation was held on 8 April 2008 displaying photographs of the various shelter styles and the costs for removal and replacement by Adshel bus shelters.

COMMENTS

The range of six shelters presented included:

- Classic – comprising a curved roof with glass panel sides and full glass sides. This is the existing shelter style installed across the LGA.
- Traditional - Dutch gable roof style.
- Colonial: Hip and valley roof with decorative features on support posts.
- Federation - High gable roof with exposed rafters.
- Boulevard - Curved roof, modern style.
- Eve - Flat roof, one piece structure, modern style.

Based from discussions, the preferred style was the Classic shelter which is the style used throughout the Council area.

Construction of any new shelter will require removal of the remaining materials to enable design for accessibility for compliance with Disability Discrimination Act (DDA) 1992 requirements.

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Benefits of the Adshel shelter were discussed in the report to Council on 11 March 2008. The main benefits were:

- **Consistency:** Over 30 bus shelters have been installed over the Local Government Area under the Contract with Adshel with a further nine (9) additional locations.
- **Disability access:** The existing shelter had limited provision for wheelchair access due to the short brick wall located centrally across the front. Adshel shelters have unobstructed frontal access and provision of space for wheelchair and standing patrons.
- **Function:** Glass panels provide clear unobstructed views with the benefit of wind protection.
- **Lighting:** Improved shelter lighting provides increased visibility and perceived safety.
- **Maintenance:** Adshel shelters are maintained by Adshel under maintenance schedule which are cleaned fortnightly with faults addressed within 24 hours of notice.

In view of the Council's resolution and presentation, it is recommended to replace the existing site with a Classic style, single non-advertising bus shelter

CONSULTATION

Consultation was conducted with nearby residents between 29 January 2008 and 14 February 2008.

FINANCIAL CONSIDERATIONS

Council has resolved that the replacement shelter will not incorporate advertising, the single non-advertising shelter will cost approximately \$31,650 to install, comprising demolition and removal of existing shelter and lighting costs for the new shelter.

In addition, Council will have to fund maintenance work for the life of the structure.

The cost of the installation of the new shelter is proposed to be funded from the Street Furniture reserve and adequate funds are available for this purpose

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with Council's Corporate Department with regard to funding options and with Council's Strategy Department with regard to Wahroonga Park's heritage status.

SUMMARY

A report on 11 March 2008 advised that an existing bus shelter on Illoura Avenue, Wahroonga adjoining Wahroonga Park was vandalised on 17 January 2008 and due to unstable brickwork the structure had to be removed for the safety and welfare of the public.

The report recommended replacement with twin single advertising bus shelters. Council resolved to defer the installation for a presentation to assess alternative designs and that the replacement shelter not incorporate advertising.

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A presentation on 8 April 2008 showed six alternative designs. The Classic style was considered as the preferred design.

RECOMMENDATION

- A. That Council approves the replacement of the existing shelter, situated at Illoura Avenue, Wahroonga with the installation of an Adshel type, Classic style single 3 bay non-advertising shelter.
- B. That funding for the installation of the replacement advertising shelter be funded from the Street Furniture reserve.

Ian Taylor
Manager Engineering Services

Greg Piconi
Director Operations

79 TO 81 KILLEATON STREET, ST IVES - RELOCATION OF STORMWATER PIPELINE AND EASEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider granting approval for the relocation of a Council stormwater pipeline and easement that traverse the proposed development site.

BACKGROUND:

On 20 January 2006, the Land and Environment Court granted deferred commencement consent for Development Application 437/05 subject to conditions in Schedule A.

Schedule A requires the applicant to obtain a resolution from Council that it will consent to the relocation of the pipeline and easement traversing the site.

COMMENTS:

Works involve realignment of the existing 1050mm trunk drainage line and augmentation to 1200 mm diameter, and relocating the existing drainage easement.

Glendinning Minto and Associates, on behalf of the applicant, Mr and Mrs Steiner, have submitted the application and detailed plans.

RECOMMENDATION:

That Council grants approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of this report.

PURPOSE OF REPORT

For Council to consider granting approval for the relocation of a Council stormwater pipeline and easement that traverse the proposed development site.

BACKGROUND

A deferred commencement consent was granted by the Land and Environment Court on 20 January 2006 to the applicant, A. and J. Steiner, for DA437/05, the first stage of a staged dual occupancy development, which will eventually result in 6 residences on the subject site.

Granting of the consent was subject to the following condition in Schedule A:

2. *The applicant is to obtain council's approval for the proposed relocation of the underground drainage system and easement within the subject property. This is to be done by way of a formal written request to council, accompanied by detailed design documentation and payment of the appropriate fee for an application requiring a report to Council, as given in Council's Schedule of Fees and Charges. The report will then be prepared by Council's Technical Services staff. No undertaking is given that the application will be approved.*

Engineering plans for the proposed Stormwater Trunk Drainage Realignment have been submitted (Acor Appleyard Forrest Drawings 332913 P1 to P6, all Issue 1, dated 3/2008).

COMMENTS

An existing 1050mm diameter council pipeline, located within a 2.44 metre wide easement, traverses the development site. A site layout plan is given at **Attachment 1**.

The easement is not expected to be subject to overland flow, due to the configuration of the street drainage system – surcharge from the pit outside would instead flow down Killeaton Street.

Proposed modifications to the Council drainage system comprise:

- i relocate and augment existing 1050mm diameter pipe to 1200mm diameter over a distance of approximately 57 metres.
- ii construct three special pits at junctions and bend.
- iii relocate the easement clear of proposed dwellings.

The proposed locations of the drainage system and easement are shown at **Attachment 2**.

CONSULTATION

Council has consulted with the applicant, Glendinning Minto and Associates. No other external consultation was necessary.

FINANCIAL CONSIDERATIONS

All construction, survey and legal costs associated with the relocation are to be borne by the applicants, who benefit from this work (**Attachment 3**).

The extinguishment of the existing easement and creation of a new easement will be of mutual benefit to council and the applicant upon completion of the physical works. Therefore it is not considered that compensation should be paid by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Development and Regulation has consulted with Council's Operations Department in this matter.

SUMMARY

A deferred commencement consent was granted by the Land and Environment Court on 20 January 2006 to the applicant, A. and J. Steiner, for DA437/05, the first stage of a staged dual occupancy development, which will eventually result in 6 residences on the subject site.

Engineering plans for the proposed Stormwater Trunk Drainage Realignment have been submitted (Acor Appleyard Forrest Drawings 332913 P1 to P6, all Issue 1, dated 3/2008) and are considered satisfactory.

It is considered of mutual benefit that extinguishment of the existing and creation of a new easement be undertaken pursuant to Section 88B of the Conveyancing Act 1919.

All necessary documentation must be carried out prior to issue of the Occupation Certificate.

Following completion of the building construction, the applicant should undertake an inspection of the pipeline by CCTV, with a copy supplied to Council prior to issue of the Occupation Certificate.

RECOMMENDATION

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 2.44 metres wide over the new pipeline.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of the said easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.

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- D. That Council approves the proposal to modify the stormwater pipelines in accordance with ACOR Appleyard Forrest Drawings 332913 P1 to P6, all Issue 1, dated 3/2008, and subject to the following conditions:
- a. The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 - b. The redundant section of pipe is to be backfilled or removed upon completion of the new pipeline.
 - c. The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
 - * After completion of excavation and prior to pipelaying commencing.
 - * After completion of pipelaying prior to backfilling.
 - * On completion of pipeline installation.
- E. That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- F. That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

Kathy Hawken

Team Leader Engineering Assessment Team

Greg Piconi

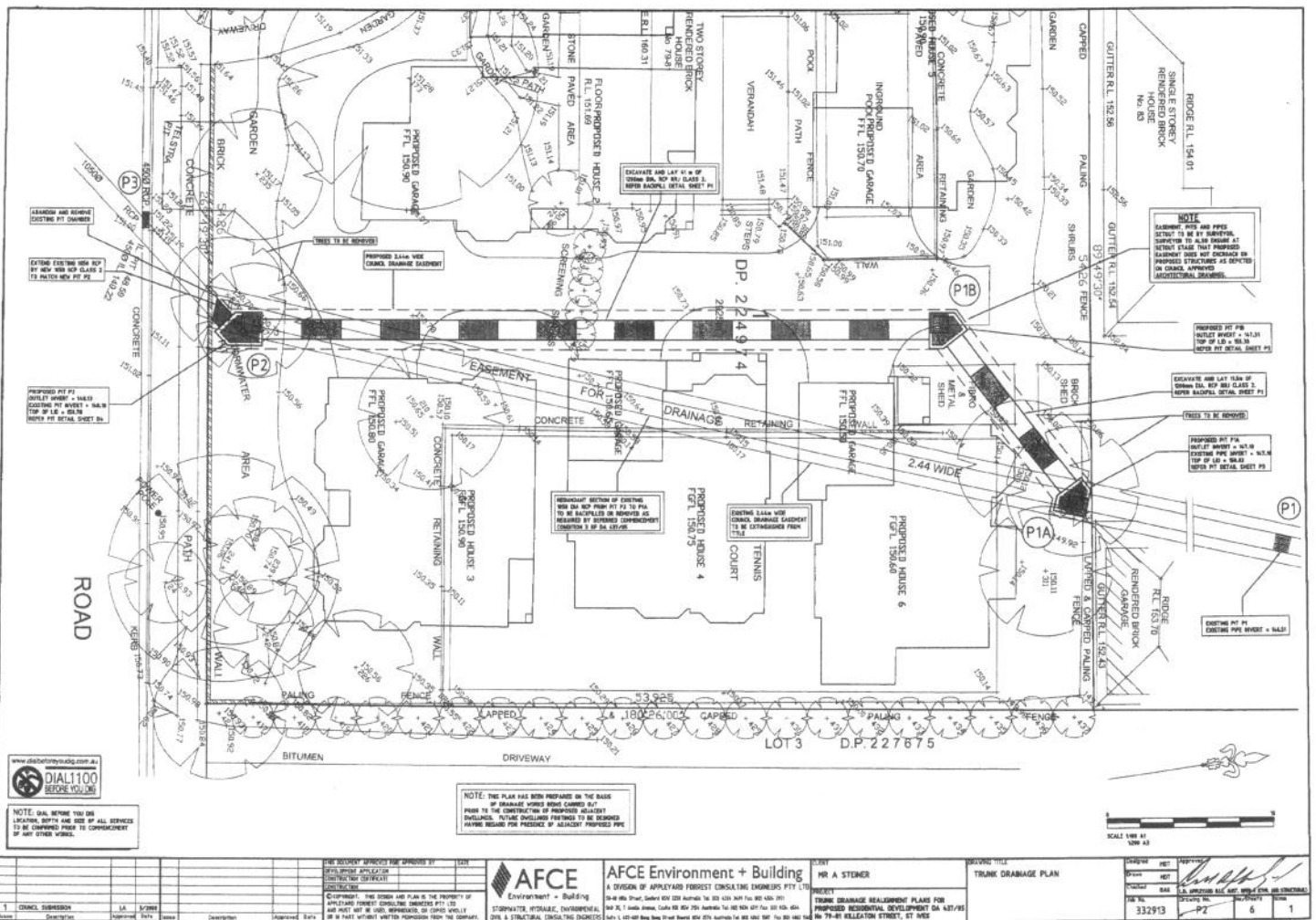
Director Operations

Attachments:

- 1. Site Plan and Location of existing drainage easement - 921456**
- 2. Proposed location of new pipeline and easement - 921456**
- 3. Letter from owners of property - 921456**

INFOMASTER GFE





FUTURE PROPOSED ROAD CLOSURE - BALFOUR LANE, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the formal public road closure of Balfour Lane Lindfield, in order to progress discussions with the adjoining property owners to achieve planning proposals inline with the Lindfield Town Centre Development Control Plan.

BACKGROUND:

In March 2008, Council received a request from the development manager's acting on behalf owners of the Balfour Centre, located on the corner of Pacific Highway and Balfour Street Lindfield, for Council to provide owners consent for the lodgement of a Development Application [DA] for their proposed development, which includes the proposal to incorporate the existing Balfour Lane and provide a new lane, in accordance with the adopted DCP.

COMMENTS:

Although further discussions and negotiations are required between Council and the adjoining owner prior to any potential land transfer, there is nothing deterring Council from commencing the formal public road closure process.

RECOMMENDATION:

That a formal road closure application for Balfour Lane be submitted to the Department of Lands.

PURPOSE OF REPORT

To consider the formal public road closure of Balfour Lane Lindfield, in order to progress discussions with the adjoining property owners to achieve planning proposals inline with the Lindfield Town Centre Development Control Plan.

BACKGROUND

Balfour Lane is a Council-owned public lane off Balfour Street, Lindfield. It is at the rear of a commercial development known as the Balfour Centre, located on the corner of Pacific Highway and Balfour Street, which includes a Coles supermarket.

Balfour Lane is a constructed lane and currently provides access to the supermarket's basement car park at the rear of the property, and to an at-grade car park opposite the lane (owned by the Balfour Centre). The lane also provides access to commercial/retail properties at 386-390 and 406 Pacific Highway, as well as 'entry only' access to the Holy Family Catholic Primary School, and access to an Energy Australia sub-station which is located between the school grounds and the commercial development [**Attachment 1 – location map**]

On 8 November 2006, Council adopted the Ku-ring-gai Town Centres Development Control Plan [DCP]. The adopted DCP identified the proposed closure of the existing Balfour Lane, and site consolidation with the adjoining commercial property, along with a new lane to be constructed at the western end of the at-grade car park [**Attachment 2 – DCP excerpt**]. The existing lane is currently unzoned, but upon the gazettal of the Town Centre LEP, the lane be zoned B2 – Local Centre (if gazetted in a form substantially as proposed by Council).

A Pre-DA meeting was held between Council staff and the adjoining property owners on 29 October 2007, which resulted in staff providing the following advice to the owner;

"The proposed development is not permissible under the KPSO. You are advised that due to the proposal being prohibited it is not appropriate to lodge a DA for the proposed development at this point in time. Further, it is unknown if and when the draft town centre LEP for Lindfield will be gazetted, and if gazetted, whether any significant changes will be made to the development standards contained in the LEP relating to height, FSR, etc.

Council strongly discourages the submission of a development application in the current circumstances. Any application submitted would constitute a prohibited development and Council will have no alternative but to refuse the application on the fundamental issue of permissibility."

On 5 March 2008, Council received a request from the development manager's acting on behalf owners of the Balfour Centre for Council to provide owners consent for the lodgement of a Development Application (DA) regarding their proposed development, which includes the proposal to incorporate the existing Balfour Lane and provide a new lane in accordance with the adopted DCP [**Attachment 2**]. The owners were advised by Council staff that the lodgement of the DA is unacceptable given that the Town Centres Local Environment Plan (LEP) has not been Gazetted and that further discussions and negotiations regarding the potential transfer of Council's lane way have yet to be undertaken.

COMMENTS

Further discussions and negotiations are required between Council and the adjoining owner prior to any potential land transfer, although there is nothing deterring Council from commencing the formal road closure process of the lane.

There are two stages to a road closure process, the first of which involves Council and the Department of Lands (who consult with other instrumentalities) for transfer of Title. The commencement of a road closure application requires a resolution of Council, which is then formalised through the Department of Lands (subject to the requirements of the Roads Act, 1993). The Roads Act requires consultation with all affected/adjoining property owners and concurrence from service and utility providers prior to Council making a submission to the Department of Lands. The process is expected to take between 12 – 18 months.

Once formal closure of the road has been gazetted, the Department of Lands will issue a Certificate of Title to Council in Fee Simple. It is only once Council holds Title over the land that final negotiations would be undertaken with the adjoining property owners for any potential transfer of land.

The commencement of the road closure application does not in any way bind Council to the transfer of Balfour lane to the adjoining property owners. It merely initiates a detailed statutory process, of which any potential transfer would require further negotiations with the adjoining property owners and a resolution of Council prior to any land transfer.

Further, the initial road closure application with the Department of Lands requires that Council nominate whether the land be classified as Operational or Community as defined under the Local Government Act 1993. In order for Council to consider the future development of Balfour Lane, it is recommended that Council resolve for the lane way to be transferred to Council as Operational land.

It is imperative that Council and the community understand that the classification of the land as Operational will provide Council with the flexibility to on-sell the lane in the future. The final decision to sell any Council land requires formal resolution of Council in order to proceed.

CONSULTATION

Formal application and approval is made through the Department of Lands, who also undertake a separate public notification process prior to formal approval.

The Roads Act (1993) requires public notification to all affected/adjoining property owners, service and utility providers. It is only with the concurrence of other State Government instrumentalities that a Certificate of Title will be issued to Council.

FINANCIAL CONSIDERATIONS

The Department of Lands currently charges between \$860 - \$2,000 to process and finalise a Road Closure application.

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A formal survey of Balfour Lane will be required for submission with the application to Lands. This is estimated to cost \$3,000.

Any future discussions and/or negotiations with the adjoining property owners relating to a land transfer will be submitted in a separate report to Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Strategy and Operations Departments have provided input into the development of this report.

SUMMARY

On 8 November 2006, Council adopted the Ku-ring-gai Town Centres Development Control Plan [DCP]. The adopted DCP identified Balfour Lane for future closure and site consolidation with the adjoining commercial property, along with a new lane way being constructed/ provided at the western end of the land currently forming the Coles supermarket at-grade car park.

In March 2008, Council received a request from the development manager's acting on behalf owners of the Balfour Centre, located on the corner of Pacific Highway and Balfour Street Lindfield, for Council to provide owners consent for the lodgement of a Development Application [DA] for their proposed development, which includes the proposal to incorporate the existing Balfour Lane and provide a new lane, in accordance with the adopted DCP.

Although further discussions and negotiations are required between Council and the adjoining owner prior to any potential land transfer, there is nothing deterring Council from commencing the formal public road closure process.

The proposed closure of Balfour Lane accords with the planning outcomes of the Town Centres DCP for Lindfield.

RECOMMENDATION

- A. That a formal road closure application for Balfour Lane, Lindfield be submitted to the Department of Lands.
- B. That, upon issuance of the Certificate of Title for the land known as Balfour Lane from the Department of Lands, the land is classified as Operational Land.
- C. That future discussions and negotiations with the property owners of the adjoining commercial development are reported to Council and accord with development outcomes identified in the Town Centres DCP, Lindfield, prior to owners consent being issued in relation to the potential development of Balfour Lane.
- D. That future discussions and negotiations with the property owners of the adjoining commercial development are reported to Council and accord with development

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outcomes identified in the Town Centres DCP, Lindfield, prior to consideration of the transfer of land in relation to the potential development of Balfour Lane.

- E. That the Ku-ring-gai Planning Panel be advised of Council's decision.

Deborah Silva
Manager Strategic Assets & Services

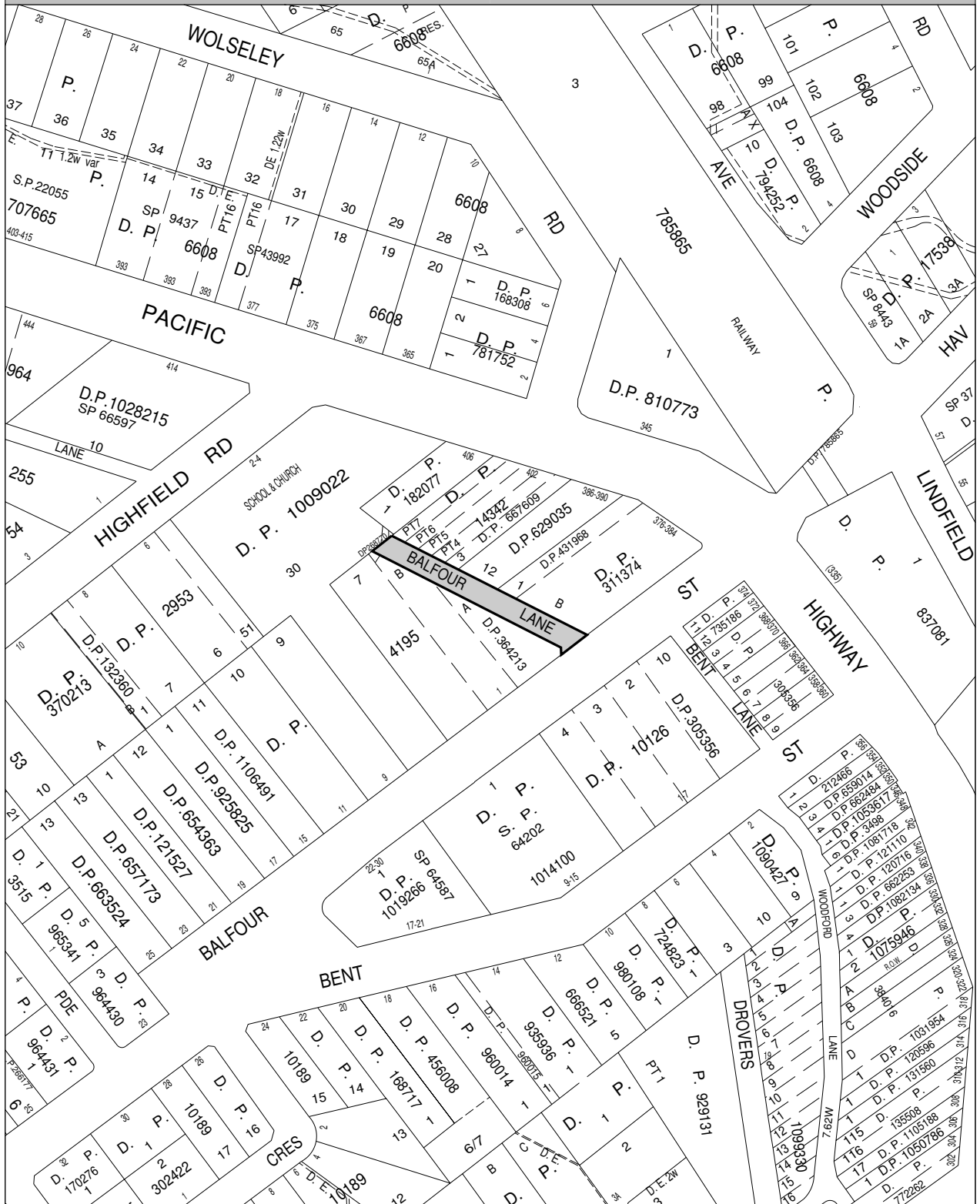
Andrew Watson
Director Strategy

Greg Piconi
Director Operations

Attachments:
1. Location Plan - 921998
2. DCP extract - 917180

LOCATION SKETCH BALFOUR LANE, LINDFIELD

ATTACHMENT 1



SCALE: 1:2000

DATE: 21-04-2008



SUBJECT LAND



L4.8.5 PRECINCTS D AND E BUILT FORM CONTROLS

Key map



- Public Domain**
- new streets or new public connection
 - existing parks/potential open space
 - deep soil zone public domain/riparian management
 - priority public domain strategy/public benefit arcade
 - proposed community use site/building
 - footpath - type 01/ type 02
- Private Domain**
- landscape setback zone
 - retail commercial / commercial only
 - residential - shop top/ articulation zone
 - residential - R3 / articulation zone
 - residential - R4 / articulation zone
 - residential - R4 to 6 storey/ articulation zone
 - heritage existing/proposed
 - proposed character item - potential adaptive re-use
 - number of storeys
 - carpark entry/service dock
 - pedestrian entry - all ground level dwellings
 - pedestrian entry - all upper level dwellings
 - direction of traffic
 - North Shore Line
 - precincts / lot amalgamations
 - existing buildings retain/demolish
 - existing church/school
 - trees existing / proposed
 - public domain pedestrian & street tree zone beyond key sites



PRECINCTS D AND E PLAN

PRINCIPAL LOCAL ENVIRONMENTAL PLAN WORK PROGRAM & TIMETABLE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with a revised work program for the development of the Principal Local Environmental Plan (LEP) and to seek a new resolution of Council under Section 54 of the Environmental Planning and Assessment Act (EP&A Act).

BACKGROUND:

On 24 April 2007 Council resolved to prepare a new Principal LEP for Ku-ring-gai and adopt a draft work program and timeline for its completion. Following notification to the Department of Planning, the Department have requested that Council make a new resolution and revise its work program to ensure proper integration of the Principal LEP with the town centres LEP and the timely completion of the LEP.

COMMENTS:

A revised work program for the Principal LEP has been developed in consultation with the Department of Planning. The work program takes into consideration the need to integrate the LEP with the finalisation of the Town Centres LEP and the requirement to submit the final LEP to the Department with sufficient time to be gazetted prior to March 2011.

RECOMMENDATION:

That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a Principal Local Environmental Plan and that Council endorse the work program for the preparation of the Principal Local Environmental Plan for submission to the Department of Planning.

PURPOSE OF REPORT

To provide Council with a revised work program for the development of the Principal Local Environmental Plan (LEP) and to seek a new resolution of Council under Section 54 of the Environmental Planning and Assessment Act (EP&A Act)

BACKGROUND

On 24 April 2007 Council received a report providing information on the proposed process for preparing a Comprehensive (Principal) Local Environmental Plan (LEP) and associated Development Control Plan (DCP) as a response to State Government requirements. Council has 3½ years to complete its Principal LEP; however, it would be necessary to submit a final draft LEP to the Department of Planning at least 9 months (and preferably 12) prior to the, 31 March 2011 completion date. The methodology/work plan presented to Council provided a timetable for completion by 2011. At the meeting of 24 April 2007 Council resolved the following:-

- A. *That Council adopt the timelines and method for preparing the comprehensive Local Environmental Plan and Development Control Plan.*
- B. *That Council resolve to prepare a new local environmental plan under Section 54 of the Environmental Planning and Assessment Act 1979 and a new comprehensive Development Control Plan consistent with the local environmental plan.*
- C. *That a report be brought back to Council following the receipt of formal advice from the Local Environmental Plan Review Panel and outlining in further detail the project plan and consultation strategy.*
- D. *Add under Point 1 in the finalised Local Environmental Study (LES) in attachment 2, page 519 of the Officer's report, the following words: "threatened species and environmentally sensitive areas".*
- E. *Proposals for interface zones be identified and reported to Council as part of the initial phase of the comprehensive LEP and be finalised by June 2008.*

Following Council's resolution, a Section 54 submission was submitted to the Department of Planning. A response to Council's submission was received from the on Department of Planning in August 2007. A copy of the Department's response is included as **Attachment 1**.

The Department's response identified technical issues in the wording of Council's resolution, particularly regarding the relationship between a new principal LEP and the existing draft Town Centres LEP. To ensure that there was no ambiguity and that the LEP could be legally commenced, the Department has requested that Council make a new resolution under Section 54(4) to prepare a single Principal LEP to cover entire Local Government Area (LGA), ie. including the town centres. The Department's suggested wording for the resolution was included in their correspondence. The Department's wording has been included in the recommendations to this report.

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The response from the Department of Planning also recommends a revised process for the finalisation of the LEP. It was suggested that this could take one of two options.

The first option is for Council to stage the development of the LEP, whereby Stage 1 would cover a contiguous area that includes public transport corridors (rail and strategic bus corridors) and all centres within these corridors with each centre covering at least the relevant radius as outlined in the centres typology from the Metropolitan Strategy. Stage 1 would need to address any existing outstanding issues in these areas eg:

- LEPs that are currently in draft form only;
- heritage;
- interface zones;
- local open space.

Stage 2 would address the remainder of the LGA and be completed by March 2011. Councillors were provided with a presentation on this option at the Planning Forum on 27 November 2007.

The alternative approach put forward by the Department was that, if the staged approach was not followed, then Council are to submit a detailed work plan to the Department for endorsement which identifying key milestones in the development of the Principal LEP. This would also require Council to adopt positions on key planning issues by the end of 2008.

As a result of further discussions with the Department, it is this second option which is recommended for Council to pursue. This approach better reflects imposition of the Planning Panel, which occurred subsequent to the Department's original written advice.

This report outlines a proposed revised work program for the Principal LEP which has been developed in consultation with the Department of Planning. The work program takes into consideration need to integrate the LEP with the finalisation of the Town Centres LEP and the requirement to submit the final LEP to the Department with sufficient time to be gazetted prior to March 2011.

Relationship to Town Centres LEP

In November and December 2006 Council adopted draft Ku-ring-gai Local Environmental Plan (Town Centres), which is in the standard LEP format. The draft Town Centres LEP applies to land in and surrounding the commercial centres of St Ives, Turramurra, Pymble, Gordon, Lindfield and Roseville, introducing standard template zonings and provisions applying to this land. The town centres are effectively the initial stage of the principal LEP and will be incorporated into the final LGA wide principal LEP.

The Minister for Planning has appointed the Ku-ring-gai Planning Panel to finalise the making of the town Centres LEP as well as any necessary extension of the LEP within designated areas around each centre. The extent of the area over which the Planning Panel has plan making jurisdiction were identified on maps contained in the gazetted Order establishing the Panel. The Planning Panel have commenced the preparation of the Principal LEP for the town centres as a result of the resolution of its meeting on 26 March 2008:-

That the Ku-ring-gai Planning Panel resolve to prepare a draft comprehensive Local Environmental Plan for the whole of the Town Centres included in the Environmental

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Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008 dated 29 February 2008 in accordance with section 54 of the Environmental Planning and Assessment Act 1979.

While the Planning Panel was provided with plan making functions for the entire extended town centre areas included in the gazetted maps, it has indicated in discussions with staff that any extension it will make to the existing draft LEP boundaries is likely to be limited to dealing with interface issues and other disputed sites. Should this be the case, then Council would need to finalise the principal LEP for those areas in the Planning Panel boundaries which are not included in the Panel's final adopted town centres LEP. The extent of these areas may not be known for some time.

The Planning Panel has also been given plan making functions for the development of dual occupancy. The exact statutory mechanisms to do this are yet to be resolved and as a result the implications for Council's principal LEP are unknown at this stage.

Draft Subregional Strategy

The Sydney Metropolitan Strategy was released in December 2005 and provides a broad framework to facilitate and manage the growth of Sydney until 2031. The Draft North Subregional Strategy (NSS), which covers Ku-ring-gai and Hornsby, was exhibited by the Department of Planning from 31 October 2007 until 8 February 2008. A submission on the draft NSS was adopted Council on 5 February 2008.

The Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level and will be used to guide the preparation of the Ku-ring-gai Principal LEP. The Department of Planning requires Principal LEPs to be consistent with the objectives and actions of the Subregional Strategy, as well as those of the Metropolitan Strategy.

The North Subregional Strategy is broken down into seven sub-strategy areas, each containing a series of objectives and actions. The strategies are linked to those of the Metropolitan Strategy.

The seven strategy areas are as follows:-

- Economy and Employment.
- Centres and Corridors.
- Housing.
- Transport.
- Environment, Heritage and Resources.
- Parks, Public Places and Culture.
- Implementation and Governance.

Council staff suggested to the Department of Planning that the proposed local environmental studies (LES) and associated strategies identified to be undertaken in the development of the principal LEP align with the seven strategy areas contained in the draft NSS and specially address the various objectives and actions contained in the strategy areas. The proposed approach to align the LES to the draft NSS is outlined below in this report. The Department accepted this suggested approach.

COMMENTS

Development of Local Environmental Studies and Strategies

The preparation of a LES under Section 57 the EP&A Act is a key step in the preparation of a LEP. It provides an objective analysis of the capability and suitability of future land uses and identifies desirable planning goals and objectives and appropriately manages the future natural, cultural, economic and built environment.

As mentioned above, it is proposed to develop a series of integrated local environmental studies and strategies that establishes the planning principles, policy directions and strategic goals and objectives to align the final LEP with the seven strategy areas contained in the Draft Subregional Strategy.

There have been a significant number of planning studies that have already been undertaken by Council in recent years. It is proposed that the development of the principal LEP build upon the key work and studies already completed rather than instigate new baselines studies. Initially these existing studies would be subject to gap analysis to identify areas where information was lacking or where data required updating. This would particularly be the case for some of the studies which are now starting to age. This is considered the most efficient and resource effective approach and avoids duplication of existing relevant data. The LES will be developed from a synthesis of the existing studies and updated data as they apply to the Subregional Strategy areas in order to establish appropriate policy directions and strategic goals and objectives.

In order to best examine the interrelationship between the various themes and issues in the LES, a spatial/map based approach to planning will be conducted, whereby the outcomes of the studies will be put into a series of map layers. These map layers would then be instrumental to informing necessary mapping for the final LEP.

The various studies and strategies to be undertaken are outlined below under each of the draft NSS strategic areas. The majority of these studies are well progressed and will have update reports to Council in June and July 2008.

Economy and Employment

A subregional Employment Lands Study is currently being undertaken jointly with Hornsby Council. This study seeks to identify appropriate responses and recommendations for both Council's principal LEPs to address subregional employment targets. This study is nearing completion with a joint Councillor briefing scheduled in early June followed by the final study being reported to both Councils.

The Councils have been allocated \$40,000 from the Department of Planning's Planning Reform funds to undertake this study.

Centres and Corridors

The Metropolitan Strategy is based around a "centres policy", with the Subregional Strategy identifying a centres hierarchy for each local government area. The draft Town Centres LEP and

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Town Centres DCP largely establishes a centres hierarchy consistent with that of the Subregional Strategy. The key background study informing the centres hierarchy in the Town Centres LEP was the Ku-ring-gai Retail Centres study adopted by Council in 2005. The Employment Lands Study is likely to further refine or verify this proposed structure.

It is proposed that a final comprehensive Ku-ring-gai Centres strategy be developed based on the outcomes of these studies.

Housing

The draft NSS sets a future dwelling target for Ku-ring-gai of 10,000 additional dwellings by 2031 and also sets a number of goals and actions regarding the provision of housing mix and housing choice and address the issue of housing affordability. To address the draft NSS housing requirements, the following studies are proposed.

Interface Sites

In relation to interface sites, the LES will include special research and planning for the interface sites including those created by LEP 194 and 200 and the Town Centres LEP. The purpose of having these examined under this process is to provide a strategic context for considering a range of factors, including the interface study, urban design, heritage, streetscape, housing choice etc, for the purpose of developing appropriate zoning and development standards for these sites within the Principal LEP.

As it stands, the rezoning of interface sites surrounding the six town centres would be resolved by the Planning Panel. This was identified as being part of the proposed Group 3 amendments to the draft Town Centres LEP as reported to the Planning Panel on 26 March 2008. The remaining interface sites which fall outside of the Planning Panel boundaries would need to be addressed by Council through the Principal LEP.

The rezoning of interface sites would provide a solution to those housing areas adjoining land zoned for five storey apartment buildings. An appropriate interface zone will also provide the opportunity for additional yield in the form of medium density housing (eg. townhouses) through the introduction of additional R3 zones on the interface of existing high density and low density areas.

Affordable Housing

An affordable housing issues paper is to be developed which will examine the issue of housing affordability in Ku-ring-gai. This paper will identify any potential policy mechanisms or planning options Council may wish to consider to address the issue. In all likelihood these initiatives, if taken up by Council, will sit outside the new LEP.

A Consolidated Housing Strategy

To date, Council has undertaken considerable work in the development plans to deliver the required housing through its previous residential strategy, housing needs study, LEP 194 and 200 and the draft town centres LEP. The Planning Panel is now charged with finalising the Town Centres LEP and also developing plans for dual occupancy in Ku-ring-gai. It is proposed that a

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consolidated housing strategy be developed which brings together all the various plans developed by Council to date, the plans to be finalised by the Planning Panel and the outcomes of the interface study and the affordable housing issues paper. This will lead to a clear and coherent strategy which aligns with the draft NSS.

Transport

In order to address the objectives and actions of the subregional transport strategy an Integrated Transport and Access Strategy is being developed for Ku-ring-gai. This strategy will pick up on the significant baseline data already compiled by Council in the 2000 RDS baseline study and the Town Centres LEP traffic studies. It will also incorporate the Town Centres Parking Management Plan which is currently being developed.

This strategy will not only inform the development of the Principal LEP, but also identify broader action plans for Council in the areas of:-

- Public transport.
- Walking and cycling.
- Accessibility.
- Road management.
- Transport and land use.
- Parking management, and
- Travel demand management.

Environment and Natural Resource Management

Planning for the protection of natural resources, including threatened species and environmentally sensitive areas and indigenous heritage in the LGA has commenced with the establishment of cross departmental teams in the following areas: vegetation, fauna, bushfire, indigenous heritage and soil and water. The studies will enable Council to address the objectives of regional and subregional plans, such as:-

- the protection of Sydney's unique plants and animals;
- improvement of the health of waterways;
- improvement in the sustainable use of resources;
- addressing and responding to climate change;
- management of bushfire risk;
- the protection of indigenous heritage.

A data audit and gap analysis is well underway. This includes a review of both previous Council studies (including the material prepared for the Environmentally Sensitive Lands LEP) as well as other relevant research. The following has also been achieved to date:-

- Development and trial of a rapid assessment methodology for three of our Endangered Ecological Communities as a significant step in the identification of areas of conservation significance.
- A workshop with other Councils and government agencies to address consistency of biodiversity mapping across boundaries and methods of incorporating biodiversity protection within the LEP.

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- Preparation of a draft integrated water cycle management policy and a draft water strategy to guide future planning.
- Mapping of known and potential indigenous heritage sites (by the Aboriginal Heritage Office).

Key challenges in 2008 for the further development of the strategies are:-

- The development of strategies to address the impacts of climate change.
- The completion of a conservation significance assessment incorporating mapping and information from a range of topic areas, and the results of both internal and informal external consultation.

Heritage and Urban Conservation Areas (UCAs)

The Principal LEP process will also provide an opportunity for the identification and implementation of heritage conservation areas and heritage items within Ku-ring-gai. The proposed heritage conservation work will build upon the work undertaken by the NSW National Trust and the subsequent work on specific areas by Godden McKay Logan, consultants, as well as the potential heritage item review conducted in 2006 (Perumal Murphy Alessi Pty Ltd).

There is also a requirement for this work to link into the interface study as there are many identified potential interface impacts on existing heritage items and proposed urban conservation areas. In preliminary discussions with the Department of Planning (DOP) to date, it has been made clear to Council officers that UCAs, particularly as they relate to the gazetted Town Centres, cannot be used to wholesale limit redevelopment opportunities.

Open Space and Recreation Strategy

A number of studies have been undertaken recently by both the Department of Planning and Council that document key issues related to open space and recreation in Ku-ring-gai. This study will address the current gaps through planning for the following:-

- new local parks to address current undersupply of areas for passive recreation and to cater for new population;
- new urban and civic spaces within each of the town centres to fulfil community and cultural needs;
- additional sportsfields to address the current undersupply;
- multi-activity sites on the fringes of bushland areas to provide regional park facilities similar to those of Bicentennial Park for example;
- provision of special recreation facilities to cater for youth and elderly people who are not currently well catered for in terms of recreation;
- opportunities for tourism and cultural activities including heritage walking trails; and
- walking tracks and trails linking with regional routes and providing local walks linking key facilities.

A data audit and gap analysis is well underway. This includes a review of previous Council and DOP studies, as well as other relevant research and discussions with relevant staff. The following has been achieved to date:-

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- Identification of the need for a Recreation Demand Study to comprehensively research, through discussion with user groups, the recreation needs of residents. This will provide information on the amount of space that has to be planned for over the next 20 years.
- Mapping of existing walking trails within Ku-ring-gai and proposed regional trails in Council areas outside the LGA.
- Identification of heritage issues related to existing Council district parks.
- Identification of preferred sites for new local parks within close proximity of the town centres (to be reported to Council on the 13 May 2008).

Implementation and Governance

In addition to the statutory consultation with state agencies under section 62 of the EP&A Act, it is envisaged that ongoing dialogue will need to take place with specific state agencies and instrumentalities with land holdings in Ku-ring-gai. The purpose of this consultation would be to determine the future intention of specific sites eg. RTA County Road Reservations, Department of Environment and Conservation, County Open Space Reservations, Sydney Water lands, Energy Australia; Department of Education sites and to establish future infrastructure requirements.

Role of Council's Sustainability Plan

Council is currently in the process of developing a Sustainability Plan for Ku-ring-gai. This involves a significant amount of community consultation in identifying key sustainability indicators and targets for the LGA. There will be a good deal of information, data and strategic goals stemming from the Sustainability Plan that can be utilised in the development of the Principal LEP. It is envisaged that the two plans will be closely aligned, if not fully integrate.

Consultation Strategy

As part of the development of the various local environmental studies and strategies, targeted consultation is being developed with key community and state government stakeholders. Update briefings will be provided to Councillors via planning forums with update reports on each study scheduled mid 2008.

Once the various studies and strategies are complete and adopted by Council in a draft form (scheduled for December 2008) a formal public exhibition of the studies is proposed before finalising the drafting of the Principal LEP. This exhibition is scheduled to occur in early 2009.

A separate consultation strategy is to be developed for the whole Principal LEP process. This strategy will establish a framework for appropriate consultation with all relevant stakeholders in the process. This consultation strategy will identify:-

- who to engage – including residents, community groups, business groups State and Federal Agencies, non-government organisation's and other relevant stakeholders and will ensure that all consultation is representative of the whole community;
- how to engage – identifying appropriate processes and techniques are used to best engage various parties;
- most efficient and effective processes in terms of time, resources and funding; and
- feedback and reporting techniques to keep all informed throughout the process.

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Revised Timeframes for Delivery of Principal LEP

Below is an overview of the revised key stages and timeframes for the completion of the Principal LEP.

<i>Project element of milestone</i>	<i>Completion date</i>
Council resolves to prepare draft plan and notifies the Department of Planning (Section 54)	April 2008.
Local Environmental Studies/Strategies	
Economy and Employment • Employment Lands Study	June 2008.
Centres and Corridors • Consolidated Centres Strategy	Dependent upon completion of Town Centres LEP.
Housing • Interface Study • Affordable Housing Issues Paper • Consolidated Housing Strategy	Update report June/July 2008. Final drafts December 2008.
Transport • Integrated Transport and Access Strategy	Update report August 2008. Final drafts December 2008.
Environment, Heritage and Resources • Natural Resource Management • Vegetation mapping • Riparian lands/soil and water management • Bushfire • Indigenous heritage • Heritage/UCA's	Update report June/July 2008. Final drafts December 2008.
Parks, Public Places and Culture • Open Space and Recreation Strategy	Update report June/July 2008. Final draft December 2008.
Implementation and Governance • State Agency Land/Infrastructure Requirements	June/July 2009.

<i>Project element of milestone</i>	<i>Completion date</i>
Report final environmental studies to Council – Council adopt draft principles for LEP to address findings of studies.	December 2008.
Public exhibition of draft LES	February – March 2009.
Council final adoption of LESs	May 2009.
Preparation of draft LEP Instrument	January – May 2009.
Consultation with State agencies (s.62)	June 2009.
Council adopt final Draft LEP to submit under Section 64	September 2009.
Draft plan submitted to the Department of Planning (s.64). Draft Plan certified to enable exhibition (s.65)	October 2009.
Environmental studies and draft plan simultaneously exhibited (s.66)	March 2009.
Council considers submissions and makes amendments, as required.	March – May 2010.
Final draft LEP adopted by Council	May 2010.
Council submits draft Plan to the Department of Planning (s.68 (4))	June 2010.

This timeline will be submitted as part of the section 54 satisfaction to the Department of Planning. A more detailed timeline will be reported via Council's Planning Forum.

It should be noted that a number of the local environmental studies and strategies will be linked to progress of the town centres and dual occupancy LEP by the Planning Panel. To this end, Council officers are currently in the process of developing a draft project timetable with the Planning Panel and the Department of Planning which aligns the Town Centres LEP, Dual Occupancy LEP and Council's Principal LEP. Council will be separately briefed about these concurrent project timelines once they are adopted by the Planning Panel.

It is proposed that Council's Planning Forum will be the main reporting committee for progress on the initial development of the Principal LEP – until the main consultation strategy has been adopted.

Consultation with the Department of Planning Regarding Housing Targets Under the Principal LEP

At the quarterly meeting between Council staff and the Department of Planning on 12 March 2008 the matter of Council's ability to achieve the 10,000 dwelling target under the Draft Sydney North Subregional Strategy was discussed.

It was noted that Council understood that the 10,000 dwellings required from Ku-ring-gai to meet the Draft Sydney North Subregional dwelling targets will be achieved from the town centre areas and other areas within the overall Ku-ring-gai LGA, not solely from the town centres. It was agreed at the meeting that it was unreasonable to expect more than 70% of capacity built into a planning instrument to be taken up. Consequently, to achieve 10,000 new dwellings in order to satisfy the Draft Sub Regional Strategy, capacity in the order of 14,500 dwellings would have to be built into the Town Centres LEP and the new Principal LEP.

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Council officers are confident that this target can be met through the Town Centres LEP and additional potential yield provided by the UTS and Sydney Adventist Hospital State significant sites outside the town centres. In addition, the inclusion of "interface sites" would further aid the achievement of the housing targets and broader objectives of housing diversity. With this existing yield included in the Town Centres LEP, combined with the appropriate rezoning of the remaining interface sites outside the town centres by Council under the Principal LEP, it was agreed that the 10,000 dwelling target should be able to be met. This would then negate the need for Council to provide any significant additional yield through the initial Principal LEP beyond that already discussed. In this respect, it is largely intended to translate remaining Ku-ring-gai Planning Scheme Ordinance (KPSO) zones and provisions into the Standard Template equivalent.

The Department of Planning did not raise objection to this proposition, however, clarification of the meeting outcomes in writing is currently being sought.

This approach will allow housing diversity objectives to be achieved, rather than simply providing 10,000 new units in five and six storey configurations.

CONSULTATION

Considerable public consultation will be required in order to develop a new LEP and DCP for Council. The need to prepare a specific consultation strategy for the Principal LEP has been identified within this report. There will be many projects running concurrently within the various themes outlined in this report. The community consultation strategy will address the co-ordination of feed back for this process. The consultation strategy will be subject to a further report to Council. Where possible, however, consultation might be able to be coordinated with similar processes being carried out by the Planning Panel.

To date as part of the development of the various local environmental studies and strategies, targeted consultation has occurred within key community and State Government stakeholders.

FINANCIAL CONSIDERATIONS

Financial requirements for this process are identified in Council's Management Plan over the plan preparation period there will be significant project funds required with staff input across the organisation. To date Council has received Planning Reform Funds of \$200,000.00 for Stage 1 – Ku-ring-gai Town Centres and Council has received notification from the Department of Planning of \$40,000.00 towards a joint Employment Lands study with Hornsby Council. Council will be seeking additional funding via Planning Reform funds throughout the project.

At this point in time the resourcing requirements of the Planning Panel are not fully understood. It is likely, however, that given four major concurrent plan making processes are currently underway (town centres group 1 and 2 amendments, dual occupancy, town centres group 3 amendments, and balance of comprehensive) where Council would ordinarily only be conducting two (town centres and balance of comprehensive), that there will be significant additional call on Council resources. It may be necessary to bring extra specialist resources in-house on a contract basis to complete the significant planning process which Council must undertake. This could be done by reallocating funds from the Planning Projects allocation in the Non-Capital Projects Budget for

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2008/2009 and 2009/2010. Though there would be a limit to the specialist tasks that would ordinarily be carried out with this budget allocation. If this approach is deemed necessary, a further report will be submitted to Council for consideration.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from all Council divisions will be involved in preparation of a Principal LEP and DCP for Ku-ring-gai. The new Council structure will assist in an integrated planning approach to preparing the Principal LEP.

SUMMARY

A revised work program for the Principal LEP has been developed in consultation with the Department of Planning. The work program takes into consideration the need to integrate the LEP with the finalisation of the Town Centres LEP and the requirement to submit the final LEP to the Department of Planning with sufficient time to be gazetted prior to March 2011.

RECOMMENDATION

- A. That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a Principal Local Environmental Plan (LEP) consistent with the standard instrument for the entire Ku-ring-gai local government area. The LEP will amend the Town Centres LEP.
- B. That Council endorse the work program for the preparation of the Principal LEP for submission to the Department of Planning.

Craige Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban Planning

Andrew Watson
Director Strategy

Attachments: **Letter from Department of Planning in response to Council's Section 54(4) notification - 825542**



NSW GOVERNMENT
Department of Planning



Mr Antony Fabbro
Manager, Urban Planning
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Our ref: Y07/2020 & CS 07/538
File: S07/00970
Your ref: s04541

Dear Mr Fabbro

Subject: Ku-ring-gai Comprehensive LEP – Section 54(4) Notification

I am writing in response to Ku-ring-gai Council's letter dated 25 June 2007 advising of Council's decision to prepare a draft local environmental plan (LEP) under section 54(4) of the *Environmental Planning and Assessment Act 1979* (the Act) for the Ku-ring-gai local government area (the Principal LEP).

Council's resolution on this matter is welcomed. However, following careful consideration of Council's advice and further discussions with Council officers, the Department requests that a new section 54 resolution be adopted by Council to ensure legal certainty. While the Council's 24 April 2007 resolution in item "B" identifies the preparation of "*a new local environmental plan under Section 54 of the Environmental Planning & Assessment Act 1979 and a new comprehensive Development Control Plan consistent with the local environmental plan*", other aspects of the resolution in item "D" strongly indicates that Council was contemplating an LEP to cover the local government area excluding the lands in the Town Centres LEP. The EPA Act and Regulations that give force to the (*Standard Instrument (Local Environmental Plans) Order*, that introduces the Standard Instrument, require that one Principal LEP cover the whole local government area.

Additionally, advice to councils (*Standard Instrument (Local Environmental Plans) Order Questions and Answers, 31 March 2006*) stresses that the strategic framework is to be taken into account. The detail such as that referred to in Items "A", "D" and "E" in particular, is therefore not appropriate. A suggested wording would be:

That Council resolve under section 54 of the Environmental Planning and Assessment Act 1979 to prepare a principal local environmental plan (LEP) consistent with the Standard Instrument for the entire Ku-ring-gai local government area. The LEP will amend the Town Centres LEP.

While reconsidering the section 54 resolution, Council should note that the Department considers that staging this LEP could be the best way for Council to ensure that key planning issues within the LGA are addressed in a timely manner. Stages will need to have sufficient scope and content to comply with section 33A of the Act and also to provide an holistic appreciation of controls and their consistency with the outcomes of the Metropolitan Strategy and draft North Subregional Strategy.

The Department recommends that Council should focus on the following stages:

1. The first part of the next stage of the LEP should cover a contiguous area that includes public transport corridors (rail and strategic bus corridors) and all centres within these corridors (with each centre covering at least the relevant radius as outlined in the centres typology from the Metropolitan Strategy).

This stage should also seek to address any existing outstanding issues (for example, from LEPs that are currently in draft form only, such as heritage issues) and issues that arise as a result of planning in the above-mentioned corridor areas – such as interface zones and local open space.

A clear proposal for the area / extent of this stage and timeframe for completion should be submitted to the Department along with the section 54 notification.

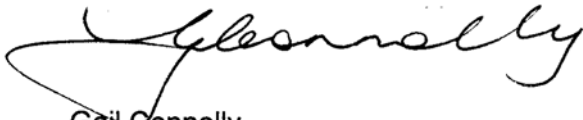
2. The second and final stage should address the remainder of the area covered by the LGA and be completed by March 2011.

If Council chooses not to formally stage the LEP process, Council is to submit, with its s54 notification, a work program outlining key milestones to the Department for endorsement.

~~Irrespective of whether the LEP is formally staged or not, Council should ensure that it adopts a position on key planning issues by the end of 2008. To this end, I urge you to closely liaise with the Department's Regional Team throughout the preparation of the LEP. Should you have any queries in regard to this matter please contact Peter Adrian on 8374 5926.~~

I would encourage Council to focus its strategic planning effort to ensure that it will have the entire comprehensive LEP in place by March 2011.

Yours sincerely



Gail Connolly
Executive Director
Metropolitan Planning

5/9/07

DRAFT MANAGEMENT PLAN 2008 TO 2012, BUDGET & FEES & CHARGES & 2008/2009 CAPITAL WORKS PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To place Council's 2008-2012 Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 on public exhibition.

BACKGROUND:

Section 402 of the Local Government Act (1993) requires Councils to produce an Annual Management Plan which identifies its principal activities and objectives for the next three years.

Section 405 of the Local Government Act (1993) requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days which allows for community feedback.

COMMENTS:

Council has identified six principal activities and a number of objectives have been formulated for each principal activity. The Plan proposed the introduction of a stormwater charge and has also included the Capital Works program for 2008/09.

RECOMMENDATION:

That Council adopts the Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 for the purpose of public exhibition.

PURPOSE OF REPORT

To place Council's 2008-2012 Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 on public exhibition.

BACKGROUND

Section 402 of the Local Government Act (1993) (LGA) requires Councils to produce an annual Management Plan which outlines its principal activities for a period of three years. The statutory contents of the Plan are set in sections 403 and 404 of the Act. As part of the preparation of the plan, the draft must be placed on public exhibition for at least twenty eight days and a public notice must be given to invite community submissions. Pursuant to section 406 the Council's Management Plan must be adopted prior to the end of each financial year.

Contained in the draft Management Plan is the funding model for the delivery of the services and the capital works programs for the coming year. This has been developed in accordance with Council's Long Term Financial Model (LTFM) as adopted at the Ordinary Council meeting on 11 December 2007. Notable in the model is the proposal to introduce a levy for stormwater works (pursuant to section 496A of the LGA).

In the past Council has considered its capital works program following adoption of the Management Plan. The approach taken this year is to incorporate the forward program within the Management Plan that should limit any delays in commencement of works and enable a full 12 month of planning, design and construction to occur.

COMMENTS

In the development of the draft Management Plan, six principal activities have been identified:

- Civic Leadership and Corporate Services
- Built Environment
- Natural Environment
- Integrated Planning
- Financial Sustainability
- Community Development

Within each of these activities the long, medium and short term goals have been set as well as the identification of issues that have the potential to affect reaching these goals. Linked to the goals are a number of statements that outline what will be done in the year ahead and a number of key performance indicators designed to track performance over the 12 month period and beyond. Key Performance Indicators are also allocated to economic, social, environmental and governance themes. **Appendix A** provides a copy of the draft management plan.

For the most part, the KPIs have been adapted from the previous year to reflect the medium and longer term outcomes. In some cases specific targets have been set to provide a quantitative basis for performance evaluation and review, noting that this is an emerging trend for local government with limited precedents on which to set benchmarks. Examples include customer satisfaction on

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the delivery of services, human resource statistics and improvements to energy and water conservation.

For the second year, the Plan and subsequent reporting will use the global reporting sustainability system known as the Global Reporting Initiative (GRI). This has been developed and applied by the United Nations and European Commission for public and private agency planning and reporting. The GRI has its own set of indicators that have been incorporated within this plan and will be reported separately in the Council's Annual Report.

As part of the preparation of the draft plan, the Schedule of Fees and Charges must also be placed on public exhibition. The setting of fees and charges is consistent with Council's pricing policy that reflects the provision of goods and services across five areas: community service obligations, natural monopoly, statutory fees, regulatory fees, and entrepreneurial activities. In most areas changes to fees and charges reflect general increases in service costs and inflation.

As required by the LGA, progress against the Management Plan is reported on a quarterly basis with specific emphasis on the achievement or otherwise of the key performance indicators.

Capital works

On 11 December 2007 Council adopted a 20 year Long Term Financial Model. The model was prepared on the basis of considering four cases or scenarios that outlined funding proposals for future capital works programs. The four cases are detailed below:

Case 1 Base: Current level of service as per the 2007/08 revised budget and includes projects from the 2000 and 2004-2009 S94 Plans, expanded out over the 20 years and adjusted by forecast indexes as detailed in the model. Previous S94 Plans have been used as a funding source. This case is considered financially sustainable.

Case 2 Sustainable Assets: Base case plus the expenditure required to address the infrastructure assets renewal gap, including both operational and capital costs. The general over-arching principle associated with asset management is the requirement to maintain assets to a satisfactory standard.

This case is also considered to be financially sustainable. It includes the addition of a Stormwater Levy and requires additional drawing down of reserves over the first few years of the model. The implementation of this case would be affected by the development and adoption of a strategic asset management plan for all asset classes.

Case 3 Committed/Special Projects: Base Case plus Sustainable assets case plus committed/special projects, such as North Turrumurra Recreation Area, Chambers refurbishment, Marion Street Theatre Upgrade, West Pymble Pool Upgrade, St Ives remediation and SES relocation. Under this case the internal project reserves would be exhausted by around 2012/2013 if all projects proceed. This case is not financially sustainable therefore Council may need to look at borrowings to fund some of the shortfall, additional revenue sources and retiming of some of the projects. Additionally, Council could review and prioritise projects to determine if all of them should proceed and at what cost.

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Case 4 Strategic Direction: Base case plus Sustainable assets case plus committed/special projects plus total project portfolio, including Draft Town Centres Facility Plan. Under this case there is a need to explore opportunities to generate additional income and it is not considered financially sustainable at this stage.

Council has committed to a sustainable asset approach (Case 2). While a lot more work is required to identify the funding gaps and strategies for the management of all asset classes, the proposed programs for 2008/09 is based on the assumptions in the Long Term Financial Model, as summarised in Table 1.

Table 1 Capital Works funding allocation for Case 1 and Case 2 projects for 2008/09

CAPITAL WORKS PROJECTS IN 2008/09			
	Case 1	Case 2	Total
	\$000	\$000	\$000
Infrastructure Projects			
Canopy Replenishment (Tree Planting)	129		129
Environmental Levy Program	1967		1967
Road Rehabilitation	4777	541	5318
Business Centre Improvements	190		190
Drainage Works	334	266	600
Catchment Management	162		162
Footpath Works	408		408
Traffic Facilities	154		154
Park Improvements	217	150	367
Sportsfield Improvements	1336	144	1480
Playground Improvements	161	50	211
Sports Courts Improvements	171		171
Buildings refurbishment		190	190
Fencing & Parking Areas		150	150
Open Space acquisition	13582		13582
West Pymble Pool Stage 5	396		396
Gordon Golf Course (Sewer Mining)	2053		2053
Operating Asset Turnover			
Library Resources	530		530
IT Equipment	135		135
Plant & Vehicles	1076	80	1156
Furniture & Other	10		10
Other Projects			
Planning Projects	269		269
Public Domain Study and Manual	111		111
Catchment Analysis	108		108
Community Projects	54		54
Election	523		523

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CAPITAL WORKS PROJECTS IN 2008/09

	Case 1	Case 2	Total
IT Systems Projects	108		108
Communications - Reputation Survey	30		30
Intranet	30		30
Info Kiosk	35		35
Handheld infringement devices	116		116
Depot Relocation	6000		6000
TOTAL	35,172	1,571	36,743

The proposed projects have been identified under the following programs with details of each below:

Building Refurbishment

There are a number of Council buildings that require significant work to bring them to a satisfactory standard and a condition audit is currently being carried out to advise on the works required. This is expected to be reported to Council in July 2008. Also, Council is considering of list of new facilities associated with the Town Centre planning.

There are however some works that are considered necessary to allocate funds, those being, refurbishment works to the Council Chambers to upgrade offices, the possible creation of a men's shed and improvements to the HACC centre for Meals on Wheels. Consequently, \$190,000 has been allocated under Case 2 for these works to be carried out.

Canopy Replenishment Program

This program focuses on retaining the leafy character of the local government area, establishing bio-linkages, improving landscape and streetscape character and increasing indigenous canopy trees in areas adjacent to threatened species and endangered communities. Over 18,000 trees have been planted since the commencement of this program in 2000.

In 2003 Council adopted a five year prioritised planting program that included planting within parks and sportsgrounds. The 2008/09 program will continue to engage new tree nurturers as well as to initiate activities to maintain the interest of existing volunteers including schools, scouts, guides and other community groups.

Funding for this program is \$129,000 and has targeted approximately 200 streets and open space areas. It is expected that around 4,000 trees will be planted during this financial year.

This year's program will also incorporate an audit of previous programs and undertake maintenance of trees planted as well as identify opportunities to undertake infill planting where gaps exist due to vandalism, death or objection to planting in the past.

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16 April 2008**Environmental Levy Program**

In June 2005, the Minister for Local Government approved Council's application for a five percent special rate variation to fund a range of environmental initiatives. The seven year program identified revenue in the first year (2005/06) of \$1,760,000 rising to \$2,163,000 by 2011/2012.

As part of the development and consultation of the program, ten themes were established, including: water sensitive urban design, sustainable town centres, biodiversity, water and catchments, community partnerships, recreation, fire management, regulation and enforcement, monitoring, evaluation and communication. Within each of these themes specific projects were identified over the course of the seven years.

Expenditure across the areas is described in **Attachment 1**. The total funding for environmental levy works in 2008/09 is \$1,967,175

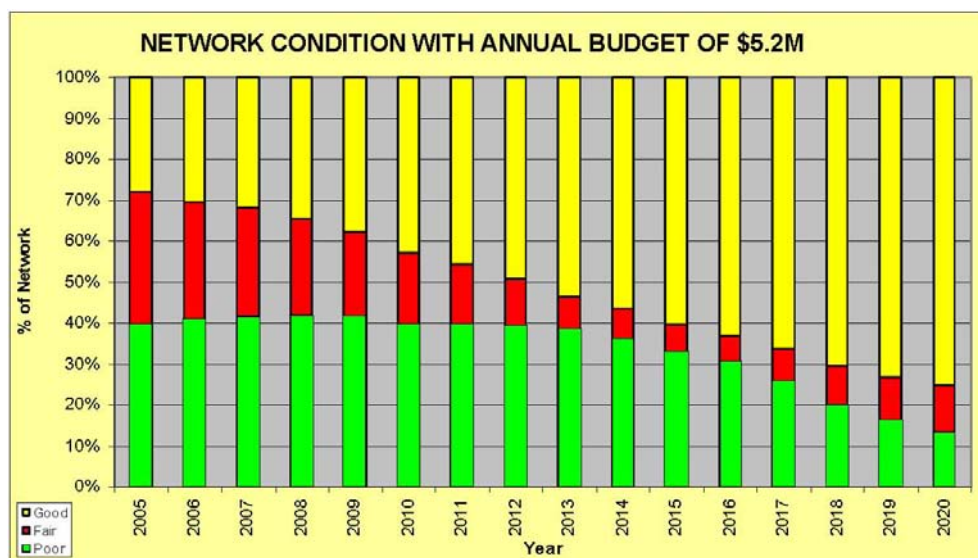
Works in this year's budget will focus on eight areas with details of key projects listed below. These projects have been discussed with the Environmental Levy Program Committee, minutes of which are reported to Council.

Road Rehabilitation Program

On 3 July 2001, the Minister for Local Government approved Council's application for a special rate levy to increase funding for road infrastructure rehabilitation works. Council resolved in August 2004 to apply for an extension of the Infrastructure Levy commencing in 2006/07 and this was approved by the Minister on 28 June 2006. The Infrastructure Levy provides approximately \$1,900,000 per annum for seven years which is indexed over time.

In 2001/02, Council resolved to commit \$4,000,000 to road works and this amount was to be indexed annually. Hence, the current indexed figure for road works is \$4,776,500.

Council's Pavement Management System in 2005/06 indicated that a minimum of \$5.2 million is required to upgrade Council's roads and achieve a satisfactory standard for all roads over the next 15 years as shown in the graph below.



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Council's long term financial model has included a scenario for bring Council's assets up to a satisfactory standard. Therefore an additional \$540,000 has been added to the road program in order to address the asset gap. Included in the attachments is a copy of the proposed 2008/09 program and the rolling works program. Therefore, the total allocation for roads in 2008/09 is \$5,318,500.

Funding for the Regional Road works proposed for future years will be subject to assessment by the RTA based on Council's submission and the benefit cost ratios. In addition to this, heavy patching works will be carried out on other Regional Roads using the Block Grant funding.

Public utility authorities are notified of Council's five year road program seeking comment on any utility upgrade program.

The Rolling Works Program assists with future planning, designs and communication with residents on the likely timing of works. It should be noted that while Council has completed a number of roads over the last five years there is still approximately 150 kilometres of roads that are rated as unsatisfactory or failed.

Attachment 2 provides a list of works under this program

Footpath and Business Centres Program

An amount of \$408,000 has been allocated for the construction of new footpaths in 2008/09. Additional funding may become available for cycleway works if funding is provided by the RTA.

On 30 April 2002, Council adopted a ranking criterion for new footpaths where no formed footpath previously existed. At that time only 32% of the Ku-ring-gai area has formed footpaths and Council had approximately \$12,000,000 in its list of requested footpaths based on requests from residents dating from the 1970's.

Since that time Council has allocated approximately \$365,000 per annum (indexed) in its budgets which have resulted in the construction of approximately 16 kilometres of new footpaths and 9.0 kilometres of cycleways.

Earlier footpath programs were based on a list of paths requested by residents. Using data obtained from the Pavement Management System, it has been possible to map all existing footpaths in the Council area. It became apparent that many streets close to railway stations and shops with significant pedestrian and vehicular traffic had no footpath, yet no request has been recorded.

Since then the list has been reviewed to include all streets within 500 metres of railway stations and the St Ives shopping centre and within 300 metres of suburban shops regardless of whether or not a request had been made. Paths on both sides of all streets with more than 5,000 vehicles per day have also been added together with projects which were requested or petitioned for by residents in the past year.

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Council changed its ranking criteria last year to help distinguish between a number of equally ranked footpaths.

In 2006, Council adopted the Business Centres program for the neighbourhood centres up to 2008/09. Most of the works in the 2007/08 program have been completed with the exception of the upgrade to West Pymble shopping centre. This is currently being designed for consultation with the local businesses.

It is not proposed to extend the program beyond 2008/09 at this stage as it is intended to fund works in the shopping centres with funding from development contributions and in accordance with Council's proposed Public Domain Manual. A review of ongoing funding will be undertaken after 2008/09.

Attachment 3 and 4 provides a list of works under new footpath and business centres improvement programs.

Golf Course Improvements (Sewer Mining)

The Gordon and North Turramurra Golf Courses Plan of Management adopted November 2001 sets the framework and performance targets for the management of the courses. Key aspects include improvements to the courses, water management and to incorporating the principles of total catchment management. The golf course improvement reserve is used to implement the plan of management. This reserve collects funding for the courses and has for a number of years been accumulating to fund a sustainable water project and provide irrigation for Gordon Golf Course.

On 13 November 2007 Council resolved to appoint a contractor to design and construct a sewer mining plant to provide recycled water for the irrigation of Gordon Golf Course. Funding for the project was outlined in the November report and includes: NSW Government Grant (Water Savings Fund) \$830,000; Golf Course Improvement Reserve \$1,098,365; Golf Course Improvement Levy (2007) \$244,300; and Golf Course Improvement Levy (2008) \$86,731. This represents a total of \$2,259,396. Funding will be used for the design and construction of the project. Expenditure will spread over two financial years 2007/08 and 2008/09 with eighty percent of the cost value of the construction component will be due at the completion of construction, in 2008/09.

Open Space Acquisition Program

The 2009 Section 94 Plan identifies a combined total of \$13,582,800 for expenditure in Lindfield and St Ives in 2009 as part of Council's Open Space Acquisition Program. This is guided by the Open Space Acquisition Strategy that Council adopted in October 2007. Depending on the outcome of a forthcoming report to Council in relation to the Open Space Acquisition Strategy (scheduled for 13 May 2008) that will outline possible acquisition sites for new and extensions of existing parkland and specifically how Council will approach non-compulsory acquisition, the amount may not be fully expended this financial year.

Open Space Acquisition Program Funding Source	Amount
Section 94 - 2004 Plan	\$13,582,800
Total	\$13,582,800

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Park Improvements Program

Council maintains over 250 parks across the local government area. Funds from this program are supported by Section 94 funds, grants and the Environmental Levy (to a limited extent).

Receiving priority consideration within this program are off-leash area upgrades (one per year from the prioritised program), park improvements that support the playground and sportsfield development programs, matching funds for Metropolitan Greenspace Grants and implementation of District Park Landscape Masterplans.

Proposed works for 2008/09 are included within **Attachment 5** along with forward design and draft program for the following four years.

Total funding available in 2008/09 for Parks Development is \$366,790.

Playground Improvements Projects

In 2002 Council adopted a ten year strategy for playground replacement and embellishment with \$150,000 per year allocated to the program. Case 2 adds a further \$60,000 to the program which will further assist Council to proactively bring these assets up to a sustainable standard. Priorities are based on distribution, play quality and equipment compliance. A forward design program was resolved by Council in May 2006 and reviewed in May 2007 and it is these projects that are proposed to be the focus of work in 2008/09 and beyond, as listed in **Attachment 6**.

Anticipated expenditure for 2008/09 is \$211,000.

Fencing and Parking Areas Program

This is a new program that has been created in Case 2 of the long term financial model to commence the process of constructing new fences and parking areas and upgrading existing fences and parking areas within open space to bring these assets up to a sustainable standard.

The projects proposed to be funded in 2008/09 as the draft 5-year program are listed in **Attachment 7** and includes: the replacement of fencing at Thomas Ave tennis courts, West Roseville (\$20,000), upgrading the fencing of the cattle rings at St Ives Showground for off-leash dog training in conjunction (\$30,000 plus a \$12,000 contribution from the Northern Suburbs Dog Training Club); and refurbishment of the parking area at Roseville Park \$100,000. This project is listed as high priority projects after a condition audit of parking areas in open space.

Plant and Vehicles Replacement Program

Council allocated \$1,050,000 in 2007/08 for the replacement of plant and motor vehicles. In the current market, there is a trend where returns on vehicles are declining and it has been necessary to purchase more 4 cylinder vehicles and vehicles with different fuel sources. However, as the market is not returning good returns for vehicles it will be necessary to increase the budget for motor vehicles from \$350,000 to \$400,000 in 2008/09. Council's operational plant is required to be replaced regularly to ensure there is minimal down time due to repairs. Consequently, the plant

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replacement program is proposed to be increased from \$700,000 in 2007/08 to \$756,000 in 2008/09.

Sportsfields Improvements Program

Council has 68 hectares of sports fields across 46 locations. The prioritisation for capital works was initially developed in 2002 and has been reviewed in 2005 and 2007 as part of the development of the coming year's programs. In past years significant carry-forward has occurred to enable the delivery of upgrades to Lindfield Soldiers Memorial Oval that have also included significant works to the surrounds, including the internal road and car park areas. As noted in the Parks and Environmental Levy program areas, joint funding from various sources is necessary for the delivery of certain projects to achieve the optimal outcome for the asset in the long term.

The coming year's program is outlined in **Attachment 8**. Significant upgrades, to be largely funded through the 2004 S.94 Contributions Plan include: an upgrade to Auluba 1 & 2 playing fields and surrounding infrastructure identified in the Sir David Martin Reserve Landscape Masterplan; levelling of Auluba 3 playing field to remove the severe slope at the ground and cater for winter soccer training and competition, as outlined in the adopted Sir David Martin Reserve Landscape Masterplan; an upgrade to the playing field and floodlights at Lofberg Oval in conjunction with stormwater harvesting works planned for 2008/09; new floodlights, fencing and maintenance works at St Ives High School playing fields after Council signs a joint use agreement with the school and takes over management of the fields, which is expected by September 2008; and reconstruction of sandstone retaining wall and fencing at Roseville Chase Oval. Other projects, which are S.94 funded, included investigative planning works at Koola Park, and Golden Jubilee Field and new sportsfield fencing at Golden Jubilee field, Wahroonga to replace sub-standard fence and cater for increase in baseball and softball fields.

Under case three of the financial model, funding would need to be allocated towards the continuation of planning for North Turrumurra Recreation Area, as per the Council resolution in November 2007. It is estimated that \$600,000 will be required from the S.94 Plan to cover the cost of consultants to undertake the detailed design, preparation of the DA and construction documentation. It should be noted that this is a preliminary estimate only and that somewhere in the range of \$400,000-\$800,000 may be required for this work, depending on unknown factors such as the level of geotechnical investigation and engineering design necessary for site remediation and slope stabilisation at the old tip site. As this is a case 3 project it has not been included in the budget.

Stormwater Drainage Program and Catchment Management

An amount of \$762,000 is included for stormwater drainage and catchment management works in 2008/09. This represents additional expenditure through the generation of funds from the introduction of the Stormwater Levy which commences in 2008/09.

Funding will be allocated against the provisional rolling Capital Works Program derived from the completion of catchment studies for Cowan Creek, Middle Harbour and Lane Cove River Catchments in 2006.

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In addition the program will contribute to the funding of the Loftberg Oval stormwater reuse and related water sensitive urban design works complemented by a \$250,000 grant from the NSW Government.

Attachment 9 identifies all projects for this program area.

In addition to the adopted list of proposed works which was solely based on system capacity or flooding problems, drainage works which are considered urgent due to the poor structural conditions of the existing pipeline have been included. During the course of recent maintenance works, some collapsed pipe sections were found to be in need of urgent reconstruction and are also proposed to be included in the Program. The remedial costs are well beyond the annual allocation in the recurrent maintenance budget.

A review of the adopted provisional Stormwater Drainage Capital Works Program derived from the catchment study reports has found that some of the proposals require further investigation as to their practicality and feasibility. A number of projects will require detailed analysis and design and this will be undertaken using the catchment analysis.

Swimming Pool Refurbishment Stage 5

The 2008/09 swimming pool refurbishment program will involve the completion of stage 5 and final stage of the works as recommended in the 2002 condition audit report. This stage is currently underway and due for completion by September 2008. This stage is anticipated to cost approximately \$750,000. Current year funding is \$350,000. Funds of \$395,000 will be required from the 2008/09 budget. As this stage includes final surface treatments and furnishings for the pool, final choices in this regard will need to be cognisant of design work for the proposed indoor facility at this location.

With regard to the Indoor Swimming Pool, this project is listed in the Case 3 scenario of the Long Term Financial Model and a further report will be brought back to Council on the tender for the design and DA preparation. The report will considered funding options for this work and potential options for the entire project. At this stage the project is not funded in the Case 1 and 2 funding scenarios.

Sports Courts Improvement Program

This program has focussed on the implementation of recommendations from the Tennis Court Business Strategy (2002) and more recently the Sport in Ku-ring-gai Strategy to improve access to the courts for a variety of recreational uses.

Given the resolution by Council to retain use of Canoon Road for netball in addition to developing a netball facilities development plan with a series of satellite locations, the forward program has sought to incorporate actions arising from this resolution.

All courts have been assessed against the criteria and indicative amounts have been provided to encapsulate not only improvements to the courts but also capital maintenance that is beyond what can be accomplished utilising recurrent budgets. Whilst expenditure of \$171,000 is proposed in 2008/09 , it should be noted that in future years consideration should be given to transferring a

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significant amount to Reserve to assist in funding improvements for satellite netball locations and dual use facilities in future years.

Prioritisation of funding for this program is based on existing asset condition, intensity of use and the potential to increase income generation and/or utilisation. Works this year will focus on the installation of floodlighting at on courts 1-3 at Roseville Park to meet demand for night play at this popular location and the resurfacing of the practice area and installation of a basketball half court. A full program including a future draft program is included as **Attachment 10**.

Traffic Facilities Program

On 1 July 2003, Council adopted a priority ranking system for traffic facilities on Council controlled roads. This has been updated annually as part of Council's Traffic and Transport Policy.

Prior to adopting the ranking criteria, Council had relied on various Roads and Traffic Authority (RTA) grant allocations and resident requests to determine the annual traffic facilities program. Detailed design and consultation often did not commence until receipt of the RTA grants, resulting in many project delays and deferments.

In order to streamline the process, Council has adopted a prioritised five year rolling program of works to enable earlier planning and resident consultation to take place prior to the receipt of any RTA grant funding.

The program priorities of the RTA vary from year to year and do not necessarily align with Council's own priorities. The value of the RTA Traffic Management Program grants, which usually must be matched by Council, varies considerably from year to year and funding offers are not advised until after the State Budget is announced in July each year.

Council now submits a prioritised list of approved projects to the RTA for funding. Because the RTA uses its own criteria to select projects, the grant offers are not always those at the top of Council's own priority list. Therefore, the total value of the list of projects submitted to the RTA should be several times the likely value of the annual grant offers.

The projects are ranked in Council's priority order and assume an ongoing funding allocation of about \$154,000 per annum. **Attachment 11** provides details of these projects.

No allowance has been made for future funding grants from the RTA because the size and number of these grants, if any, cannot be predicted. It will therefore be necessary to revise the Traffic Facilities Program annually beyond the current year as the funding situation is determined.

Consultation has taken place on projects considered by the Ku-ring-gai Traffic Committee, but further investigation and resident consultation will be required during the detailed design stage when projects are selected for funding. Consultation has also taken place with representatives of the RTA.

Community Projects

This funding for various community projects such as the ID Community Profile, the Volunteers Referral and Reference Training Scheme and Artstart.

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Library Resources

An allocation of \$535,000 has been provided for the purchase of library materials.

Intranet Project

The allocation for the intranet is for the ongoing development of the intranet and completion of the project.

Info Kiosks

The allocation for this project is to include information screens in Council's foyer on Council activities and allows residents an interactive arrangement to search for information as well as advice on how to access information.

Information Technology Equipment

This budget allocation is for the purchase of servers and network equipment.

Information Technology Projects

Information Technology system projects scheduled for 2008/09 include Works and assets, HR Modules such as Training, OH&S and recruitment and replacement of our Graphical Information System.

Hand Held Infringement Devices

This programme was originally considered at the Councillor workshop in February 2006, where it was resolved to endorse the merit of the programme but defer purchase of equipment and introduction of the programme for a latter financial year.

This project requires the purchase of hand held infringement devices for use by officers engaged in parking control, local laws administration and enforcement, fire prevention, pollution and littering control, development compliance, public health and animal control.

The new devices are capable of recording data, printing tickets, and voice recording, with camera and mobile phone capabilities. The machines are "docked" at the end of each shift, here the information obtained on the shift is automatically downloaded into Council records and electronically transferred to the State Infringement Processing Bureau.

The current technology utilised by the staff engaged in the issue and administration of the infringement notices is very labour intensive and outdated. The system requires the officers to hand write the tickets, give one to the offender, mail one to the Infringement Processing Bureau (IPB) and give one to an administration assistant who in turn manually enters the details in a spreadsheet so that Council can maintain record of number of tickets issued and by who.. This database is then used to help reconcile account payments.

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The main disadvantages of this system are:

- The manual issue of tickets is time consuming with many fields of text being needed to be populated on a reoccurring basis each day.
- The time taken by administration staff in managing the system – at least three days per month are spent on data entry and reporting of statistics. The manual transfer of data also leaves an opening for mistakes to be made.
- Illegible hand writing can be time consuming, the administration officer wastes time in trying to decipher information.
- Pen and paper technology is weather dependent.
- The system falls well short of industry best practice.
- The secure physical storage space required for new books and archival of old records.
- Time taken by Ranger Team Leader in assessing written requests for withdrawal of fine. With current system this must be transferred to Council for consideration.

If the electronic system were to be introduced, advantages would include:

- The administration officer's workload would be reduced by up to three days per month.
- The Ranger team leader's workload would be reduced by up to 2 days per month as written representations against fines could be considered by IPB on the "premium services" agreement.
- Data entry mistakes would be eliminated.
- Hand written eligibility issues are eliminated.
- Opportunities for officers to make errors at the time of "writing" the tickets are eliminated.
- The technology is operable in a wider range of weather conditions.
- The opportunity to include mobile phone and camera capabilities within the device, therefore decreasing the total number of assets and management of same.
- Electronic recording of information excludes the need for archive storage space and secure pre storage of infringement books.
- Pre coding of text within standard fields will result in officers being able to more quickly issue tickets to offenders, hopefully this will remove some of the confrontational risk that offices face on a day to day basis.
- Management will know at the end of each shift the productivity of officers in terms of tickets issued.
- Monthly reconcile of account payments will be transparent, Council records will be fully up to date at all times.

Financial consideration

Enquiries were made to Database Consultants Australia (DCA) whom advised that set up would be in the order of \$116,000. This includes hardware (\$19,250), software (\$57,900), services (\$9,000), tickets (\$5,000) and software support (14,475). The quotation is based on 13 users, covering compliance, regulatory and open space field staff.

The cost of purchasing this new equipment will not be offset by savings in staff but should result in an increase in productivity of at least 10% per officer, based on results of other councils who have moved to these automated systems.

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Estimates show a saving of \$1,400 per month in terms of administration support, and \$800 per month in terms of consideration of representations (\$26,400 annually).

Income is increased because of the officer's ability to process more infringements per shift, accordingly it is projected that an increase of \$80,000 in fines annually will be realised.

Communication – Reputation Survey

Following from the development of indicators to gauge the level of satisfactions across a range of services, it is proposed to undertake a reputation survey in 2008/09. This survey instrument will seek to understand how the perceptions of satisfaction relate to the way public services are planned, undertaken and reported. The survey will also seek to understand how and why respondents rate council as an entity unto itself as well as its component parts. The outcomes hope to inform the development of targeted communication strategies to ensure messages are received and to aid program and services delivery.

Planning Projects and Public Domain

An allocation of \$269,000 towards planning projects has been provided for 2008/09. Also an allocation of \$111,000 has been made available for the study and preparation of a public domain manual that will be undertaken by a consultant.

The allocation of these funds will be required for the following projects:

- Principal LEP and DCP development
- Town Centre and Urban Design
- Heritage Planning associated with the Heritage Advisory Committee
- Developer contribution strategy
- Servicing the Ku-ring-gai Planning Panel

Catchment Analysis

\$108,000 is included in the catchment analysis program. Funding in this area is used for consultancy studies to assist in the forward design of the drainage and catchment management program as well as for the review of the Water Management Development Control Plan 47.

Depot relocation

Funding for the construction of the new depot has been included in the Case 1 projects. It is proposed to go to tender for the construction of the new depot in May or June 2008 following completion of the Construction Certificate drawings and tender documents. Commencement of the project will be dependant on the finalisation of the sale of the existing depot and it is expected that a report will be brought to Council in June 2008 on the outcome of negotiations with the preferred tenderer.

Elections

NSW Local Government elections will be held in September 2008. The Electoral Commission NSW has advised Council that they are organising and conducting the elections. As a result they are

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seeking full cost recovery from councils. Ku-ring-gai Council's cost of the election has been estimated at \$523,000.

CONSULTATION

The Draft Management Plan will be placed on public exhibition for twenty eight days to allow for community feedback.

Consultation on the 2008/12 Management Plan has, and will continue, with a number of Council's advisory committees and local interest groups. These will include:

- Community Development Committee
- Parks, Sport and Recreation Reference Group
- Bushland, Catchments and Natural Areas Reference Group
- Ku-ring-gai Bushcare Association.
- Sustainability Reference Group
- Resident feedback and other community e-registers.

The discussions have helped refine the overall direction and identify tasks and key performance indicators for the coming year.

FINANCIAL CONSIDERATIONS

Budget objectives

The draft Budget 2008-2009 is based on the following objectives:

1. Developed using the framework of the 20 Year Long Term Financial Model, adopted by Council on 11 December 2007.
2. Provide additional funding of \$1.571M infrastructure renewal in 2008/09 incremented by forecast CPI in the 20 year Long Term Financial model (LTFM). Future funding increments will be subject to adoption of an asset management policy and strategy.
3. Maintain the minimum level of working capital of \$1M.
4. Maintain existing service levels to the community. Provision has been made in the budget for existing service levels to be sustained.

Overall Budget Position

The 2008/09 budget shows total operating revenue of \$81.2M. Operating expenses for 2008/09 are budgeted at \$64.3M after allowing for depreciation of \$7.6M. This results in an operating surplus of \$16.8M, an increase of \$1.3M on the 2007/08 budgeted operating surplus of \$15.5M. Major components of the 2008/09 budget include:

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- Rates growth of 3.5%, consisting of the pegging increase of 3.2% and growth of 0.3%
- Fees and Charges increased by an average of 2.8%
- Estimated Employee award increase of 3.6%
- Estimated CPI increase of 2.5%
- Net debt repayments of \$880,000 (\$1M new loan borrowings and \$1.88M in loan principal repayments)
- Capital works and other major projects program and totalling \$36.7M (\$24M in 2007/08)
- Reductions in debt servicing costs allocated to infrastructure renewal of \$1.96M
- Land and Environment Court costs reduced to \$1.05M (\$1.15M in 2007/08)
- Section 94 revenue of \$4.3M (transferred to externally restricted reserves)

Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2007/2008		2008/2009	
	\$000's	\$000's	\$000's	\$000's
Operating Revenue	76,710		81,160	
Operating Expense (excluding depreciation)	61,230		64,330	
Operating Surplus		15,480		16,830
Plus: Capital Income (s94, Grants, Asset Sales)		10,790		21,590
Less: Net Loan Repayments		-860		-880
Funds for Projects & Reserve Transfers		25,410		37,540
Plus: Transfers from Reserves	19,620		31,440	
Less: Transfers to Reserves	-20,410		-32,030	
Net Reserve Funding		-790		-590
Funds for Projects		24,620		36,950
Project Expenditure		-23,990		-36,740
Budget Surplus		630		210

Reference should be made to the Draft Management Plan 2008-2012, for the detail relating to the above table.

The draft budget has a \$210K surplus. A financially sound working capital level of \$1.38M is currently targeted for 2007/08 and this will improve to \$1.6M for 2008/09.

Rating Structure 2008/2009

The Draft Budget is based on:

- General rate income increase of 3.2%. The Minister for Local Government has determined that this is the amount by which NSW Councils may increase their general rates.
- Total expected rate yield of \$44.9M, and a net of \$44.0M after pensioner rebates.
- The Special Rate Environmental Levy with a total yield of \$2.1M and a net of \$1.96M after pensioner rebates, being available for project expenditure.

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- The Special Rate Infrastructure Levy continuing with a total yield of \$2.0M and a net of \$1.92M after pensioner rebates, being available for project expenditure.

Ku-ring-gai has four (4) categories shown in the table below. The rating structure currently applied for residential and business is an ad valorem with a minimum rate. The rating structure currently applied for Environmental and Infrastructure is an ad valorem with a zero base rate.

The 2008/09 rating structure has been prepared on the basis of no proposed changes from the 2007/08 structure. The table below details the yield from each of the rate types:

Rate pegging increase of 3.2%				
Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.00179060	405	38,196,674
General	Business	0.00487300	405	2,557,972
Special	Environmental	0.00009768		2,103,592
Special	Infrastructure	0.00009552		2,057,080
			Total	\$44,915,318

Stormwater Management Charge

The Stormwater Management Service Charge for 2008/2009 is levied under Section 496A of the Local Government Act 1993 (as amended).

The Charges have been set in accordance with the Local Government Amendment (Stormwater) Bill 2005 and for 2008/2009 are as follows:

Strata titled residential home units: \$12.50 per unit
 Strata titled business units : \$12.50 per unit
 Other residential property : \$25.00 per rateable property
 Business rateable property : \$25.00 per 350 square metres of land area

Waste Charges

Domestic Waste Management Charge

Domestic Waste Management Charges for 2008/2009 have been increased for all categories by \$15 compared to 2007/2008 charges, to cover the reasonable cost of providing this service. They are detailed below:

Category	Charge	Properties	Estimated Yield
Base service with green waste service	\$265	28,156	\$7,461,340
Base service without green waste service	\$185	280	\$51,800

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Category	Charge	Properties	Estimated Yield
Flat, Home Unit	\$245	4,789	\$1,173,305
Provision additional green waste bin, per container per year	\$95	936	\$88,920
240 litre waste container with green waste	\$365	2,740	\$1,000,100
Provision additional 120 litre waste container, per container per year	\$135	71	\$9,585
Vacant Land	\$115	299	\$34,385
240 Litre Waste Container without Green Waste	\$285	19	\$5,415
240 Litre Waste, Flat Home Unit	\$365	4	\$1,460
Total Yield			\$9,826,310

Non-domestic Waste Management Charge

The non-domestic waste management charge for 2008/2009 is levied under Section 501 of the Local Government Act 1993.

Council's annual non-domestic waste management charges include:

- ▶ Street sweeping
- ▶ Roadside litter removal
- ▶ Footpath sweeping
- ▶ An availability charge

This charge relates to business land per business occupancy within a building or in the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.

In 2008/2009 this charge will be \$205 per unit of occupancy.

Non Domestic Aged Care Charge is applied per Occupancy at;

50% Non Domestic Waste Charge – 1 x Bed Self Care Unit

25% Non Domestic Waste Charge – 1 x Bed Fully Serviced Hostel Room

Service Level Aged Care

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Equivalent of 120 litres of waste per unit occupancy per week
Equivalent 120 litres of Recycling per unit occupancy per week

Commercial Waste Management Charges

Reference should be made to the draft 2008/2009 Fees and Charges Schedule (**Appendix B**) attached to the Draft Management Plan 2008-2012 (**Appendix A**).

Borrowing and Debt

The Management Plan provides for Council's debt to be reduced through a strategy of paying all loans as they become due and limiting new borrowings to \$1M per year. This requires a net repayment of \$880,000 of debt during 2008/09 from the operating surplus. Interest savings in 2008/09 on total debt repayments since 2003/04 will result in a further \$1.96M being added to reserves to fund infrastructure works.

Cash Reserves

The financial sustainability principle applied to budget development also requires capital adequacy i.e. that reserves are adequate to cover future project expenditure and liabilities of Council in future years. Council's reserves and working capital level are budgeted to achieve the following balances in the Management Plan period:

	Budget 2007/08	Budget 2008/09	Projected 2009/10	Projected 2010/11	Projected 2011/12
Closing Working Capital	1,382	1,580	1,850	2,070	2,160
Closing Reserves Balances:					
Internal Liability Reserves	3,830	3,400	3,560	3,700	4,190
Internal Project Reserves	11,170	20,940	16,890	18,900	15,930
External Reserves	45,710	36,960	39,700	35,270	34,800
Total Reserves	60,710	61,300	60,150	57,870	54,920

In particular, internal project reserves, which are under Council control, are increasing from 14.6% of revenue to 18.2% between 2007/08 and 2011/12.

Fees and Charges Schedule for 2008/2009

The Draft Management Plan includes a range of proposed increases to current fees and charges in 2008-2009. Underlying these is Council's Pricing Policy in relation to fees and charges which are not prescribed by legislation. The Policy seeks to ensure Council recovers its costs in delivering on service, while also allowing for fees and charges to be discounted where appropriate in recognition of Council's community service obligations.

Item 21

S06351
16 April 2008

Council's Fees and Charges have been increased where appropriate. Fees that have not been subject to an annual increase include Statutory and Regulatory Fees, Section 94 Contributions and those where it was not commercially viable to do so.

Appendix B is a copy of Council's Draft Fees and Charges for 2008/09.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the Management Plan, Budget and Schedule of Fees and Charges has been undertaken in full consultation with all departments across Council.

SUMMARY

MANAGEMENT PLAN

Council's Draft Management Plan has been developed in accordance with Sections 402, 403 and 404 of the Local Government Act [1993].

Council's six principal activities are:

1. Civic Leadership and Corporate Services
2. Integrated Planning
3. Community Development
4. Natural Environment
5. Built Environment
6. Financial Sustainability

Each principal activity has a number of objectives which are linked to outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.

Quarterly reviews measuring the extent to which performance targets have been met, will be reported to Council within two months after the end of each quarter.

RECOMMENDATION

- A. That report on Council's Draft Management Plan 2008-2012 be received and noted.
- B. That Council gives notice of its intention to:
 - (a) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories and make and levy a special rate to comprise an ad valorem with a zero base rate for Environmental and Infrastructure categories.
 - (b) Increase its rate income by the maximum 3.2% approved by the Minister for Local Government.

Item 21

S06351
16 April 2008

- C. That pursuant to Sections 405 and 406 of the Local Government Act, 1993, the Draft Management Plan 2008-2012 incorporating the Revenue Policy, Budget, Capital Works Programs and Schedule of Fees and Charges for 2008-2009 be endorsed and placed on public exhibition for a period of 28 days commencing 9 May 2008.
- D. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- E. That following public exhibition, a further report be submitted to Council on 24 June 2008 for adoption of the 2008-2012 Management Plan, Budget and Fees and Charges to enable consideration of:
 - (a) any submissions received during the exhibition period referred to C above; and
 - (b) formal adoption of Ku-ring-gai Council's Management Plan 2008-2012 and associated policies.

Andrew Watson
Director Strategy

Greg Piconi
Director Operations

John Clark
Director Corporate

John McKee
General Manager

Attachments:

- Appendix A. Draft Management Plan 2008-2012 (bound separately)**
- Appendix B. Draft Fees & Charges 2008/09 Public use (bound separately)**
- Appendix C: Capital Works Program - 922448, as follows:**
 - 1. Environmental Levy Program - 921762**
 - 2. Road Rehabilitation Program - 922075**
 - 3. Footpath Program - 922269**
 - 4. Business Centres Program - 922078**
 - 5. Park Improvements Program - 922087**
 - 6. Playground Improvements Program - 922089**
 - 7. Fencing and Parking Areas Program - 922084**
 - 8. Sportsfield Improvement Program - 922090**
 - 9. Stormwater Drainage Program - 922264**
 - 10. Sports Courts Improvement Program - 922092**
 - 11. Traffic Facilities Program - 922285**

Ku-ring-gai Council

Management Plan

Appendix A

Ku-ring-gai
Council

SERVIENDO GUBERNO

Draft
2008 - 2012

Executive summary

Quadruple bottom line project breakdown

Governance	Economic
Plant and vehicles	IT equipment
Furniture and other	IT systems projects
Planning projects	E-service solutions
Election	Long term financial model
Human resources systems	Stormwater charge
Intranet	Section 94 funding
Workforce Plan	Budget forecast
Photo library	Investments
Department of Local Government Review	
Asset Strategy	
Plans of management	
Depot relocation	
Social	Environmental
Road rehabilitation	Drainage works
Business centre improvements	Park developments
Footpath works	Sportsfield refurbishment
Traffic facilities	Open Space Acquisition Strategy
Playground refurbishment	Environmental Levy Program
Tennis and netball refurbishment	Catchment analysis
Integrated Traffic and Transport Plan	Tree planting
Library resources	Catchment management
Community projects	Water harvesting
Community Plan	Endangered ecological community regeneration
Cultural Plan	Sustainable design for St Ives Town Centre
Festival on the Green	Little Blue Gum Creek walking track upgrade
Consultation Strategy	Little Blue Gum Creek Paddy Pallin Reserve
Infrastructure levy	Bushcare support
Aboriginal heritage	Dumping and encroachment
Town centres	Social research
North Turrumurra Recreation Area	Stormwater levy
BMX facility	Bushfire management
West Pymble Pool redevelopment	Interface Strategy
Strategic Bicycle Plan	Sportsfield enhancement
Strategic Pedestrian Plan	

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Mayor's message

Welcome to Ku-ring-gai Council's Management Plan for 2008/09 to 2011/12. This plan is built around the vision for Ku-ring-gai as developed by Council and the community as part of our long term planning.

Both Council and community share a value of care and respect for the local environment and each other. As our urban areas change, this value is reflected in how we manage the natural environment, the delivery of programs and services and how we interact with each other.

The challenge for all of us comes from the things we cannot control, most notably the outcomes of the NSW Government Metropolitan Strategy. For Ku-ring-gai this will result in more development, people and traffic into our community. But it will also assist us in delivering much needed new facilities such as the North Turramurra Recreation Area, new parks in our town centres and provide additional income for new services. Council's challenge is to deliver the right mix of services and facilities.

Sustainability, be it financial, social or environmental is a cornerstone of our business. For Council this means looking at the present and to the future in setting our plans and policies and ensuring we achieve them. This Management Plan plays a vital role for Council in how it delivers on its short, medium and long term objectives. For our residents this means helping to protect the natural, social, cultural and built heritage, supporting a cohesive and inclusive community, building a strong and stable economy and decreasing the consumption of resources. For Council this is delivering exemplary services; practicing open, ethical and inclusive governance and wisely managing finances and assets.

The year ahead is an exciting one. \$27.528 million will be spent on community infrastructure through upgrading roads and playing fields, West Pymble Pool Stage 5 and improving water recycling at Gordon Golf Course. Our programs and services will again focus on the needs of our community. Politically, the election in September will bring a number of new councillors with ideas of their own.

Personally, I am dedicated to providing the community with better facilities, more open space and continuing to promote community spirit through our great events and programs.

I thank all the staff and residents that have contributed to this plan and look forward to its delivery.

Cr Nick Ebbeck
Mayor

General Manager's introduction

Council's Management Plan sets out our goals, objectives and how these will be achieved as we deliver our programs, services and manage our facilities. It contains a balanced budget for 2008/09 and an assessment of our longer term financial position. The plan also aims to achieve the medium and long term objectives articulated in the draft Sustainability Plan.

The Management Plan is divided into two parts. Part One outlines what Council will do over the coming year against each of the six principal activities: civic leadership and corporate services; built environment; natural environment; integrated planning; financial sustainability and community development. Part Two contains Council's financial management framework, budget and financial statements. The budget will deliver \$36.743 million in capital works and other projects and \$64.3 million after allowing for depreciation of \$7.6 million in over 100 service areas. The introduction of a new stormwater charge will assist funding capital projects aimed at improving the capacity and maintenance of the drainage network.

Sustainability and the future of Ku-ring-gai

Over the past two years Council has been working closely with the community through a sustainability planning process to direct the next 25 years. This has set a vision for Council and developed a set of values and principles. During 2008 a detailed action plan will be developed to aid future management plans and policies.

Similarly Council has updated its long term financial model. The model was developed over a 20 year period to cater for the issues and challenges that now face Council. A key consideration is future asset management, in particular new facilities related to the town centres.

The long term financial model will continue to be revised to incorporate our developing asset management strategies to ensure financial sustainability - maintaining and improving service delivery to the community, maintaining and renewing our ageing assets and providing for new facilities.

Over the past few years the scope of the Management Plan has expanded and now covers all 103 services and capital works projects. These have been aligned to separate budgets enabling an analysis of performance against cost, output and outcomes. For the first time this plan provides links to service standards, policies and programs, offering transparency on how we deliver the business of Local Government to our ratepayers.

Council will take a leading international approach in reporting on this plan. Performance will be measured against the Global Reporting Initiative indicators for public sector agencies. Council will also report against economic, environmental, social and governance aspects - the quadruple bottom line (QBL).

Economically financial management must be sound and sustainable. Debt will be managed and the reliance on income from rates will reduce. Assets will be managed efficiently to meet community expectations both now and into the future.

Socially Council supports and contributes to a community that is culturally aware, active and healthy. It seeks to secure Ku-ring-gai as a great place to live and work through greater community involvement in decision making, growth in volunteer programs and by ensuring services become more accessible and affordable to meet current expectations and consider future generations.

Environmentally Council will protect and enhance our neighbourhood character, heritage and natural systems including bushland, creeks and biodiversity. This will be done in partnership with many others through planning, education, projects and development control. Consumption of resources will reduce as Council and the community seek to lessen their ecological footprint.

Governance relates to our internal and external decision making processes; how we plan, deliver and review our services and how we report. Our performance in governance will be benchmarked through the Department of Local Government's Promoting Better Practice Review and we will strive to be a leading council in this regard.

Improvements to services and assets

During 2008/09 our focus will be on delivering programs against set works plans and service standards. As part of this, we will review the Community Plan adopted in 2004 and all maintenance service standards to match current community expectations and the resources available. We will also review the state of our assets and identify future needs based on their condition and whether they meet current and future requirements given changes to our population.

Planning

Urban planning remains a high priority with the appointment of the Ku-ring-gai Planning Panel by the NSW Government. This presents a significant resourcing challenge as we seek to finalise the Town Centres Local Environment Plan (LEP) and progress the principal LEP affecting the rest of the Ku-ring-gai area.

Internal governance

As part of the Local Government's Promoting Better Practice Review, we will continue to revise all policies and ensure business systems and processes enable accountability and transparency. We will also report on the integration of the plans adopted by Council and develop business rules for the reporting and completion of resolutions.

Staff

Following from results of staff climate surveys, we will develop a workplace planning program this year. This is in response to the need to retain and attract talented staff and provide opportunities for professional growth and development across all levels of the organisation. We will also continue with our leadership and change management programs to equip staff to respond to shifting community expectations of Council and State and Commonwealth Government reforms.

I would like to thank all the managers and staff who have contributed to this plan and for their work and commitment to the organisation.

John McKee
General Manager

About Ku-ring-gai

Aboriginal heritage

While the original inhabitants of Ku-ring-gai have tragically all but gone, they have left behind many traces including middens, petroglyphs and remains of shelters. A 1988 report to Council, 'Municipality of Ku-ring-gai Heritage Study, Aboriginal sites' by Margrit Koettig, estimated that as many 650 sites of Aboriginal heritage may have existed within the local government area. However, approximately 75 per cent of land within the Ku-ring-gai has been developed to date and it is likely that large numbers of Aboriginal sites have been destroyed. Currently 92 sites have been recorded but at least double that number is believed to remain. The Aboriginal sites within Ku-ring-gai are under constant threat from development, vandalism and natural erosion.

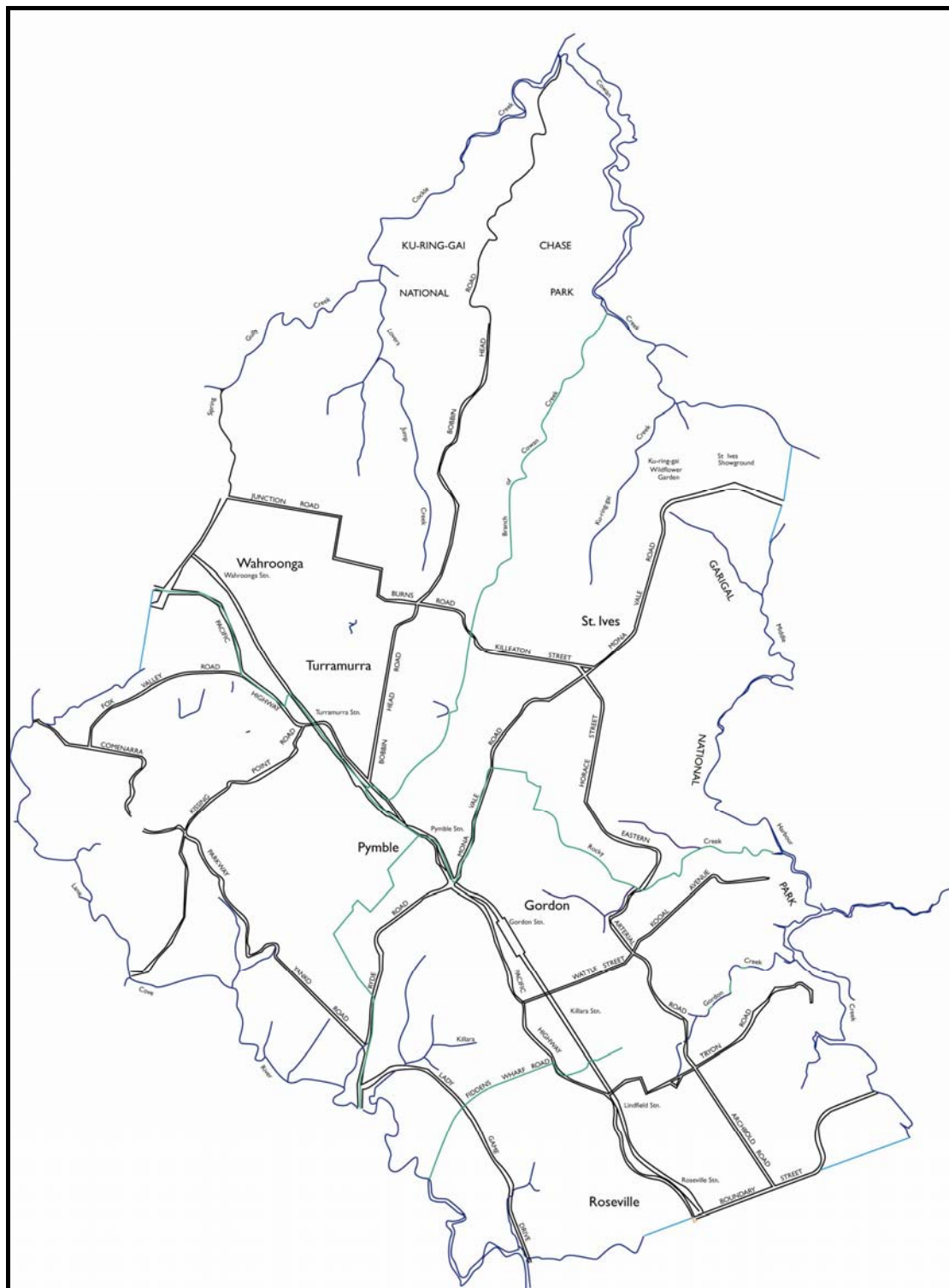
In 2006, Ku-ring-gai Council joined the Aboriginal Heritage Office (AHO), which preserves and protects of over 1,000 sites of Aboriginal culture and heritage across the North Shore. It also aims to open lines of communication between Aboriginal and non-Aboriginal people. Education is an important role of the AHO who organise an annual program of talks, walks and other activities for school groups and the general community.

Facts and figures

Key statistics	Ku-ring-gai Council						
	2006			2001			
Enumerated data	number	%	Sydney Statistical Division %	number	%	Sydney Statistical Division %	Change 2001 to 2006
Enumerated population, including overseas visitors							
Total population (a)	100,460	100	100	101,346	100	100	-886
Males (a)	47,721	47.5	49.2	47,903	47.3	49.2	-182
Females (a)	52,739	52.5	50.8	53,443	52.7	50.8	-704
Overseas visitors	1,075	1.1	1.1	1,194	1.2	1.2	-119
Population characteristics							
Indigenous population	112	0.1	1.1	108	0.1	1	4
Australian born	63,371	63.8	60.3	65,096	65	62.2	-1,725
Overseas born	32,406	32.6	31.8	31,476	31.4	31.2	930
Australian citizens	87,054	87.6	82.6	87,210	87.1	84.3	-156
Australian citizens aged 18+	64,227	64.6	62.2	64,798	64.7	63.3	-571
Institutional population	2,569	2.6	2.7	2,812	2.8	2.7	-243
Age structure							
Infants 0 to 4 years	5,238	5.3	6.6	5,387	5.4	6.7	-149
Children 5 to 17 years	20,564	20.7	16.9	20,464	20.4	17.6	100
Adults 18 to 64 years	56,748	57.1	64.2	58,278	58.2	63.8	-1,530

Mature adults 65 to 84 years	14,012	14.1	10.6	13,660	13.6	10.5	352
Senior citizens 85 years and over	2,823	2.8	1.6	2,365	2.4	1.4	458
Households and dwellings							
Owned	16,470	45.5	27.8	20,187	56.8	36.3	-3,717
Purchasing	11,623	32.1	28.8	7,900	22.2	22	3,723
Renting	4,148	11.5	27.5	3,830	10.8	26.9	318
Households (occupied private dwellings)	33,793	--	--	33,679	--	--	114
Persons counted in households	97,896	--	--	98,534	--	--	-638
Average household size (persons)	2.9	--	--	2.93	--	--	-0.03
Total Dwellings	36,177	100	100	35,537	100	100	<u>640</u>

Map of Ku-ring-gai Local Government Area



Corporate snapshot

Corporate Performance Snapshot (Council Operations)								
QBL	Measure	Unit	2002/3	2003/4	2004/5	2005/6	2006/7	Outlook
Gov	Leadership Training Program	No.	N/A	N/A	N/A	2	8	Improving
Gov	Induction Program	No.	7	7	6	6	6	Stable
Gov	DA median processing time	Days	N/A	111	78	42	38	Improving
Gov	Fulltime employee turnover rate	%	N/A	N/A	N/A	16.14	15.29	Declining
Gov	Consultation surveys conducted		N/A	N/A	13	28	19	Stable
Soc	Events attendance	No.	N/A	N/A	N/A	10,310	9,830	Stable
Soc	Vacation care	No.	2988	3837	4084	4,350	4,129	Stable
Soc	Wildflower Garden visits	No.	5,565	5,901	4,978	5,546	5,301	Stable
Soc	Library visitors	No.	470,673	493,923	483,820	444,576	479,249	Stable
Soc	Library loans	No.	985,406	978,020	923,496	913,110	908,852	Declining
Soc	YourTutor customers	No.	N/A	N/A	N/A	N/A	357	N/A
Soc	Customer service requests received	No.	47'592	40'660	39'695	32'818	33'517	Declining
Soc	Student Resource Centre visits (Gordon)	No.	1,404	2,525	1,865	1,924	3,081	Increasing
Soc	Identified Aboriginal heritage sites	Sites	67	67	67	69	92	Increasing
Soc	Non-Aboriginal heritage sites	Sites	700	700	700	700	711	Stable
Env	Hazard reduction burns	ha	65.09	96.94	7.13	130.4	17	Declining
Env	Bushland regeneration (area)	ha	N/A	N/A	N/A	N/A	53.8	N/A
Env	Water consumption (Council)	KL	154,713	96,686	97,366	113,889	112,509	Stable
Env	Water consumption (Council)	\$	144,619	93,178	100,512	134,194	143,520	Increasing
Env	Energy consumption (Council) buildings	kw/h	3,094,203	2,918,505	2,849,430	2,995,207	3,083,630	Increasing
Env	Energy consumption (Council) buildings	\$	292,723	299,677	332,644	383,441	374,960	Declining
Env	Energy consumption (Council) street lighting	kw/h	4,569,103	4,813,969	4,843,285	4,911,090	4,924,166	Increasing
Env	Energy consumption (Council) street lighting	\$	1,181,464	1,234,612	1,218,985	1,350,142	1,457,454	Increasing
Env	Greenhouse emissions	CO2t	N/A	N/A	N/A	8,886	8,961	Increasing
Env	Fuel consumption	L	N/A	N/A	N/A	520,957	488,662	Declining
Env	Fuel cost	\$	N/A	N/A	N/A	590,648	588,805	
Env	EPA registered contaminated land sites	No.	N/A	N/A	3	3	3	Stable
Env	Waste Kg/resident	kg	N/A	N/A	187.46	188.77	192.65	Increasing
Env	Recycling Kg/resident	kg	N/A	N/A	272.84	286.62	294.77	Increasing
Env	Noise complaints	No.	438	352	404	479	648	Increasing
Econ	Roads upgraded	\$	4,916,620	3,864,088	3,879,334	4,679,845	5,038,458	Increasing
Econ	Legal costs	\$M	2.252	2.205	1.867	1.2399	1.1959	Declining
Econ	Debt servicing	%	7.5	6.03	5.55	4.4	3.19	Declining
Econ	Restricted cash - internal	\$M	10.16	9.4	9.39	12.46	15.77	Increasing
Econ	Restricted cash - external	\$M	7.52	9.85	15.44	27.68	44.82	Increasing
Econ	Loans/borrowings per year	\$M	1.8	1.8	1.6	1.4	1.0	Declining
Econ	Rate income	\$M	33.6	34.9	36	39.2	40.9	Increasing
Econ	Return on investment	%	5.25	5.38	6.03	5.99	7.37	Increasing

Econ	Ratepayers (rates paid at year end)	No.	N/A	N/A	36,282	32,327	36,430	Increasing
Econ	Residential rate average	\$	N/A	N/A	980	1,066	1,096	Increasing
Econ	State Government rate pegging *	%	3.3	3.6	3.5	3.5	3.6	Stable
Econ	Total rates increase approved (including special variation)	%	3.3	3.6	3.5	8.58	8.57	Stable
Econ	Untied grants revenue	\$M	2.7	2.7	2.8	2.92	2.98	Increasing
Econ	Specific purpose grants revenue	\$M	2.6	3	2.2	4.28	2.18	Declining
Econ	Available funds balance (Working Capital)	\$M	1,468	479	617	243	1,108	Improving
Econ	Source of revenue from rates and charges	%	64.37	66.05	61.89	58.2	53.93	Improving

* State Government rate pegging set at 3.2 per cent for 2008/09 financial year.

The challenges facing Ku-ring-gai

Our local government area and organisation face a number of broad challenges. An additional 10,000 dwellings will be built in Ku-ring-gai by 2031, as required by the NSW Government Metropolitan Strategy. New infrastructure and services will need to be provided for this growing population. Other uncertainties include a volatile financial sector, climate change, an ageing population, changing community expectations and increasing responsibilities shifted to local government by other sectors. The capacity Council to respond to these is limited by rate capping. However the underlying challenge is a need for greater coordination at local, regional and national levels to allow for smarter urban, infrastructure and financial planning.

Other challenges relevant to individual principal activities include:

Civic Leadership and Corporate Services

Delivering services internally and to the community requires a continual reassessment of service levels and expectations. With this comes a need to review and update policies and procedures to provide necessary transparency and accountability along with delivering the most needed and appropriate services. Advances in information technology and compatibility with existing systems remain a continual challenge along with ensuring their full use and integration. In an economy of near full employment, the attraction and retention of quality staff and planning for future needs remains a concern and a priority.

Built Environment

Current and future development must be guided by an understanding, awareness and compliance with high quality urban design as set in Council's planning policies. A challenge for Ku-ring-gai, along with many other local government areas, is the compliance of these standards by Council and particularly private certifiers. Unauthorised works not only impact the environment and character of Ku-ring-gai, but lead to increased costs for Council with appeals to the Land and Environment Court.

The management of Council owned buildings is also of concern, with high costs for maintaining and replacing assets, which is affected by increasing design standards. Responding to natural emergencies such as storms and bushfires is also placing a burden on Council's operational areas and budgets.

Natural Environment

The immediate challenge facing the natural environment is the impact of urban development particularly close to bushland. Loss in biodiversity, managing bushfire risk and increasing community understanding of the value of the environment remain as priority issues. Added to these are changes to legislation and government policy that increase the protection of certain native species and vegetation communities, in turn affecting development. In the longer term, the impacts of climate change are likely to be the most pressing issue globally, having a significant effect on Ku-ring-gai.

Integrated Planning

Demands by current and future populations for more housing, housing choice and community and recreation facilities remain challenges for Ku-ring-gai. With this is the need to manage community expectations of new developments and to ensure function and design are of the highest possible quality. Provision of adequate utilities and transport is of concern, particularly as many of our roads and other infrastructure are at capacity and require renewal.

Financial Sustainability

The need to identify Council's required financial commitment to upgrade and maintain our assets to a satisfactory standard is an immediate challenge. This will be enabled through the development of detailed asset management strategies. We also need to plan for future town centre development and the associated costs of building and maintaining new facilities. A high priority is to increase and diversify Council's revenue base, prioritise limited financial resources to maintain and deliver infrastructure, while continuing to deliver assets to meet the needs of the community. We also need to maximise returns on our assets and investments while finding a balance between economic returns, social responsibilities and environmental impacts to remain financially sustainable in the long term.

Community Development

The planning and delivery of community services and programs is driven by changes to our demography, with more residents, an ageing population and greater diversity. Legislation too is having an affect, with more facilities needing to become accessible. As our population grows, volunteering is also on the rise - coordinating this and responding to the diversity needs is a growing challenge. Vandalism of public and private buildings remains a concern.

Long Term Financial Model

In 2001 a long term financial model was developed out of the need to establish principles to ensure the long term financial sustainability of the organisation while providing existing levels of service to the community. In 2007 a new model was developed to cater for the issues and challenges that now face Council, with the key consideration being total asset management for the future. To ensure a rigorous planning framework, the model was extended from 10 years to 20 years to incorporate principles of total asset management, in particular, new facilities related to town centres.

The model contains a core set of assumptions for revenue and expenditure, as well as funding strategies which plan for the future by setting aside funds in restricted asset reserves. As part of our long term financial planning we are developing strategic asset management plans, reviewing and quantifying the renewal gap for our infrastructure assets, identifying opportunities to broaden our revenue base and reviewing our borrowing strategies. This is an ongoing process and the long term financial model will continue to be developed to incorporate these strategies. This will ensure financial sustainability while maintaining and improving service delivery to the community, maintaining and renewing our ageing assets and providing for new facilities as part of our town centres development.

Sustainability Plan

Throughout the 2007/08 financial year, Council began the development of a strategic plan for the next 25 years. From this plan a draft vision for Ku-ring-gai was developed by our community across all age groups.

"Ku-ring-gai will be a creative, vibrant place where citizens respect each other and conserve the magnificent environment and society for our children and grandchildren"

As part of the consultation with our community and staff, 14 outcome areas (themed visions) have been developed. These include:

1. Creative and liveable

Ku-ring-gai will be a place:

- that is safe, friendly and accessible for all people
- that is vibrant and celebrates its rich cultural and environmental heritage
- with infrastructure and planning systems that accommodate the identity and needs of each suburb
- with opportunities for local businesses and employment
- with a strong and stable local economy
- that prioritises knowledge, learning and information that benefits sustainability
- that embraces innovation and technology, to assist in finding solutions to the issues which face us

2. Respect

Ku-ring-gai will be a place:

- where all people are valued
- supporting and promoting local stewardship and community participation
- engaged in partnerships with local, regional, national and global sectors

3. Magnificent environment

Ku-ring-gai will be a place:

- of extensive bushland with native flora and fauna which we highly value and protect
- where our open spaces are enhanced
- progressively reducing its consumption of resources, leading in recycling and reuse
- addressing and responding to climate change

As part of the development of this Management Plan, all programs and activities are related to at least one of these outcome areas. This provides and ensures the basis for the implementation of our Sustainability Strategy as we seek to realise our future.

Financial summary

Council's budget for 2008/2009 is based on the following objectives:

1. Developed using the framework of the 20 Year Long Term Financial Model, adopted by Council on 11 December 2007.
2. Provide additional funding of \$1.571M infrastructure renewal in 2008/09 incremented by forecast CPI in the 20 year Long Term Financial model (LTFM). Future funding increments will be subject to adoption of an asset management policy and strategy.
3. Maintain the minimum level of working capital of \$1M.
4. Maintain existing service levels to the community. Provision has been made in the budget for existing service levels to be sustained.

Major components of the 2008/09 budget include:

- Rates growth of 3.5 per cent, consisting of the pegging increase of 3.2 per cent and growth of 0.3 per cent
- Fees and charges increased by an average of 2.8 per cent
- Estimated employee award increase of 3.6 per cent
- Estimated CPI increase of 2.5 per cent
- Net debt repayments of \$880,000 (\$1M new loan borrowings and \$1.88M in loan principal repayments)
- Capital works and other major projects program totalling \$36.7M (\$24M in 2007/08)
- Reductions in debt servicing costs allocated to infrastructure renewal of \$1.96M
- Land and Environment Court costs reduced to \$1.05M (\$1.15M in 2007/08)
- Section 94 revenue of \$4.3M (transferred to externally restricted reserves).

The 2008/09 budget shows a total operating revenue of \$81.2M. Operating expenses for 2008/09 are budgeted at \$64.3M after allowing for depreciation of \$7.6M. This results in an operating surplus of \$16.8M, an increase of \$1.3M on the 2007/08 budgeted operating surplus of \$15.5M.

Surplus funds from operations are combined with capital income, reserves and loan monies to fund Council's capital works and other projects as follows:

FUNDING STATEMENT	2007/2008		2008/2009	
	\$000's	\$000's	\$000's	\$000's
Operating Revenue	76,710		81,160	
Operating Expense (excluding depreciation)	61,230		64,330	
Operating Surplus		15,480		16,830
Plus: Capital Income (s94, Grants, Asset Sales)		10,790		21,590
Less: Net Loan Repayments		-860		-880
Funds for Projects & Reserve Transfers		25,410		37,540
Plus: Transfers from Reserves	19,200		31,440	
Less: Transfers to Reserves	-20,350		-32,030	
Net Reserve Funding		-1,150		-590
Funds for Projects		24,260		36,950
Project Expenditure		-23,990		-36,740
Budget Surplus		270		210

Council's budget is formulated to ensure that Council remains financially sustainable and is able to continue to deliver services to the community at existing or improved levels.

How will performance be measured?

This year's Management Plan will measure key performance indicators (KPI) on a quarterly basis in line with the *Local Government Act 1993*. KPIs are used to track the performance of Council against the Management Plan.

The KPIs are designed to track the longer term trends of the organisation, enable the community to provide feedback on the level of satisfaction of services and also benchmark against other councils and organisations through Global Reporting Initiative (GRI) indicators

(refer to Appendix D). Each indicator will be assigned to either economic, social, environmental or governance themes reflecting the continued commitment to quadruple bottom line reporting.

Policies, plans and guidelines

Council has developed numerous policies and plans that guide how we deliver our services and programs; and how we regulate, inform and encourage participation in the decision making process. A list of these will be included in the final version.

Public consultation process

In the development of this plan we consulted with:

- Community Development Committee
- Parks, Sport and Recreation Reference Group
- Bushland, Catchments and Natural Areas Reference Group
- Ku-ring-gai Bushcare Association
- Sustainability Reference Group
- Resident feedback and other community e-registers
- Access Committee

The vision and values have been developed in response to ongoing consultation with the local community over many years and in particular through consultations associated with the development of the Sustainability Plan. The Sustainability Plan will set the overall direction for Council for the next 25 years, guiding the Management Plan, policies, strategies and the delivery of capital works projects and urban planning outcomes. Consultation for the 2008/12 plan specifically focused on five year objectives, the majority remaining as central themes for the development of this plan.

The draft Management Plan will also be available on Council's website and at key facilities such as our libraries and Customer Service Centre. Many of the policies and plans that will address the key performance indicators identified in this plan will build on the consultation results already undertaken. The communication between Council and the community form the basis for ongoing consultation that helps to maintain community involvement in the development of Council's works throughout the year.

How Council works

Role of councillors

The role of councillors is to:

- Direct and control the affairs of Council in accordance with the *Local Government Act 1993*
- Facilitate communication between Council and the community
- Ensure optimum allocation of Council's resources for the benefit of Ku-ring-gai
- Play a key role in the creation and review of policy and objectives
- Review the performance of Council and its delivery of services, including management plans and revenue policies.

Elections for councillors are held every four years. There are five wards in Ku-ring-gai, each represented by two councillors.

Councillors



Mayor Nick Ebbeck JP

Wahroonga Ward

mayor@kmc.nsw.gov.au

Councillor Ebbeck has lived in Ku-ring-gai all his life and has been a successful businessman. He now lives in Turramurra after growing up in Wahroonga. A self made businessman owning his first company at 17, Cr Ebbeck has always worked for himself. His business interests have included electronic security, electrical maintenance and installation, sports management, sports promotion and transport.



Cr Ian Cross

Wahroonga Ward

icross@kmc.nsw.gov.au

Councillor Cross, who has lived in North Turramurra for 16 years, is glad to have this further opportunity to serve the people of Ku-ring-gai. Ian Cross is a CPA, a Fellow the Chartered Institute of Company Secretaries and a Fellow the Australian Institute of Management. He holds a Bachelor of Financial Administration and a Master of Arts.



Deputy Mayor Anita Andrew

Comenarra Ward

aandrew@kmc.nsw.gov.au

Councillor Andrew is a director of a small high tech company that provides research and consulting services to the resources and environment industries. She has recently been appointed as an Adjunct Professor at Macquarie University following many years as a research scientist and manager in CSIRO. Councillor Andrew has lived in Comenarra ward for over twenty years. Anita Andrew holds a Bachelor of Science (Hons) and a PhD from Sydney University.



Cr Elaine Malicki

Comenarra Ward

emalicki@kmc.nsw.gov.au

Councillor Malicki has lived in her ward for 35 years and has been actively involved in many aspects of life in her community. She began her local government career as a leader of various community action groups. Cr Malicki trained as a teacher of English and Ancient History and holds a Bachelor of Arts and a Diploma of Education. She is a Justice of the Peace.



Cr Adrienne Ryan

Gordon Ward

aryan@kmc.nsw.gov.au

Councillor Ryan comes to Council with diverse international experience. Originally from Yorkshire in the UK, she has lived in four countries and has now made her home in Ku-ring-gai. Councillor Ryan holds an honours degree in Politics and International Relations from Reading University in the UK.



Cr Michael Lane

Gordon Ward

mlane@kmc.nsw.gov.au

Councillor Lane, originally from Yorkshire, came to Australia and worked in the steel mills at Port Kembla. He has lived in Ku-ring-gai for over 20 years, has worked in government for many years and holds a Bachelor of Science degree from the University of Leeds in the UK.



Cr Maureen Shelley

Roseville Ward

mshelley@kmc.nsw.gov.au

Councillor Shelley, a journalist and qualified mediator, is widely experienced in the media and with equity organisations. Maureen Shelley holds a Bachelor of Arts (English) from Curtin University and a Master of Equity and Social Administration from the University of New South Wales.



Cr Jennifer Anderson

Roseville Ward

janderson@kmc.nsw.gov.au

Councillor Anderson grew up in Chatswood and for the past 20 years has lived with her husband and four children in a heritage listed home in Killara. Cr Anderson has qualifications in the field of Library and Information Science with appointments to the University of NSW, University of London and Lane Cove Council. More recently, Jennifer worked with Federal MP Dr Brendan Nelson and is currently self-employed as a consultant.



Cr Tony Hall

St Ives Ward

thall@kmc.nsw.gov.au

Councillor Hall grew up in Wahroonga and has lived in St Ives since 1978. Prior to his election, Councillor Hall spent 23 years in the New South Wales public service, including the Premiers' Department as adviser to a local government minister, a Consular Officer in London and is now heavily involved in the aged care industry.

Cr Laura Bennett

St Ives Ward

lbennett@kmc.nsw.gov.au

Councillor Bennett has worked as an academic, teaching a range of law subjects – from administrative law to commercial law - at universities in Victoria and Queensland. She is also the author of a book on law, a study of how law functions in practice. Laura Bennett holds an Honours degree in Arts and a Master of Law.

How Council decisions are made

Council meetings

Council meets to debate and make decisions about issues that affect Ku-ring-gai and its people. These are called Ordinary Meetings of Council and all councillors attend. Under the *Local Government Act 1993 (LG Act 1993)* there must be at least 10 meetings each year. The public is welcome and invited to attend these meetings and may address Council. Most decisions are made at these meetings, which are generally held in the Council Chambers every second and fourth Tuesday of the month at 7pm.

The Mayor chairs the meetings in accordance with the Code of Meeting Practice. The General Manager and staff prepare reports and make recommendations for the consideration of Council. Council staff are also present to provide advice and record the decisions, known as minutes.

The Mayor and councillors can also raise matters to be debated at Council meetings, through Mayoral Minutes, Notices of Motion and Rescission Motions. A decision is made when the majority of councillors vote for something to occur. When motions are adopted, Council staff undertake the necessary actions to implement the decision of Council. When motions are lost, no further action will be taken on the matter.

Forums, reference groups and committees

To assist in the decision making process and the operation of Council, formal and informal forums, reference groups and committees provide advice, assist in managing facilities or services and perform other functions. These groups often include members of the community as well as some or all councillors. As part of the decision making process, recommendations made by these groups may be referred to an Ordinary Meeting of Council for a decision. On election of a new council in September 2008, following the local government elections, all forums, reference groups and other committees must be reviewed.

Monitoring organisational performance

The process of monitoring the performance of Ku-ring-gai Council is conducted through quarterly Management Plan and budget reviews that are presented to Council for comment and adoption. The quarterly reviews include:

- Report on the key objectives set out in the Management Plan
- Progress towards performance indicators
- Progress of current projects
- Financial details and statements of investments
- Local government health check

Community involvement

Ku-ring-gai Council is committed to our community and works closely with them to help shape decisions and provide feedback on our services, projects and planning. This is evident as part of the development of the Sustainability Plan and through Council's formal consultation policies, use of e-registers and the many community meetings and consultations undertaken to direct our plans, policies, services and capital works.

Our organisation

Ku-ring-gai Council is a public statutory body incorporated under the *LG Act 1993*. The Act sets out the purpose and charter of Council and defines its powers and functions.

Role of the General Manager

As the General Manager my responsibilities include:

- Manage the day to day operations of the organisation
- Exercise such functions as are delegated by Council
- Appoint staff in accordance with the organisational structure and resources
- Direct and dismiss staff
- Implement Council's Equal Employment Opportunity Plan.

The overall performance of the General Manager is measured through a performance agreement as part of the contract of employment.

Senior Management Team

During 2006 Council formally reviewed its structure. This resulted in a reduction in directorates from six to five. A summary of the activities undertaken in each directorate is provided below.



General Manager

John McKee

The General Manager's responsibilities are to implement the decisions of Council's elected representatives and oversee the day to day management of Council as a corporate organisation. This also includes overseeing the civic management team including mayoral and councillor support, the office of the internal ombudsman and legal services.

The General Manager's performance is reviewed by Council against the Management Plan. The General Manager, along with the five directors, make up the senior management team that ensures the organisation is meeting its obligations and provides staff with advice on emerging issues.

**Director Community**

Janice Bevan

The community directorate plans and delivers a vast range of programs and services that are specifically designed for the Ku-ring-gai community. These include programs for seniors and people with special needs, school vacation programs, the family day care scheme, youth services and events and festivals to encourage community spirit. The directorate is also responsible for the management of Council's four libraries, Ku-ring-gai Art Centre, Thomas Carlyle Childcare Centre, Ku-ring-gai Wildflower Garden and the Customer Service Centre. Other responsibilities include bookings of ovals and tennis courts, environmental education, volunteer programs and corporate communications.

**Director Corporate**

John Clark

The corporate directorate provides the necessary internal services to assist in ensuring the organisation is effective and efficient in its delivery of services to the community. The directorate also ensures corporate legislative compliance and best practice corporate governance. This role encompasses finance, business, corporate governance, human resources, payroll, insurance, risk management, information technology, land information and records.



Director Development and Regulation

Michael Miocic

The development and regulation directorate's key responsibilities are assessing and monitoring the construction and progress of development and subdivision applications, the regulation of land uses, parking management, companion animal management and environmental health control.



Director Operations

Greg Piconi

The operations directorate is responsible for the overall delivery of operations across Council. Operational activities include the maintenance of built assets including buildings, roads, footpaths, drainage, parks, sportsfields, trees, bushland, pest species, recycling services and waste delivery. Operations also deliver education programs on road safety, waste and recycling. All tree management (including Tree Preservation Orders) is managed by this directorate as well as security and venue support. The delivery of all capital works projects is under the control of the operational directorate. Over the next twelve months, the operations directorate will be focusing on reviewing its current service delivery programs to improve efficiency.



Director Strategy

Andrew Watson

The strategy directorate undertakes the role of integrated and forward planning for Council. The directorate recently completed the development of plans for six town centres and is near to completing a “visioning” process that will help set the long term strategy and vision, with the community to aid in the development of long term plans. Additionally work begins this year on the development of a consolidated planning instrument for Ku-ring-gai in line with State Government requirements. Facility renewal, recreational planning and long term financial planning for Council is also a high priority for this year.

Civic Leadership and Corporate Services

Introduction

Ku-ring-gai Council works to ensure that its affairs are conducted in an open and transparent manner. This involves effectively consulting with our community to ensure we provide quality services that reflect the expectations of rate payers.

Objectives

5 Year Objective	1 Year Objective
Review our policies regularly to ensure that they are maintained and effectively communicated across the organisation and, where appropriate, across the community	<ul style="list-style-type: none"> * All Council policies are developed, updated and implemented as per Department of Local Government's Promoting Better Practice Review Action Plan * Council's website is updated with all current policies * To investigate the deployment of a network of information kiosks into Council buildings to promote Council's services, programs and key messages
Ongoing commitment throughout the whole of Council to our service standards to ensure customer satisfaction through the delivery of quality service in all internal and external transactions	<ul style="list-style-type: none"> * Customer service standards are effectively implemented across Council * Continue to develop and implement Council's intranet * Continuously improve the services we provide to all our customers
Council has in place an integrated information system that facilitates the provision of services to all customers	<ul style="list-style-type: none"> * Implement new systems in accordance with Council's Information Technology Strategy * Improve training, utilisation and understanding of Council's corporate system across the organisation
Increased communication and engagement with the staff and the community	<ul style="list-style-type: none"> * To enhance the participatory process in internal and external decision making
The range of human resource services is enhanced in both quality and quantity	<ul style="list-style-type: none"> * Develop and implement a Workforce Plan * Develop and implement new HR systems
An expanded e-business capability to enable customers to conduct business with Council electronically	<ul style="list-style-type: none"> * Develop a plan to implement e-service solutions * Review long term direction, use, technology needs and funding for geographic information systems * Continue to provide an effective support service to the organisation

Function areas and services

Communications	* Communications and marketing
Governance	<ul style="list-style-type: none"> * Corporate governance * Print room * Councillor support * Executive support
Office of the Internal Ombudsman	* Ombudsman service
Corporate Planning and Reporting	* Corporate Planning
Information Management	* Records Management
Information Technology	* Telecommunication
Land Information	* Land Information (GIS)
Human Resources	<ul style="list-style-type: none"> * Occupational Health and Safety * Integrated OH&S Management Plan * Training, Learning and Careers * Workforce Management * HR Systems and Payroll
Customer Service	* Customer Services

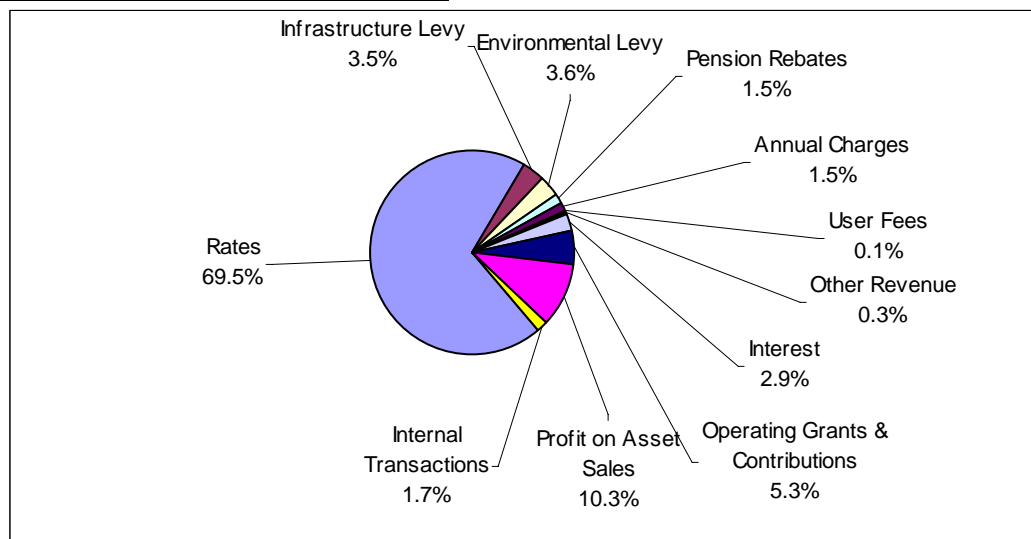
Major projects:

- Human Resources Systems
- Council policies are updated as per Department of Local Government Promoting Best Practice Review action plan intranet
- Workforce Plan
- Comprehensive photo library
- E-service solutions

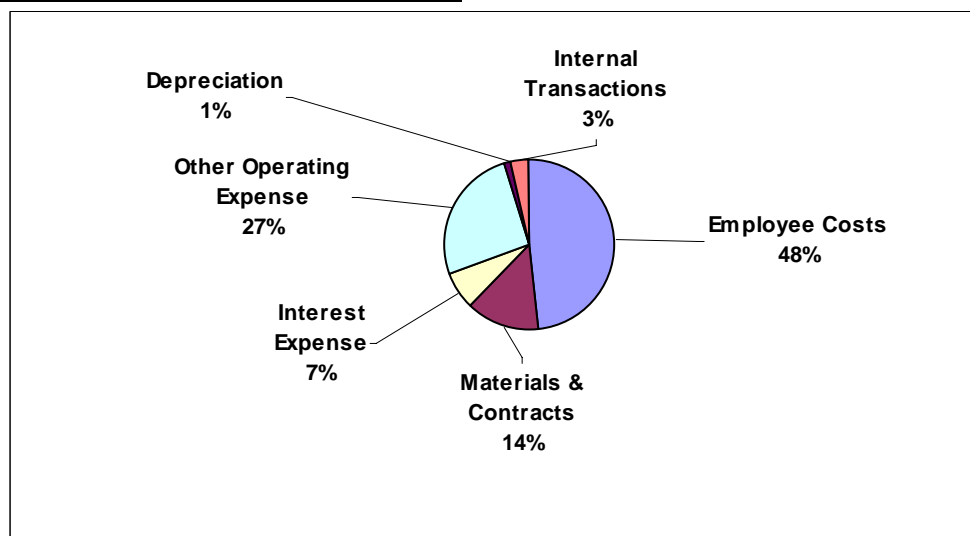
Management Plan KPIs

Function Area	MP KPI
Communication and Marketing	* 70% satisfaction with Council's communications
Governance	* 90% of Department of Local Government Promoting Better Practice review action plan implemented * 100% of FOI requests processed within set timeframe * 80% of requests to access publicly available information under Section 12 of the <i>LGA 1993</i> are actioned within 10 working days * 100% of statutory governance requests are completed within legislative timeframe
Ombudsman service	* 100% of complaints referred to the ombudsman investigated and assessed within set timeframe
Corporate Planning and Reporting	* 100% of reports are prepared and submitted within statutory timeframe
Information Technology	* 100% of IT agreed project milestones completed * 98% availability of IT systems * 90% of service requests completed in set timeframe
Land Information	* 100% of land information project milestones completed within set timeframe * 95% of 149s issued within set timeframes * 98% availability of GIS system
Human Resources	* 5% reduction of lost time injury rate from previous year * Staff turnover less than 20% * 90% of training and development programs for direct reports implemented
Customer Service	* 80% of customer requests (CRS) processed within service standard
	* 75% of customer requests (CRS) actioned within service standard

Revenue Budget	57,279,800
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Expenditure Budget	8,213,800
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Built Environment

Introduction

Our assets are managed effectively to meet community needs and standards within our available resources.

Objectives

5 Year Objective	1 Year Objective
More sustainable fleet that reduces the impact on climate change and reduces consumption of fuel by 15% from 2007 levels	* Review of Council's fleet and plant to implement more sustainable options
20% increase in the use of recycling products compared with the 2007 levels	* Increase the use of recycling materials in Council's road construction works
Reduction in road accidents on Council's roads	* Examine options for improving traffic flow and road safety on Council's road network
A transport network that complies with accessibility standards	* Implement accessibility improvements for public transport areas and Council buildings
20% reduction in energy consumption kwh for street lighting	* Examine options with Energy Australia for reducing energy consumption for street lighting
Established service level agreements with emergency service organisations	* Establish a memorandum of understanding with adjoining councils and emergency service organisations
An established program that provides funding to maintain Council's assets at a sustainable standard	* Undertake a review of Council's Capital Works Program for all asset classes to determine the preferred level of funding and priorities
Established service level agreements for all asset maintenance areas	* Undertake a review of service levels for maintenance of Council's assets and develop programs for all areas * A security contract that provides upgraded security for all of Council's buildings and public areas
An established list of internal policies and procedures for operational areas	* Review and establish internal policies and procedures for operational areas
An established customer service agreement for all operational areas	* Undertake a review of customer service standards for all operational areas
An adopted program for the implementation of new facilities and identified funding sources	* Undertake planning and costing for proposed new facilities
A new depot will be completed and base all Council's operations area	* Commence construction of the new depot following approval of tenders by Council
Develop an asset management strategy that integrates into Council's long term financial model and capital works programs	* Develop an asset management policy * Develop an asset management project strategy * Ensure ongoing implementation of the Open Space Acquisition Strategy * Examine outcomes of the building condition audit to prioritise a works program to bring Council's buildings up to a satisfactory standard * Introduce and implement a stormwater charge
Continued community confidence in our assessment, regulatory and environmental processes	* Ensure development, land use and activities are consistent with statutory regulations and Council's policies and codes
Continue to provide a development assessment and regulatory service that is consistent with Council's planning objectives	* Maintain an efficient and effective development assessment certification and regulatory service
An automated development assessment certification and regulatory system is implemented	* Online DA tracking implemented * Electric infringement devices introduced
Companion Animals Management Plan is	* Annual review undertaken

implemented	
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Function areas and services

Engineering Services Asset Maintenance and Management	<ul style="list-style-type: none"> * Building maintenance * Building trade maintenance * Building contractor management * Road maintenance * Access crossings * Footpath maintenance * Kerb and gutter maintenance * Patching * Restorations * Road maintenance - road shoulders
Infrastructure Design and Construction	<ul style="list-style-type: none"> * Infrastructure restoration * Engineering capital works projects * Open space capital works projects * Public lighting
Fleet Maintenance & Management	<ul style="list-style-type: none"> * Management support - fleet * Passenger fleet * Plant maintenance * Fleet maintenance and repair * Small plant and equipment
Traffic and Transport	<ul style="list-style-type: none"> * Investigation and design * Road safety * Traffic management * Road safety programs
Development Control	<ul style="list-style-type: none"> * Management support - Development and Regulation * Administration * Development assessment * Development Assessment Engineer * Landscape assessment
Regulation and Compliance	<ul style="list-style-type: none"> * Development compliance * Public health services * Animal control * Parking and traffic * Area rangers * Building Unit
Emergency Management	<ul style="list-style-type: none"> * Local emergency management * Rural Fire Brigade services * SES services
Security	<ul style="list-style-type: none"> * Security services
Cleaning	<ul style="list-style-type: none"> * Cleaning services
Waste Management	<ul style="list-style-type: none"> * Street sweeping * Routine pit clearance * Litter control and clearing * Unformed shoulder clearing * Domestic waste * Green waste service * Recycling service * Trade waste * Drainage maintenance
Open Space Services	<ul style="list-style-type: none"> * Management support - Open Space Services * Asset management
Park Maintenance	<ul style="list-style-type: none"> * Park maintenance

	* Playground maintenance
Sportsfield Maintenance	* Sportsfield maintenance
Tree Maintenance	* Tree maintenance * Tree Preservation Order process
Strategic Asset Management and Services	* Strategic asset management

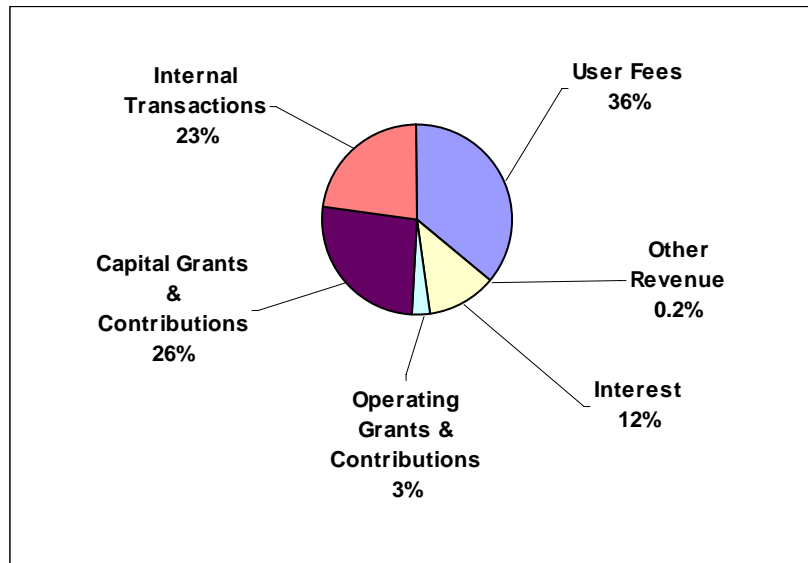
Major projects:

- Establish a memorandum of understanding with adjoining councils
- Stormwater charge
- Environmental levy
- Infrastructure levy
- New depot
- Asset classes Service Level Standards Review
- Asset Strategy

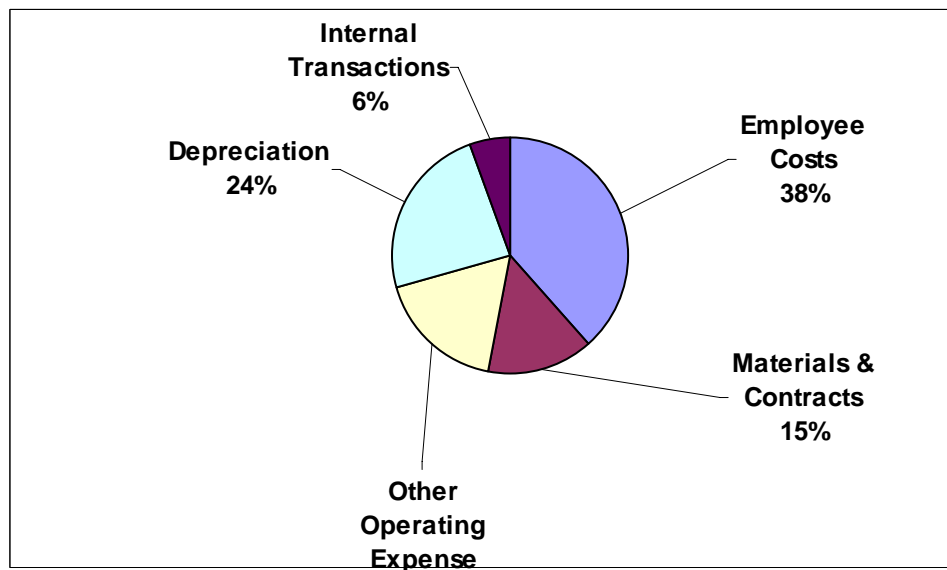
Management Plan KPIs

Function Area	Management Plan KPI
Engineering Services Asset Maintenance and Management	* 85% of Building Maintenance Program completed * 10% improvement in the condition of Council's building assets
Infrastructure Design and Construction	* Increase 10% of recycle material in operational projects * 90% of capital works project milestones are completed as per program * 90% of infrastructure levy project milestones are completed as per program * 90% of environmental levy project milestones are completed as per program * 90% of stormwater charge program implemented within set timeframe
Fleet Maintenance and Management	* 5% reduction of fuel consumption by passenger fleet * 5% reduction of fuel consumption by operational fleet
Traffic and Transport	* 90% of road safety program completed within set timeframe * 90% of traffic facilities program completed within set timeframe * 25% compliance with transport accessibility standard
Development Assessment	* Median processing times for all applications is 60 days * 70% of applications have a processing time of 50 days * Land and Environment Court costs do not exceed budget * Number of undetermined development applications less than 450 * Median processing times for express assessment is 30 days
Regulation and Compliance	* 90% of construction certificates are processed within 14 days * 80% of residential flat buildings comply with fire safety standards
Waste Management	* 60% diversion of waste from landfill * Below 4% contamination by weight for dry recyclables and green waste * 95% compliance with Landfill Environmental Management Plan
Park Maintenance	* 80% of park maintenance programs complete * 10% improvement in the condition of Council's playgrounds
Sportsfield maintenance	* 80% of sportsfield maintenance programs complete
Tree Maintenance	* 80% of tree maintenance programs complete * 10% of proactive tree maintenance program completed
Strategic Asset Management and Services	* 90% of strategic asset management project milestones completed within timeframes

Revenue Budget	19,019,900
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Expenditure Budget	22,601,400
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Natural Environment

Introduction

Council and the community, value, respect and actively participate in the care and management of our environment. Our natural area management plans, policies, strategies and actions reflect current legislation and policies. These include our biodiversity, natural resources, bushland and creeks as well as our urban landscape.

Objectives

5 Year Objective	1 Year Objective
Bushland areas under regeneration require minimal maintenance. This will increase the capacity of the regeneration program to add more sites	* Improve the condition of bushland environment
Our Natural Area Program meets community priorities	* Improve community understanding and satisfaction of Council's Natural Area Management Program
Improved conservation and recovery of flora and fauna	* Improve knowledge of ecological systems
The management of bushfire risk for extreme to high prioritised areas addresses our needs to protect life, property, and the local ecology	* Manage community concerns in relation to bushfires * Implement the Hornsby Ku-ring-gai District Bushfire Management Plan * Develop bushfire management plan with the local agencies and land managers
Improve water quality in urban streams	* Implement five water savings and water sensitive urban design projects * Complete three creek remediation projects
Improve the adoption of integrated water cycle management	* Implement an action plan to accompany the adopted Integrated Water Management Strategy
Potable water consumption of community and Council decreases 30% based on levels in the year 2000	* Reduce Council's potable water consumption by 6% * Reduce community potable water consumption by 6%
Council's major water using facilities use 25 % non-potable water	* Increase Council's non-potable water consumption by 5% per year
Council's greenhouse emissions reduced to 20% based on levels in 1996	* Reduce Council's greenhouse emissions by 4% per year
Council and community better adapted to climate change	* Develop a climate change adaptation action plan for Council infrastructure and services
Community greenhouse emissions reduced by 10% based on levels in 1996	* To reduce community greenhouse emissions by 2% per year

Function areas and services

Bushland	* Flora and fauna * Riparian * Fire * Bushland maintenance * Ku-ring-gai Nursery
Water	* Water re-use * Water conservation * Water sensitive urban design
Energy	* Energy consumption * Climate change

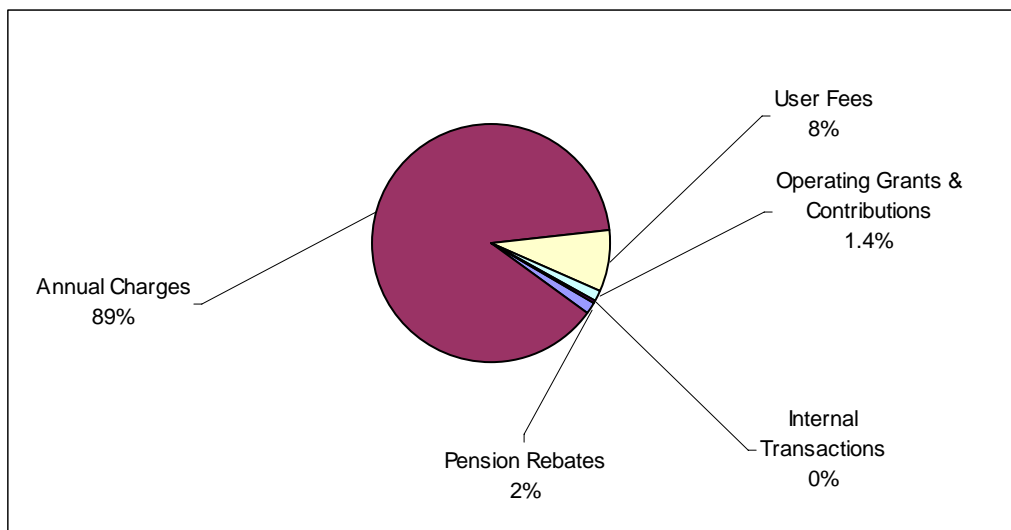
Major projects:

- Hornsby Ku-ring-gai District Bushfire Management Plan
- Implement five water savings and water sensitive urban design projects
- Three creek remediation projects
- Commence implementation of high priority actions from the site management reports prepared by the northern region Aboriginal Heritage Office
- Vegetation mapping

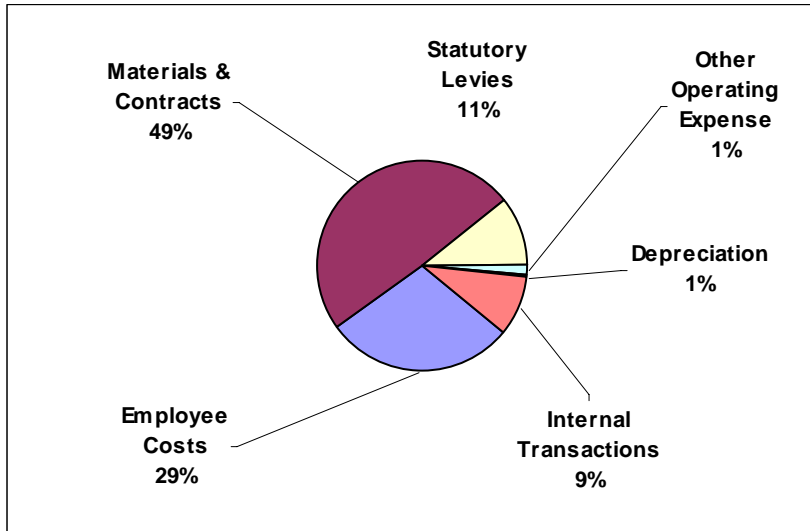
Management Plan KPIs

Bushland	<ul style="list-style-type: none"> * 80% of Bushland Maintenance Program completed * 70% satisfaction with Council's Bushland Management Program * 100% of critically endangered and endangered ecological communities mapped against adopted method in Sydney Turpentine Ironbark Forest, Blue Gum High Forest and Duffy's Forest communities * 90% of ecologically sustainable lands mapping and training program completed * 100% of bushfire complaints (via CRS) responded to * Number of hectares burnt as part of the annual Hornsby/Ku-ring-gai Hazard Reduction Program
Water	<ul style="list-style-type: none"> * 90% of Water Sensitive Urban Design Program completed * 90% of Stormwater Pollution Control Maintenance Program completed * 90 % of the Creek Remediation Program completed * 90 % of the Integrated Water Management Strategy Program completed * 6% reduction in Council's potable water consumption * 6% reduction in per capita potable water consumption * 5% increase in Council's non-potable water consumption
Energy	<ul style="list-style-type: none"> * 4% reduction in Council's corporate greenhouse emissions * 10% increase in knowledge and understanding on climate change * 5% of households participate in energy audits

Revenue Budget	10,738,300
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Expenditure Budget	22,714,000
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Integrated Planning

Introduction

Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage. Our urban area will become more liveable and sustainable as we respond to State Government and community demands for additional housing, greater housing choice and associated facilities.

Objectives

5 Year Objective	1 Year Objective
Implementation of Sustainability Plan	* Adopted sustainability plan that incorporates town centre and principle LEP objectives
<ul style="list-style-type: none"> * Incorporate and apply principles of sustainability within relevant Council policies, plans and guidelines * Actively engage and develop partnerships with other government bodies * Enhance connection between communities and their local environment 	* Conduct training, liaise and raise awareness of urban design principles within Council and the community
<ul style="list-style-type: none"> * Complete comprehensive Integrated Principal Local Environment Plan (LEP) and Development Control Plan (DCP) for the local government area (LGA) that addresses the Metropolitan Strategy and North Subregion objectives * Integrate high quality urban design through plans, guidelines and urban design service 	<ul style="list-style-type: none"> * Progress the Town Centre LEP and DCP including reclassification process * Complete Stage 1 of the Principal LEP * Develop interface strategy and incorporate into principle LEP * Revise heritage items and Urban Conservation Areas (UCAs) and incorporate into principle LEP * Completion of LGA Neighbourhood Study, for incorporation into Principal DCP and Public Domain Manual * Prepare a Dual Occupancy LEP/DCP * Complete a Public Domain Strategy and Manual for the town centres
* Take a leadership role implementing sustainable design and systems through demonstration projects	* Following adoption, commence implementation of the Town Centre Section 94 Plan
* Commence preparation for electronic delivery of all planning documents- e plan	* Preparation of the principle LEP/DCP in accordance with State Government guideline
* Adopt and implement climate change mitigation targets and adaptation measures	* Undertake economic analysis of cost to Council of climate change adaptation and mitigation under various reduction targets
* Develop place management and place making strategies	<ul style="list-style-type: none"> * Develop and implement urban design plans, policies and guidelines * Prepare Architectural Style Guide
* Establish long-term planning and funding strategy for the delivery of high quality infrastructure that meets the needs of the community	<ul style="list-style-type: none"> * Maintain and develop 3D virtual modelling capability to support preparation of plans and policies and education program * Prepare Integrated Traffic and Transport Plan, for adoption, and commence consultation with State bodies * Finalise the parking management strategies for each centre, and review and implement strategies in response to development in each town centre * Complete the Ku-ring-gai Strategic Bicycle Plan and commence implementation in town centres through the Public Domain Plan

	<ul style="list-style-type: none"> * Complete Strategic Pedestrian Plan and commence implementation through the public domain plans * Liaise with Ministry of Transport in relation to implementation of strategic bus corridors
* Deliver quality planning and policy decisions based on a representative and consultative approach	* Complete preparation of consolidated development contributions system
<ul style="list-style-type: none"> * Provide open space, community and recreation facilities that meet the needs of our changing population * Complete redevelopment of West Pymble Pool * Commence multi-use sport and recreation facility at North Turramurra Recreation Area as part of a staged development process 	<ul style="list-style-type: none"> * Complete detailed design for West Pymble Pool redevelopment * Finalise Plan of Management for North Turramurra Recreation Area and prepare detailed designs, DA and construction documentation for Stage 1 * Investigate site options and identify suitable site for new BMX facility; prepare facility design and lodge DA * Prepare a precinct master plan for the St Ives Showground, nursery and Wildflower Garden * Complete annual review and update of Plans of Management * Complete a revision of community plan * Complete a revision of cultural plan * Prepare a netball facilities development plan

Function areas and services

Urban Planning	<ul style="list-style-type: none"> *Urban Planning *Urban Design
Open Space Planning	*Open Space Planning

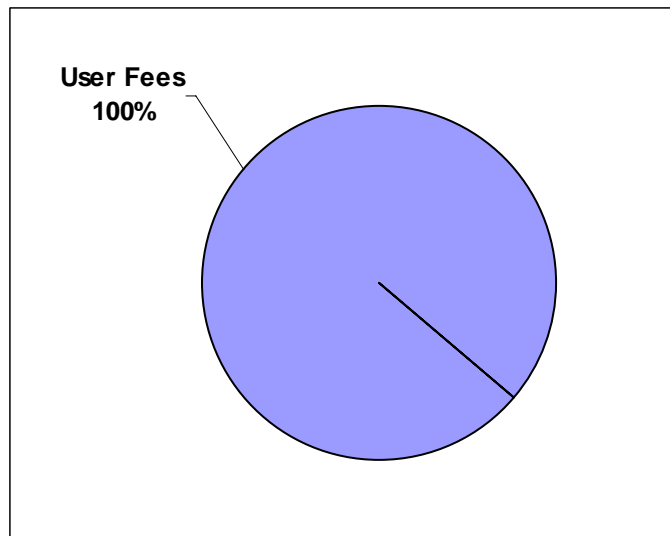
Major projects:

- Town Centre LEP
- Town Centre DCP
- Town Centre Section 94 Plan
- Interface Strategy
- Principles of place making and place management
- LGA neighbourhood study
- Dual Occupancy LEP/DCP
- Public domain manuals
- Architectural Style Guide
- Integrated Traffic and Transport Plan
- Open Space Acquisition Strategy
- Strategic Bicycle Plan
- Strategic Pedestrian Plan
- Consolidation development contributions system
- Planning Agreement Policy
- Plans of management
- Open space planning
- West Pymble Pool redevelopment
- BMX facility
- Parking Management Plan
- North Turramurra Recreation Area
- District Park Masterplans

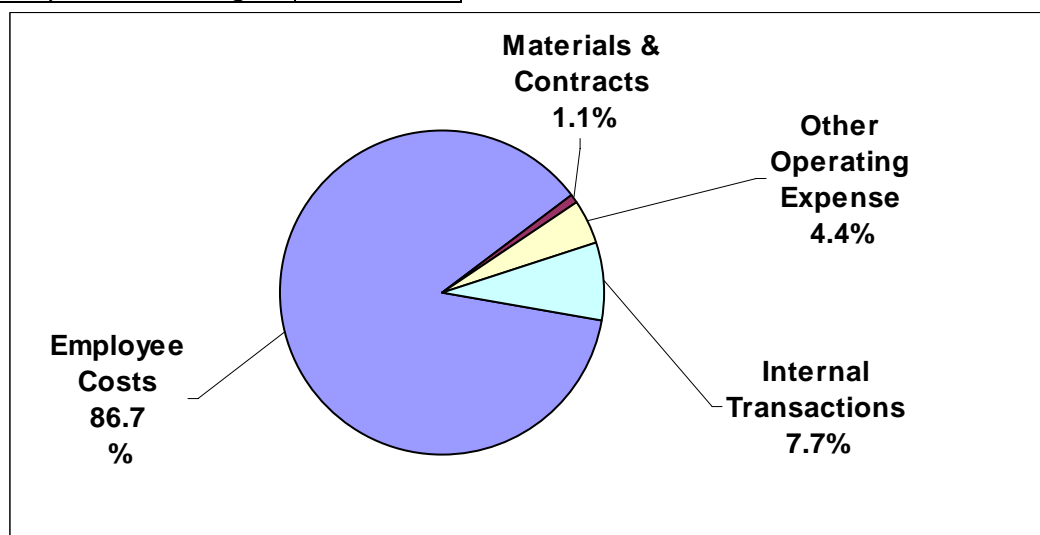
Management Plan KPIs

Function Area	KPI
Urban Planning	<ul style="list-style-type: none"> * 95% of urban planning project milestones are completed within set timeframe * 95% of urban design project milestones are completed within set timeframe
Open Space Planning	<ul style="list-style-type: none"> * 80% of open space planning project milestones are completed within set timeframe * 85% of Plan of Management program complete

Revenue Budget	314,500
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Expenditure Budget	1,822,900
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Financial Sustainability

Introduction

Council's financial management is sound and sustainable. This includes effectively managing our debt, diversifying our income sources, providing long term financial plans that allow Council to maintain our infrastructure and provide for new facilities, while meeting community expectations for service delivery now and into the future.

Objectives

5 Year Objective	1 Year Objective
Our long term financial model provides funding options to address our infrastructure renewal gap, town centre facilities plans and maintain and improve service delivery to the community	* Review and update the long term financial model to incorporate information from the asset management plans and strategies and the Town Centre Facilities Plan
Our long term financial model incorporates Council's strategic plans	* Further refine funding, timing and prioritisation of major projects and incorporate these projects in the long term financial model
Working capital balance is increased to the level recommended by our external auditors	* Determine a working capital target
Council's revenue base is broadened and increased to reduce our reliance on rates	* Identify revenue opportunities and implement changes to Council's Revenue Policy where appropriate
Implement a review of our financial and business services to identify areas for improvements	* Develop a service review methodology and program
Implement systems to calculate, index and collect funds for public infrastructure and to manage that funding in the strategic context	* Commence development of principles for place making and place management * Develop and implement Proclaim enhancement package for the administration of development contributions * Implement, monitor and review a planning agreement policy

Function areas and services

Financial Management	Financial management
	Accounts payable
Revenue Accounting	Revenue accounting (rates and debtors)
	Corporate accounts
	Statutory levies
	Sec 94 contribution
Procurement and Risk Management	Procurement
	Insurance and risk

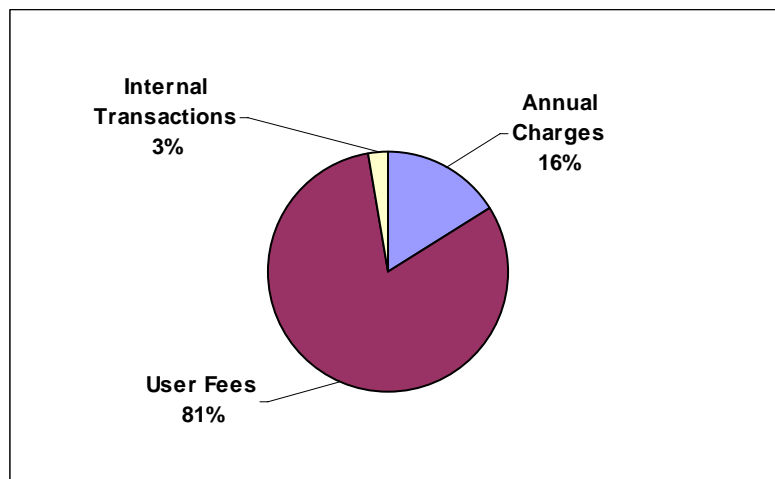
Major projects:

- Asset Management Strategy
- Long term financial model

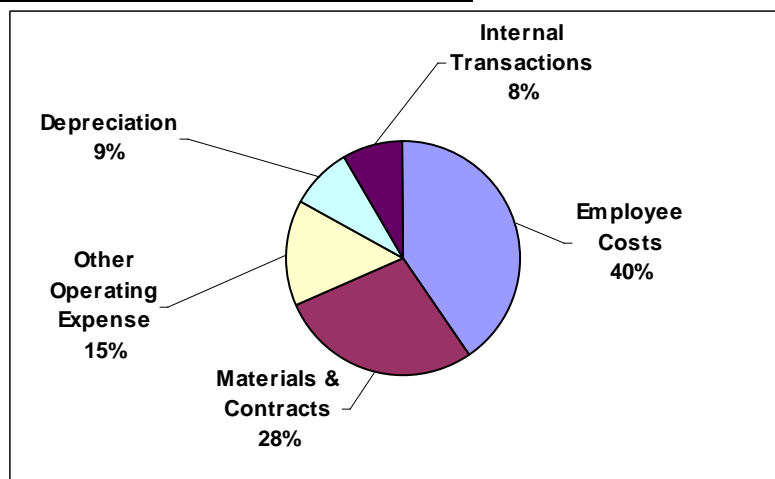
Management Plan KPIs

Function Area	KPI
Financial management	<ul style="list-style-type: none"> * 100% of statutory financial reports prepared and submitted within legislative timeframes * Weighted average year to date return exceeds the UBSWA Bank Bill Index (%) benchmark return * Available working capital balance exceeds \$1million
Revenue accounting	* 96% of Rates, Charges and Fees collected

Revenue Budget	2,835,800
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Expenditure Budget	5,246,100
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Community Development

Introduction

The Ku-ring-gai community is healthy, safe, inclusive and informed. Council's programs and services are accessible, affordable and meet current and emerging needs. Our community is culturally and socially aware and participates in activities that contribute to a sense of wellbeing.

Objectives

5 Year Objective	1 Year Objective
A community with increased participation in social cultural, sporting and recreational activities and events	* Develop and provide opportunities for the community to engage in the public life of Ku-ring-gai
Parks, recreational facilities and other public spaces are a focal point for the community	* Organise activities, programs and events to increase use of public spaces and community facilities
Council's community, sporting and cultural facilities management systems address the needs and expectations of the community	* Implement facility management plans and programs to increase accessibility and utilisation * Promote Ku-ring-gai as a destination for cultural and heritage tourism
A community that is aware of environmental, cultural and social issues	* Develop and implement programs to educate and inform the community about current and emerging areas of public interest
Libraries and information centres that are adaptable in meeting the changing needs of the community	* Provide a range of library services in response to community needs
Community services developed in response to emerging local needs	* Provide a range of community services that are affordable and accessible
Sponsorship opportunities are fostered through partnerships	* Develop partnership and sponsorship opportunities for services, programs and events
Increased volunteer participation, and recognition of volunteer contributions to the community	* Resource and support programs to enhance volunteer involvement
A better informed community	* Implement Consultation Strategy

Function areas and services

Service Planning and Development	* Service planning and development
Aged Care and Disability Planning and Development	*Aged services *Disability services
Leisure, Art and Cultural Development	* Community programs * Ku-ring-gai Art Centre
Volunteer Planning and Development	* Community volunteer programs
Library Services	* Library services
Children's Planning and Development	* Thomas Carlyle Children's Centre * Family Day Care * Children services development * Immunisation
Community Functions	* Community Functions
Youth Planning and Development	* Youth service
Environmental Education	* Ku-ring-gai Wildflower Garden
Sport and Recreational Planning	* Facilities revenue

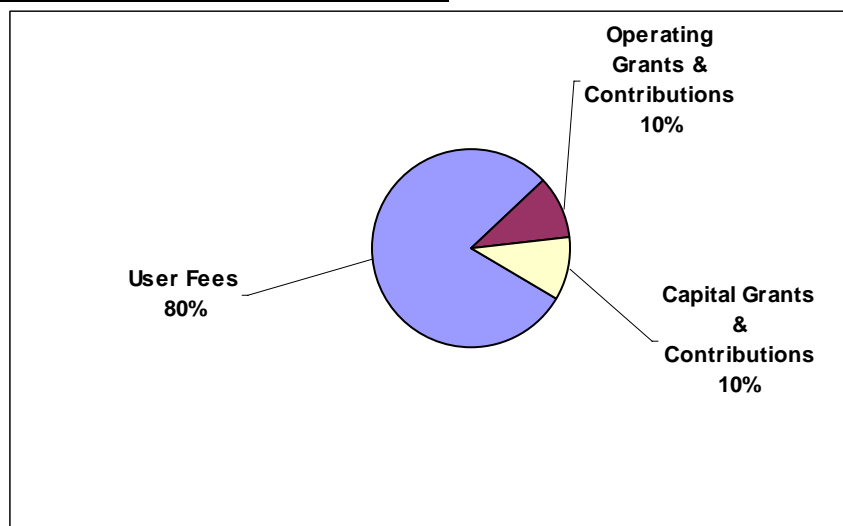
Major Projects:

- Community Plan
- Cultural Plan
- Festival on the Green
- Consultation Strategy

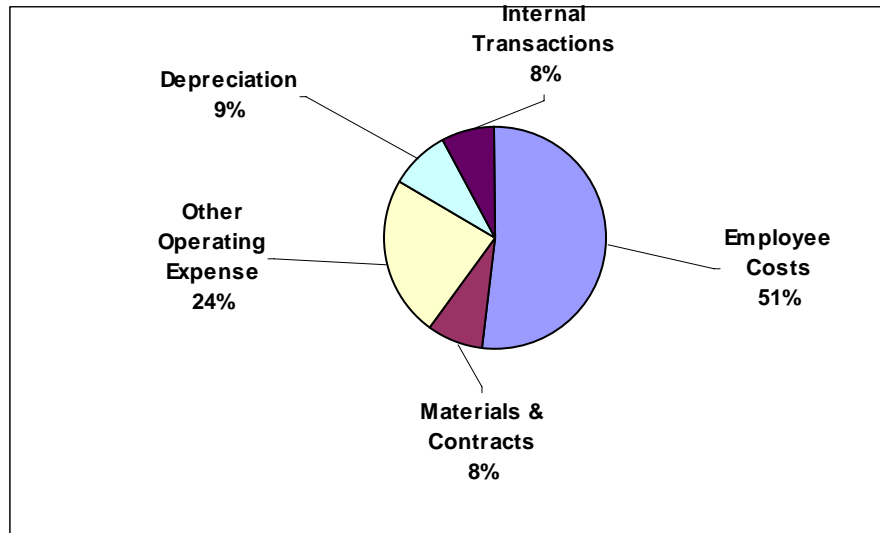
Management Plan KPI

Function Area	Management Plan KPI
Service Planning and Development	* 95% of 2008/09 priority Community Plan recommendations completed
Aged care and Disability Planning and Development	* 90% of actions from the Disability Discrimination Act Action Plan completed * 10% increase in participation in seniors program * 85% satisfaction with seniors community education programs
Children's Planning and Development	* 90% utilisation of Family Day Care and Thomas Carlyle Children's Centre
Youth Planning and Development	* 5,000 participants in Youth Services activities
Volunteer Planning and Development	* 1,200 volunteers enrolled in Councils' community volunteer programs (8% increase)
Leisure, Art and Cultural Development	* 80% of the funded 2008/09 Cultural Plan recommendations are completed within set timeframe * 80% enrolment at vacation care centres and school holiday programs * 70% of capacity enrolment of Spring in to Action activities * 90% student enrolment in Ku-ring-gai Art Centre programs
Environmental Education	* 80% of environmental education activities delivered
Community Functions	* 15,000 people attend events
Sport and Recreational Planning	* 90% of capacity participation in Active Ku-ring-gai program * 100% of recreational facilities seasonal allocation completed
Library Services	* 100% of acquisitions budget spent * 70% satisfaction with library services * 10% increase in e-zone usage

Revenue Budget	8,369,700
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Expenditure Budget	16,850,200
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Human Resources

Two new agreements were signed last financial year, heralding a change in the way employment related issues will be handled in the future. The Ku-ring-gai Council Skills, Performance, Remuneration and Rewards Agreement 2007 contains new performance assessment and salary systems designed to enhance Council's ability to meet organisational objectives and reward staff who meet their performance targets. The Ku-ring-gai Council Percentage Increase Agreement 2007 gave Council staff a 3.2 per cent salary increase, which was equivalent to the 2007 Local Government (State) Award increase. A new, holistic agreement specifically for Ku-ring-gai Council will be negotiated during the 2008-2009 financial year.

Climate survey

The climate survey was conducted for the second time in October 2007 with an incredible 93 per cent response rate. While there are still areas requiring further attention, the 2007 survey did show significant improvement over many of the 2006 results. Three key areas showed significant improvements:

- employee engagement improved by 5 per cent
- organisational commitment improved by 6 per cent
- customer satisfaction improved by 16 per cent
- Awareness of organisation objectives improved by 18 per cent
- results focus has improved by 12 per cent.

One area that will receive significant attention during this year will be workforce planning, including the provision of career opportunities to further enhance Council's ability to attract and retain valuable staff.

Human resource systems

A new payroll system, providing improved integration with other corporate systems and enhanced functionality, was implemented in 2007. Other HR modules are scheduled to be implemented this year, cover occupational health and safety, training and development and recruitment.

Foreshadowed for the 2009-2010 financial year will be the implementation of an online portal through which staff will be able to access human resource information and statistics.

Regional cooperation

Regional cooperation with 11 neighbouring councils will progress this year with particular focus on attraction and retention of staff and cost effective tendering for services.

Industrial Relations

Industrial relations became even more complex in with the passage of the WorkChoices legislation by the previous Federal Government. This left councils in a virtual no-man's land regarding jurisdictional coverage for industrial issues. Many councils, including Ku-ring-gai, received legal advice that they were covered by the WorkChoices legislation. However, the NSW Government warned that action could be taken against them if they acted in accordance with their legal advice and applied federally for assistance in handling disputes and/or in registering agreements.

It is anticipated that during the 2008-2009 financial year, promised federal legislative changes will clarify the issue of jurisdictional coverage to allow Ku-ring-gai and other affected councils to move forward.

Human development

Employee development workshops on coping and managing change were rolled out to all staff this financial year. The next phase of the leadership program will focus on shifting organisational culture, particularly through mentoring and coaching programs.

In order to fully implement the new performance assessment system (incorporated in the Ku-ring-gai Council Skills, Performance, Remuneration and Rewards Agreement 2007), effort has been put into training managers and supervisors on the operation of this new system. By June 2008, all staff will be allocated into new salary bands, with the first round of performance assessments due to commence on 1 July 2008.

A comprehensive training plan is being developed for the 2008-2009 financial year. This plan will become an important component for the Ku-ring-gai Council Workforce Plan, which is due to be completed towards the end of the 2008-2009 financial year. The key objective of this plan is to ensure the organisation has readily available staff with the required skills and competencies to carry out the business of Council as and when required. This is critical in view of the growing skills shortage and the scrambling by both private and public organisations to attract and retain the staff they need to meet organisational objectives.

Occupational Health and Safety and Injury Management

A review of policies and procedures will be the focus for 2008-2009. The process has commenced with a review of the Occupational Health and Safety (OH and S) Policy and with that a renewal of Council's commitment to the required standards for managing OH and S in the workplace. A legislative compliance review will assist in future OH and S planning. To date, health surveillance has been identified as a priority, while the risk management process is continuing to provide opportunities for controlling hazards across the organisation. Further work on the management system is scheduled, with the completion of a holistic OH and S manual the target for the coming year.

OH and S training continues, with a strong focus on legislative certification and skills improvement. The Drug and Alcohol Policy will be reviewed and training undertaken to ensure all staff are aware of the issues and procedures for handling such issues in the workplace.

The OH and S Committee is using the 2008-2009 year to promote health and wellbeing, in addition to undertaking the scheduled OH and S inspections of sites where staff and/or volunteers work.

Improvements in statistical reporting will be gained with the implementation of the OH and S module of the Technology One HR/Payroll system. This will provide managers and supervisors with the data and the tools to assess OH and S performance internally and for benchmarking against external organisations.

Managing equity and diversity

In the last Management Plan, Ku-ring-gai Council stated that it would try to improve its results on the 2006 climate survey. It did in 2007. On the questions focused on diversity, equal employment opportunity (EEO) and OH and S (which also picks up issues relating to bullying and harassment) the scores improved. Out of a potential mean score of 5, Council scored 3.9 and improved its favourable score by 4 per cent over the 2006 results. With 72 per cent of staff either agreeing or strongly agreeing to the way these issues are handled, Council has equalled the benchmark for local government and exceeded the benchmark for private and public organisations by 41 per cent.

During the 2008-2009 financial year, the EEO Management Plan will be reviewed, updated and re-focused to improve the ratings even further in the next climate survey.

Community Planning, Access and Equity and Disability planning

Community Plan

In May 2006 Council adopted the Ku-ring-gai Community Plan 2005 – 2009. The plan was developed to identify key community needs, promote fairness in the distribution of resources and improve the well-being of the community. The plan addresses a number of key issues affecting residents and targeted groups including:

- Shortages in social services across age segments and target groups including children, young people, older people, people with disabilities and new arrivals to Ku-ring-gai
- Appropriate recreational spaces in parks and playgrounds
- Social isolation, including family support, and networking opportunities
- Lack of venues for entertainment, recreation and leisure pursuits
- Accessible public transport services, infrastructure and urban environment
- Regular entertainment, events and programs
- Demand for home support services to encourage independent living
- Accessible information in various formats
- Access to recreational activities and social engagement opportunities
- Opportunities to celebrate heritage and cultural diversity and access to resources in community languages
- Infrastructure, programs and services to address issues of personal safety and security in public spaces.

Over the next five years Council; in cooperation with other levels of government, business, community groups and residents; will be implementing a number of strategies across the six target groups to address these issues as described below.

Children

- A children's services needs study to determine the level and range of services required in Ku-ring-gai
- Review and update the Children's Services Directory
- Inform schools, parents and children's services providers about the range of children's services in the community
- Completion of a multi-purpose children's centre feasibility study.

Young people

- Develop an entertainment program of events and activities for young people
- Organise a number of educational workshops and programs to address important issues affecting young people and families
- Implement the Ku-ring-gai Youth Week 2009 Program
- Organise information nights for parents in cooperation with local schools, government departments and services providers.

Older people

- Review and update the Aged and Disability Services Directory
- Organise seminars aimed at providing information to older people
- Provision of a seniors' leisure program during Seniors' Week and throughout the year
- Recruitment, training and referral of volunteers for Home and Community Care Services
- Implement Council's footpath improvements program
- Disseminate information about seminars, programs, activities and services
- Investigate and implement strategies to improve accessibility in public transport services and infrastructure.

People with disabilities

- Resource and support the Ku-ring-gai Access Advisory Committee

- Implement the Disability Discrimination Act Action Plan
- Work with the NSW Department of Ageing, Disability Home Care and local disability networks to increase respite support services
- Implement program of works to improve access to Council owned buildings and facilities.

Culturally and linguistically diverse backgrounds (CALD)

- Review and update the Multicultural and Indigenous Organisations Database
- Resource and support the Hornsby/Ku-ring-gai Multicultural Network and Northern Sydney Multicultural Networks Forum
- Include representatives from CALD communities on reference groups for events such as Festival on the Green, Seniors' Week and Youth Week

Women

- Support local activities to celebrate International Women's Day
- Resource and support the Hornsby/Ku-ring-gai Domestic Violence Network
- Develop workshops in cooperation with service providers on body image, eating disorders, sexual health etc.

Access and equity

To respond to Ku-ring-gai's culturally and linguistically diverse community, Council developed an Access and Equity Policy and Action Plan. Over 33 per cent of residents living in Ku-ring-gai were born overseas. This plan is designed to achieve greater equity, better access and wider participation from all members of the community. The accompanying policy contains seven objectives and various strategies and actions have been identified to achieve them.

1. To have standards of communication that will enable Ku-ring-gai Council to communicate effectively with all residents with the purpose of enhancing access to Council services and greater participation of residents in Council activities.
2. In all areas of public consultation Ku-ring-gai Council will actively include residents from culturally and linguistically diverse backgrounds.
3. Ku-ring-gai Council will offer staff training to help employees be aware and professionally responsive to the cultural and linguistic diversity of Ku-ring-gai residents.
4. Ku-ring-gai Council will promote the use of interpreter services.
5. Ku-ring-gai Council will ensure that all Human Resources Corporate Standards do not discriminate against the employment of people from culturally and linguistically diverse backgrounds.
6. Ku-ring-gai Council will have appropriate standards of data collection that will enable Council to target, plan, develop and evaluate programs in a way that is accessible and equitable to all residents.
7. Ku-ring-gai Council will establish budgeting criteria that ensures linguistic and cultural needs of residents are met.

Disability Discrimination Act Action Plan

The introduction of the *Disability Discrimination Act 1992 (Commonwealth)* has resulted in a range of initiatives to eliminate discrimination, provide equity and promote recognition and acceptance of persons with a disability. Key initiatives undertaken by Council include the formation of the Ku-ring-gai Access Consultative Committee, a community based committee that provides advice to Council and has adopted an Access Policy, Development Control Plan for Access (DCP31) and a Disability Discrimination Act Action Plan.

Domestic waste management

Sections 496 and 504 of the *Local Government Act 1993*, require councils to have domestic waste management (DWM) for each parcel of rateable land for which the service is available, ensure that the cost of providing the service is met by the charge and that the charge is reasonable for the services provided. A council can not use income from its ordinary rate towards the cost of providing DWM services.

Council's Domestic Waste Management service is provided on the following basis:

A. Single Residential Dwellings/Base Service

- A weekly waste collection service from a container provided by Council
- A fortnightly vegetation collection service from a container provided by Council
- A fortnightly recycling collection service for paper products from a container provided by Council
- A fortnightly recycling collection service for glass and plastic containers from a container provided by Council
- By appointment kerb-side clean up of a maximum three cubic metres bulky materials.

B. Flats and Home Units

- A weekly waste collection service per unit occupancy of 120 litres per week from either 120 litre or shared 240 litre bins.
- A weekly recycling collection service for paper products and beverage containers from a container provided by Council
- By appointment bulky waste collection service with a maximum volume of three cubic metres
- A fortnightly green waste service paid by the body corporate each year as a separate fee
- By appointment whitegoods collection on a fee for service, subject to availability.

C. Medium Density Residential

- A weekly waste collection service per occupancy using 120 litre bins
- A fortnightly recycling collection per occupancy using 120 litre paper bins
- A fortnightly recycling collection per occupancy using 120 litre mixed containers bins
- By appointment bulky waste collection with a maximum of 3 cubic meters

D. General

- Rehabilitation of former landfill sites and maintenance of sites to meet environmental guidelines and statutory responsibilities.

Charges for 2007/2008 are shown below:

Category	Charge	Properties	Estimated Yield
Base service with green waste service	\$265	28,156	\$7,461,340
Base service without green waste service	\$185	280	\$51,800
Flat, Home Unit	\$245	4,789	\$1,173,305
Provision additional green waste bin, per container per year	\$95	936	\$88,920
240 litre waste container with green waste	\$365	2,740	\$1,000,100
Provision additional 120 litre waste container, per container per year	\$135	71	\$9,585

Vacant Land	\$115	299	\$34,385
240 Litre Wast Container without Green Waste	\$285	19	\$5,415
240 Litre Waste, Flat Home Unit	\$365	4	\$1,460
Total Yield			\$9,826,310

Environmental initiatives

Across the northern Sydney region, concern for the environment is one of the most important issues for residents. Water shortages, climate change, population impacts and transport issues influence the policy and operational programs of councils, businesses and the community. The third Northern Sydney Regional Organisation of Councils State of the Environment Report (www.nsroc.org) reports trends, pressures and programs delivered and reported by councils across the region.

For Ku-ring-gai urban development is the main cause of the deterioration of the natural environment. The degree and extent to which Council is addressing this arises from strategies, policies, plans, operations and regulations as articulated in this Management Plan and elsewhere.

Bushland and biodiversity

Ku-ring-gai is home to a rich array of biodiversity, comprising of over 800 native plant species, 360 animal species (vertebrates) and more than 170 insect and invertebrate species. Council manages over 100 bushland reserves, 92 kilometres of interface and borders three national parks.

Most of the local bushland vegetation is confined to nutrient poor sandstone soils on steep slopes and gullies. Patches of remnant plateau vegetation on shale and transitional soils, such as the critically endangered Blue Gum High Forest ecological community and the endangered Turpentine Iron-Bark Forest and Duffys Forest ecological communities are still found through are under continual pressure from nearby development sites. In December 2007, with the assistance of the community and the Federal and NSW Governments, Council secured the last piece of Blue Gum High Forest adjacent to Dalrymple Hay Nature Reserve. Council has also commenced a mapping project to identify and assess the condition of Blue Gum High Forest and the Turpentine Ironbark Forest.

In 2007 Council adopted an Encroachment Policy to provide a strategic, cost effective and consistent enforcement framework to address backyard encroachments on Council-managed bushland. Individually most encroachments have a minor impact, however their cumulative effect can compromise the integrity of natural and cultural values, alienate land from public use/access and impede fire management activities.

Since the Bushcare Program started in 1991, hundreds of community volunteers have been working to restore and protect the local environment. In 2005 three new programs were introduced:

Streetcare - protecting and preserving remnant native vegetation in healthy, weed free streetscapes

Parkcare - restoring remnant bushland in harmony with local parks

Backyard Bushcare - Ku-ring-gai residents can now call on Council for help to protect and regenerate native bushland in their own backyards.

These initiatives would not be possible without the support of our community and funding from the environmental levy.

Water, stormwater and estuaries

The Ku-ring-gai local government area drains to three major stormwater catchments: Middle Harbour to the east, Cowan Creek to the north and Lane Cove River to the west. While development has been largely constrained to the ridges, with bushland providing a buffer to each of the major water courses, the tributaries have been significantly impacted by urbanisation. One of the key causes is the increase in impervious surfaces, fine sediment and other pollution washed from pavements and roads,. Creek hydrology is also changing as a result of stormwater pipes that protect against local flooding.

From a planning and development control perspective Council adopted a Riparian Policy in 2004 and Water Management Development Control Plan in 2005. Council has also completed its second generation catchment studies integrating flooding, hydrology and stormwater quality. Assisting the implementation of these plans is a proposed stormwater charge commencing this financial year. This will fund the construction of new stormwater capacity works and the maintenance of our many existing

water sensitive urban design and stormwater works such as sag pits, gross pollution control traps, stormwater harvesting schemes. The charge will complement Council's current Capital Works Program for flooding and drainage and the construction of water reuse and stormwater quality improvement projects funded through the environmental levy and the Catchments Capital Works Program.

Our consumption of potable water is set to significantly reduce through a combination of education, innovation and water recycling projects. In the coming year two new stormwater harvesting schemes will be built along with Council's first sewer mining project for Gordon Golf course. At the community level, Council is working with Sydney Water who has distributed 2,100 retrofit kits and assisted in funding 297 rainwater tank rebates to Ku-ring-gai residents.

Climate change

Climate change is set to be the major issue affecting the world. Ku-ring-gai has approached this issue in two ways. First, by understanding the type and magnitude of the changes likely to occur as a result of global warming (adaptation). Second, by proposing a systematic method of investigation to reduce its greenhouse gas emissions (mitigation). Council has already implemented a range of measures to reduce greenhouse gases and a process is underway to determine the most efficient and effective way to achieve further reductions. Adaptation will be tackled via a system of review and planning to establish the level and type of risks the Ku-ring-gai area faces and then, in consultation with the community, plan to mitigate the impacts.

Waste and recycling

Waste is a continual problem for urban societies, impacting on public health and the environment. As there is only a finite amount of area available for landfill, it is extremely important to reduce the amount of waste we produce. Ku-ring-gai residents already have one of the highest levels of recycling in Sydney, with approximately 60 per cent of total household waste diverted from landfill last year. This equates to roughly 193 kilograms of waste sent to landfill and 295 kilograms of materials recycled per capita.

The current recycling service has allowed Ku-ring-gai residents to recycle a greater volume and variety of materials. The previous glass, aluminium and plastic recycling service has been expanded to include foil-lined cartons, steel cans and a greater range of plastics. Council is also:

- Implementing a corporate waste management plan
- Recycling road base, asphalt and concrete engineering wastes
- Implementing an anti-littering campaign at St Ives Skate Park
- Providing recycling and waste services at community events
- Conducting ongoing waste and recycling education programs for residents, businesses and schools including an illegal dumping campaign.

REVENUE POLICY

Rates statement

Ordinary rate

The land within the Ku-ring-gai area is divided into two categories: residential and business.

Rate Levy

Council has adopted a differential rate with a general residential rate and a general business rate. Council has elected not to levy a base charge. Business and residential categories can be defined as follows:

Residential - Each parcel of land valued as one assessment whose dominant use is for residential accommodation (other than as a hotel, motel, guesthouse, boarding house, nursing home or any other form of residential accommodation whose dominant use is for business or profit).

Business - Each parcel of land valued as one assessment whose dominant use is for business, commerce or associated with business for profit; whether profitable or not.

Special rate - infrastructure levy

The infrastructure levy is used to upgrade Council's road network. The Minister for Local Government initially approved a special rate for five years from 2002 to 2006. This was extended to 2013 following an application from Council in 2006.

The levy will be collected on each parcel of land categorised residential or business. It is estimated to raise \$2,065,400 in 2008/09. Eligible pensioners will receive a full rebate on this levy at an estimated cost of \$138,000.

Special rate – environmental levy

The environmental levy allows for the implementation and continuation of a range of environmental programs. The Minister for Local Government approved a special rate for seven years from 2006.

It is estimated that the environmental levy will yield \$2,111,000 in 2008/09. Eligible pensioners receive a full rebate of this rate at an estimated cost of \$140,000.

Rate pegging

Under Section 506 of the *Local Government Act 1993* each year the Minister for Local Government determines the maximum amount by which NSW councils can increase their general rates income. The minister has determined the maximum increase in rates of 3.2 per cent and this increase is reflected in the 2008/09 budget.

Rate pegging increase of 3.2%				
Rate Type	Category	Rate in \$	Min amount \$	Yield \$
General	Residential	0.0017906	405	38,196,674
General	Business	0.004873	405	2,557,972
Special	Environmental	0.00009768		2,103,592
Special	Infrastructure	0.00009552		2,057,080
			Total	\$44,915,318

Payment of rates

Ratepayers may pay their rates in four instalments being: 31 August, 30 November, 28 February and 31 May each year. Council is required to forward notices one month in advance.

Council's payment options include:

- A telephone payment service
- Direct debit
- Payments at Australia Post
- Credit Card, cheque, money order, or cash payments at Council Chambers
- Bpay
- Bill Express at participating newsagencies and Coles stores.

Interest is charged on each instalment not paid by the due date. The applicable interest rate is set each year by the Minister for Local Government. The rate for 2008/09 has not yet been announced but is anticipated to be 10 per cent.

Eligible pensioners receive a statutory reduction of 50 per cent of the combined rates and domestic waste management charge to a maximum of \$250 and a full rebate on Council's environmental and infrastructure levies. Council receives a subsidy of 55 per cent of the total mandatory rebate. Those pensioners who are uncertain of their status should contact Council's Pensions Officer for assistance and advice.

Other charges

Stormwater management service charge

The stormwater management service charge for 2008/2009 is levied under Section 496A of the *Local Government Act 1993* (as amended).

The charges have been set in accordance with the Local Government Amendment (Stormwater) Bill 2005 and for 2008/2009 are as follows:

Strata titled residential home units:	\$12.50 per unit
Strata titled business units :	\$12.50 per unit
Other residential property :	\$25.00 per rateable property
Business rateable property :	\$25.00 per 350 square metres of land area

Non-domestic waste management charge

The non-domestic waste management charge for 2008/2009 is levied under Section 501 of the *Local Government Act 1993* (as amended).

Council's annual non-domestic waste management charges include:

- Street sweeping
- Roadside litter removal
- Footpath sweeping
- An availability charge

This charge relates to business land per business occupancy within a building. Or in the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.

In 2008/2009 this charge will be \$205 per unit occupancy.

Non-domestic aged care charge applied per occupancy at:

50 per cent non-domestic waste charge – 1 x bed self care unit

25 per cent non-domestic waste charge – 1 x bed fully serviced hostel room

Service level aged care:

Equivalent of 120 litres of waste per unit occupancy per week

Equivalent 120 litres of recycling per unit occupancy per week

Section 611 charge

AGL gas mains

Under Section 611 of the *Local Government Act 1993* (as amended) a council may make an annual charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.

For the purpose of gas supplies, a charge is equal to 0.75 per cent of average sales for five years plus a mains apportionment calculated according to the percentage of mains within Ku-ring-gai, assessed in accordance with the judgment by Justice Pike (*AGL v. Glebe Municipal Council*); such charge to be calculated using the independent audited figures prepared for the Local Government Association of New South Wales (LGA) and the apportionment determined by the LGA. We've already used LGA as an abbreviation of local government area. Can't have two in the same doc.

Restricted assets

Council has resolved that restricted assets (reserves) can only be utilised for the acquisition of assets or in providing major new capital works or renewal. Council must have determined the use of such funds as appropriate.

Such funds will not be used in meeting Council's normal operational requirements.

This excludes those restricted assets governed by legislation, for example domestic waste management and Section 94 contributions.

The Restricted Assets Policy has been reviewed and it is proposed that internally restricted reserves be used for the following purposes:

<u>Reserve</u>	<u>Use</u>
▶ Bond/security reserve	To facilitate the refund of bonds held by Council Target: 20% of deposits, retentions and bonds liability.
▶ Catchment management	To fund new capital and renewal works relating to catchment management.
▶ Contingency reserve	To make allowance for unforeseen, unplanned, non-discretionary costs that may arise during the financial period that are not included in Council's budget Target: Maintain 0.5% of net rates
▶ Contribution to works	To restrict external contributions received for specific works, particularly when contributions are received late in the financial year
▶ Election reserve	To amortise the cost of holding a Council election over the four year term of the Council

<u>Reserve</u>	<u>Use</u>
➤ Employee leave entitlements	To fund a minimum of 15% of the total employee leave entitlements liability. This is in addition to amounts budgeted annually to cover expected commitments in the current financial year
➤ Golf course levy	To fund capital and renewal works at Council's golf courses
➤ Infrastructure and facilities reserve	To fund infrastructure programs and other asset renewal works. Additionally, to purchase associated land or land deemed to be environmentally sensitive
➤ Insurance reserve	To fund unplanned increases in the cost of Council's insurances
➤ Parking funds	To fund capital projects relating to the provision of car parking facilities
➤ Plant replacement reserve	To fund the replacement of Council's passenger and operational fleet
➤ Public Reserve Management Fund reserve	To reimburse the Lands Department for 15% of lease income collected from Council buildings on crown land
➤ Revenue fund carried forward works	To fund revenue funded carry-over works from a previous financial year
➤ Revolving energy fund	Funds set aside to fund future energy initiatives to further reduce electricity consumption within Council
➤ St Ives Showground reserve	To fund new capital and renewal works relating to St Ives Showground
➤ Showground environmental remediation reserve	To fund environmental remediation at St Ives Showground
➤ Superannuation reserve	To fund the anticipated resumption of full employer contributions to the Local Government Superannuation Scheme
➤ Swimming pool reserve	To fund the future replacement and renewal of Council's swimming pool
➤ Tennis court reserve	To fund new capital and renewal works relating to tennis courts

Section 94 contributions

Council has adopted Section 94 contribution plans in respect of the following:

Residential development

Council's current Section 94 Plan applying to residential development came into effect on 30 June 2004 and was amended effective 19 October 2007. This plan applies to all forms of new residential development including single dwelling houses, residential flat buildings, units, villas, townhouses, dual occupancies, land subdivisions for residential purposes and development under State Environmental Planning Policy (Seniors Living).

The primary purpose of this plan is to enable Council to require a contribution towards the provision, extension or augmentation of facilities that will, or are likely to be, required as a consequence of residential development in the area. Specific facilities for which contributions are being collected under the current plan included the following:

- Community facilities
- Recreation facilities and open space
- Traffic, pedestrian and cycleway facilities
- Public domain improvements
- Plan administration.

Commercial/retail development

Council currently levies Section 94 contributions on new commercial and retail development for the provision car parking in:

- Pymble (Alma Street)
- Wahroonga
- West Lindfield Business Centre
- Gordon.

Council must use any contributions received, together with investment income from those contributions, for the purpose for which the contribution was made.

Full details are available in the relevant plans, which are subject to annual inflation by the CPI.

Copies of Council's Section 94 plans are available for inspection at Council Chambers and at each of Council's libraries.

Town Centres Contribution Plan

Council is in the process of preparing a Section 94 Contribution Plan to apply to development within the town centres. This plan will seek contributions towards the provision, extension or augmentation of facilities that will, or are likely to be, required as a consequence of development in or adjacent to the town centres. The new plans are targeted for public exhibition in May or June and formal adoption in July 2008.

Discounts to qualifying community groups

Council has adopted a policy that allows for a discount to be provided in certain circumstances. The policy provides for reduction in fees for community groups that qualify, namely:

- Incorporated associations and/or non-profit making community organisations
- An organisation whose aims and objectives provide benefits to the community
- A school or church
- A registered charity
- A rental rebate is available to community groups that meet the eligibility criteria and who lease a Council owned property.

Works on private land

Traditionally Council has not performed work on private land. In the event that such work is carried out, the fee for such work will be charged on the basis of full cost recovery to Council.

PRICING POLICY - GOODS AND SERVICES

Council's policy

Council's pricing policy is detailed below. The Schedule of Fees and Charges (Appendix A) also details the principles employed by Council in determining each fee and charge.

	MOTIVE	CODE	PRICING PRINCIPLE
1.	Community service obligations	CSO	Fees may be discounted to a level below the cost of a service where the production or consumption of the service generates external benefits to the community (as well as creating a community service obligation). However, the cost of the discount will not exceed the estimated benefit.
2.	Natural monopoly	NM	Where Council has a monopoly over the production of a good or service, prices should be set at a level to fully recover costs unless there are explicit community service obligations or equity obligations.
3.	Statutory fees	SF	Certain goods and services provided by Council emanate from a requirement contained in legislation and, in some circumstances, the fees for these goods or services are set by that legislation.
4.	Regulatory fees	RF	Certain goods and services provided by Council emanate from a requirement contained in legislation but Council may set its own fee. In such cases, fees should be set at a level to fully recover costs unless they are accepted community service obligations or equity obligations.
5.	Entrepreneurial activities	EA	Where Council produces a good or service as a commercial pursuit, prices should be set at a level to fully recover costs and risk.

STATEMENT OF PROPOSED BORROWINGS

Any new borrowings must be in accordance with the Ministerial Order dated 27 September 1993 and comply with Section 624 of the *Local Government Act 1993* and clause 230 of the Local Government (General) Regulation 2005. A council may borrow at any time for any purpose allowed under the *Local Government Act 1993*. The minister may, from time to time, impose limitations or restrictions on borrowings.

Council considers the maintenance of existing infrastructure assets should be funded from operating revenue and that loan funds are only to be utilised for the following purposes:

- Infrastructure new and renewal works programs
- To purchase or build a major new asset, where full funding costs can be recovered over the life of the asset
- To buy an asset or establish a service which will decrease costs of service delivery or generate income and is justifiable in economic terms
- In an emergency.

Submissions will be invited from financial institutions to provide the required borrowings.

Council complies with the provisions of Section 623 of the *Local Government Act 1993* and clause 229 of the Local Government (General) Regulation 2005, in that any funds borrowed by Council will be secured by a charge over Council's general fund income.

Council will need a moderate borrowing program to continue to commit funding to asset renewal.

Accordingly, the proposed new borrowings, principal repayments and net repayments proposed over the term of the plan are:

Financial Year	Proposed borrowings	Principal repayments	Net repayments
2008/2009	\$1,000,000	\$1,878,360	\$878,360
2009/2010	\$1,000,000	\$1,780,060	\$780,060
2010/2011	\$1,000,000	\$1,695,260	\$695,260
2011/2012	\$1,000,000	\$1,521,110	\$521,110
TOTAL	\$4,000,000	\$6,874,790	\$2,874,790

Over the term of this Management Plan, Council will reduce debt by \$2,874,790.

NATIONAL COMPETITION POLICY

The intent of the National Competition Policy is to apply competitive neutrality principles to business activities conducted by councils. The principle of competitive neutrality is based on the concept of the 'level playing field' and essentially means that Council should operate without net competitive advantage over other businesses as a result of its public ownership. The 'level playing field' enhances competition, promotes greater efficiency and lower costs to government and the community.

Council is required to incorporate the costs of administrative overheads including depreciation charges, imputed taxation costs, and a notional return on capital for its Category 1 and Category 2 businesses.

Category 1 businesses are defined as those which have gross operating income exceeding \$2 million, while Category 2 businesses have gross operating incomes of less than \$2 million.

In accordance with this policy Council has identified the following business activities.

Category 1

At this stage Council has no Category 1 businesses.

Category 2

- | | |
|----------------------------|--------------------------------------|
| (a) Ku-ring-gai Art Centre | (f) Thomas Carlyle Children's Centre |
| (b) Tennis Courts | (g) Gordon Golf Course |
| (c) Nursery | (h) Turramurra Golf Course |
| (d) Swimming Pool | (i) Commercial Leasing |
| (e) Trade Waste | |

The above businesses are identified in Council's Annual Financial Statements and a separate Special Purpose Financial Report is prepared to disclose their results. This report is presented to Council in October each year.

REPLACEMENT AND SALE OF ASSETS

Replacement of assets

\$650,000 has been provided in the 2008/2009 budget for operational plant replacement and \$400,000 for passenger fleet replacement.

Plants intended to be replaced during 2008/2009 taking into account the following turnover periods:

Plant type	Turnover period
Fleet passenger vehicles	2 year/40,000 km
Light commercials	5 years/80,000 km
Trucks < 4 tonne	5 years
Trucks > 4 tonne	7–8 years
Buses	5 years
Tractors/mowers	7 years
Road sweepers/compactors	7 years
Backhoes/rollers	8–10 years

Sale of assets

Council's vehicles shall be disposed of in one of three ways:

1. Public auction
2. Public tender
3. Other means (eg trade-in) as approved by the General Manager.

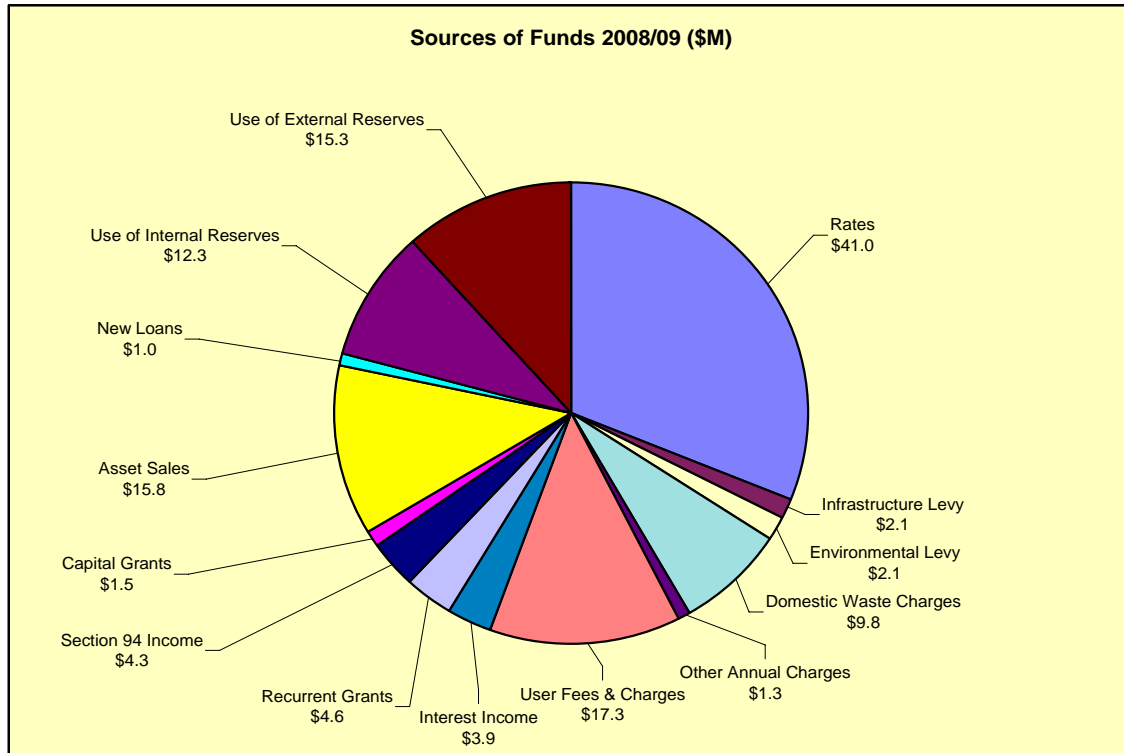
In the current market, sale by public auction is the most cost-effective method of disposal.

4 Year Financial Forecast

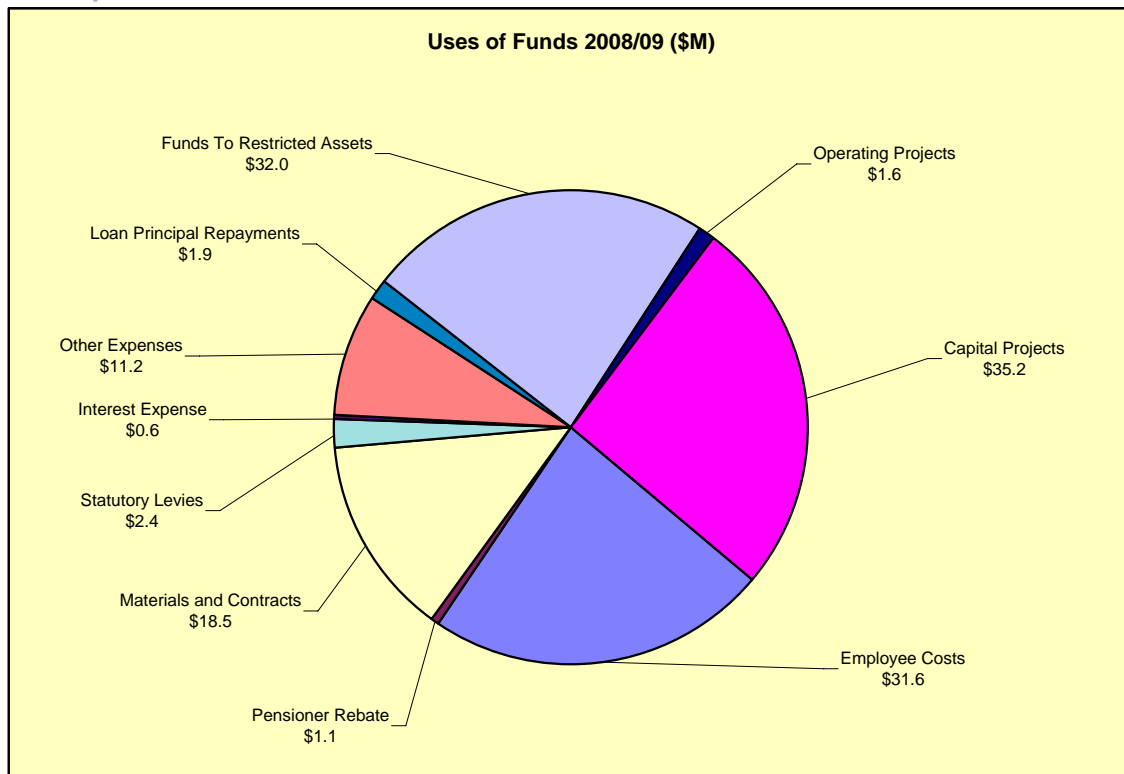
	Budget 2007/08	Budget 2008/09	Projected 2009/10	Projected 2010/11	Projected 2011/12
OPERATING RESULT					
OPERATING REVENUES					
Rates	39,550	40,990	42,200	43,300	44,600
Infrastructure Levy	1,993	2,070	2,130	2,180	2,250
Environmental Levy	2,037	2,110	2,170	2,230	2,300
Pensioner Rebates	-1,045	-1,060	-1,060	-1,070	-1,070
Domestic Waste Revenue	9,400	9,830	10,650	10,910	11,220
Other Annual Charges	455	1,340	1,360	1,370	1,390
User Charges, Fees & Other	16,503	17,320	17,670	18,040	18,470
Interest	3,189	3,910	3,210	3,180	3,280
Operating Grants & Contributions	4,623	4,650	4,740	4,840	4,970
TOTAL OPERATING REVENUES	76,705	81,160	83,070	84,980	87,410
OPERATING EXPENSES					
Employee Costs	29,985	31,560	32,840	33,740	34,800
Materials & Contracts	17,608	18,540	18,510	18,850	19,380
Statutory Levies	2,330	2,390	2,420	2,470	2,530
Interest Charges	649	590	540	480	440
Other Operating Expenses	10,658	11,250	11,240	11,510	11,840
TOTAL OPERATING EXPENSES	61,230	64,330	65,550	67,050	68,990
<i>Operating Result (excluding Capital Items)</i>	<i>15,475</i>	<i>16,830</i>	<i>17,520</i>	<i>17,930</i>	<i>18,420</i>
CAPITAL INCOME					
S94 Development Contributions	9,451	4,290	4,270	4,290	4,300
Grants & Contributions	1,340	1,550	730	750	770
Net / Gain (Loss) on disposal of Assets	0	6,050	0	0	0
<i>Operating Result before Depreciation</i>	<i>26,266</i>	<i>28,720</i>	<i>22,520</i>	<i>22,970</i>	<i>23,490</i>
Depreciation & Amortisation	7,056	7,600	7,750	8,010	8,290
Total Operating Result	19,210	21,120	14,770	14,960	15,200
PROJECTED FUNDING					
Operating Result	19,210	21,120	14,770	14,960	15,200
FUNDING					
Add: (Non-Cash) - Depreciation	7,056	7,600	7,750	8,010	8,290
Add: Book Value of Assets Disposed		9,700			
Cash Available to Fund Project Expenditure	26,266	38,420	22,520	22,970	23,490
PROJECT EXPENDITURE					
Operating Projects		-1,560	-850	-870	-890
Roads & Transport		-5,880	-6,000	-6,140	-6,330
Streetscape & Public Domain		-300	-310	-200	-200
Parks & Recreation		-18,410	-4,520	-11,820	-4,650
Stormwater Drainage		-600	-670	-750	-840
Council Buildings		-6,190	-6,390	-480	-8,830
Trees & Natural Environment		-1,970	-2,010	-2,050	-2,110
Operating Assets		-1,830	-1,870	-2,030	-1,970
Total Projects	-23,987	-36,740	-22,620	-24,340	-25,820
Cash Flow Surplus/(to Fund)	2,279	1,680	-100	-1,370	-2,330
FINANCED BY:					
New Borrowings	1,000	1,000	1,000	1,000	1,000
Less: Loan Repayments	1,858	1,880	1,780	1,700	1,520
Net Loan Funds (Payments/Receipts)	-858	-880	-780	-700	-520
Funds To Restricted Assets	20,353	32,030	16,250	16,540	17,020
Funds From Restricted Assets					
Internal Reserves	5,639	12,250	10,140	4,270	9,240
Section 94 Plans	8,692	14,690	3,240	10,430	6,470
Environmental Levy	2,322	1,970	2,030	2,090	2,150
Infrastructure Levy	1,993	1,920	1,990	2,040	2,100
DWM & Grants Reserves	556	610	0	0	0
Net Funding from Reserves	-1,151	-590	1,150	2,290	2,940
Net Working Capital Change	270	210	270	220	90

Long Term Financial Planning

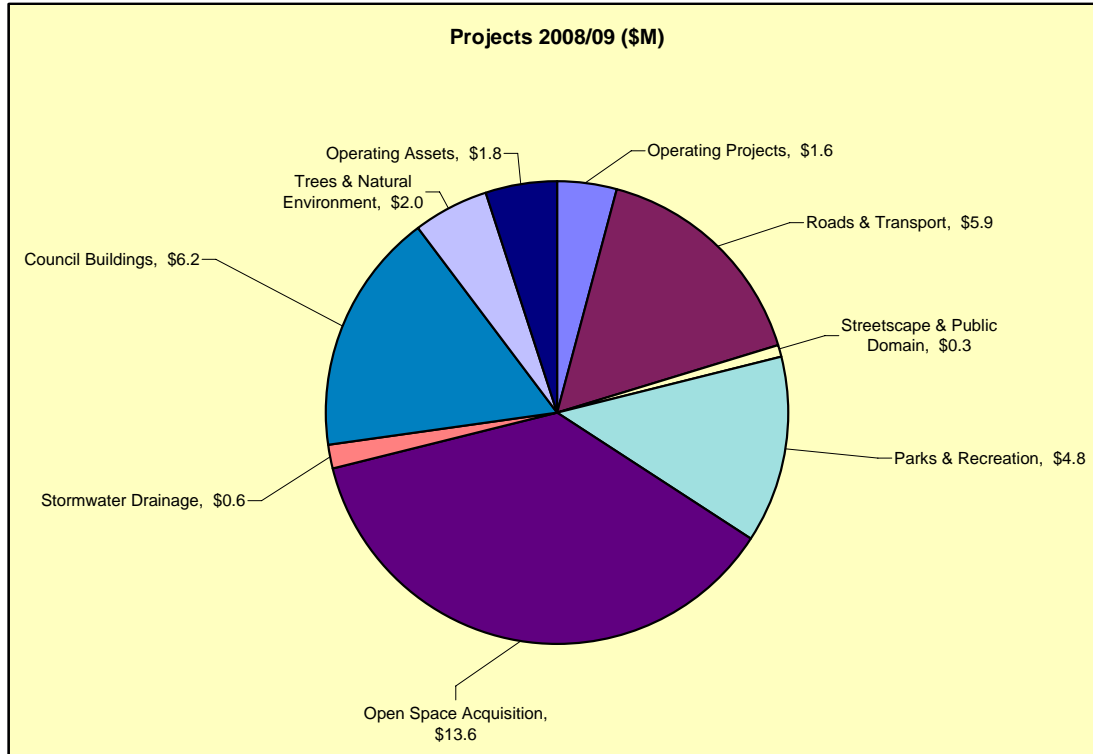
Revenue Sources 2008/2009



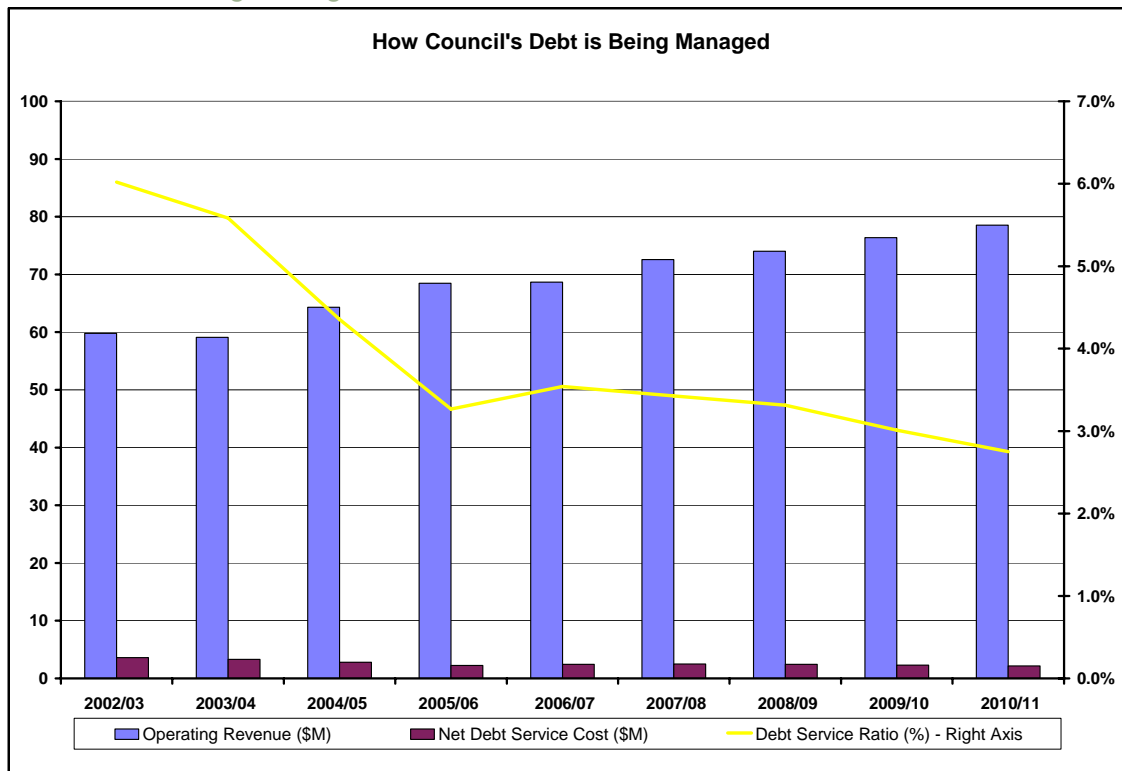
Allocation of Expenditure 2008/2009

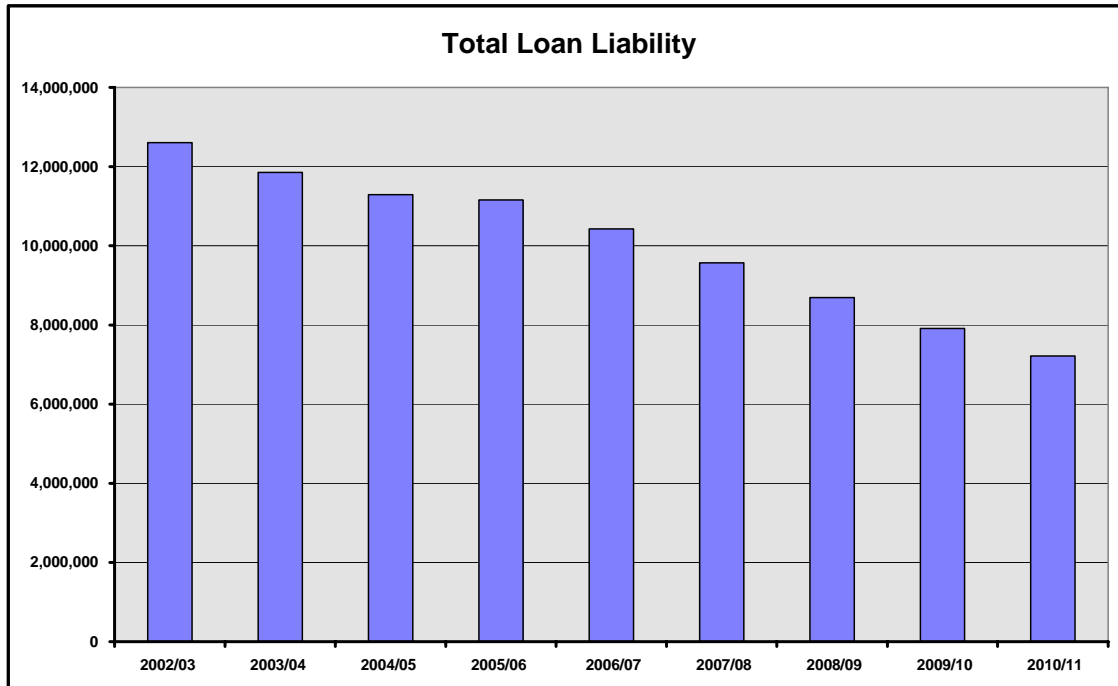


Capital Works and Other Projects 2008/2009



How Council's debt is being managed



Total Loan Liability

Operating Budget Summaries

PRINCIPAL ACTIVITY SUMMARY 2008/2009 (\$000's)			
Principal Activity	Income	Expenditure	Net Expenditure
Built Environment	19,020	22,600	-3,580
Community Development	8,370	16,850	-8,480
Corporate Services	57,270	8,210	49,060
Financial Sustainability	2,840	5,250	-2,410
Natural Environment	10,740	22,710	-11,970
Integrated Planning	310	1,820	-1,510
Total	98,550	77,440	21,110

Corporate Services	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
Rates	39,550	40,990
Infrastructure Levy	1,990	2,070
Environmental Levy	2,040	2,110
Pension Rebates	-860	-860
Annual Charges		880
User Fees	80	60
Other Revenue	170	150
Interest	1,120	1,700
Operating Grants & Contributions	3,060	3,130
Profit on Asset Sales		6,050
Internal Transactions		990
Total Operating Income	47,170	57,270
Employee Costs	3,270	3,940
Materials & Contracts	980	1,140
Interest Expense	650	590
Other Operating Expense	2,120	2,180
Depreciation	80	80
Internal Transactions	260	280
Total Operating Expenditure	7,360	8,210
Operating Result	39,810	49,060

Built Environment	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
User Fees	6,180	6,850
Other Revenue		20
Interest	2,070	2,210
Operating Grants & Contributions	520	520
Capital Grants & Contributions	9,450	5,010
Internal Transactions	4,710	4,410
Total Operating Income	22,920	19,020
Employee Costs	8,340	8,690
Materials & Contracts	3,330	3,300
Other Operating Expense	3,590	3,940
Depreciation	4,970	5,400
Internal Transactions	1,300	1,270
Total Operating Expenditure	21,530	22,600
Operating Result	1,390	-3,580

Natural Environment	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
Pension Rebates	-190	-200
Annual Charges	9,400	9,830
User Fees	1,130	920
Operating Grants & Contributions	230	160
Internal Transactions	40	30
Total Operating Income	10,600	10,740
Employee Costs	6,430	6,550
Materials & Contracts	10,520	11,230
Statutory Levies	2,330	2,390
Other Operating Expense	330	320
Depreciation	140	130
Internal Transactions	2,290	2,100
Total Operating Expenditure	22,040	22,710
Operating Result	-11,440	-11,980

Integrated Planning	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
User Fees	300	310
Total Operating Income	300	310
Employee Costs	1,490	1,580
Materials & Contracts	20	20
Other Operating Expense	60	80
Internal Transactions	120	140
Total Operating Expenditure	1,690	1,820
Operating Result	-1,400	-1,510

Financial Sustainability	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
Annual Charges	460	460
User Fees	2,170	2,300
Internal Transactions	80	80
Total Operating Income	2,700	2,840
Employee Costs	2,030	2,110
Materials & Contracts	1,450	1,480
Other Operating Expense	820	770
Depreciation	430	450
Internal Transactions	750	440
Total Operating Expenditure	5,480	5,250
Operating Result	-2,780	-2,410

Community Development	2007/08 Budget (\$000's)	2008/09 Budget (\$000's)
User Fees	6,470	6,700
Operating Grants & Contributions	810	840
Capital Grants & Contributions		830
Total Operating Income	7,290	8,370

Employee Costs	8,330	8,700
Materials & Contracts	1,310	1,370
Other Operating Expense	3,830	3,960
Depreciation	1,440	1,530
Internal Transactions	1,170	1,290
Total Operating Expenditure	16,060	16,850
Operating Result	-8,780	-8,480

CAPITAL WORKS AND MAJOR PROJECTS 2008/2009

Project Name	Total Cost	Funding Sources										
		General Funds	Section 94 Funds	Capital Grants	Infrastructure Levy	Environmental Levy	Infrastructure & Facilities Reserve	Swimming Pool Reserve	Golf Course Levies	Carparks Reserves	Plant Reserve	Election Reserve
Building Works & Maintenance	190	190										
Depots	6,000						6,000					
Furniture & Other assets	10	10										
IT Equipment	135	135										
Library Resources	530	530										
Plant & Vehicles	1,156	747									409	
Catchment Analysis	108	108										
Catchment Management	162	162										
Community Projects	54	54										
Election	523											523
IT Systems Projects	108	108										
Operating Assets	212	212										
Planning Projects	269	269										
Tree Planting	129	129										
Open Space Acquisition	13,583		13,583									
Parks Development	367	150					217					
Playgrounds	211	50					161					
Sewer Mining	2,053			830					1,223			
Sports Courts	171						171					
Sports Fields	1,480	145	912				423					

Swimming Pool	396						287	109				
Footpaths	408						408					
Fencing & Parking Areas	150	150										
Roads Program	5,319	1,039		715	1,921		1,644					
Traffic Facilities	154	154										
Drainage structures	599	265					334					
Business Centres Program	190	180								10		
Public Domain	111		111									
Biodiversity	136					136						
Communication	65					65						
Community Partnerships	211					211						
Fire Management	46					46						
Monitoring & Evaluation	179					179						
Recreation Facilities	50					50						
Regulation & Enforcement	167					167						
Town Centre Projects	117					117						
Water Catchments	229					229						
Water Sensitive Urban Design	770					770						
Total	36,748	4,787	14,606	1,545	1,921	1,970	9,645	109	1,223	10	409	523

Appendix A

Programs and links to website

Civic Leadership and Corporate Services

Department of Local Government Promoting Best Practice Review Action Plan
List statutory reports and timing requirements
IT agreed projects
Land Information projects
Customer service standards
Ombudsman guidelines (To be completed by KAB)
IT service standards (help desk service level agreement (John Gio to update))
S149 timeframes
FOI timeframes
S12 timeframes

Built Environment

Building Maintenance Program and General Maintenance Program
Capital works project
Infrastructure Levy Program
Environmental Levy Program
Stormwater Charge Program
Road safety Program
Traffic and Transport Program
Transport accessibility standard
Landfill Environmental Management Plan
Park maintenance programs
Sportsfield maintenance programs
Tree Maintenance Program
Proactive Tree Maintenance Program
Bushland Maintenance Program
Accessibility standards (DDA Action Plan)
Planning objectives (Link to DCP and LEP)
Fire safety standards (BCA)

Natural Environment

Bushland Regeneration Program (Link to be provided in final document)
Bushland Management Program (Link to be provided in final document)
Hornsby/Ku-ring-gai Fuel Management Program (Link to be provided in final document)
Stormwater Pollution Control Maintenance Program
Creek Remediation Program
Integrated Water Management Strategy program (Link to be provided in final document)
EEC vegetation mapping method (Link to be provided in final document)
EEC Training Program (Link to be provided in final document)

Integrated Planning

Milestone reports as adopted (Planning and Open space)
PoM program as adopted (pool etc)

Financial Management

Statutory financial reports
Strategic Asset Management Policy and Strategy
S94 plans
Long term financial model
Procurement Policy
Financial statements

Investment Policy

Community Development

Community Plan recommendation
Disability Discrimination Act Action Plan
Seniors services activities
Youth services activities
Cultural Plan recommendations
School holiday program
Spring in to Action activities
Art Centre programs
Art Centre School Holiday Program
Art Centre Teen Vacation Program
Environmental education activities
Active Ku-ring-gai Program
Community Plan Target Groups Summary

Appendix B

Plans of management

Plans of Management provide a framework for management of community land and facilities such as parks, sports grounds and community halls. The requirements for Plans of Management are set out in the *Local Government Act 1993* and include consulting with the community.

Plans can either be "generic" or "specific". A generic plan applies to a number of similar areas of community land for which the values held and issues needing attention are similar (e.g., sportsgrounds). A specific plan is prepared for specialised facilities such as Marian Street Theatre or a significant area of open space such as Ku-ring-gai Bicentennial Park.

Plans of Management	Date Adopted	Type
Tennis Courts	Jun-96	generic
St Ives Village Green	Aug 98	site specific
North Turramurra Recreation Area	Dec-98	site specific
St Ives Showground	Jun-99	site specific
Rowe St Carpark	Aug-99	site specific
East Roseville Community Centre	Dec-99	site specific
Canoon Road Recreation Area South Turramurra	Jun-00	site specific
Firs Cottage, Roseville Park, Roseville	Jun-00	site specific
Community Halls And Meeting Rooms	Oct-00	generic
Tulkiyan, 705 - 707 Pacific Highway, Gordon	Feb-01	site specific
Ku-ring-gai Performing Arts Resource Centre	Mar-01	site specific
Car Parks	Oct-01	generic
Community Groups Centre And Car Park, St Ives	Oct-01	site specific
Wahroonga Car Park	Oct-01	site specific
Gordon Golf Clubhouse Precinct	Nov-01	site specific
Gordon and North Turramurra Golf Courses	Nov-01	site specific
St Ives Village Car Park	Nov-01	site specific
Ku-ring-gai Bicentennial Park	Aug-02	site specific
Marian Street Theatre	Aug-02	site specific
Lindfield Library	Sep-02	site specific
Sports Grounds	Jul-03	generic
Ku-ring-gai Library	Dec-03	site specific
Echo Point Park	Jun-04	site specific
Unit 1, 12-18 Tryon Road, Lindfield Lindfield Early Childhood Centre	Dec-04	site specific
Parks	Sep-05	generic
Ku-ring-gai Bushland Reserves	May 06	generic

Appendix C

Plans and policies

Civic Management

Policy for Payment of Expenses and Provision of Facilities to Councillors
 Councillor Access to Information & Interaction with Staff Policy
 Conflict of Interest Policy
 Gifts & Benefits Policy
 Code of Conduct
 Code of Meeting Practice
 Internal Reporting Policy (Protected Disclosures Act 1994)
 Statement of Business Ethics

Community

Financial Assistance for Community Groups Policy (Donations Policy)
 Leasing for Community Groups Policy
 Ku-ring-gai Access Policy
 Library Collection Development Policy
 Community Use of Council's Community Facilities – Waiving of Fees
 Cultural Plan
 Access and Equity Policy
 Holiday Recreation Program - Operations Policy
 Public Art Policy
 Filming Policy
 Customer Request and Complaints Policy
 Sponsorship Policy
 Draft Graffiti Policy
 Bushcare Volunteer Policy
 Bushland Education Policy
 Prohibition of Animal Circus Performances

Corporate

Human Resources Corporate Standards
 Child Protection – Corporate Standard
 Prohibited Persons (Counselling and Termination of Employment) – Corporate Standard
 Internet & E-mail Usage Policy
 Investment Policy
 Purchasing Policy
 Tendering Policy
 Workplace Surveillance Policy

Strategy

Ku-ring-gai Planning Scheme Ordinance and Associated Zoning Maps
 Interim Development Orders Current Nos 29, 78, 79
 Interim Development Orders Repealed 1-28, 30-77
 Draft Local Environmental Plans Exhibited:
 165, 168, 175, 185, 186, 189, 191, 192, 196, 208, 210,
 Draft Local Environmental Plan 2006 (Town Centres),
 Draft Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 1),
 Draft Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 2),
 Draft Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 3)
 Ku-ring-gai Local Environmental Plans Repealed:
 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 25, 26, 27, 28, 29, 31, 32, 34, 35, 38, 39, 40, 46, 48, 49, 50, 51, 71, 79,
 81, 82, 83

Ku-ring-gai Local Environmental Plans Current:

10, 13, 14, 22, 23, 33, 37, 41, 42, 45, 54, 55, 58, 60, 62, 64, 65, 67, 70, 72, 73, 74, 75, 76, 77, 84, 85, 86, 87, 89, 90, 92, 94, 95, 96, 97, 100, 101, 102, 103, 105, 106, 109, 110, 112, 113, 114, 116, 117, 118, 120, 121, 123, 124, 125, 129, 130, 131, 133, 134, 137, 138, 139, 140, 143, 146, 147, 149, 155, 157, 158, 159, 160, 162, 163, 169, 170, 171, 172, 174, 177, 179, 180, 182, 183, 188, 190, 194, 197, 200, 202, 201, 204, 207

Ku-ring-gai (Consolidating) Local Environmental Plan 1987

Ku-ring-gai (Heritage Conservation) Local Environmental Plans 1-9, 11, 12, 13, 14, 17, 22, 26, 32

Ku-ring-gai Draft (Heritage Conservation) Local Environmental Plans 10, 16, 18, 19, 20, 21, 27, 28, 29, 30, 31, 33

Draft Conservation Area, East Gordon – DLEP 25

House Numbers - kerb painted

Draft Development Control Plans Exhibited:

1. Ku-ring-gai Town Centres Development Control Plan 2006 (St Ives)
2. Ku-ring-gai Town Centres Development Control Plan 2006 (Turramurra)
3. Ku-ring-gai Town Centres Development Control Plan 2006 (Pymble)
4. Ku-ring-gai Town Centres Development Control Plan 2006 (Gordon)
5. Ku-ring-gai Town Centres Development Control Plan 2006 (Lindfield)
6. Ku-ring-gai Town Centres Development Control Plan 2006 (Roseville)

Development Control Plan Nos:

1. 14-20 Link Road, St Ives - Certified 7.1.87
2. Kintore Street, Wahroonga - Certified 29.4.87
3. 1-19 Bent Street, Lindfield - Not proceeded with Council Resolution 1.9.87
4. 49-51 Burns Road, Wahroonga - Certified 17.8.88
5. Area generally bounded by 19 Pacific Highway, North Shore Railway Line, Boundary Street and Pacific Highway, Roseville - Not made
6. Development in Residential Zones - Superseded by DCP 38
7. Business Centres - Abandoned - Council Resolution 4.9.90
8. Professional Consulting Rooms - Adopted 26.9.89, Certified 11.10.89
9. 1-7 Bent Street, Lindfield - Not proceeded with Council Resolution 5.6.90
10. 66-96 Pacific Highway, Roseville - Not made
11. Pymble Business Centre - Superseded by DCP 14
12. Town Houses and Villa Houses - No longer relevant with repeal of SEPP No 28
13. Former St Ives Public School, 6-10 Porters Lane, St Ives - to be prepared
14. Business Centre - Certified 8.8.95
15. 134-138 Eastern Road, Wahroonga - Certified 30.9.92
16. CSIRO Land - Bradfield Road, West Lindfield - Certified 15.1.97
17. 'Hillcrest' 324-346 Mona Vale Road, St Ives - Certified 13.12.93
18. 'Uralba' 75 Livingstone Avenue, Pymble - Certified 22.6.94
19. 2-4 Mona Vale Road, Pymble - Certified 27.7.94
20. 803-805 Pacific Highway, Gordon - Certified 7.7.94
21. 67, 69-71, 73-75 Clissold Road, Wahroonga - to be prepared
22. 9-15 Curagul Road, North Turramurra - Amended 6.12.94, Certified 16.12.94
23. Properties adjoining Bushland - not made.
24. Dual Occupancy Development - Policy Document
25. Masada College, Wolseley Road, Lindfield - To be prepared
26. 986 Pacific Highway and 2-4 Bloomsbury Avenue, Pymble - Certified 15.1.97
27. Advertising Signs - Certified 17.4.96
28. 153-165 Grosvenor Road, Wahroonga - Certified 6.12.96
29. 71-81, 68-72 Maxwell Street, 270-280 Kissing Point Road, South Turramurra - Draft
30. Access - Certified 14.5.97
31. Exeter Road, Wahroonga - Certified 12 March 1996
32. 9, 11, 15, 17, 19 Bent Street, Lindfield - Certified 9.4.97
33. Milner Royd - 1379 Pacific Highway, Turramurra - Certified 28.8.96
34. 1022-1028 Pacific Highway, Pymble - Certified 6.8.97

35. 1142-1180 Pacific Highway, Pymble - Certified 21.5.97
36. 66 Livingstone Avenue, Pymble - Certified 26.11.97
37. Residential Design Manual – (4/2/2002)
38. 10 Post Office Street, Pymble and 6 & 8 Park Crescent, Pymble - Certified 8.4.98
39. Construction and Demolition Waste Management - Certified 5.6.98
40. 75 Junction Road, Wahroonga - Certified 16.12.98
41. Regulation of Brothels - Certified 7.5.99
42. Car Parking - Certified 25.11.98
43. 414 Pacific Highway, Lindfield - Certified 28.4.99
44. 33, 35-41 Billyard Avenue, Wahroonga - Draft
45. Exempt and Complying Development - Certified 1/1/2001
46. Water Management – Adopted March 2004
47. Medium Density - Adopted 12/12/2001
48. 414-420 Bobbin Head Road, Turramurra - Adopted 5/3/2002
49. 986 Pacific Highway & 5 Suakin Street, Pymble
50. Outdoor Dining (Draft)
51. Multi-Unit Housing No 55 - Rail/Road Corridor, Pacific Highway and St Ives Centre (effective 14/12/2004) - Revised 1/2/2005
52. Child Care Centres

Codes and Policies (Strategy)

Bushfire Management Policy
 Weed Management Policy
 Ku-ring-gai Landscape and Habitat Vision Statement
 Landscape Management Policy
 Fauna Management Policy
 Recreation in Natural Areas Policy
 St Ives Showground Plan of Management
 Temporary Access over Community Lands Policy
 Open Space Strategy
 Riparian Policy
 Community Consultation Policy
 Subdivision Code
 Code for use of Reflective Glass
 Code for Service Stations, Petrol Fill Points and Associated Services
 Code for Housing for Older People and People with a disability
 Code for Control of Group Homes in Ku-ring-gai Municipality
 Code for Control of School Development
 Policy on Preparation of Environmental Impact Assessments
 Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development
 Ku-ring-gai Section 94 Contributions Plan No 1
 Ku-ring-gai Section 94 Contributions Plan: 324-346 Mona Vale Road, St Ives 'Hillcrest'
 Ku-ring-gai Section 94 Contributions Plan: 9, 9A, 11 & 15 Curagul Road, North Turramurra
 Ku-ring-gai Section 94 Contributions Plan: West Lindfield Business Centre Car Parking
 Ku-ring-gai Section 94 Contributions Plan: Wahroonga Business Centre Car Parking
 Ku-ring-gai Section 94 Contributions Plan: SEPP5 Housing
 Guidelines for Development of Heritage Properties
 Guidelines for the Submission of Additional Information for Development Applications to Demolish Heritage Items
 Design Guidelines for Business Centres Development
 Telecommunications Code
 Policy - Dual Occupancy Development and Associated Subdivision (only for applications under 'preserved development' - SEPP 25 Amendment 4)
 Dual Occupancy Development Control Code (adopted 8/4/03)
 Cowan Creek Catchment Stormwater Management Plan

Lane Cove River Catchment Stormwater Management Plan
 Middle Harbour Catchment Stormwater Management Plan
 Policy for Notification of Applications for Development Consent and Building Activity
 Policy for Siting Satellite Dishes
 Code for the Control and Regulation of Noise on Building Sites
 Policy for Placement of Waste Containers & Waste Trailers on Footpaths, Native Strips and Roads
 Policy for Control of Building Materials on Footpaths, Native Strips and Roads
 Inter-allotment Drainage Schemes
 National Food Premises Code
 Tennis Court Retention Ponds safety
 Clothing Bins - Placement of Used Clothing Bins
 Water Conservation Protocol
 Lead in Buildings Policy
 Local Approvals Policy
 Energy Efficient Housing Policy
 Policy for Control of Demolition of Buildings
 Development Control Plan No 40 and Policy for Construction and Demolition Waste Management
 Dispute Resolution Policy
 Termite Protection Policy
 Ku-ring-gai Heritage Study 1987
 Ku-ring-gai Heritage Study - Aboriginal Sites - 1988
 Contaminated Land Management Policy 2004
 Sir David Martin Reserve Landscape Masterplan
 Draft Swain Gardens Landscape Masterplan
 Planning Agreement Policy (Draft)

Plans of Management for Community Land and Reserves (Strategy)

Bushland
 Community Groups Centre and Car Park - St Ives (205 Mona Vale Road) (2001)
 Community Halls and Meeting Rooms (2000)
 District Parks
 Echo Point Park (2003)
 Marian Street Theatre Site
 Gordon and North Turramurra Golf Courses (2001)
 Gordon Golf Clubhouse Precinct (2001)
 Playgrounds
 Princes Park
 Small Parks
 Sportsgrounds (2003)
 Swain Gardens
 Tennis Courts
 Wahroonga Car Park (2001)
 St Ives Village Green
 4 Binalong Street, West Pymble
 North Turramurra Recreation Area
 Canoon Road Recreation Area
 East Roseville Community Centre and War Memorial Hall
 Rowe Street Car Park
 Tulkiyan
 Firs Estate Cottage
 Ku-ring-gai Art Centre (Draft 2003)
 Ku-ring-gai Bicentennial Park Plan of Management (2002)
 Ku-ring-gai Library Site
 Car Parks Generic
 St Ives Village Car Park

Lindfield Library Site
 Childrens' Services
 Ku-ring-gai Library Site (2003)
 Parks (2003) Draft
 Council Chambers (Draft 2003)
 Generic Plan – Parks (20/09/05)
 Bushland and Natural Areas (Draft)
 Community Land (Draft)

Operations

Directional Signs on State and Regional Roads
 Drainage Easements
 Drainage Works and Maintenance Procedures
 Fencing
 Fleet Management & Driver Safety – Conditions of Use
 Footpath Policy and Procedures for footpath repairs and maintenance
 Hornsby Ku-ring-gai Local Disaster Plan (Local DISPLAN)
 Hornsby Ku-ring-gai Local Emergency Operations Centre – Standing Operating Procedures
 Kerb and Gutter Construction
 Ku-ring-gai Traffic Advisory Committee
 Ku-ring-gai Traffic Committee
 Parking of Vehicles on Footpaths
 Prioritising Capital Works
 Public Lighting – Lighting of Scouts and Guides' Premises on Council Land
 Public Lighting – Residential Streets
 Public Lighting – Shading of Lamps
 Road Hierarchy
 Road Maintenance & Repairs Policy and Procedures 1/3/2004
 Road Openings – General Conditions
 Road Safety Strategic Plan
 Secondary Road 2043 – Future Work
 Secondary Road 2043 – Load limit
 Standing Restrictions at Driveways
 State and Regional Roads Funding to Local Government
 Stormwater Drainage Manual and Management
 Street Lighting
 Street Name Plates
 Street Parking near Transport Terminals and Commercial Centres
 Streets with Load Limits
 Traffic and Transport Policy
 Traffic Facilities – Approval
 Vehicular Access Crossings: Access Driveway Grades
 Vehicular Access Crossings: Maintenance & Repair
 Vehicular Access Crossings: Specification for Construction of Gutter and Footpath Crossings
 Tree Preservation Order
 Naming of Parks and Reserves - Procedure in Naming Proposals for Parks and Reserves in Ku-ring-gai
 Wet Weather (Sportsfield) Policy
 Pro-active Tree Management Policy
 Tree Management Policy

Development & Regulation

Inter-Allotment Drainage Schemes

Appendix D

Global Reporting Initiative Index

Global Reporting Initiative G3		
Strategy and Analysis		Page Reference
1.1	Statement from the most senior decision maker of the organisation	7-8
1.2	Description of key impacts, risks, and opportunities	7-8, 15-19
Organizational Profile		
2.1	Name of the organisation	Cover page
2.2	Primary brands, products, and/or services.	15-17
2.3	Operational structure of the organisation, including main divisions, operating companies, subsidiaries, and joint ventures	20-24
2.4	Location of organisation's headquarters.	Back page
2.5	Number of countries where the organisation operates, and names of countries with either major operations or that are specifically relevant to the sustainability issues covered in the report	Back page
2.6	Nature of ownership and legal form	20
2.7	Markets served (including geographic breakdown, sectors served, types of customers/beneficiaries).	20
2.8	Scale of the reporting organisation, including: • number of employees; • net sales (for private sector organisations) or net revenues	66
2.9	Major decisions during the reporting period regarding the location of, or changes in operations, including facility openings, closings, and expansions	66
Report Parameters		
Report Profile		
3.1	Reporting period (e.g., fiscal/calendar year) for information provided	Cover page
3.2	Date of most recent previous report	Back page
3.3	Reporting cycle	Cover page
3.4	Contact point for questions regarding the report or its contents	Back page
Report Scope and Boundary		
3.5	Process for defining report content, including: • Determining materiality; • Prioritising topics within the report; and • Identifying stakeholders the organisation expects to use the report.	15-23
3.6	Boundary of the report (countries, divisions, subsidiaries, leased facilities, joint ventures, suppliers).	Back page
3.7	State any specific limitations on the scope or boundary of the report	Reported in Annual Report
3.8	Basis for reporting on joint ventures, subsidiaries, leased facilities, outsourced operations, and other entities that can significantly affect comparability from period to period and/or between organisations	60
3.9	Data measurement techniques and the bases of calculations, including assumptions and techniques underlying estimations applied to the compilation of the Indicators and other information in the report	Reported in Annual Report
3.11	Significant changes from previous reporting periods in the scope, boundary, or measurement methods applied in the report	13

GRI Content Index		
3.12	Table identifying the location of the Standard Disclosures in the report. Identify the page numbers or web links where the following can be found: <ul style="list-style-type: none"> • Strategy and Analysis 1.1 – 1.2; • Organisational Profile 2.1 – 2.10; • Report Parameters 3.1 – 3.13; • Governance, Commitments, and Engagement 4.1 – 4.17; • Disclosure of Management Approach, per category; • Core Performance Indicators; • Any GRI Additional Indicators that were included; and • Any GRI Sector Supplement Indicators included in the report 	15-40
Assurance		
3.13	Policy and current practice with regard to seeking external assurance for the report. If not included in the assurance report accompanying the sustainability report, explain the scope and basis of any external assurance provided. Also explain the relationship between the reporting organisation and the assurance provider(s)	Reported in Annual Report
Governance, Commitments, & Engagement		
Governance		
4.1	Governance structure of the organisation, including committees under the highest governance body responsible for specific tasks, such as setting strategy or organisation oversight	20-24
4.2	Indicate whether the Chair of the highest governance body is also an executive officer	20
4.3	For organisations that have a unitary board structure, state the number of members of the highest governance body that are independent and/or non-executive members.	-
4.4	Mechanisms for shareholders and employees to provide recommendations or direction to the highest governance body	20-23
4.5	Linkage between compensation for members of the highest governance body, senior managers, and executives (including departure arrangements), and the organisation's performance	Reported in Annual Report
4.6	Processes in place for the highest governance body to ensure conflicts of interest are avoided	Reported in Annual Report
4.7	Process for determining the qualifications and expertise of the members of the highest governance body for guiding the organisation's strategy on economic, environmental, and social topics	20-24
4.8	Internally developed statements of mission or values, codes of conduct, and principles relevant to economic, environmental, and social performance and the status of their implementation	7-9, 16
4.9	Procedures of the highest governance body for overseeing the organisation's identification and management of economic, environmental, and social performance, including relevant risks and opportunities, and adherence or compliance with internationally agreed standards, codes of conduct, and principles	20-24
4.10	Processes for evaluating the highest governance body's own performance, particularly with respect to economic, environmental, and social performance.	27-44
Commitments to External Initiatives		

4.11	Direct economic value generated and distributed, including revenues, operating costs, employee compensation, donations and other community investments, retained earnings, and payments to capital providers and governments	53-71
4.12	Externally developed economic, environmental, and social charters, principles, or other initiatives to which the organisation subscribes or endorses	80-83
Stakeholder Engagement		
4.14	List of stakeholder groups engaged by the organisation	19
4.15	Basis for identification and selection of stakeholders with whom to engage	19
4.16	Approaches to stakeholder engagement, including frequency of engagement by type and by stakeholder group	19
4.17	Key topics and concerns that have been raised through stakeholder engagement, and how the organisation has responded to those key topics and concerns, including through its reporting	15-44
Economic Performance Indicators		
Economic Performance		
EC1	Economic value generated and distributed, including revenues, operating costs, employee compensation, donations and other community investments, retained earnings, and payments to capital providers and to governments	13, 16, 40-41
EC2	Financial implications and other risks and opportunities for the organisation's activities due to climate change.	13, 16, 40-41
Aspect: Market Presence		
EC7	Procedures for local hiring and proportion of senior management hired from the local community at locations of significant operation	28
Indirect Economic Impacts		
EC8	Development and impact of infrastructure investments and services provided primarily for public benefit through commercial, in-kind, or pro bono engagement.	41
EC9	Understanding and describing significant indirect economic impacts, including the extent of impacts	41
Environmental Performance Indicators		
Materials		
EN1	Materials used by weight or volume	32
EN2	Percentage of materials used that are recycled input materials.	13, 32
Energy		
EN3	Direct energy consumption by primary energy source	35
EN5	Energy saved due to conservation and efficiency improvements.	35
EN6	Initiatives to provide energy-efficient or renewable energy based products and services, and reductions in energy requirements as a result of these initiatives.	13,
EN7	Initiatives to reduce indirect energy consumption and reductions achieved	35
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EN8	Total water withdrawal by source	13, 35
EN9	Water sources significantly affected by withdrawal of water	35
EN10	Percentage and total volume of water recycled and reused	35
Biodiversity		

EN11	Location and size of land owned, leased, managed in, or adjacent to, protected areas and areas of high biodiversity value outside protected areas	13, 35
EN12	Description of significant impacts of activities, products, and services on biodiversity in protected areas and areas of high biodiversity value outside protected areas	35
EN13	Habitats protected or restored	13, 35
EN14	Strategies, current actions, and future plans for managing impacts on biodiversity	35
EN15	Number of IUCN Red List species and national conservation list species with habitats in areas affected by operations, by level of extinction risk	13, 35
Emissions, Effluents, and Waste		
EN16	Total direct and indirect greenhouse gas emissions by weight.	
EN18	Initiatives to reduce greenhouse gas emissions and reductions achieved	
EN22	Total weight of waste by type and disposal method	13, 32
EN23	Total number and volume of significant spills	32
Products and Services		
EN26	Initiatives to manage the environmental impacts of products and services and extent of impact mitigation	35
EN27	Percentage of products sold and their packaging materials that are reclaimed by category	32
Compliance		
EN28	Monetary value of significant fines and total number of non-monetary sanctions for non-compliance with environmental laws and regulations	32
Overall		
EN30	Total environmental protection expenditures and investments by type	35
Social Performance		
Labour Practices & Decent Work Performance Indicators		
Employment		
LA1	Total workforce by employment type, employment contract, and region	Reported in Annual Report
LA2	Total number and rate of employee turnover by age group, gender, and region	Reported in Annual Report
Occupational Health and Safety		
LA7	Rates of injury, occupational diseases, lost days, and absenteeism and number of work-related fatalities by region.	Reported in Annual Report
LA8	Education, training, counselling, prevention and risk-control programs in place to assist workforce members, their families, or community members regarding serious diseases.	13
Diversity and Opportunity		
LA13	Composition of governance bodies' and breakdown of employees per category according to gender, age group, minority group membership, and other indicators of diversity	20-24
Social Performance: Society Performance Indicators		
Community		

SO1	Nature, scope, and effectiveness of any programs and practices that assess and manage the impacts of operations on communities, including entering, operating, and exiting	28, 32, 43
Corruption		
SO2	Percentage and total number of business units analysed for risks related to corruption	28
SO3	Percentage of employees trained in organization's anti-corruption policies and procedures	28
SO4	Actions taken in response to incidents of corruption	28
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SO8	Monetary value of significant fines and total number of non-monetary sanctions for non-compliance with laws and regulations	32
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Customer Health and Safety		
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Products and Services		
PR5	Practices related to customer satisfaction, including results of surveys measuring customer satisfaction	28
Marketing Communications		
PR6	Programs for adherence to laws, standards, and voluntary codes related to marketing communications, including advertising, promotion, and sponsorship	28



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Ku-ring-gai Council

Fees and Charges

Management Plan 2008-2012

Appendix B

2008 - 2009

DRAFT

PUBLIC USE



Ku-ring-gai
Council

SERVIENDO GUBERNO

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PRICING POLICY

COUNCIL'S POLICY

Council's pricing policy is detailed below

	MOTIVE	PRICING PRINCIPLE
CSO	Community Service Obligation	Fees may be discounted to a level below the cost of a service where the production or consumption of the service generates external benefits to the community (as well as creating a community service obligation). However, the cost of the discount will not exceed the estimated benefit.
NM	Natural Monopoly	Where Council has a monopoly over the production of a good or service, prices should be set at a level to fully recover costs unless there are explicit community service obligations or equity obligations.
SF	Statutory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation and, in some circumstances, the fees for these goods or services are set by that legislation.
RF	Regulatory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation but Council may set its own fee. In such cases, fees should be set at a level to fully recover costs unless they are accepted community service obligations or equity obligations.
EA	Entrepreneurial Activities	Where Council produces a good or service as a commercial pursuit, prices should be set at a level to fully recover costs and risk.

GST CODES

C	=	Current Rate
Z	=	Zero Rated
I	=	Input Taxed (exempt)
NA	=	Not Applicable

COMMUNITY/CUSTOMER SERVICE

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
ANIMAL CONTROL DEVICES				
Dog Control Device (Abiostop) Hire per week	\$48.00	\$49.35	CS0	C
Bond on hire of Dog Control Device	\$206.00	\$211.00	CS0	NA
Dog Control Device (Abiostop)	\$288.40	\$296.50	CS0	C
Battery	\$16.00	\$16.45	CS0	C
Citronella refill	\$31.00	\$31.90	CS0	C
BANNERS				
Commercial Casual Hire per day	\$41.20	\$42.35	CS0	C
Commercial - permanent hire (2 months)	\$138.50	\$142.40	CS0	C
WORMS				
Worm Farms	\$67.00	\$68.90	CS0	C
HEALTH & SAFETY				
Thermometers for food handling establishments	\$13.00	\$13.40	CS0	C
Pool Safety Posters	\$21.60	N/A	CS0	C
PHOTOCOPYING				
A4 black and white photocopies	\$0.60	\$0.60	CS0	NA
A3 black and white photocopies	\$1.40	\$1.45	CS0	NA
A4 colour photocopies	\$2.60	\$2.65	CS0	NA
A3 colour photocopies	\$3.60	\$3.70	CS0	NA

COMMUNITY/CUSTOMER SERVICE

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
WASTE RELATED ITEMS				
Compost Bins	\$37.00	\$38.00	CSO	C
PUBLICATIONS FOR SALE				
Good Design Manual DCP38	\$43.20	\$44.40	CSO	NA
Exempt & Complying DCP46	\$36.00	\$37.00	CSO	NA
Water Management DCP47	\$40.00	\$41.15	CSO	NA
Dual Occupancy Code	\$21.60	\$22.20	CSO	NA
Subdivision Code	\$9.20	\$9.45	CSO	NA
SEEP 5 Code	\$21.60	\$22.20	CSO	NA
Advertising DCP28	\$21.60	\$22.20	CSO	NA
Dev. In Business Zones DCP14	\$21.60	\$22.20	CSO	NA
Car Parking Code DCP43	\$21.60	\$22.20	CSO	NA
Section 94	\$59.70	\$61.50	CSO	NA
Notification DCP56	\$21.60	\$22.20	CSO	NA
Access Code DCP31	\$21.60	\$22.20	CSO	NA
Medium Density DCP48	\$21.60	\$22.20	CSO	NA
Multi Unit Housing DCP55	\$40.00	\$41.15	CSO	NA
Child Care Centres DCP57	\$21.60	\$22.20	CSO	NA
Regulation of Brothels DCP42	\$9.20	\$9.45	CSO	NA
Outdoor Dining Policy	\$9.20	\$9.45	CSO	NA
Guidelines for Dev. Heritage	\$9.20	\$9.45	CSO	NA
Temporary Access over Community Land Policy	\$25.80	\$26.45	CSO	NA
Ku-ring-gai Town Centre Development Control Plan and Local Environmental Plan on CD	\$30.00	\$30.75	CSO	NA
Ku-ring-gai Town Centre Development Control Plan and Local Environmental Plan on Hard Copy	\$125.00	\$128.15	CSO	NA

CORPORATE

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Freedom of Information				
Access to records by natural person about their personal affairs - after first 20 hours of work, per hour	\$30.00	\$30.00	SF	NA
All other requests for access to records, per hour	\$30.00	\$30.00	SF	NA
Internal Review	\$40.00	\$40.00	SF	NA
Council Minutes				
Annual Subscription	\$360.00	\$370.00	NM	NA
Copies of reports per page	\$0.60	\$0.60	NM	NA
Section 12				
Any document available under Section 12 of the Local Government Act 1993 - per page (or at an individual document cost whichever is the lesser to cover costs)	\$0.60	\$0.60	NM	NA
Tape Records of Council/Committee Meetings (per hour or part thereof, plus cost of tape)	\$43.00	\$44.00	NM	NA
Cheque Dishonour				
Administration Charge	\$25.00	\$25.00	EA	C
PUBLICATIONS FOR SALE				
Copy of Management Plan charged at standard photocopy rates (per page)			CSO	NA
Sale of Tender documents charged at standard photocopy rates (per page)			CSO	NA
RATES				
Clerk Certificate: 603	\$55.00	\$60.00	SF	NA
Interest on Overdue Rates charged	10%	10%	SF	NA
MERCHANT SERVICE FEE FOR CREDIT CARD PAYMENTS				
Merchant service fee for credit card payments	Council's policy is to charge actual cost for merchant service fees that it incurs for payments by credits cards through various payment channels. This cost, and the payment channels provided may be varied by Council's agent throughout the year. For 2007/2008 the maximum fees charged will be as follows: Visa/Mastercard 0.75% American Express 1.85%	Council's policy is to charge actual cost for merchant service fees that it incurs for payments by credits cards through various payment channels. This cost, and the payment channels provided may be varied by Council's agent throughout the year. For 2008/2009 the maximum fees charged will be as follows: Visa/Mastercard 0.75% American Express 1.85%	NM	C

CORPORATE

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Administration Fees				
Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment. Council must cover administration and other costs incurred in the investment of these monies.				
From 1 July 2008 the interest earned on all deposits will be at the on-call rate received by Council.				
Council will accept a bank guarantee in lieu of a deposit.				
*All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance Fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.				
CERTIFICATES				
Planning Certificate Section 149(2)	\$40.00	\$40.00	SF	NA
Planning Certificate Section 149(2) & (5)	\$100.00	\$100.00	SF	NA
Planning Certificate urgency fee	\$50.00	\$50.00	EA	C
PHOTOCOPYING				
Laminating service per metre (external)	\$20.50	\$50.00	EA	C
A2, A1, A0, large format - plans as supplied, per copy	\$9.50	\$10.00	EA	NA
Copy of DCP'S/LEP'S (draft or adopted) charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2		CSO	NA
A0 size black/white plot from GIS	\$97.00	\$100.00	EA	NA
A0 size colour plot from GIS	\$214.50	\$220.50	EA	NA
A1 size black/white plot from GIS	\$63.50	\$65.00	EA	NA
A1 size colour plot from GIS	\$107.50	\$110.50	EA	NA
A2 size black/white plot from GIS.	\$32.50	\$33.50	EA	NA
A2 size colour plot from GIS.	\$63.50	\$65.00	EA	NA
A3 size black/white copy from GIS	\$6.50	\$7.00	EA	NA
A3 size colour laser copy from GIS	\$14.50	\$15.00	EA	NA
A4 size black/white laser copy from GIS	\$5.00	\$5.50	EA	NA
A4 size colour laser copy from GIS	\$7.50	\$8.00	EA	NA
KMAP Street Directory A4 size	\$23.50	\$24.00	NM	NA
Ku-ring-gai Planning Scheme Map (laminated)	\$122.50	\$126.00	EA	NA
Ku-ring-gai Planning Scheme Ordinance	\$56.00	\$57.50	NM	NA

STRATEGY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
AMENDMENT TO KU-RING-GAI PLANNING SCHEME ORDINANCE				
Advertising (to be paid for by the applicant as an additional fee, regardless of the size of the application)	\$3,270.50	\$3,270.50	NM	C
Amendments to Ku-ring-gai Planning Scheme Ordinance or application for reclassification of Public Land.	\$17,000.00	\$17,000.00	NM	NA
Large Institutional Sites and other sites over 1ha.	\$35,000.00	\$35,000.00	NM	NA
Minor amendments to a LEP including KPSO or an LEP for the purposes of adding or removing a heritage item, changing the wording of a clause, adding or removing a use to a zoning table that does not require complex assessment or changing development standards that apply to land	\$7,500 plus advertising costs	\$7,500 plus advertising costs	NM	NA
Minor rezoning application (total site area less than 1ha) or major amendment to KPSO or an LEP	\$25,000.00	\$25,000.00	NM	NA
Major rezoning application for applications involving institutional sites and sites over 1 ha in area	\$50,000.00	\$50,000.00	NM	NA
Amendment of existing DCP	\$15,000 plus advertising costs	\$15,000 plus advertising costs	NM	NA
Preparation of new DCP or site specific LEP	\$15,000 to \$60,000 (quote available on request)	\$15,000 to \$60,000 (quote available on request)	NM	NA
PLANS OF MANAGEMENT				
Copies of Plans of Management (draft or adopted) charged at standard photocopy rates -per page	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
State of environment report (CD version only available)	\$30.00	\$30.00	CSO	NA
State of environment report (CD version only available)	\$30.00	\$30.00	CSO	NA
PROPERTY				
Applications				
Application fee for Property Easement/Right Of Way (non-refundable) through Council land	\$640.00	\$800.00	EA	C

STRATEGY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Request to purchase of land - Administration Fee (non-refundable)	\$775.00	\$800.00	EA	C
Permanent Road Closure - Administration Fee for processing road closure application (non refundable)		\$800.00	EA	C
Application for owners consent for DA		\$100.00	EA	C
Application for owners consent for DA - not for profit organisation		\$50.00	EA	C
Section 54 local Government Act				
Certificate for Classification of Council Land	\$37.50	\$50.00	SF	NA
Consultancy				
Administration/Attendance – Charge per hour	\$90.00	\$100.00	EA	C
Wade Lane				
Car parking - Wade Lane, per month	\$98.00	\$100.00	EA	C
Publications for Sale				
Aquatic Ecosystem Assessment Guidelines charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Plans of Management (including Draft Plans) charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Resource information documents charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Open Space Guidelines charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Open Space Policies charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Open Space Standards charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CSO	NA
Copy of Contributions Plan charged at standard photocopy rates (per page)	\$66.50	As per photocopy charges listed on page 2	CSO	NA

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
INFRASTRUCTURE				
Alignment Level				
Re-consideration fee per property	\$150.00	\$155.00	NM	C
Additional fee for sites requiring survey design for crossing design - per property	\$395.00	\$405.00	NM	C
Provision of vehicular crossing design levels - per property	\$200.00	\$205.00	NM	C
Provision of boundary alignment levels with DA approval - per property	\$150.00	\$155.00	NM	C
Footpaths				
<i>Note: Footpath surfaces per square metre (20% discount for areas > 10sqm). Minimum charge - one square metre or one lineal metre.</i>				
Asphalt or bitumen footpath	\$185.00	\$190.00	CSO	C
Concrete 130mm thick footpath and vehicular crossings	\$375.00	\$358.00	CSO	C
Grass verges	\$105.00	\$110.00	CSO	C
Flagging - sandstone	\$275.00	\$280.00	CSO	C
Brick or concrete pavers	\$295.00	\$300.00	CSO	C
Gravel footpaths	\$125.00	\$130.00	CSO	C
Concrete 100mm thick (precast or slabs)	\$255.00	\$260.00	CSO	C
<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>				
Gutter Crossing Construction				
Dish crossings constructed in conjunction with kerb and gutter works where no approved constructed crossing previously existed - per metre	\$155.00	\$160.00	EA	C
Layback				
Reinstate existing layback with kerb	\$850.00	\$875.00	EA	C
Additional layback gutter crossing (per additional metre)	\$345.00	\$355.00	EA	C
Extension of existing layback crossing (per metre)	\$555.00	\$570.00	EA	C
Standard 3.7 metre wide concrete layback gutter crossing	\$1,300.00	\$1,335.00	EA	C
Standard 3.7 metre wide concrete layback gutter crossing in existing kerb & gutter	\$850.00	\$875.00	EA	C
Pipe crossing				
Remove existing piped crossing	\$350.00	\$360.00	EA	C
1.0m extension of existing piped crossing	\$555.00	\$570.00	EA	C
2.4 metre extension of existing piped crossing	\$1,040.00	\$1,070.00	EA	C
4.8 metre wide x 300mm diameter pipe crossing	\$1,450.00	\$1,490.00	EA	C
Gutter bridge				

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Cost to remove gutter bridge crossing	\$650.00	\$670.00	EA	C
1.5 metre gutter bridge extension	\$630.00	\$645.00	EA	C
1.8 metre gutter bridge extension	\$650.00	\$670.00	EA	C
4.5 metre wide precast concrete gutter bridge	\$1,300.00	\$1,335.00	EA	C
Driveway / Footway / General				
Construct asphalt surface between road pavement and layback or pipe crossing (per square metre)	\$100.00	\$105.00	EA	C
Construct 100mm thick fine crushed rock pavement across footway (per square metre)	\$555.00	\$570.00	EA	C
Construct 100mm thick plain concrete driveway	\$210.00	\$215.00	EA	C
Construct 100mm thick fine crushed rock and 30mm thick asphalt driveway	\$170.00	\$175.00	EA	C
Excavation in rock (per cubic metre)	\$530.00	\$545.00	EA	C
Excavation in other than rock (per cubic metre)	\$210.00	\$215.00	EA	C
Kerb & Gutter				
<i>Note: Kerb and Gutter per linear metre (20% discount for areas > 10sqm). Minimum charge - one square metre or one lineal metre.</i>				
Kerb and gutter frontage per metre	\$75.00	\$80.00	EA	C
Kerb and gutter where frontage and sideline form a curve, per metre	\$55.00	\$57.00	EA	C
Kerb and gutter rear line per metre	\$40.00	\$42.00	EA	C
Kerb and gutter sideline per metre	\$40.00	\$42.00	EA	C
Kerb and/or gutter restoration (regional)	\$220.00	\$226.00	CSO	C
Hole in kerb (per opening)	\$105.00	\$108.00	CSO	C
Kerb and/or gutter - restoration (local)	\$220.00	\$225.00	CSO	C
Saw cutting	\$40.00	\$42.00	CSO	C
Saw cutting (roadside)	\$40.00	\$42.00	CSO	C
Restoration Orders				
Additional administrative charge to apply to restoration orders with inadequate or incorrect information	\$145.00	\$150.00	CSO	C
<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>				
Piping Requests & Approval for Drainage Easements				
Application requiring determination by Council - fee for processing report	\$760.00	\$770.00	CSO	C
Hydraulic, hydrologic calculations and reports, per hour	\$160.00	\$170.00	CSO	C

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
<i>Note: Requests for piping of watercourses, adjustments to Council easements, pipes, etc. Refer to Engineering Inspection Fees (Environmental & Regulatory Services).</i>				
Records Searching				
Conduct a search of records and extract information (per half hour)	\$90.00	\$100.00	CSO	C
Roads				
<i>Note: Road surfaces per square metre (20% discount for areas > 10sq m). Minimum charge – one square metre or one linear metre.</i>				
Gravel and all other classes of unsealed pavement or shoulder	\$130.00	\$135.00	CSO	C
Natural earth	\$105.00	\$110.00	CSO	C
Asphaltic concrete and all other bitumen surfaces	\$310.00	\$320.00	CSO	C
Cement/Concrete	\$550.00	\$560.00	CSO	C
Asphaltic concrete with cement/concrete base	\$550.00	\$560.00	CSO	C
Road Opening Permit	\$30.00	\$35.00	EA	NA
Road/footpath Barriers delivery fee	\$50.00	\$55.00	EA	C
Road/footpath barriers per day hire	\$3.00	\$3.50	EA	C
<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai.</i>				
Special Events				
Application fee – processing Traffic Management Plan and report to Ku-ring-gai Traffic Committee	\$670.00	\$680.00	CSO	C
Advertising (at cost +10%) - minimum	\$615.00	\$630.00		C
Traffic Control				
Application fee for appraisal or reappraisal of Traffic Control Plans for activity on public roads.	\$185.00	\$190.00		C
SRA use of Local Road during rail closure per day, minimum. Actual cost of damage if above fee.	\$740.00	\$750.00	CSO	C
SRA Road Closure Inspection Fee per closure	\$220.00	\$230.00	CSO	C
Road Occupancy				
Occupy roadway during work for crane or other vehicle (per vehicle per day or part – subject to approved TMP/TCP, if required)	\$175.00	\$185.00	CSO	C
Works Zones				
Application fee for Works Zone or temporary parking restrictions per metre per week (Minimum fee is \$1800 based 6 metres and 10 weeks at \$30 per metre). Fee includes processing through Ku-ring-gai Traffic Committee.	\$30.00	\$30.00	EA	C
Lines at Driveways				
Provision of perpendicular pavement lines at driveways	\$415.00	\$420.00	CSO	C
Parking Restriction Signs				
Provision of signs, if approved (per sign/stem installed or altered)	\$235.00	\$240.00	CSO	C
Application fee – processing, incl reporting to Ku-ring-gai Traffic Committee	\$670.00	\$680.00	CSO	C

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
PUBLICATIONS FOR SALE				
Stormwater Management Manual charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Printed extracts from Stormwater Management Manual charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Stormwater Management Policy charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Complete set of specifications and standards for all Council's road and drainage works charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Separate specifications extracted from complete set of specifications and standards for all Council's road and drainage works charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Specifications for design of Road Construction Plans charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
General Conditions for Engagement of Consultant charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Copies or extracts from specifications - A4 paper charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
Copies or extracts from specifications - A3 paper charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	CS0	NA
WASTE				
The following commercial waste collection fees include:				
1. Provision of container and repairs				
2. Disposal costs				
3. Waste collection at nominated fee schedule				
4. Recycling collection at nominated fee schedule				

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
<i>Note: Service Fees associated with commercial waste management services may be subjected to quotation in a commercially competitive environment and the nominated fees for services below may vary according to the request service level of the customer, type of waste, disposal costs, specific collection site, customer or waste requirements requested by the Director Operations.</i>				
1.5 cubic metre Standard	\$32.00	\$32.00	EA	C
3.0 cubic metre Standard	\$45.00	\$48.00	EA	C
1.5 cubic metre Heavy	\$42.00	\$42.00	EA	C
3.0 cubic metre Heavy	\$48.00	\$58.00	EA	C
240/340 litre Standard	\$7.50	\$7.50	EA	C
240/340 litre Heavy	\$9.00	\$10.00	EA	C
240 litre Recycling	\$4.50	\$4.50	EA	C
Loose cardboard per cubic metre.	\$4.50	\$5.00	EA	C
360 litre green waste fortnightly per bin, per year	\$88.00	\$90.00	EA	C
Dumped waste other than booked collection	\$500.00 plus disposal costs	\$500.00 plus disposal costs	EA	C
Additional Trade Service	\$5.00	\$5.50	EA	C
Additional Domestic Waste Collection	\$10.00	\$10.00	EA	C
Community Event Services				
Street sweeping for events or emergency response per hr min 2 hrs	\$90.00	\$100.00	EA	C
Footpath cleaning for events or emergency response per hr min 2 hrs	\$95.00	\$100.00	EA	C
Minimum amount per event (includes delivery & return of bins). (\$ 4.00 per bin to be charged in addition to base rate)	\$160.00	\$160.00	EA	C
Waste/recycling collection outside of normal operating hours	\$500 plus \$4 per bin	\$500 plus \$4 per bin	EA	C
Domestic Waste Management Charges				
Domestic waste management charges, annual	Refer to Management Plan 2007-2011 for Fees	Refer to Management Plan 2008-2012 for Fees	EA	NA
White Goods Collection	\$45.00	\$45.00	EA	C
NURSERY				
Sales - Retail				
Tube stock 1-100mm pot	\$3.50	\$3.50	EA	C
140mm pots	\$9.00	\$9.00	EA	C
200mm pots	\$17.50	\$17.50	EA	C
200mm pot rare/threatened/difficult species including Telopea, Epacris, Actinotus, Persoonia, and others	\$25.00	\$25.00	EA	C
Tube stock rare/threatened/difficult species including Telopea, Epacris, Actinotus, Persoonia and others	\$5.00	\$5.00	EA	
200mm "Rocket Pot"	\$25.00	\$25.00	EA	C
40 litre "Rocket Pot"	\$220.00	\$120.00	EA	

OPERATIONS

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
250mm pots	\$35.00	\$35.00	EA	C
300mm pots	\$60.00	\$60.00	EA	C
Potting mix 30L	\$11.50	n/a	EA	C
Tube stock – other	\$5.00	n/a	EA	C
Bamboo Stakes	\$0.20	\$30.00	EA	C
Cow manure 25 L	\$8.00	n/a	EA	c
Plastic Sleeves	\$0.40	\$50.00	EA	C
Sales - Wholesale				
Wholesale sale prices are not included in this document as they are commercial in confidence.				
Workshop Seminars				
Maximum 25 people (flat rate, duration up to 3 hours)	\$270.00	\$270.00	EA	C
Maximum 25 people (flat rate, duration up to 6 hours)	\$540.00	\$540.00	EA	C
Secondary/Tertiary students up to 3 hours (per person)	\$6.50	n/a	EA	C
Secondary/Tertiary students up to 6 hours (per person)	\$10.00	n/a	EA	C
Delivery Fee				
Within Ku-ring-gai Local Government Area	Free	\$10.00	EA	C
Outside Ku-ring-gai LGA up to 10 km	\$10.00	\$20.00	EA	C
Outside Ku-ring-gai LGA up to 20 km	\$20.00	\$30.00	EA	C
Outside Ku-ring-gai LGA up to 30 km	\$30.00	\$40.00	EA	C
Seed Collection				
Seed collection for contract growing – (per person per hour)	\$50.00	\$50.00	EA	C
TREE MANAGEMENT				
Basic Application Fee under the Tree Preservation Order (includes one tree)	\$80.00	\$80.00	CSO	NA
Assessment Fee for each and every tree in excess of one	\$12.35	\$12.35	CSO	NA
Tree Review Application (for each tree)	\$55.00	\$55.00	CSO	NA
Tree Pruning	\$39.00	\$39.00	CSO	C
Applications by pensioners - general (card must be produced)	\$38.00	\$38.00	CSO	NA
Applications by pensioners - tree pruning (card must be produced)	\$16.50	\$16.50	CSO	NA
Applications by pensioners - review of application (card must be produced)	\$38.00	\$38.00	CSO	NA
Tree Protection Bond				
Tree protection bond	Min \$500.00 – Max \$50,000.00	Min \$500.00 – Max \$50,000.00	CSO	NA

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
ART CENTRE				
Term Programs				
Children's Art Classes.	\$70 to \$160	\$70 to \$160	EA	C
Teenage Art Classes	\$70 to \$200	\$70 to \$200	EA	C
School Vacation Art Classes	\$26 to \$210	\$26 to \$210	EA	C
Adult Art Classes	\$155 to \$285	\$155 to \$285	EA	C
Late Enrolment Fee (after 3 weeks)	\$15.00	\$15.00	EA	C
<i>Note: 5% discount for full semester enrolment for one course in one semester. 15% discount on full pension..</i>				
Exhibition Space				
Art Centre & Community Services Facilities - Gallery hire	1 artist \$120pw	1 artist \$150 pw	EA	C
Art Centre & Community Services Facilities - Gallery hire	2 artists \$160pw	2 artists \$200 pw	EA	C
Art Centre & Community Services Facilities - Gallery hire	3 artists \$200pw	3 artists \$230 pw	EA	C
Art Centre & Community Services Facilities - Gallery hire	4 artists \$220pw	4 artists \$250 pw	EA	C
Art Centre & Community Services Facilities - Gallery hire	Larger groups pay institutional rate of \$260pw	Larger groups pay institutional rate of \$300 pw	EA	C
CHILDCARE				
Thomas Carlyle Children's Centre				
Administration fee for parents, per enrolment	\$50.00	\$50.00	CSO	C
Waiting list fee, per application each child	\$18.00	\$20.00	CSO	C
Long Day Care fee (per day) each child	\$69.00	\$73.00	CSO	Z
<i>Note: Parents arriving to collect their child/children after 6pm will be charged a late fee of \$10.00 per ½ hour. If the child has not been collected by 6.15pm the parent will be charged an additional fee of \$2.00 per minute until such time that the child is collected.</i>				
Occasional Care				
Occasional Care (per hour) Minimum 4 hours and maximum 6 hours charged	\$8.00	\$8.50	CSO	Z
Family Day Care				
Administration fee for parents, per enrolment	\$110.00	\$110.00	CSO	C
Family Day Care Carer Levy (per carer p/w). The fee is a contribution made by carers towards the operation of the scheme.	\$6.50	\$8.50	CSO	C
Attendance pad charge	\$30.00	\$30.00	CSO	C
LIBRARY				
Library booking fee - per booking for studyrooms	\$1.00	\$1.00	CSO	C
Library booking fee - whole Ezone room	-	\$10.00	CSO	C
Audio visual carry bags	\$3.00	\$3.00	EA	C
Library carry bags - purple	\$2.00	\$2.50	EA	C
Negative Charge for which a negative is not already available plus fee for print	-	\$5.00	EA	C
Photographer's fee (as per schedule), plus \$2.50 / print 25cm x 20cm & larger	\$2.40	\$2.50	EA	C
Photographer's fee (as per schedule), plus \$6.50 / print 25cm x 20cm & larger	\$6.30	\$6.50	EA	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Processing Charge plus full cost of item for damaged/lost/not returned items	\$15.00	\$16.00	EA	C
Replacement borrower cards - lost cards	\$6.00	\$6.50	EA	C
Cassette/Video/CD box only	\$2.20	\$2.20	EA	C
Cassette/Video/CD /DVD insert only	\$6.00	\$6.00	EA	C
Cassette box - fee levied when box only lost	\$2.20	\$2.20	EA	C
Cassette/Video/CD/DVD inserts fee levied when item lost	\$6.00	\$6.00	EA	C
CD Box - fee levied when box only lost	\$0.50	\$0.50	EA	C
Double CD box - fee levied when box only lost	\$1.40	\$1.40	EA	C
CD/DVD case and A5 book - fee levied when box only lost	-	\$7.00	EA	C
CD/DVD case and A4 book - fee levied when box only lost	-	\$15.00	EA	C
Double video box and A4 book - fee levied when box only lost	\$15.00	\$15.40	EA	C
Single video box	\$2.00	\$2.20	EA	C
Video and A5 book box fee levied when box only lost	\$9.00	\$9.30	EA	C
DVD case to hold between 1 and 4 dvds - fee levied when box only lost	-	\$1.00	EA	C
DVD case to hold between 5 and 6 dvds - fee levied when box only lost	-	\$2.00	EA	C
DVD case to hold between 8 and 12 dvds - fee levied when box only lost	-	\$7.00	EA	C
DVD case to hold over 12 dvds - fee levied when box only lost	-	\$9.00	EA	C
ILL fee for items requested from non public libraries	\$13.20	\$13.20	CSO	C
Request for item not in Library's collection	\$5.50	\$5.50	CSO	C
Research Fee - conduct a search of Council and/or Land Title records and/or local history resources and extract information - per hour	\$132.00	\$135.30	EA	C
Adults - Reservations	\$1.30	\$1.30	CSO	C
School Children - Reservations	\$0.60	\$0.60	CSO	C
Diskette	\$1.00	\$1.00	EA	C
USB Sticks	\$30.00- \$40.00	\$30.00- \$40.00	EA	C
PHOTOCOPYING				
Black and white per page (self service) microfiche & microfilm reader/printer	\$0.50	\$0.50	CSO	C
Approved Community Groups A4 (photocopier only)	\$0.10	\$0.10	EA	C
A4 black & white per page (self service)	\$0.20	\$0.20	EA	C
A3 black & white per page (self service)	\$0.45	\$0.40	EA	C
A4 colour (self service) - available at Gordon & St Ives only	\$3.40	\$2.50	EA	C
A3 colour (self service) - available at Gordon & St Ives only	\$4.50	\$4.00	EA	C
Articles obtained from another library (per article) up to 50 pages	\$13.20	\$13.20	EA	C
Articles obtained from another library (per article) every additional 50 pages	\$13.20 plus \$3.30 for each additional 50 pages	\$13.20 plus \$3.30 for each additional 50 pages	EA	C
Ezone printing A4 black and white	-	\$0.20	EA	C
Ezone printing A4 colour	-	\$0.50	EA	C
Travis McEwen Group Report per copy	\$71.50	\$71.50	NM	NA
Base Line Studies 1- 4 (sold separately) charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	NM	NA
Ku-ring-gai Residential Development Strategy Reports & Studies charged at standard photocopy rates (per page)	As per photocopy charges listed on page 2	As per photocopy charges listed on page 2	EA	NA
PROGRAMS				
Community Services Programs/Activities	\$20.00 to \$250.00	\$20.00 to \$250.00	CSO	C
School Holiday Centre Fees	\$28.00 to \$100.00	\$30.00 to \$100.00	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Children's & Youth Services Programs	\$3.00 to \$100.00	\$3.50 to \$100.00	CSO	C
Events merchandising	\$1.00 to \$100.00	\$1.00 to \$100.00	CSO	C
CENTENARY OF LOCAL GOVERNMENT				
Publications and merchandising	\$20.00 to \$200.00	\$20.00 to \$200.00	EA	C
CONSULTANCY				
Consultancy fee/research (per hour)	\$130.00 to \$190.00	\$135.00 to \$200.00	EA	C
FILMING				
Fees are assessed upon the nature of each application, level of impact upon the community, location and road type. Fee waiver may apply for projects of demonstrable community benefit, projects related to charitable activities, documentaries which are spe				
<i>Note: Each application is assessed upon level of impact based on some of the following criteria: number of trucks and crew, filming duration</i>				
Lodgement fee for 1 to 2 days filming (non-refundable)	\$100.00	\$100.00	EA	C
Lodgement fee for over 2 days filming (non-refundable)	\$200.00	\$200.00	EA	C
Fees				
Filming Fees - first 8 hours (or part thereof) Minimal to low impact	\$100.00 to \$200.00	\$100.00 to \$200.00	EA	C
Low to medium impact	\$200.00 to \$400.00	\$200.00 to \$400.00	EA	C
Medium to high impact	\$400.00 to \$600.00	\$400.00 to \$600.00	EA	C
High to very high impact	\$600.00 to \$1,400.00	\$600.00 to \$1,400.00	EA	C
Late fee (less than 3 days' notice) 100% of lodgement fee, 30% loading approval			EA	C
Additional fees and charges				
Intermittent road closure and/or external infrastructure				
Minimal to Low impact	\$100.00 to \$200.00	\$100.00 to \$200.00	EA	C
Low to Medium impact	\$200.00 to \$400.00	\$200.00 to \$400.00	EA	C
Medium to High impact	\$400.00 to \$600.00	\$400.00 to \$600.00	EA	C
High to Very High impact	\$600.00 to \$1,400.00	\$600.00 to \$1,400.00	EA	C
Overnight unit parking				
Assessed by the level of impact upon location, ie number of trucks and road type				
Low impact & up to 4 trucks	\$100.00	\$100.00	EA	C
Medium impact & 5-10 trucks	\$200.00	\$200.00	EA	C
High impact & 11 or more trucks	\$400.00	\$400.00	EA	C
Low impact	\$100.00	\$100.00	EA	C
Filming in Council Property, Gardens, Parks, Reserves and Bushland/Commercial				
Low impact	\$100.00	\$103.00	EA	C
Medium	\$140.00	\$145.00	EA	C
High impact	\$280.00	\$290.00	EA	C
Additional Council service charges				
<i>Note: A bond may be required in certain situations.</i>				
Additional waste management (per site)	\$165.00	\$165.00	EA	C
Extraordinary site monitoring fee	\$150.00	\$150.00	EA	C
COMMUNITY BUS				

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Community Bus per km, available Thursday, evenings, weekends - The Community Bus is available subject to the approval of the Director Community. Council staff as a driver may be required.	\$0.85	\$0.85	CSO	C
Driver	"At Cost"	"At Cost"	CSO	C
HALLS & MEETING ROOMS				
HALLS - CATEGORY A				
<i>Note: Discounts are available for Meeting Rooms and Halls. (See Discounts Available on Halls and Meeting Rooms, page 32 for details.)</i>				
<i>No discounts available on fixed costs.</i>				
Peak/Off Peak Times. Off Peak times: Sunday 7am to Friday 5pm and Saturday 7am-5pm. Peak Times: Friday 5pm to close and Saturday 5pm to close.				
Casual Hire				
Peak time hire of a Category A hall charged at an hourly rate, or part thereof*	\$93.00	\$96.00	CSO	C
Off peak time hire of a Category A hall charged at an hourly rate, or part thereof*	\$48.50	\$50.00	CSO	C
Permanent Hire				
Peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$93.00	\$96.00	CSO	C
Off peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$33.00	\$36.00	CSO	C
Sale, Exhibition or Conference				
Hire - minimum hire 6 hours*	\$675.00	\$695.00	CSO	C
Hire per hour after first 6 hours*	\$90.00	\$93.00	CSO	C
Overnight charge	\$175.00	\$180.00	CSO	C
<i>*Refer to fixed costs for other charges payable with this fee.</i>				
PA System Hire				
PA System hire per booking	\$31.00	\$32.00	CSO	C
Piano Hire				
Piano Hire per booking	\$20.00	\$22.00	CSO	C
HALLS - CATEGORY B				
<i>Note: Discounts are available for Meeting Rooms and Halls. (See Discounts Available on Halls and Meeting Rooms, page 32 for details.)</i>				
<i>No discounts available on fixed costs.</i>				
Casual Hire				
Peak time hire charged at an hourly rate or part thereof*	\$72.00	\$76.00	CSO	C
Off peak time hire charged at an hourly rate or part thereof*	\$37.00	\$40.00	CSO	C
Permanent Hire				
Peak time hire of a Category B hall on a permanent basis charged at an hourly rate*	\$72.00	\$75.00	CSO	C
Off peak time hire of a Category B hall on a permanent basis charged at an hourly rate*	\$27.00	\$30.00	CSO	C
Sale, Exhibition or Conference				
Minimum hire 6 hours*	\$450.00	\$465.00	CSO	C
Hire for sales, exhibitions or conferences. Per hour after first 6 hours*	\$65.00	\$67.00	CSO	C
Overnight charge for hire for sales, exhibitions or conferences	\$122.00	\$126.00	CSO	C
<i>Note: *Refer to fixed costs for other charges payable with this fee.</i>				
<i>Note: Discounts are available for Meeting Rooms and Halls. (See Discounts Available on Halls and Meeting Rooms, page 18 for details.)</i>				
<i>No discounts available on fixed costs.</i>				
MEETING ROOMS				
Category A Rooms				
Hire of room on casual basis per hour, or part thereof	\$37.00	\$39.00	CSO	C
Hire of room on permanent basis per hour, or part thereof	\$25.00	\$27.00	CSO	C
Category B Rooms				

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Hire of room on casual basis per hour, or part thereof	\$27.00	\$29.00	CSO	C
Hire of room on permanent basis per hour, or part thereof	\$22.00	\$24.00	CSO	C
Seniors Centres				
Lindfield Seniors Centre	\$5.00 to \$93.00	\$7.00 to \$95.00	CSO	C
Lindfield Seniors Resource Centre	\$5.00 to \$93.00	\$7.00 to \$95.00	CSO	C
Turrumurra Seniors Centre	\$5.00 to \$93.00	\$7.00 to \$95.00	CSO	C
Fixed Costs (Halls and Meeting Rooms)				
<i>Note: No discounts available on fixed costs.</i>				
Booking Fee non refundable	\$5.00	\$7.00	CSO	C
Administration fee changes or updates bookings	\$5.00	\$7.00	CSO	C
Security bond	\$330.00 to \$1,000.00	\$330.00 to \$1,000.00	CSO	NA
Close hall and clean per service	\$260.00	\$270.00	CSO	C
Call out fee per hour (minimum 4 hours)	\$72.00	\$75.00	CSO	C
Penalty labour (minimum 2 hours) appropriate hire cost per hour	\$62.00	\$65.00	CSO	C
Discounts available on Halls and Meeting Rooms				
<i>Note: Permanent Hirers and Casual Hirers are entitled to a discount.</i>				
<i>No discounts available on fixed costs.</i>				
Council Activities include: School Holiday, Leisure Program, Seniors Program, Youth Services, Receptions, Presentations, Committee Meetings and Staff Training	100%	100%		
Government Statutory/Regulatory Services include: Citizenship, Immunisation	100%	100%		
Organisations which qualify for the Arts/Cultural Incentive Scheme , eg performances, shows, rehearsals and exhibitions	70%	70%		
Individuals for the purposes of rehearsals, music practice, art and cultural activities, education, recreational and leisure activities (off peak periods only) hall/meeting room hire	50%	50%		
Community Groups (not for profit) – Sales/Exhibitions, Conferences for the first 6 hours only	65% discount on hall hire, then the discount of 50% applies to the hourly rate for each hour thereafter	65% discount on hall hire, then the discount of 50% applies to the hourly rate for each hour thereafter		
Community Groups (not for profit) – overnight charge – Sales/Exhibitions, Conferences	65%	65%		
Families – for functions, celebrations and parties (off peak hours only)	50%	50%		
Community Organisations (not for profit) involved in activities to promote health and wellbeing, the arts, culture, education, recreation and leisure	50%	50%		
Registered Charities	50%	50%		
Schools	50%	50%		
Churches and church groups	50%	50%		
Community Groups (not for profit) – overnight charge	50%	50%		
Family functions, celebrations and parties	25%	25%		
Active Ku-ring-gai Program				
Tai Chi	\$40 - \$100 per term	\$40 - \$100 per term	CSO	C
Gym Without Walls	\$40 - \$100 per term	\$40 - \$100 per term	CSO	C
Tennis	\$40 - \$100 per term	\$40 - \$100 per term	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Pilates in the Park	\$40 - \$100 per term	\$40 - \$100 per term	CSO	C
Yoga	\$40 - \$100 per term	\$40 - \$100 per term	CSO	C
Dancefit	n/a	\$40 - \$120 per term	CSO	C
Fitball	n/a	\$40 - \$120 per term	CSO	C
Casual Hire	\$5 to \$20 range per session	\$5 to \$20 range per session	EA	C
CONSULTANCY				
Consultancy fee/research (per hour)	\$130.00 to \$190.00	\$130.00 to \$190.00	EA	C
ACCESS OVER OPEN SPACE				
Access over open space (as per Council's Policy)	\$1 to \$3,000	\$1 to \$3,000	CSO	C
Advertising Fee	\$520.00	\$520.00	CSO	C
Neighbour Notification Fee	\$65.00	\$65.00	CSO	C
Access over open space bond (as per Council's Policy)	Up to \$41,160	Up to \$41,160	CSO	NA
Property easement/right of way application – non refundable	See general property charges	See general property charges	CSO	C
GOLF COURSES				
Gordon Golf Course				
Green Fees - Weekend & Public Holidays 18 holes	\$28.00	\$29.00	EA	C
Green Fees - Weekday (Monday to Friday) - 18 holes	\$22.00	\$23.00	EA	C
Green Fees - Twilight up to 2 hours prior to sunset - 18 holes	\$16.50	\$17.00	EA	C
Green Fees - Weekday "Charity Event" Concession	\$13.50	\$14.00	EA	C
Green Fees – Concession - Weekday only 9 holes (includes school students, pensioners, specials - proof required)	\$12.50	\$13.00	EA	C
Green Fees - Concession - Weekday only - 18 holes (includes school students, pensioners, specials - proof required)	\$15.00	\$15.50	EA	C
Green Fees - Concession – Weekend – 9 or 18 holes (includes school students, specials - proof required)	\$17.50	\$18.00	EA	C
Green Fees - Tertiary Student (up to 25 years) Weekday only – 9 or 18 holes (current Student ID must be shown)	\$16.50	\$17.00	EA	C
Green Fees – Weekday (Monday to Friday) - 9 holes	\$16.50	\$17.00	EA	C
Green Fees – Weekend & Public Holidays – 9 holes	\$20.00	\$21.00	EA	C
Green Fees - Family rate (2 adults & 2 children) – 18 holes (additional children \$17.50 per child up to age 18)	\$71.00	\$74.50	EA	C
Green Fees - Family rate (2 adults & 2 children) – 9 holes (additional children \$17.50 per child up to age 18)	\$57.00	\$59.00	EA	C
Caddy/Spectator fee 9 or 18 holes	\$7.00	\$7.50	EA	C
North Turramurra Golf Course				
Green Fees - Weekend & Public Holidays - 18 holes	\$28.00	\$29.00	EA	C
Green Fees - Weekday (Monday to Friday) - 18 holes	\$22.00	\$23.00	EA	C
Green Fees - Twilight up to 2 hours prior to sunset - 18 holes	\$16.50	\$17.00	EA	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Green Fees - Weekday "Charity Event" Concession	\$13.50	\$14.00	EA	C
Green Fees - Concession - Weekday only 9 holes (includes school students, pensioners, specials - proof required)	\$12.50	\$13.00	EA	C
Green Fees - Concession - Weekday only - 18 holes (includes school students, pensioners, specials - proof required)	\$15.00	\$15.50	EA	C
Green Fees - Concession - Weekend - 9 or 18 holes (includes school students, Pensioners, specials - proof required)	\$17.50	\$18.00	EA	C
Green Fees - Tertiary student (up to 25 years) Weekday only - 9 or 18 holes (current Student ID must be shown)	\$16.50	\$17.00	EA	C
Green Fees - Weekday (Monday to Friday) - 9 holes	\$16.50	\$17.00	EA	C
Green Fees - Weekend & Public Holidays - 9 holes	\$20.00	\$21.00	EA	C
Green Fees - Family rate (2 adults & 2 children) - 18 holes (additional children \$17.50 per child up to age 18)	\$71.00	\$74.50	EA	C
Green Fees - Family rate (2 adults & 2 children) - 9 holes (additional children \$17.50 per child up to age 18)	\$57.00	\$59.00	EA	C
Caddy/Spectator fee 9 or 18 holes	\$7.00	\$7.50	EA	C
OPEN SPACE HIRE				
General Charges (including St Ives Showground)				
Booking fee	\$6.70	\$7.00	CSO	C
Bond for key issue (per casual booking)	\$50.00	\$50.00	CSO	NA
Bond for key issue (per season)	\$200.00	\$200.00	CSO	NA
Ground restoration bond - 100-500 people	\$500.00	\$500.00	CSO	NA
Ground restoration bond - over 500 people	\$1,000.00	\$1,000.00	CSO	NA
Litter bond - 100-500 people	\$150.00	\$150.00	CSO	NA
Litter bond - over 500 people	\$300.00	\$300.00	CSO	NA
Public Liability Insurance - 0 to 25 people	\$12.35	\$12.70	CSO	C
Public Liability Insurance - 26 to 50 people	\$17.50	\$18.00	CSO	C
Public Liability Insurance - 51 to 100 people	\$29.50	\$30.35	CSO	C
Public Liability Insurance - 101 to 200 people	\$60.00	\$61.70	CSO	C
Additional grass cutting - at cost of additional service	"At Cost"	"At Cost"	CSO	C
Litter fee (per day)	"At Cost"	"At Cost"	CSO	C
Toilet cleaning fee (per day)	"At Cost"	"At Cost"	CSO	C
Equipment storage fee (per season/hire period)	\$180.00	\$185.00	CSO	C
Set up rate (per day)	\$110.00	\$113.10	CSO	C
Electricity supply, full day, per power point	\$47.00	\$48.50	CSO	C
Electricity supply, half day, per power point	\$24.00	\$25.00	CSO	C
Children's Animal Farm	\$54.00	\$55.50	CSO	C
School Holiday Programs	\$29.00	\$29.80	CSO	C
School Holiday Programs (additional costs for expert providers)	\$28.80 plus costs	29.80 plus costs	CSO	C
Temporary structure, Jumping Castle - Commercial/Corporate Bookings per day or part thereof (no pegs, weighted only)	\$56.60	\$58.20	CSO	C
Temporary structure, Jumping Castle - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs, weighted only)	\$26.75	\$27.50	CSO	C
Temporary structure, marquee small - (up to 5m x 5m) Commercial/Corporate Bookings per day or part thereof (no pegs weighted only)	\$108.00	\$111.00	CSO	C
Temporary structure, marquee small - (up to 5m x 5m) - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs, weighted only)	\$56.60	\$58.20	CSO	C
Temporary structure, marquee medium (up to 10m x 10m) - Commercial/Corporate Bookings per day or part thereof (no pegs, weighted only)	\$213.00	\$219.00	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Temporary structure, marquee medium (up to 10m x 10m) - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs, weighted only)	\$108.00	\$111.00	CSO	C
Temporary structure, marquee large - (over 10m x 10m) - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only)	\$320.00	\$329.00	CSO	C
Temporary structure, marquee large - (over 10m x 10m) - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs, weighted only)	\$159.50	\$164.00	CSO	C
Note: These fees exclude fees for temporary structures. Where temporary structures are to be used they will be charged at the fees set out in hire – general in addition to the Public Garden Hire fees.				
Parking (only when grounds used specifically for parking)	\$1,335.00	\$1,372.50	CSO	C
Car parking fee - 50 to 100 cars (per day)	\$122.50	\$125.95	CSO	C
Car parking fee - 101 to 200 cars (per day)	\$245.00	\$251.85	CSO	C
Car parking fee - 201 to 300 cars (per day)	\$485.00	\$498.60	CSO	C
Car parking fee - 301 to 400 cars (per day)	\$725.00	\$745.30	CSO	C
Car parking fee - 401 to 500 cars (per day)	\$1,160.00	\$1,192.50	CSO	C
Car parking fee - events over 501 cars (per day)	\$1,268.00	\$1,303.50	CSO	C
Car parking fee – commercial pavilion hire (per day)	\$26.75	\$27.50	CSO	C
Park Booking (0- 25 people) per 4 hour period minimum (excludes sportsgrounds)	\$38.00	\$39.00	CSO	C
Park Booking (26-50 people) per 4 hour period minimum (excludes sportsgrounds)	\$56.50	\$58.10	CSO	C
Park Booking (51-100 people) per 4 hour period minimum (excludes sportsgrounds)	\$144.00	\$148.00	CSO	C
Park Booking (101-150 people) per 4 hour period minimum (excludes sportsgrounds)	\$176.00	\$180.95	CSO	C
Park Booking (151-200 people) per 4 hour period minimum (excludes sportsgrounds)	\$235.00	\$241.60	CSO	C
Park Booking (201-500 people) per 4 hour period minimum (excludes sportsgrounds)	\$475.00	\$488.30	CSO	C
Park Booking (over 501 people) per 4 hour period minimum (excludes sportsgrounds)	\$1,482.00	\$1,523.50	CSO	C
Swain Garden meeting room (per hour)	\$14.50	\$14.90	CSO	C
SPORTSGROUNDS				
General Fees & Special Event Hire				
Additional line markings (for all sports)	"At Cost"	"At Cost"	CSO	C
Personal training non exclusive use - Low intensity, per week (maximum 15 hours per week).	\$26.75	\$27.50	CSO	C
Personal training non exclusive use - Low intensity, per week (maximum 8 hours per week).	\$16.00	\$16.45	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Casual Club House hire - Community per hour.	\$17.00	\$17.50	CSO	C
Casual Club House hire - Commercial per hour.	\$23.00	\$23.65	CSO	C
Floodlighting				
<i>Note: Following fees are per hour/per location.</i>				
Acron	\$7.20	\$7.40	CSO	C
Auluba No. 1 & No. 2	\$6.20	\$6.40	CSO	C
Bannockburn	\$7.20	\$7.40	CSO	C
Barra Brui	\$7.20	\$7.40	CSO	C
Cliff No. 1 oval	\$7.20	\$7.40	CSO	C
Cliff No. 2 oval	\$6.20	\$6.40	CSO	C
Comenarra	\$6.20	\$6.40	CSO	C
Hassell Park	\$7.20	\$7.40	CSO	C
Howson	\$7.20	\$7.40	CSO	C
Lindfield (No 1)	\$6.20	\$6.40	CSO	C
Lindfield (No.2)	\$7.20	\$7.40	CSO	C
Lofberg (Oval)	\$6.20	\$6.40	CSO	C
Lofberg (Netball Courts)	\$7.20	\$7.40	CSO	C
Norman Griffith	\$7.20	\$7.40	CSO	C
Primula	\$6.20	\$6.37	CSO	C
Queen Elizabeth	\$7.20	\$7.40	CSO	C
Roseville Chase	\$7.20	\$7.40	CSO	C
Samuel King (North Turramurra)	\$7.20	\$7.40	CSO	C
St Ives Village Green	\$6.20	\$6.40	CSO	C
St Ives Village Green (Netball Courts)	\$6.20	\$6.40	CSO	C
Turramurra	\$6.20	\$6.40	CSO	C
Warrimoo	\$6.20	\$6.40	CSO	C
Wellington	\$7.20	\$7.40	CSO	C
William Cowan	\$7.20	\$7.40	CSO	C
Casual Sports Hire				
Casual Weekday- Australian Rules, Ruby League, Rugby Union, Soccer, Touch, Cricket, Athletics, any other activities (per hour per field)	\$17.50	\$18.00	CSO	C
Casual Weekend- Australian Rules, Ruby League, Rugby Union, Soccer, Touch, Cricket, Athletics, any other activities (per hour per field)	\$26.25	\$27.00	CSO	C
Baseball/Softball per diamond per hour	\$13.35	\$13.75	CSO	C
Netball Courts (per court) per hour	\$5.70	\$5.85	CSO	C
Skateboard facility community demonstrations per hour	\$74.60	\$76.70	CSO	C
Skateboard facility commercial demonstrations per hour	\$150.00	\$154.20	CSO	C
Cricket Turf wicket full day only	\$599.00	\$615.75	CSO	C
Cricket turf wicket full day only (no preparation or old wickets)	\$275.00	\$282.70	CSO	C
Cricket Artificial practice nets (per wicket strip per hour)	\$5.70	\$5.85	CSO	C
Cricket Turf Practice nets (per wicket strip per hour) (Lindfield nets)	\$18.50	\$19.00	CSO	C
School Sport (Weekday 9am to 4pm)				
<i>Note: Bookings after 4pm may be on a share basis with other organisations</i>				
Athletics Carnival/Gala days: (per day) - Including markings at locations advised by Sport & Recreation includes additional waste service & toilet cleaning fee	\$250.00	\$257.00	CSO	C
Athletics Carnival/Gala Day (per day) no markings. Includes additional waste service & toilet cleaning fee	\$130.00	\$133.65	CSO	C
Netball (per court) Weekday 9am-4pm per hour	\$5.15	\$5.30	CSO	C
Rugby League, Rugby Union, Soccer, Touch Football, Cricket, Baseball, Softball, Athletics, Archery and Australian rules per field	\$7.75	\$7.80	CSO	C
Seasonal Hire				
<i>Note: Seasonal Hire is Summer 15/9/07 - 16/3/08, Winter 5/4/08 - 31/8/08 unless otherwise stated</i>				
Annual hirers 6 month per hour rate. (eg Dog Club, Aero & Archery)	\$4.00	\$4.10	CSO	C
Athletics per hour (22 week)	\$15.75	\$16.20	CSO	C
Baseball/Softball per diamond per hour (22 week)	\$3.20	\$3.30	CSO	C
Cricket - Artificial Wicket per hour (Max 15 Sundays)	\$3.75	\$3.85	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Cricket Artificial Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of artificial wickets only (per day)	\$59.00	\$60.65	CSO	C
Cricket - Turf wicket per wicket prepared (Saturday Season & max 15 Sundays)	\$181.60	\$186.70	CSO	C
Cricket Turf Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of Turf Wickets only (per day) subject to availability - limited preparation only	\$160.00	\$164.50	CSO	C
Netball Courts per court per hour (22 week)	\$2.85	\$2.95	CSO	C
Netball Courts Night Competition per court per hour (excludes lighting fee) (22 week)	\$5.15	\$5.30	CSO	C
Winter Sports Seasonal Competitions per hour (Saturday Season & max 15 Sundays)	\$6.50	\$6.70	CSO	C
Winter Sports additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers (per day/per field) subject to availability and field condition.	\$64.50	\$66.30	CSO	C
Note: Only available to the clubs & associations who hire fields on a seasonal basis.				
Training for Seasonal Hirers Only				
Note: Following fees per hour, per location - weekdays only, share agreement permitted between organisations.				
Out of Season Training (per field per hour)	\$16.00	\$16.45	CSO	C
Cricket Artificial practice nets (per wicket strip per hour)	\$5.70	\$5.85	CSO	C
Cricket Turf Practice nets (per wicket strip per hour) (Lindfield nets)	\$18.50	\$19.00	CSO	C
Netball per court per hour	\$5.15	\$5.30	CSO	C
Per field per hour	\$7.70	\$7.90	CSO	C
Maintenance Charges - Seasonal Hire				
Weekend turf wicket maintenance - Saturday 4 hours	\$160	\$164.48	CSO	C
Weekend turf wicket maintenance - Saturday 2 hours	\$70.00	\$71.95	CSO	C
Weekend turf wicket maintenance - Sunday 4 hours	\$180.00	\$185.00	CSO	C
Weekend turf wicket maintenance - Sunday 2 hours	\$90.00	\$92.50	CSO	C
TENNIS COURTS				
Promotional Specials (eg Come & Try day) (acrylic courts casual) per hour	\$7.20	\$7.40	EA	C
Promotional Specials (eg Come & Try day) (synthetic grass courts casual) per hour	\$9.30	\$9.55	EA	C
Storage Fee (per 6 months)	\$177.00	\$182.00	EA	C
Penalty Charge - unauthorised use of Council's courts	\$115.00	\$118.20	RF	NA
Penalty Charge - unauthorised coach's use of Council's courts	\$412.00	\$423.55	RF	NA
Acrylic Court				
Note: Monday-Friday 8am-5pm EST & 8am-8pm Daylight Savings (per court/per hour).				
Tennis Court Charges - Clubs, schools and school students (1-9 weeks)	\$6.95	\$7.15	EA	C
Tennis Court Charges - Public, casual (1-9 weeks)	\$12.85	\$13.20	EA	C
Tennis Court Charges - Public, permanent (10 or 22 weeks)	\$9.00	\$9.25	EA	C
Tennis Court Charges - Professional Coaches - casual (1-9 weeks)	\$14.40	\$14.80	EA	C
Tennis Court Charges - Professional Coaches, permanent (10+ weeks)	\$10.65	\$10.95	EA	C
Note: Weekend - 8am-5pm EST & 8am-8pm Daylight Savings (per court/per hour).				
Tennis Court Charges - Clubs, schools - Saturday Morning Casual (1-9 weeks)	\$9.00	\$9.25	EA	C
Tennis Court Charges - Clubs & Schools Saturday Morning permanent (10 + weeks)	\$8.50	\$8.75	EA	C
Tennis Court Charges - Public casual (1-9 weeks)	\$14.90	\$15.30	EA	C
Tennis Court Charges - Public permanent (10 or 22 weeks)	\$11.70	\$12.00	EA	C
Tennis Court Charges - Professional Coaches, casual (1-9 weeks)	\$16.50	\$16.95	EA	C
Tennis Court Charges - Professional Coaches, permanent (10+ weeks)	\$12.75	\$13.10	EA	C
Tennis Court Charges - Holiday coaching clinics & comps	\$10.65	\$10.95	EA	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Synthetic Grass Court				
<i>Note: Monday-Friday 8am-5pm EST & 8am-8pm Daylight Savings (per court/per hour)</i>				
Tennis Court Charges – Clubs, schools and school students (1-9 weeks)	\$9.00	\$9.25	EA	C
Tennis Court Charges – Public, casual (1-9 weeks)	\$15.50	\$15.95	EA	C
Tennis Court Charges – Public, permanent (10 or 22 weeks)	\$11.20	\$11.50	EA	C
Tennis Court Charges – Professional Coaches, casual (1-9 weeks)	\$17.00	\$17.50	EA	C
Tennis Court Charges – Professional Coaches, permanent (10 + weeks)	\$11.75	\$12.10	EA	C
<i>Note: Weekend – 8am-5pm EST & 8am-8pm Daylight Savings</i>				
Tennis Court Charges Clubs & School Saturday Morning Casual (1-9 weeks).	\$12.00	\$12.35	EA	C
Tennis Court Charges - Clubs & School Saturday Morning permanent 10+ weeks	\$10.75	\$11.05	EA	C
Tennis Court Charges casual (1-9 weeks)	\$17.50	\$18.00	EA	C
Tennis Court Charges permanent (10 or 22 weeks)	\$14.40	\$14.80	EA	C
Tennis Court Charges – Professional Coaches, casual (1-9 weeks)	\$19.20	\$19.75	EA	C
Tennis Court Charges – Professional Coaches, permanent (10+ weeks)	\$14.90	\$15.30	EA	C
Tennis Court Charges – Holiday coaching Clinics & Comps	\$11.75	\$12.10	EA	C
Floodlit Courts				
<i>Note: Monday-Sunday 5pm-10pm EST & 8pm-10pm Daylight Savings (St Ives Village Green 5pm-9pm).</i>				
Floodlit courts – public, casual acrylic (1-9 weeks)	\$19.20	\$19.75	EA	C
Floodlit courts – public, permanent acrylic (10 weeks)	\$14.90	\$15.30	EA	C
Floodlit courts – Coaches casual acrylic (1-9 weeks)	\$20.80	\$21.40	EA	C
Floodlit courts – Coaches permanent (10 + weeks) acrylic	\$16.50	\$16.95	EA	C
Floodlit Courts – public, casual synthetic grass (1-9 weeks)	\$22.40	\$23.00	EA	C
Floodlit Courts – public, permanent synthetic grass (10 weeks)	\$17.00	\$17.50	EA	C
Floodlit Courts – casual, Coaches per hour synthetic grass (1-9 weeks)	\$24.00	\$24.65	EA	C
Floodlit Courts – permanent, Coaches (10+ weeks) synthetic grass	\$19.75	\$20.30	EA	C
ST IVES SHOWGROUND				
Camping				
Caravan site - no power (per day)	\$21.75	\$15.00	CSO	C
Caravan site - with power (per day)	\$32.00	\$20.00	CSO	C
Tent - no power (per day)	\$11.30	\$7.50	CSO	C
Tent - with power (per day)	\$16.50	\$10.00	CSO	C
Main Arena				
Night Training (per hour per field)	\$7.70	\$7.95	CSO	C
Floodlights (per hour)	\$23.00	\$23.65	CSO	C
Northside Agriculture & Horticultural Society Shows				
Litter bond	\$2,060.00	\$2,060.00	CSO	NA
Ground restoration bond	\$4,000.00	\$4,000.00	CSO	NA
Society days (per day)	\$1,060.00	\$1,060.00	CSO	C
Set up day	\$532.50	\$532.50	CSO	C
Showground Areas				
<i>Note: Prices do not include General Hire fees, these will be charged in addition to area hire fees where applicable.</i>				
Picnic table (per day) - Area 6 only	\$26.75	\$27.50	CSO	C
Cross Country Athletics Event (0-500 people) includes Jim Watson Main Arena, excludes pavilions Includes additional waste service & toilet cleaning	\$225.40	\$231.70	CSO	C
Cross Country Athletics Event (501-1000 people) includes Jim Watson Main Arena, excludes pavilions Includes additional waste service & toilet cleaning	\$490.00	\$503.70	CSO	C
Cross Country Athletics Event (over 1000 people) includes Jim Watson Main Arena, excludes pavilions Includes additional waste service & toilet cleaning	\$586.50	\$602.90	CSO	C
Soccer - Jim Watson Main Arena casual hire per field per hour Includes additional waste service & toilet cleaning	\$26.25	\$27.00	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Soccer - Jim Watson Main Arena Seasonal hire per field per hour(maximum 22 dates)	\$6.50	\$6.65	CSO	C
Jim Watson Main Arena outside trotting track - per hour	\$32.40	\$33.30	CSO	C
Jim Watson Main Arena & control tower (per day) - not including the picnic area - community rate	\$466.00	\$479.05	CSO	C
Jim Watson Main Arena & control tower (per day) - not including the picnic area - commercial hire	\$655.00	\$673.35	CSO	C
Mini Wheels Off Road Track (per half day). Note Conditions of hire apply	\$122.45	\$125.90	CSO	C
Dog Ring No 1 (per day)	\$67.40	\$69.29	CSO	C
Dog Ring No 6 (per day)	\$34.00	\$34.95	CSO	C
Dog Ring No 7 (per day)	\$34.00	\$34.95	CSO	C
Dog Ring floodlights per hour	\$5.15	\$5.30	CSO	C
The Princess Anne Equestrian Area (per day)	\$240.00	\$246.70	CSO	C
Equestrian Activities including hire of Jim Watson Main Arena, horse and tie stalls, and control tower, but not including the hire of any picnic area used in conjunction with the equestrian activity (per day)	\$480.00	\$493.45	CSO	C
Major Event (commercial) - excludes Pavilion and permanent hire areas	\$3,090.00	\$3,176.50	CSO	C
Major Events (non-profit) - excludes Pavilion and permanent hire areas	\$1,171.50	\$1,204.30	CSO	C
Pavilion & Building Hire				
<i>Note: Pavilion Hire includes use of internal power and fittings.</i>				
<i>Community Hirers are: schools, community groups, non-profit organisations, registered charities and family events. Commercial Hirers are organisations holding commercial/corporate functions, exhibitions, training or instruction by private companies.</i>				
Bond for Pavilion and Building Hire	\$308.70	\$317.35	CSO	NA
Dog Huts (per hour)	\$6.20	\$6.35	CSO	C
Rotary Kiosk - Community (per hour)	\$9.30	\$9.55	CSO	C
Rotary Kiosk - Commercial (per hour)	\$16.00	\$16.45	CSO	C
Craft Pavilion				
Community (per hour)	\$9.30	\$9.55	CSO	C
Commercial (per hour)	\$16.00	\$16.45	CSO	C
Jim Powell Pavilion				
Community (per hour)	\$17.50	\$18.00	CSO	C
Commercial (per hour)	\$27.30	\$28.05	CSO	C
Louise Lennon Pavilion				
Community (per hour)	\$30.00	\$30.85	CSO	C
Commercial (per hour)	\$48.00	\$49.34	CSO	C
Exhibition/Commercial sale rate (per day for two days or more)	\$427.00	\$439.00	CSO	C
Douglas Pickering Pavilion				
Community (per hour)	\$37.00	\$38.00	CSO	C
Commercial (per hour)	\$53.50	\$55.00	CSO	C
Exhibition/Commercial sale rate (per day for two days or more)	\$533.00	\$547.95	CSO	C
WILDFLOWER GARDEN				
Groups/Schools (per student)				
Not participating in Bushland Education activities	\$3.10	\$3.10	CSO	C
Special Events Family (2 adults & up to 3 children, 5 years and older)	\$0.00 to \$10.30	\$0 to \$15.00	CSO	C
Special Events Adults (18 years & over)	\$0.00 to \$5.20	\$0 to \$5.50	CSO	C
Special Events Children (5 to 17 years)	\$0.00 to \$4.20	\$0 to \$4.50	CSO	C
Special Events Infants (0 to 4 years)	No Charge	No Charge	CSO	C
Special Events Pensioners/Disabled Persons (on production of Pension/Identification Card)	\$0.00 to \$4.20	\$0 to \$4.50	CSO	C
Bus/Coach - Group concessions	\$25.75	\$26.00	CSO	C

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Bushland Education				
Bush Kids – Child	\$5.65 to \$8.20	\$3.50 to \$15.00	CSO	C
Bush Kids – Adult	\$4.15 to \$8.20	\$4.00 to \$15.00	CSO	C
Adult students – half day per person	\$7.20	\$7.00 to \$20.00	CSO	C
Adult students – full day per person	\$10.30	\$10.00 to \$20.00	CSO	C
Secondary students – half day (Year 7–12) per person	\$7.20	\$7.00 to \$15.00	CSO	C
Secondary students – full day (Year 7–12) per person	\$10.30	\$7.00 to \$20.00	CSO	C
Primary students – half day (K-Year 6) per person	\$5.70	\$5.00 to \$15.00	CSO	C
Primary students – full day (K-Year 6) per person	\$7.70	\$7.00 to \$20.00	CSO	C
Playgroup/Pre School - Child participant	\$3.60	\$3.50 to \$5.00	CSO	C
Playgroup/Pre School - Adult participant	\$4.60	\$4.50 to \$6.00	CSO	C
Community Education - Child participant	\$8.25 to \$15.50	\$3.50 to \$20.00	CSO	C
Community Education - Adult participant	\$17.50 to \$30.85	\$4.50 to \$50.00	CSO	C
Bush Birthday Parties per child	\$12.50	\$12.00 to \$15.00	CSO	C
Bush Birthday Parties - Cancellation fee	\$26.00	\$26.00	CSO	C
Education Centre Hire				
Public Liability Insurance – ref. Community Hire – General Charges				
Booking Fee	\$6.70	\$7.00	CSO	
Day Bookings (10am-4pm)				
Security bond/deposit	\$283.00	\$285.00	CSO	NA
Weekday General bookings per hour	\$56.60	\$57.00	CSO	C
Weekday Environmental Education Groups: First 3 hours no charge Thereafter per hour	\$56.60	\$57.00	CSO	C
Weekend Daytime general bookings per hour	\$72.00	\$73.00	CSO	C
Weekend Environmental Education Groups: First 3 hours (flat rate)	\$25.75	\$26.00	CSO	C
Thereafter per hour	\$56.60	\$57.00	CSO	C
General bookings per hour	\$103.00	\$105.00	CSO	C
Education Centre Usage Fee (Casual)	\$25.75	\$26.00	CSO	C
Education Centre Booking Cancellation Fee		\$26 to \$285	CSO	C
Dampier's Clearing booking (10am-4pm)				
Dampier's Clearing booking (10am-4pm)	\$52.00	\$52.00	CSO	C
SPECIAL EVENTS ON DESIGNATED WALKING TRACKS & SERVICE TRAILS				
Commercial Activities				

COMMUNITY

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Gate Key bond (only in conjunction with authorised booking)	\$205.80	\$211.55	CSO	NA
Supervision Fee				
If and as specified by authorising officer				
Standard Hours per hour, weekday	\$56.60	\$58.20	CSO	C
If and as specified by authorising officer				
After Hours per hour, weekday	\$73.50	\$75.55	CSO	C
If and as specified by authorising officer				
Weekends & Public Holidays	\$113.20	\$116.40	CSO	C
Environmental Fee				
Light impact - Walking/running/orienteering				
1 - 20 persons per hour	\$25.75	\$26.50	CSO	C
21 - 40 persons per hour	\$41.20	\$42.35	CSO	C
41 - 60 persons per hour	\$61.75	\$63.48	CSO	C
61 - 80 persons per hour	\$87.50	\$89.95	CSO	C
81+ persons per hour	\$123.50	\$126.95	CSO	C
Heavy Impact -Mountain Biking and Horse Riding (designated service trails only)				
1 - 20 persons per hour	\$41.20	\$42.35	CSO	C
21 - 40 persons per hour	\$77.20	\$79.35	CSO	C
41 - 60 persons per hour	\$103.00	\$105.90	CSO	C
61 - 80 persons per hour	\$123.50	\$126.95	CSO	C
81+ persons per hour	\$154.50	\$158.83	CSO	C

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
PHOTOCOPYING				
A4 black & white	As per photocopy charges listed on page 2	\$0.60	CSO	C
A3 black & white	As per photocopy charges listed on page 2	\$1.45	CSO	C
A2 printing of plans, black & white (per page)	\$37.50	\$38.50	EA	C
A2 printing of plans, colour (per page)	\$70.00	\$72.00	EA	C
A1 printing of plans, black & white (per page)	\$70.00	\$72.00	EA	C
A1 printing of plans colour (per page)	\$120.00	\$123.00	EA	C
DEVELOPMENT ASSESSMENT				
Complying Development S85				
Up to \$50,000	\$155.00	\$155.00	RF	NA
From \$50,001 to \$100,000	\$260.00	\$260.00	RF	NA
Complying development over \$100,000	\$360.00	\$360.00	RF	NA
Fee for modification	\$75.00	\$75.00	RF	NA
Pre-Development Application Consultation				
(additional fees may apply if consultation exceeds 1 hour)				
Residential alterations and additions, ancillary structure, pools, tennis court, garage etc including signage and advertising structure	\$225.00	\$230.00	NM	C
New dwelling house	\$375.00	\$385.00	NM	C
Dual occupancy	\$550.00	\$575.00	NM	C
Seniors living development and residential flat building mixed development and new retail commercial development	\$1,200.00	\$1,250.00	NM	C
Alterations to schools, churches, nursing homes, hospitals	\$370.00	\$380.00	NM	C
Alterations and additions to retail commercial development	\$535.00	\$550.00	NM	C
Subdivision to create 2 lots	\$430.00	\$440.00	NM	C
Subdivision to create in excess of 2 lots	\$800.00	\$825.00	NM	C
Development Application Fees- cl 246, 247, 249, 250 EP&A Reg 2000				
Development not involving the erection of a building, carrying out of work, subdivision of land or the demolition of a building or work	\$220.00	\$220.00	SF	N/A

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Between \$5,001 & \$50,000	\$170, plus an additional \$3.00 for each \$1,000 (or part of \$1,000) of the estimated cost	\$170, plus an additional \$3.00 for each \$1,000 (or part of \$1,000) of the estimated cost	SF	NA
Between \$50,001 & \$250,000	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000	SF	NA
Between \$250,001 & \$500,000	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	SF	NA
Between \$500,001 & \$1,000,000	\$1,745, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	\$1,745, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	SF	NA
Between \$1,000,001 & \$10,000,000	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	SF	NA
\$10,000,001 & over	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	SF	NA
Advertising structure (Cl 246(2) EP& A Reg 2000)	\$215.00 plus \$70.00 for each additional advertisement structure or the DA fee calculated above, whichever is the greater	\$215.00 plus \$70.00 for each additional advertisement structure or the DA fee calculated above, whichever is the greater	SF	NA
Subdivision (other than strata) involving the opening of a public road	\$500.00 plus \$50.00 for each additional lot created	\$500.00 plus \$50.00 for each additional lot created	SF	N/A
Subdivision (other than strata) not involving the opening of a public road	\$250.00 plus \$40.00 for each additional lot created	\$250.00 plus \$40.00 for each additional lot created	SF	N/A
Strata subdivision	\$250.00 plus \$50.00 for each additional lot created	\$250.00 plus \$50.00 for each additional lot created	SF	N/A
Section 96 Cl 258 EP&A Reg 2000				

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Section 96(1) modification to rectify minor error, incorrect description or calculation	\$55.00	\$55.00	SF	NA
Section 96(1A) modification involving minimal environmental impact	\$500 or 50% of the original DA fee whichever is the lesser	\$500 or 50% of the original DA fee whichever is the lesser	SF	NA
Section 96(2) or 96AA(1) modifications of development consent:	as per table below	as per table below	SF	NA
a) if the original DA fee is less than \$100.00	50% of DA fee	50% of DA fee		
b) if the original DA fee is over \$100.00			SF	NA
i. DA does not involve the erection of a building, the carrying out of a work, or the demolition of a work or building	50% of DA fee	50% of DA fee	SF	NA
ii. DA involves the erection of a dwelling house costing \$100,000 or less	\$150.00	\$150.00	SF	NA
iii. All other development applications	as per table below	as per table below	SF	NA
- Up to \$5,000	\$55.00	\$55.00	SF	NA
- \$5,001 to \$250,000	\$85 plus an additional \$1.50 for each \$1,000 (or part thereof) of the estimated cost	\$85 plus an additional \$1.50 for each \$1,000 (or part thereof) of the estimated cost	SF	NA
- \$250,001 to \$500,000	\$500 plus an additional \$0.85 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$250,000	\$500 plus an additional \$0.85 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$250,000	SF	NA
- \$500,001 to \$1,000,000	\$712 plus an additional \$0.50 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$500,000	\$712 plus an additional \$0.50 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$500,000	SF	NA
- \$1,000,001 to \$10,000,000	\$987 plus an additional \$0.40 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$1,000,000	\$987 plus an additional \$0.40 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$1,000,000	SF	NA
- More than \$10,000,000	\$4,737 plus an additional \$0.27 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$10,000,000	\$4,737 plus an additional \$0.27 for each \$1,000 (or part thereof) by which the estimate cost exceeds \$10,000,000	SF	NA

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Section 82A Review Cl 257 EP&A Reg 2000				
a) In the case of a request with respect to a development application that does not involve the erection of a building, the carrying out of work or the demolition of a work or building	50% of the fee for the development application	50% of the fee for the development application	SF	NA
b) In the case of a request with respect to a development application that involves the erection of a dwelling house with an estimated cost of construction of \$100,000 or less	\$150.00	\$150.00	SF	NA
c) In the case of a request with respect to any other development application:	as per table below	as per table below	\$55.00	NA
Development with a value up to \$5000	\$55.00	\$55.00	SF	NA
Development with a value between \$5,001 to \$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of estimated costs	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of estimated costs	SF	NA
Development with a value between \$250,001 and \$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	SF	NA
Development with a value between \$500,001 and \$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	SF	NA
Development with a value between \$1,000,001 and \$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	SF	NA
Development with a value more than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	SF	NA
Additional Application Fees				
Development that requires concurrence under the Act or an environmental planning instrument (Cl 252A EP&A Reg 2000)	\$250.00 concurrence fee per concurrence authority, plus \$110.00 processing fee per concurrence authority	\$250.00 concurrence fee per concurrence authority, plus \$110.00 processing fee per concurrence authority	SF	NA
Additional fee for integrated development (Cl 252A EP&A Reg 2000)	\$250.00 per approval body plus \$110.00 processing fee per integrated referral	\$250.00 per approval body plus \$110.00 processing fee per integrated referral	SF	NA
Additional fee for designated development (Cl 252 EP&A Reg 2000)	\$715.00 plus DA fees	\$715.00 plus DA fees	SF	NA

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Referral to urban design panel - residential flat building 4 units or more (incl. administration fee) (Cl 248 EP&A Reg 2000)	\$704.00 (incl. \$104 admin fee)		SF	NA
Amended Development Application/Section 96/Section 82A, lodged prior to determination				
Administration	15% of DA fee	15% of DA fee	NM	C
Extension of Development Consents				
Application to extend consent period for a development consent (application must be submitted before consent expires)	\$240.00	\$250.00	NM	NA
DEVELOPMENT - NOTIFICATION				
Notification for development applications, Section 96, Section 82A and amended plans lodged before determination	\$100.00	\$105.00	NM	NA
DEVELOPMENT - ADVERTISING (cl 252 EP&A Reg 2000)				
Development application advertising fees for Advertised Development	\$830.00	\$830.00	SF	NA
Development application advertising fees for Designated Development	\$1,665.00	\$1,665.00	SF	NA
Development application advertising fees for Prohibited Development	\$830.00	\$830.00	SF	NA
Advertisement of Section 96(2) applications	\$500.00	\$500.00	SF	NA
Development application advertising for heritage listed single residence or child care centre	\$500.00	\$500.00	SF	NA
Development application advertising for development for which an environmental planning instrument requires notice to be given otherwise than as referred to	\$830.00	\$830.00	SF	NA
Archiving/scanning fee (DA, Section 96(2) & Section 82 applications)				
Residential alterations and additions, ancillary structure, pool, tennis court, garage etc, including signage and advertising structure	\$55.00	\$55.00	NM	C
New dwelling house	\$110.00	\$110.00	NM	C
Dual occupancy	\$220.00	\$220.00	NM	C
Residential flat buildings and seniors living development	\$540.00	\$540.00	NM	C
Alterations to school, church, nursing home, hospital	\$160.00	\$160.00	NM	C
Retail/commercial development	\$540.00	\$540.00	NM	C

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Retail/commercial development change of use and internal fit out and minor additions	\$55.00	\$55.00	NM	C
Subdivision	\$160.00	\$160.00	NM	C
DEVELOPMENT ENGINEERING				
Section 88 certificate Conveyancing Act (Cl 44 Conveyancing Reg 2003)				
Section 88G certificate (Conveyancing)	\$10.00	\$10.00	SF	NA
Section 88G certificate (Conveyancing) express service	\$50.00	\$55.00	EA	NA
Subdivision certificates - Torrens, strata and company title				
Endorsement of any final plan of subdivision (linen plan release)	\$320.00 plus \$60 each lot (other than strata) created and \$45 for each strata lot created	\$320.00 plus \$60 each lot (other than strata) created and \$45 for each strata lot created	NM	NA
Lodgement of amended plan of subdivision	\$120.00	\$120.00	NM	NA
<i>Note: subject to 10% GST when relating to contestable works.</i>				
Legal documents				
Endorsement of legal documents related to development including Section 88E, positive covenant, and restriction on use.	\$120.00 plus \$460 where Council seal is required	\$120.00 plus \$460 where Council seal is required	NM	NA
Endorsement for release or variation of easement, covenant, restriction, etc	\$120.00 plus \$460 where Council seal is required	\$120.00 plus \$460 where Council seal is required	NM	NA
Endorsement of Section 88B instruments	\$220.00	\$220.00	NM	NA
Lodgement of amended 88B instrument	\$60.00	\$60.00	NM	NA
Infrastructure restoration				
For residential development activity - minor building activity up to \$10,000	nil	nil	NM	C
For residential development activity - \$10,001 to \$20,000	\$70.00	\$72.00	NM	C
For residential development activity - over \$20,001	\$70.00 plus 0.15% of building value.	\$72.00 plus 0.15% of building value.	NM	C
Commercial demolitions	\$825.00	\$850.00	NM	C
Residential demolitions	\$300.00	\$309 per premises	NM	C
All commercial development activities	\$70.00 plus 0.25% of building value.	\$72.00 plus 0.25% of building value	NM	C
Miscellaneous engineering assessments				
Flood/stormwater study (per hour - minimum 1 hour)	\$120.00	\$120.00	EA	C

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Onsite stormwater detention plan (reassessment fee)	\$120.00	\$120.00	EA	C
Traffic and construction management plan (CC's) assessment fee	\$120.00 per hour or part thereof (minium of 1 hour)	\$120.00 per hour or part thereof (minium of 1 hour)	EA	C
Plan assessment & inspection				
Engineering plan assessment and works inspection (external to site) footpaths per metre (minimum \$85)	\$15.00	\$15.00	NM	C
Engineering assessment and works inspection (on-site) special structures (per structure)	\$180.00	\$180.00	EA	C
Engineering plan assessment and works inspection - detention structures and special facilities 50 m2 of storage	\$180.00	\$180.00	EA	C
Engineering plan assessment and works inspection (works external to site) - drainage pipelines per metre (minimum \$85.00)	\$25.00	\$25.00	EA	C
Engineering plan assessment and works inspection - inter-allotment drainage per metre (minimum \$85.00)	\$25.00	\$25.00	EA	C
Engineering plan assessment and works inspection - part road construction per metre (minimum \$85.00), ie road shoulder/kerb and gutter	\$25.00	\$25.00	EA	C
Engineering plan assessment and works inspection - drainage structures (ie; pits etc.) each	\$105.00	\$105.00	EA	C
Engineering plan assessment and works inspection - new road construction per metre (minimum \$550.00)	\$60.00	\$60.00	EA	C
Engineering plan assessment and works inspection - submission of engineering plans per A1 plan sheet (re-submission 20% extra)	\$205.00	\$205.00	EA	NA
Engineering plan assessment and works inspection - common driveways per metre (minimum \$85.00)	\$15.00	\$15.00	EA	C
Inspection where works incomplete or unsatisfactory	\$170.00	\$170.00	EA	C
Note: Engineering plan and works inspection fees for roadworks or drainage associated with development.				
BUILDING				
Hoarding application- non refundable	\$98.00	\$100.00	NM	NA
Temporary occupation of footpath by overhead protective type B hoarding during building operations, per metre, per week	\$29.00	\$30.00	NM	NA
Temporary occupation of footpath by fence or type A hoarding during building operations, per metre, per week	\$20.00	\$20.00	NM	NA
Inspection				
Inspection/compliance certificate (critical phase inspections) per inspection	\$185.00	\$185.00	NM	C

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Re-inspection (per inspection)	\$185.00	\$185.00	NM	C
Additional requested inspections (staged construction) - per inspection	\$185.00	\$185.00	NM	C
Certificates - notices Sec 735A Local Government Act				
Certificate Section 735A Local Government Act, outstanding notice, order, notifications	\$65.00	\$65.00	SF	NA
Certificate as to outstanding notice or order, (EPA Act) Section 121B	\$62.00	\$62.00	SF	NA
Private certifiers (CL 263 EP&A Reg 2000)				
Registration of documents/certificates - submitted by accredited certifier (IPRT) - Note: Fees are charged per document	\$31.00	\$30.00	SF	NA
Serve an order initiated by an accredited certifier	\$240.00	\$250.00	NM	C
Appointment of Council as principal certifying authority				
Less than \$12,000	\$100	\$100.00	RF	C
\$12,001 to \$30,000	\$200	\$200.00	RF	C
\$30,001 to \$100,000	\$300	\$310.00	RF	C
\$100,001 to 500,000	\$500	\$520.00	RF	C
\$500,001 to \$1,000,000	\$750	\$775.00	RF	C
Over \$1,000,000	\$750 plus \$0.50 per \$1,000 or part thereof over \$1,000,000	\$775 plus \$0.50 per \$1,000 or part thereof over \$1,000,000	RF	C
<i>Note 1. The fees outlined above cover Council being appointed as PCA and include issuing of an Occupation Certificate on completion of the works for single residential development only.</i>				
<i>Note 2.Fees do not cover inspections.</i>				
<i>Note 3.Multi unit development and large commercial development occupation certification fees will be required to be paid as per Council's Schedule of Fees.</i>				
<i>Note 4.If Council is appointed to replace a private accredited certifier on a partially completed project, then the full fee is payable to compensate for having to familiarise with the status of the project.</i>				
Occupation certificates				
Single residential development and commercial less than 200 sq metres	\$100.00	\$100.00	RF	C

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Residential flat building/own houses/dual occupancy	\$100.00 per occupancy	\$100.00 per occupancy	RF	C
Commercial building over 200sq metres	\$400.00	\$400.00	RF	C
Building Certificate - Section 149B EP&A Act(Cl 260 EP&A Reg 2000)				
Copy of certificate	\$10.00	\$10.00	SF	NA
Class 1 or X building	\$210.00	\$210.00	SF	NA
Certified copy of certificate	\$40.00	\$40.00	SF	NA
Other classes - not exceeding 200 square metres, exceeding 200 square metres but not exceeding 2,000 square metres - plus additional 42 cents per square metre for each square metre over 200	\$210.00	\$210.00	SF	NA
Additional inspections - per inspection	\$75.00	\$75.00	SF	C
In any case, where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area	\$210.00	\$210.00	SF	NA
Exceeding 2,000 square metres - plus additional 6.3 cents per square metre over 2,000	\$966.00	\$966.00	SF	NA
Swimming Pools				
Certificate of compliance (Cl 14 Swimming Pool Reg)	\$50.00	\$50.00	SF	NA
Application for exemption (Cl 12 Swimming Pool Reg)	\$50.00	\$50.00	SF	NA
CONSTRUCTION CERTIFICATES				
Construction Certificates - S109C				
Fee based on estimated cost of works:				
Less than \$5,000	\$160.00	\$165.00	EA	C
From \$5,001 -10,000	\$265.00	\$270.00	EA	C
From \$10,001-\$30,000	\$540.00	\$555.00	EA	C
From \$30,001 – \$100,000	\$800.00	\$820.00	EA	C
From \$100,001 – \$200,000	\$1,280.00	\$1,315.00	EA	C
From \$200,001 – \$500,000	\$1,800.00	\$1,850.00	EA	C
From \$500,001 – \$1,000,000	\$2,675.00	\$2,750.00	EA	C
Over \$1,000,000	\$2,675 plus \$1.45per \$1,000 or part thereof over \$1,000,000	\$2,750 plus \$1.45per \$1,000 or part thereof over \$1,000,000	EA	C
Development - plans & specifications				
Certification of additional copies of documents - certified copy of documents	\$42.00	\$43.00	NM	NA
Certification of additional copies of plans – per sheet	\$21.00	\$22.00	NM	NA
COMPLIANCE AND REGULATION				
Advertising signs				

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Advertising signs inspection (3 years)	\$140.00	\$145.00	NM	C
COMPANION ANIMALS				
Cats				
Lifetime registration – desexed	\$40.00	\$40.00	SF	NA
Lifetime registration - not desexed	\$150.00	\$150.00	SF	NA
Lifetime registration of animal owned by pensioner - desexed	\$15.00	\$15.00	SF	NA
Lifetime registration of animal owned by pensioner – not desexed	\$150.00	\$150.00	SF	NA
Lifetime – registration of animal owned by breeder	\$40.00	\$40.00	SF	NA
Dogs				
Lifetime registration – desexed	\$40.00	\$40.00	SF	NA
Lifetime registration - not desexed	\$150.00	\$150.00	SF	NA
Lifetime registration of animal owned by pensioner - desexed	\$15.00	\$15.00	SF	NA
Lifetime registration of animal owned by pensioner – not desexed	\$150.00	\$150.00	SF	NA
Lifetime registration of animal owned by breeder	\$35.00	\$35.00	SF	NA
Animal Control				
<i>Note: Animal impounding (payable to Council's service provider) Still awaiting service providers confirmation of these fees, he is also working</i>				
Impounding release (dogs)	\$68.00	\$50.00	NM	NA
Dog maintenance for subsequent days or part thereof	\$28.00	\$30.00	NM	NA
Cat impounding and release	\$57.00	\$30.00	NM	NA
Cat maintenance for subsequent days or part thereof	\$21.00	\$25.00	NM	NA
Sale of dog poo bags	\$5.00	\$5.00	EA	C
Fines Statute				
Charges set by NSW government agencies				
Food Premises Registration				
NSW Department of Health – per premise	\$50	\$50.00	SF	NA
Impounding				
Illuminated advertising signs (includes unilluminated real estate signs)	\$230.00	\$236.00	RF	NA
Impounded advertising signage (plus any additional costs incurred by Council)	\$140.00	\$143.00	RF	NA
A-Frame signs	\$90.00	\$92.00	RF	NA
Banners - community organisations	\$45.00	\$46.00	RF	NA
Banners - commercial organisations	\$90.00	\$92.00	RF	NA

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
General Articles.	\$70.00	\$72.00	RF	NA
Regulated Premises Inspection				
Hairdressers, barber shops and beauty salons plus \$100 per hour after the first hour (per inspection)	\$115.00	\$118.00	RF	C
Food premises plus \$100 per hour after the first hour (per inspection)	\$115.00	\$118.00	RF	C
Boarding houses plus \$100 per hour after the first hour	\$115.00	\$118.00	RF	C
Skin penetration (Public Health Act and brothels)	\$115.00	\$118.00	RF	C
School canteens (per inspection)	\$80.00	\$80.00	RF	C
Non-profit community group food outlet (per inspection)	\$30.00	\$30.00	RF	C
Regulated systems	\$135.00	\$138.00	RF	C
Section 68 Local Government Act applications				
Install a manufactured home, moveable dwelling or associated structure on land	\$400.00	\$415.00	RF	NA
Install a temporary structure on land	\$75.00	\$77.00	RF	NA
Construct a temporary enclosure for purpose of entertainment	\$110.00	\$115.00	RF	NA
Carry out stormwater drainage work or install waste treatment plant	\$165.00	\$170.00	RF	NA
Place waste containers in a public place (SKIP BINS): Application - non refundable	\$100.00	\$100.00	RF	NA
Skip bin 0 – 6 cubic metres (per week or part thereof)	\$80.00	\$80.00	RF	NA
Skip bin 6 – 10 cubic metres (per week or part thereof)	\$100.00	\$100.00	RF	NA
Skip bin 10 cubic metres and above (per week or part thereof)	\$150.00	\$150.00	RF	NA
Engage in a trade or Business on Community Land (outdoor dining & display of goods on footpath): Application (non refundable)	\$250.00	\$250.00	RF	NA
Plus rental per square metre per annum of occupied space – this is to be paid on a pro-rata basis for period 1 July-30 June	\$100 per sq metre per annum	\$100 per sq metre per annum	RF	NA
Direct or procure a theatrical, musical or other entertainment for the public on community land	\$75.00	\$75.00	RF	NA
Play a musical instrument or sing for fee or reward on community land (busking): Application - non refundable (includes 1 month busking if approved)	\$20.00	\$20.00	RF	NA
Per additional month	\$20.00	\$20.00	RF	NA
Annual	\$130.00	\$130.00	RF	NA

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
Operate a loudspeaker or sound amplifying device on community land	\$50.00	\$50.00	RF	NA
Deliver a public address or hold a religious service or public meeting on community land	\$100.00	\$100.00	RF	NA
Swing or hoist goods across or over any part of a public road (cranes): Application (non refundable)	\$100.00	\$150.00	RF	NA
Permit to stand plant – per day	\$80.00	\$80.00	RF	NA
Expose or allow to be exposed any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang the article beneath an awning over the road (display goods on footpath, & storage of building materials on footpath): Display goods on footpath: Application (non refundable)	\$250.00	\$250.00	RF	NA
Plus rental per square metre per annum of occupied space - this is to be paid on a pro-rata basis for period 1 July–30 June	\$100 per sq metre per annum	\$100 per sq metre per annum	RF	NA
Store building materials on footpath: Application (non refundable)	\$50.00	\$50.00	RF	NA
Plus rental per square metre per week, or part thereof - minimum charge of 5 square metres per week	\$14 per sq metre	\$15 per sq metre	RF	NA
Install a domestic oil or solid fuel heater	\$75.00	\$75.00	RF	NA
Install or operate amusement devices	\$75.00	\$75.00	RF	NA
Use a standing vehicle or any article for the purpose of selling any article in a public place (mobile food vendors & temporary food stalls) per day	\$25.00	\$25.00	RF	NA
Annual - to be paid on a pro-rata basis for the period 1 July-30 June	\$110.00	\$110.00	RF	NA
Operate an undertaker's business or mortuary	\$220.00	\$220.00	SF	NA
Review of determination	\$180.00	\$180.00	RF	NA
Modified application	\$80.00	\$80.00	RF	NA
Request for extension of time	\$80.00	\$80.00	RF	NA
Parking				
Culworth Avenue Car Park - per day	\$5.00	\$5.00	RF	C
Noxious Weeds				
Noxious Weeds Act 1993 Certificate (Section 64)	\$63.00	\$65.00	RF	NA
Construction Compliance				
Out of hours permit	\$200.00	\$200.00	RF	
Out of hours permit (emergency application)	\$300.00	\$300.00	RF	

DEVELOPMENT AND REGULATION

Fee Details	Fee for 2007/2008	Fee for 2008/2009	Pricing	GST
LANDSCAPING				
Landscaping Bonds - Community Land				
Non-residential, alterations & additions	Min \$1,000 Max.\$10,000 (if over \$10,000, requires a report to Council)	Min \$1,000 Max.\$10,000 (if over \$10,000, requires a report to Council)	NM	NA
New dwellings	Min.\$2,000 - Max.\$10,000 (over \$10,000, requires a report to Council)	Min.\$2,000 - Max.\$10,000 (over \$10,000, requires a report to Council)	NM	NA



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Water Sensitive Urban Design

Four stormwater harvesting projects are proposed for this year.

1. Comenarra Oval, Turramurra – this project will be completed involving stormwater harvesting and storage to irrigate the field
2. Cliff Oval Wahroonga – this will complement the proposed Sportsfield Development program with additional grant funding through the Federal Government's community water grant.
3. Completion of design for Alan Small Reserve Killara.
4. Swain Gardens, Killara - detailed design for stormwater harvesting have been completed construction will commence pending budget allocation to implement the irrigation.

In addition Lofberg Oval West Pymble will commence with funding received from the NSW Enviro trust and from the catchment management reserve. This will provide stormwater harvesting and water sensitive urban design within the Lofberg catchment. Total project cost is \$250 000 to be spent over a two year period.

As part of the road and park improvements, implementation of swales, bio-retention and other features will take place along with road refurbishments. Two sites have been selected for further investigation for suitable WSUD works:

1. Junction Road between Wahroonga Avenue and Grosvenor Street
2. Bobbin Head Road between Burns and Allara Road.

Projects	2008/09 Budget \$000
Stormwater Harvesting	
Cliff Oval	163
Edenborough Oval (carry over works)	3
Comenarra playing field	153
Allan Small	8
Swain Gardens	204
Integrated drainage project	
Stormwater quality and quantity projects	80
Swales and bioretention	75
Integrated side entry and street tree pits	26
SUBTOTAL	712

Town Centre Projects

Funding for the town centres sustainable upgrades was designed to be allocated on an opportunistic basis subject to the redevelopment of the centres, acquisition of land for an urban park or open space or other street scape works. It is envisaged that the funding will be spent on the development detailed plan for the land purchased on Dumaresq Street at the rear of Council Chambers. Noting that section 94 funding will also be used for these projects.

Projects	2008/09 Budget \$000
Gordon	107
SUBTOTAL	107

Biodiversity Projects**Regeneration and revegetation**

The regeneration of the eight identified bushland sites will continue as part of the seven year program. Seven of the sites contain endangered or critically endangered ecological communities. Allocation for the regeneration this year forms part of the phased works as identified in the long term plan for the sites. Expenditure at the end of 2007/08 period for bush regeneration at these sites totals \$216 000. Supporting these initiatives will be a continuation of the feral animal program focusing on Mynah birds and rabbits.

Projects	2008/09 Budget \$000
Sites	
Sheldon Forest	10
Browns Field and surrounds	10
Browns Forest (BGHF)	10
St Ives Showground (Duffy's Forest)	10
The Glade	6
Maddison (BGH)	10
Acron Oval	5
Turiban Reserve (BGH)	5
SUBTOTAL	66

Urban Biodiversity	
Wildlife promotion and management	23
Feral animal / noxious weed control	35
SUBTOTAL	58

Water Catchments Projects

A continuation of creek maintenance program will focus on the upper reaches of Blackbutt Creek around the AGAL site through to Minnamurra Avenue. Other sites include Bannockburn Oval, that has recently benefited from a specific regeneration program and The Glade that underwent substantial bed and bank stabilisation in 2007. Stabilisation will also be carried out at the upper reaches of Little Blue Gum Creek to complement the renewed walking track and footpath on Highfield Road.

Projects	2008/09 Budget \$000
Creek maintenance	20
Creek restoration	
Coups Creek (The Glade)	1
Stoney Creek (Richmond Park)	1
Gordon Creek (Swain Gardens)	5
Little Blue Gum (Paddy Pallin)	80
Bushland outlet protection	
Middle Harbour	20
Cowan Creek	20
Lane Cove	20
SUBTOTAL	167

Pollution control	
General sites	44
SUBTOTAL	44

Community Partnerships

This program area will continue to support site regeneration and supervision at many bushcare sites and other community based environmental programs. Supporting this program area is a \$400,000 grant from the NSW Sustainability Trust to work with Willoughby and Hornsby Council to progress the urban land care program that was commenced under the Levy.

Council manage the finances for some of the small grant recipients and therefore a carry over is required until the works are completed. Round six grant will close May 30th 2008 the budget is to be drawn from 2008/09 budget.

Projects	2008/09 Budget \$000
Bushcare site improvements	52
Bushcare	8
Urban landcare	8
Community Firewise	8
Tree Nurturers	8
Parkcare	8
SUBTOTAL	92

Community Grants	
Small grant projects	82
Promotions and initiatives	20
SUBTOTAL	102

Recreation and fire management

With the major fire trail linking North Wahroonga to North Turramurra scheduled for completion this financial year, an allocation of funding will be directed to maintenance. The construction of improved walking tracks through two bushland sites including Paddy Pallin Reserve, Lindfield and Little Blue Gum Creek off Edenborough Oval, Lindfield. These walking track upgrades will complement other works undertaken by Council's Operations Department and the Environmental Levy. Minor maintenance will also occur on other walking tracks previously upgraded as part of the Levy.

Projects	2008/09 Budget \$000
Fire breaks	
Sheldon Forest	5
Warrimoo Avenue	5
Blackbutt	5
Fire trail	
Golden Jubilee fire trail	9
Samuel King to Guyder	9
Lister Street	9
SUBTOTAL	42

Walking track	2008/09 Budget \$000
Sites	
Auluba linking to LC NP	1
Seven Little Australians	1
Sheldon Forest to Mimosa	2
Rothwell to Comenarra	1
Paddy Pallin	21
Little Blue Gum Creek to GNW	20
Richmond to Craig Street	
SUBTOTAL	46

Regulation and enforcement

Funding of two staff for this area will continue with this year. The focus will be implementation of the bushland encroachment policy (as adopted by Council in 2007) and will contribute to mapping of endangered and critically endangered ecological communities (as below).

Projects	2008/09 Budget
Dumping	78
Encroachment	75
SUBTOTAL	153

Monitoring and evaluation

Key monitoring projects this year include a bird survey, mapping threatened flora species and endangered ecological communities and evaluation of the benefits of retrofitting an existing urban catchment with water sensitive urban design features. Within this program area, support will also be given to the completion of the Sustainability Plan, a key activity included in the Management Plan under the Social Research project.

Projects	2008/09 Budget \$000
Biodiversity (macroinvertebrate, flora, fauna, aquatic)	20
Canopy mapping	60
Community survey	20
Social research	20
Program evaluation	20
Weed inspectorial (weed condition)	25
SUBTOTAL	165

Communication

Funding in this area will go towards updating the web site, signage for key projects and management and co-ordination of Levy projects, including staff and vehicle costs. The General Promotions area has been identified as a potential source of funding for the Eco-Ambassador program, subject to further review.

Attachment - Environmental Levy Projects for 2008/09

Projects	2008/09 Budget \$000
Quarterly newsletters	40
General promotion	20
SUBTOTAL	60

Administration

Funding in this area will cover staff costs for the Environmental levy coordinator and the environmental engineer.

Projects	2008/09 Budget \$000
	152
SUBTOTAL	152

Total Expenditure 2008/09	1967 000
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Program for 2008/09

Street Name	Suburb	Street From	Street To	Treatment	Cost	Length	Ward
Infrastructure Levy							
ALBION AVENUE	PYMBLE	JUBILEE AVENUE	CUL-DE-SAC	HEAVY PATCH WITH 40MM ASPHALT OVERLAY	\$42,600	182	C
ANNABELLE PLACE	PYMBLE	INVERALLAN AVENUE	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$74,800	114	G
ARUNDEL STREET	WEST PYMBLE	WALLALONG CRESCENT	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$88,000	193	C
BELL STREET	GORDON	NELSON STREET	MCINTOSH STREET	HEAVY PATCH WITH 40MM ASPHALT OVERLAY	\$27,300	216	G
BILLABONG AVENUE	TURRAMURRA	THE CHASE ROAD	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$87,400	156	W
COLLINS ROAD	ST IVES CHASE	SHELBY ROAD	DAVID CLOSE	STABILISATION 195 MM + SEAL + AC14(40MM)	\$93,800	174	S
BROULA ROAD	WAHROONGA	CLISSOLD ROAD	KOKODA ROAD	AC OVERLAY DENSE GRADED 80 MM (2 X 40 MM)	\$36,000	132	W
DIANA AVENUE	WEST PYMBLE	WALLALONG CRESCENT	CUL-DE-SAC	HEAVY PATCH+50MM AC14 OVERLAY	\$54,800	121	C
FLINDERS AVENUE	ST IVES	ACRON ROAD	NO 46 FB	AC OVERLAY DENSE GRADED 40 MM	\$23,100	126	S
GILROY ROAD	TURRAMURRA	BRENTWOOD AVENUE	KARUAH OVAL	50MM AC14 OVERLAY	\$10,000	62	W
HENRY STREET	GORDON	RAVENSWOOD AVENUE	CECIL ST MID CURV	STABILISATION 165 MM + SEAL + AC14(40MM)	\$155,400	231	G
HOPKINS PLACE	NORTH TURRAMURRA	MURRUA ROAD	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$53,500	127	W
KIAMALA CRESCENT	KILLARA	WERONA AVENUE	TREATTS ROAD	STABILISATION 165 MM + SEAL + AC14(40MM)	\$112,400	230	G
LINDFIELD LIBRARY	LINDFIELD	CAR PARK		50MM AC14 OVERLAY	\$25,000	120	R
LUCIA AVENUE	ST IVES	KILLEATON STREET	FLINDERS AVENUE	AC OVERLAY DENSE GRADED 40 MM	\$68,100	158	S
LYNWOOD AVENUE	KILLARA	LYNWOOD AV B 02	END AT NO 21A NBDY	STABILISATION 165 MM + SEAL + AC14(40MM)	\$84,100	38	G
MYALL AVENUE	WAHROONGA	PACIFIC HIGHWAY	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$116,000	154	C
NEWARK CRESCENT	LINDFIELD	BENT STREET (NE)	BENT STREET (SW)	HEAVY PATCH WITH 40MM ASPHALT OVERLAY	\$82,600	214	R
REELY STREET	PYMBLE	PENTECOST AVENUE	BANNOCKBURN ROAD	HEAVY PATCH WITH 40MM ASPHALT OVERLAY	\$65,700	202	W
ROBINSON STREET	EAST LINDFIELD	BARDIA PL	BADARENE PL	STABILISATION 165 MM + SEAL + AC14(40MM)	\$57,000	105	R
ROBINSON STREET	EAST LINDFIELD	BADARENE PL	TRYON ROAD (EAST)	STABILISATION 165 MM + SEAL + AC14(40MM)	\$91,000	169	R
TALLONG PLACE	TURRAMURRA	BANNOCKBURN ROAD	CUL-DE-SAC	HEAVY PATCH+50MM AC14 OVERLAY	\$84,500	189	W
ULM AVENUE	SOUTH TURRAMURRA	BARWON AVENUE	END	AC OVERLAY DENSE GRADED 40 MM	\$50,200	206	C
VALLEY LANE	LINDFIELD	NELSON ROAD	NO 11 FBDY - 21 M	STABILISATION 165 MM + SEAL + AC14(40MM)	\$16,700	113	R
VALLEY LANE	LINDFIELD	NO 11 FBDY - 21 M	SHORT STREET	STABILISATION 165 MM + SEAL + AC14(40MM)	\$8,700	59	R
WAHROONGA AVENUE	WAHROONGA	KINTORE STREET	JUNCTION ROAD	AC OVERLAY DENSE GRADED 80 MM (2 X 40 MM)	\$61,800	151	W
WARRIMOO AVENUE	ST IVES CHASE	PRIORY CLOSE	TOMAH STREET	HEAVY PATCH + DENSE GRADED OVERLAY 50 MM	\$129,000	225	S
WYUNA ROAD	WEST PYMBLE	#22	CUL-DE-SAC	HEAVY PATCH WITH 40MM ASPHALT OVERLAY	\$117,600	248	G
Infrastructure Levy 2007/08					\$50,000		
					\$1,967,100		

Program for 2008/09

Street Name	Suburb	Street From	Street To	Treatment	Cost	Length	Ward
Rehabilitation							
Case 1							
Rehabilitation 2007/08					\$50,000		
ABINGDON ROAD	ROSEVILLE	SHIRLEY ROAD	LONGFORD ST	STABILISATION 165 MM + SEAL + AC14(40MM)	\$81,600	119	R
ANDREW AVENUE	WEST PYMBLE	RYDE ROAD	YANGO ROAD	AC OVERLAY DENSE GRADED 40 MM	\$105,800	160	C
BEAUMONT ROAD	KILLARA	MONTREAL AVENUE	FIDDENS WHARF ROAD	STABILISATION 195 MM + SEAL + AC14(40MM)	\$85,700	135	G
BOURKE STREET	PYMBLE	BANNOCKBURN ROAD	FITZROY LA	STABILISATION 165 MM + SEAL + AC14(40MM)	\$93,800	141	W
BEDFORD AVENUE	NORTH TURRAMURRA	BURNS ROAD	NO 8 FBDY	STABILISATION 165 MM + SEAL + AC14(40MM)	\$81,800	186	W
BEDFORD AVENUE	NORTH TURRAMURRA	NO 8 FBDY	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$67,500	153	W
BENT STREET	LINDFIELD	LINDEL PLACE	POLDING R (ST L IKG)	STABILISATION 165 MM + SEAL + AC14(40MM)	\$101,000	145	R
CHAPALA CLOSE	ST IVES	AYRES ROAD	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$46,600	94	S
EDMUND STREET	LINDFIELD	KNOX ST	CARRAMAR ROAD	STABILISATION 165 MM + SEAL + AC14(40MM)	\$87,600	133	R
GERALD AVENUE	ROSEVILLE	DUDLEY AVENUE	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$52,200	137	R
GILDA AVENUE	WAHROONGA	PACIFIC HIGHWAY	NO 9 FBDY	STABILISATION 165 MM + SEAL + AC14(40MM)	\$110,000	197	C
GOWRIE CLOSE	ST IVES	WALKER AVENUE	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$49,600	95	S
LENNOX STREET	GORDON	BALDWIN STREET	NO 17 FBDY	STABILISATION 165 MM + SEAL + AC14(40MM)	\$50,300	148	G
LENNOX STREET	GORDON	NO 17 FBDY	WAUGOOLA STREET	STABILISATION 165 MM + SEAL + AC14(40MM)	\$50,300	146	G
MALGA AVENUE	ROSEVILLE CHASE	BABBAGE ROAD	KOONGARA ROAD	STABILISATION 165 MM + SEAL + AC14(40MM)	\$109,900	251	R
OWEN STREET	LINDFIELD	HOWARD STREET	NO 17 FBDY	STABILISATION 165 MM + SEAL + AC14(40MM)	\$101,300	169	R
PIBRAC AVENUE	WARRAWEE	HASTINGS ROAD	CUL-DE-SAC	STABILISATION 165 MM + SEAL + AC14(40MM)	\$50,700	170	W
PIBRAC AVENUE	WARRAWEE	PIBRAC AVENUE	NO 27 NB DEAD END	STABILISATION 165 MM + SEAL + AC14(40MM)	\$34,400	115	W
ROSEBERY ROAD	KILLARA	WATTLE STREET	DEAD END AT # 70	STABILISATION 195 MM + SEAL + AC14(40MM)	\$151,100	100	G
VICTORIA STREET	ROSEVILLE	SPEARMAN STREET	WANDELLA AVENUE	STABILISATION 200 MM + SEAL+AC	\$103,000	201	R
WATTLE STREET	KILLARA	NYORA ST	KYLIE AVE	STABILISATION 165 MM + SEAL + AC14(40MM)	\$79,800	215	G
REHAB PAVEMENT CONDITION SURVEY AND TESTING					\$100,000		

\$1,844,000

Case 2

LAWSON PARADE	ST IVES	YARRABUNG ROAD	END	STABILISATION 165 MM + SEAL + AC14(40MM)	\$142,000	622	S
REDLAEF AVENUE	WAHROONGA	PACIFIC HIGHWAY	RAILWAY AVENUE	FULL DEPTH ASPHALT 200MM	\$235,000	190	W
YARRABUNG ROAD	ST IVES	GREVILLEA AVENUE	CATHERINE STREET	STABILISATION 200 MM + SEAL+AC	\$165,000	375	S

\$542,000

RTA Program (Subject to RTA approval)

BOBBIN HEAD ROAD	NORTH TURRAMURRA	APPS AVE	KEATS ROAD	RECONSTRUCT WITH 200 MM AC FULLDEPTH	\$209,800	201	W
JUNCTION ROAD	WAHROONGA	GROSVENOR ROAD	WAHROONGA AVENUE	RECONSTRUCT WITH 200 MM AC FULLDEPTH	\$290,200	403	W
					\$500,000		

Roads to Recovery

ROSEDALE ROAD	GORDON	NELSON STREET	BRIDGE	REHABILITATE + 50 MM AC14 (LOW TRAFFIC)	\$415,000	548	G
CHERRY STREET	WARRAWEE	BRENTWOOD AVENUE	WOMBAT CROSSING	KERB AND GUTTER CONSTRUCTION	\$50,400	100	W
					\$465,400		km

Program for 2008/09

Street Name	Suburb	Street From	Street To	Treatment	Cost	Length	Ward
<u>Total Program for 2008/09</u>					<u>\$5,318,500</u>	10.064	

Footpath Program 2008 – 2009

Footpath Program 2009 – 2010

Current Variance
Original Total

-21,690,503 -22,020,950
21,881,703 22,429,000

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Current Total >>

191,200 408,050

Project ID	Case	Plan/ Program	Project Group/Asset Category	Project Sub Group/Asset Sub Category	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)	Estimated Cost 2008/09 Prices(\$)	NOTES
371	1	Infra	Roads & Transport	Footpaths	EASTERN SIDE LADY GAME DV TO SCHOOL SEE TRIM 740028	DE BURGH RD	2010	70,700	71,250	
376	1	Infra	Roads & Transport	Footpaths	BETWEEN ROSETTA AV AND SPRINGDALE RD	EASTERN ARTERIAL RD	2010	26,600	26,900	
377	1	Infra	Roads & Transport	Footpaths	MONA VALE TO GOWRIE K & G ACROSS END OF ROAD AT SCHOOL BOUNDARY TO	WALKER AVE	2010	25,500	25,800	
378	1	Infra	Roads & Transport	Footpaths	WALLALONG S SIDE N SIDE TURRAMURRA TO KU-	DIANA AV	2010	21,700	22,100	
366	1	Infra	Roads & Transport	Footpaths	RING-GAI BRADFIELD TO MOORE SOUTH	BOOMERANG ST	2010	30,800	31,100	
369	1	Infra	Roads & Transport	Footpaths	SIDE TO COMPLETE RYDE RD TO DE BURGH - 610m	LADY GAME DR	2010	15,900	16,100	
		Infra	Roads & Transport	Footpaths	SOUTH SIDE - APPLYING FOR 50% RTA FUNDING	LADY GAME DR	2010		214,800	New Project

Footpath Program 2010 – 2011

Current Variance
Original Total

-22,175,074
22,315,874

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Current Total >>

140,800

Project ID	Case	Plan/ Program	Project Group/Asset Category	Project Sub Group/Asset Sub Category	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)
382	1	Infra	Roads & Transport	Footpaths	COILA TO BURNS - SOUTH SIDE	THE CHASE RD	2011	53,100
384	1	Infra	Roads & Transport	Footpaths	EAST FROM SAIALA TO HEATH	KOOLA AV	2011	28,700
385	1	Infra	Roads & Transport	Footpaths	KOOYONG ST TO RYDE RD W SIDE	KIPARRA ST	2011	27,600
387	1	Infra	Roads & Transport	Footpaths	FOOTWAY FULL LENGTH S SIDE	ARILLA RD	2011	20,800
393	1	Infra	Roads & Transport	Footpaths	EASTERN TO YOUNG N SIDE	BANGALLA ST	2011	10,600

TOWN CENTRE	LOCATION	EXISTING PAVEMENT	AREA m ²	ESTIMATED COST	2007/08	2008/09	Proposed Treatment	Status
WEST PYMBLE	Shopping Centre at Kendall Street	Concrete	250	\$ 50,000	\$ 50,000		Replacement of Concrete paving and repairs to furniture	Design being finalised
GORDON	St Johns Avenue to Wade Lane northern side	Asphalt	140	\$ 35,000		\$ 35,000	Asphalt and pavers banding, landscaping and street furniture on northern side.	Deferred
PYMBLE	Princes Street shops at Bannockburn Road	Concrete	230	\$ 45,000		\$ 45,000	Concrete and pavers banding, street furniture and retaining walls	Deferred
STH TURRAMURRA	Shopping centre at Auluba Road	Concrete	200	\$ 50,000	\$ 50,000		Heavy patch and resheeting of car park including landscaping and line marking	Completed
TURRAMURRA	Eastern Road Shops at Tennyson Avenue	Asphalt	70	\$ 15,000	\$ 15,000		Replacement of failed asphalt parking bay with concrete paving	Completed
ST IVES	Warrimoo Avenue Shops near Dalton Road	Asphalt	330	\$ 40,000		\$ 40,000	Heavy patch and resheeting of car park including landscaping and line marking	
WEST LINDFIELD	West Lindfield Shopping Centre	Asphalt and concrete	800	\$ 75,000	\$ 75,000		Resheeting of car parks, replacement of concrete paving where appropriate and new street furniture	Completed
EAST ROSEVILLE	Babbage Road shops and Rowe Street Car Park	Asphalt and concrete	220	\$ 30,000		\$ 30,000	Improvements to paving area in front of shops including landscaping and street furniture. Landscaping of car park and line marking	
EAST KILLARA	Koola Avenue Shopping Centre	Asphalt	240	\$ 40,000		\$ 40,000	Heavy patch and resheeting of car park including line marking	
				\$ 380,000	\$ 190,000	\$ 190,000		

	PARKS DEVELOPMENT Draft proposal for 5 year funding model															
	12/02/2008	2008/9			2009/10			2010/11			2011/12			2012/13		
	Note: Sec 94 based on 2003 - to be increased pro rata	Recurrent Budget	Sec 94	Possible Grant	Recurrent Budget	Sec 94	Possible Grant	Recurrent Budget	Sec 94	Possible Grant	Recurrent Budget	Sec 94	Possible Grant	Recurrent Budget	New Sec 94 Plan 2012	Possible Grant
Wards	Parkland site															
	DISTRICT PARK UPGRADES															
r	Swain Gardens Landscape Masterplan - implementation of Stage 1 works to gardens and pathway	\$ 45,000														
s	St Ives Village Green Skate Facility surface enhancement		\$ 100,000													
w	Turramurra Memorial Park & Karuah Park Landscape Masterplan - Implementation Stage 1 works recreation and access issues, War Memorial and precinct embellishment	\$ 24,000		\$ 21,000	\$ 30,000	\$ 180,000	Dept vetrans affairs \$2000									
	District park Upgrade - Lindfield Soldiers Memorial, Park New Toilet Block	\$ 64,790		\$ 40,000												
	Swain Gardens Landscape Masterplan - Irrigation				\$ 70,000											
w	Wahroonga Park Landscape Masterplan Stage 1 (incl toilet block enhancement)							\$ 140,200								
s	St Ives Village Green Landscape masterplan - implementation										\$ 500,000					
s	Robert Pymble Park Landscape Masterplan - implement stage 1													\$ 300,000		
g	Gordon Recreation Ground Landscape Masterplan															
g	Killara Park Landscape Masterplan															
	HERITAGE LANDSCAPE ITEMS RESTORATION															
r	1927 LSMP War Memorial Gates Essential Restoration Repairs	\$ 50,000		Dept Vetrans Affairs \$3000												
s	1944 Army Relief Map Restoration Works in accordance with CMP & interpretaion embellishment, St Ives Showground	\$ 83,000		Dept Vetrans Affairs \$3000												
g	1930 Seven Little Australians Gatehouse Precint Restoration in accordance with CMP				\$ 78,000											
g	Two Creeks Track	\$ 50,000		\$ 50,000												
g	Pymble Soldiers Memorial Park stonework							\$ 55,000		Dept Vetrans Affairs \$3000						
r	Echo Point Park heritage stonework sea wall reconstruction and bridge abutment stabilistaion stage 1- (state heritage listed)										\$ 150,000		heritage assistance ?			
	LOCAL PARKS associated with playgrounds															
r	Two Turners Reserve		\$ 26,000													
w	Eldinhope Green															
s	Memorial Ave Reserve															
s	Melaleuca Drive															
w	Cherrywood Reserve															
c	Balmaringa Reserve				\$ 25,000											
r	Airman's Park				\$ 10,000											
w	Turramurra Memorial Park					\$ 75,000										
c	Browns Field				\$ 15,000											
c	Comenarra Playing Field				\$ 20,000											
g	Gordon Recreation Ground							\$ 63,000								
g	Ticket of Leave Park							\$ 17,000								
s	Blackburn Reserve							\$ 25,000								
s	Yarrawonga Park							\$ 10,000								
s	Willis Ave Reserve										\$ 22,000					
c	Morona Ave Reserve										\$ 35,000					
g	St Crispens Green										\$ 13,000					
g	Honeysuckle Reserve (Bowes Ave)												\$ 10,000			
w	Wahroonga Park													\$ 50,000.00		
s	Robert Pymble Park													\$ 85,000.00		
s	St Ives Showground (PA7)													\$ 125,000		
c	Claire Taylor Park													\$ 10,000		
	DOG OFF LEASH															
c	Bicentennial Park Dog Off-leash contaminated site remediation and reconfiguration	\$ 50,000														
w	Kent Road				\$ 50,000											
s	Warrimoo Playing Field							\$ 25,000								
c	Morona Avenue Reserve													\$ 50,000		
	RECREATION TRAILS															
r	Paddy Pallin Park (with footpath and levy projects funded already)		\$ 14,400													
r	Shot Machine Track (Upper Gordon Creek)					\$ 122,000	MGG \$50,000									
	TOTAL	\$ 366,790	\$ 140,400	\$ 117,000	\$ 298,000	\$ 377,000	\$ 52,000	\$ 195,000	\$ 140,200	\$ 3,000	\$ 220,000	\$ 500,000	\$ -	\$ 195,000	\$ 435,000	\$ -

Playgrounds - Draft proposal for 5 year funding model										
	2008/9		2009/10		2010/11		2011/2012		2012/2013	
Playground site	Recurrent Budget	Section 94	Recurrent Budget	Section 94	Recurrent Budget	Section 94	Recurrent Budget	Section 94	Recurrent Budget	Section 94
Melaluca Drive Safety Fencing	\$ 25,000.00									
Cherrywood Reserve	\$ 62,000.00									
Eldinhope Green	\$ 52,000.00									
Memorial Ave Reserve	\$ 72,000.00									
Two Turners Reserve *		\$ 109,455.00								
TOTAL	\$ 211,000.00	\$ 109,455.00								
Balmaringa Reserve			\$ 48,000.00							
Airman's Park			\$ 29,000.00							
St Ives Chase			\$ 40,000.00							
Browns Field			\$ 16,000.00							
Comenarra			\$ 24,000.00							
Turramurra Mem Park*				\$ 125,000.00						
TOTAL			\$ 157,000.00	\$ 125,000.00						
Blackburn Street Reserve					\$ 35,000.00					
Gordon Recreation Ground					\$ 75,000.00					
Ticket of Leave Park					\$ 25,000.00					
Yarrawonga Close Reserve					\$ 22,000.00					
TOTAL					\$ 157,000.00					
Willis Ave							\$ 50,000.00			
Morona Avenue Reserve							\$ 62,000.00			
St Crispen's Green							\$ 45,000.00			
TOTAL							\$ 157,000.00			
Bowes Avenue Reserve									\$ 40,000.00	
Claire Taylor Park									\$ 38,000.00	
St Ives Showground (PA7)									\$ 80,000.00	
Wahroonga Park*										\$ 150,000.00
Robert Pymble Park*										\$ 150,000.00
TOTAL									\$ 158,000.00	\$ 300,000.00
*Specifically listed for funding in adopted 2004-2009 S 94 Plan										

2008/9 - 2012/13 Fencing and Car Park Capital Works DRAFT Program												
PROJECT		FUNDING REQUESTED								INFORMATION		
Site	2008-9		2009-10		2010-11		2011-12		2012-13		Comments	WARD
FENCING	Recurrent Budget	Grant / Contribution	Recurrent Budget	Grant / Contribution	Recurrent Budget	Grant / Contribution	Recurrent Budget	Grant / Contribution	Recurrent Budget	Grant / Contribution		
Thomas Ave West Roseville	\$ 20,000										Replace and repair fencing	Roseville
St Ives Showground Dog Ring Fencing	\$ 30,000	\$ 12,000									Install fencing to dog training areas	St Ives
Koola Park			\$ 50,000									Gordon
Goldon Jubilee Cycle track safety fencing					\$ 50,000.00							Wahroonga
Alan Small park							\$ 50,000.00					Gordon
Gordon Recreation Ground									\$ 50,000.00			Gordon
	\$ 50,000	\$ 12,000	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ 50,000	\$ -		
CAR PARKS (Sportsfields & Parks)												
Roseville Park	\$ 100,000											Roseville
Koola Park, East Killara			\$ 100,000									Gordon
Loftberg Netball Courts Area					\$ 65,000.00							Comenarra
Norman Giffiths Oval (Verge Parking Area)					\$ 35,000.00							Comenarra
Hassell Park							\$ 60,000					St Ives
Browns Field							\$ 40,000					Comenarra
Karuah Park									\$ 30,000			Wahroonga
Kent Road									\$ 70,000			Wahroonga
TOTAL	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -		

Sports fields Capital Works Program - planning draft

	Additional Information	2008-09			2009-10		2010-11		2011-12		2012-13	
		Recurrent Budget	Section 94	Grants/Club Support	Recurrent Budget	Section 94	Recurrent Budget	Section 94	Recurrent Budget	Section 94	Recurrent Budget	Section 94
Sir David Martin Reserve (Auluba 1 & 2)	Sports Field Upgrade	\$124,000	\$289,050	\$30,000 (Grant)								
Auluba 3 playing field	Sports Field Upgrade	\$124,000	\$375,458	\$30,000 (Club TBC)								
St Ives High School	Provision of lighting followed by Field Upgrade	\$130,000		\$40,000	\$115,000							
Lofberg Oval	Sports field refurbishment program in conjunction with Stormwater harvesting works - \$250k grant obtained.	\$150,000										
Lofberg Oval	Provision of lighting	\$40,200		\$20,000								
Comenarra Park, Turramurra	Sports Field Upgrade										350000	
Koola Park, East Killara	Project investigation / survey followed by Sports Field Upgrade		\$50,000		\$235,000	1,147,200						
Golden Jubilee Sports field (No 1) Potential Regional Facility	Investigative Survey followed by Sports Field Upgrade		\$25,000				\$175,000	\$275,366				
Golden Jubilee Sports field (No 2) Potential Regional Facility	Fencing replacement followed by Sports Field Upgrade		\$131,775				\$175,000	\$300,001				
Hassell Park (1), St Ives	Sports Field Upgrade									\$237,790		
Samuel King Oval, North Turramurra	Sports Field Upgrade									\$337,912		
The Glade, Wahroonga	Sports Field Upgrade								\$350,000			
Roseville Chase Oval (heritage site)	Reconstruction of wall and fencing followed by Sports Field Upgrade		\$75,455			\$300,003						
Acron Oval, St Ives	Sports Field Upgrade							\$463,064				
Cliff Oval No 2 (bottom oval)	Sports Field Upgrade									\$187,729		
Capital Improvement Funds		\$568,200			\$358,750		\$350,000		\$350,000		\$350,000	
S.94 Funds			\$946,738			\$1,447,203		\$1,038,431		\$763,430		\$0
Grants				\$120,000								
TOTAL PROJECTS VALUE EXCLUDING GRANTS		\$1,514,938			\$1,805,953		\$1,388,431		\$1,113,430		\$350,000	

Current Variance

-35,866,320

-36,257,020

Original Total

35,956,320

36,856,500

APPENDIX C-9

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Stormwater Drainage Program and Catchment Management 2008 – 2009

Current Total >>

90,000

599,480

Project ID	Case	Plan/ Program	Project Group/Asset Category	Project Sub Group/Asset Sub Category	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)	Estimated Cost 2008/09 Prices(\$)	NOTES
457	1	Infra	Stormwater Drainage	Drainage structures	Insufficient inlets to 900mm pipe from MC02E20 to MC02E10. Pipe is half full at d/s end.	Martin Ln and Lord St	2009	12,000	7,000	Estimate changed
458	1	Infra	Stormwater Drainage	Drainage structures	Small pipes are running around 30% full so inlet constrained but total flow could not be carried either in these small pipes so pipes are also constrained.	Ormonde Rd sag	2009	15,000	7,000	Estimate changed
459	1	Infra	Stormwater Drainage	Drainage structures	The 1200m pipe has capacity to carry the 5 year storm event, pit capacity on road and through properties appears to be the constraint.	Killeaton St to Carcoola Rd	2009	6,000	7,000	Estimate changed
460	1	Infra	Stormwater Drainage	Drainage structures	Inlet capacity problem from sag at Warrane Rd all the way to MH10A120. Around 50% capacity remains in 750mm.	Depression from Warrane Rd sag near Lawn Bowls Club	2009	6,000	7,000	Estimate changed
462	1	Infra	Stormwater Drainage	Drainage structures	Inlet Capacity	Across Pymble Ave	2009	12,000	7,000	Estimate changed
469	1	Infra	Stormwater Drainage	Drainage structures	Pipe constriction under Lynwood from 1050 to 900 then 1200 mm. 1200 has spare capacity, so could upgrade 3m length of pipe and inlets on Lynwood.	Lynwood Ave	2009	15,000	25,000	Estimate changed
473	1	Infra	Stormwater Drainage	Drainage structures	There is some spare pipe capacity all the way from Rosedale to McIntosh, box section along McIntosh is full, then spare capacity to outlet to creek (750+1050). 70m box section could benefit from upgrade.	McIntosh and Arthur St	2009	6,000	7,000	Estimate changed
474	1	Infra	Stormwater Drainage	Drainage structures	900mm pipe passing just south of MC02B10 has some spare capacity so another pit on this side would help.	Glencroft Rd sag	2009	6,000	7,000	Estimate changed
477	1	Infra	Stormwater Drainage	Drainage structures	Inlet Capacity	Across Maitland St	2009	12,000	7,000	Estimate changed
		Infra	Stormwater Drainage	Drainage structures	Both pipes at headwall RC06A170 have inlet capacity restricted by their diameter. Poor inlet capacity of pits in street. Small pipes in street <30% full.	Knowlman Ave	2009		7,000	New Case 1
		Infra	Stormwater Drainage	Drainage structures	Culvert extension and embankment stabilisation	Wattle Street	2009		143,150	New Case 1
		Infra	Stormwater Drainage	Drainage structures	Replace aging pipeline	Addison Av at Moore St	2009		33,000	New Case 1
		Infra	Stormwater Drainage	Drainage structures	Insufficient capacity for existing system. Diversion of overland flow through easement adjacent to 45. Involve regrading of road, kerb and driveway and grass swale.	45 Kokoda Ave.	2009		70,000	New Case 1
		Infra	Stormwater Drainage	Drainage structures	Insufficient street drainage system	Middle Harbour Road	2009		58,480	New Case 2
		Infra	Stormwater Drainage	Drainage structures	Insufficient capacity for existing system. Pipe augmentation is the option	1a Brentwood Ave.	2009		206,850	New Case 2

								Current Variance	-21,881,703	-21,829,520	
								Original Total	21,881,703	22,429,000	
Do Not Edit these columns		Stormwater Drainage Program and Catchment Management 2009 - 2010									
								Current Total >>	0	599,480	
Project ID	Case	Plan/Program	Project Group/Asset Category	Project Sub Group/Asset Sub Catgeory	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)	Estimated Cost 2008/09 Prices(\$)	NOTES	
480.5	1										
1730	2										
		Infra	Stormwater Drainage	Drainage structures	Insufficient capacity for existing system. Pipe augmentation or second pipeline 1200mm diameter along Millewa.	Neringah-Woniora	2010		334,150	New Case 1	
		Infra	Stormwater Drainage	Drainage structures	Insufficient capacity for existing system. Pipe augmentation or second pipeline 1050mm diameter along the southern boundary.	4 Azalea Gardens STAGE 1	2010		265,330	New Case 2	

2008/9 - 2012/13 Tennis and Hardcourts Capital Works DRAFT Program							
PROJECT		FUNDING REQUESTED				INFORMATION	
Site	2008-9	2009-10	2010-11	2011-12	2012-13	Comments	WARD
Roseville Park	\$ 95,000					Install floodlighting to courts 1-3. Resurface practise tennis/basketball courts.	Roseville
Canoon Rd	\$ 33,500					Constuct hotmix area adjacent to court 20 and Amenity block. Install 2 shelter sheds.	Comenarra
Allan Small Reserve	\$ 43,000					Resurface 2 synthetic grass courts and repair root damage. Install 1 shelter shed adjacent courts 1&2.	Gordon
Lindfield Community Centre		\$ 20,000				Resurface 2 acrylic tennis courts.	Roseville
Loftberg Road		\$ 75,000				Resheet asphalt on court1.Resurface 4 acrylic netball courts	Comenarra
Loftberg Road		\$ 35,000				Install Shelter shed adjacent court 1.	Comenarra
Kendall St		\$ 35,000				Resurface 2 courts with synthetic grass. Repair long term root damage.	Comenarra
The Glade		\$ 28,000				Resurface 2 acrylic courts and the practice basketball court.	Comenarra
Allan Small Reserve			\$ 26,600			Resurface 2 acrylic courts and the practise basketball court.	Gordon
Hamilton Park			\$ 25,000			Resurface 2 acrylic courts and linemark the practise basketball court.	Comenarra
Killara Park			\$ 35,000			Resurface 2 synthetic grass courts	Gordon
Morona Ave			\$ 20,000			Resurface 2 acrylic courts.	Comenarra
Roseville Park			\$ 66,000			Resurface 4 synthetic grass courts	Roseville
Canoon Rd				\$ 120,000		Resheet asphalt and resurface 4 netball courts	Comenarra
Pymble Park				\$ 20,000		Resurface 2 acrylic tennis courts.	Gordon
Thomas Ave West Roseville				\$ 20,000		Resurface 2 acrylic tennis courts.	Roseville
Gordon Rec Ground					\$ 20,000	Resurface 2 acrylic tennis courts.	Gordon
Queen Elizabeth Reserve					\$ 40,000	Resurface 4 acrylic tennis courts.	Roseville
Regimental Park					\$ 50,000	Resurface 5 acrylic tennis courts	Gordon
Turramurra Park					\$ 55,000	Resurface 2 synthetic grass and 2 acrylic tennis courts.	Wahroonga
TOTAL	\$ 171,500	\$ 193,000	\$ 172,600	\$ 160,000	\$ 165,000		

Traffic Facilities Program 2008 – 2009

[illegible]

Traffic Facilities Program 2009 – 2010

Current Variance
Original Total

-21,731,703	-22,275,250
21,881,703	22,429,000

**Do Not Edit
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columns**

Current Total >>

150,000	153,750
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Project ID	Case	Plan/ Program	Project Group/Asset Category	Project Sub Group/Asset Sub Category	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)	Estimated Cost 2008/09 Prices(\$)	NOTES
968	1	Infra	Roads & Transport	Traffic Facilities	Powell St	Karranga Ave/Wattle St	2010	80,000	82,000	
969	1	Infra	Roads & Transport	Traffic Facilities	Yarrabung Rd	Catherine St/College Cr	2010	50,000	51,250	
970	1	Infra	Roads & Transport	Traffic Facilities	Link Rd	Newhaven Pl	2010	20,000	20,500	

Traffic Facilities Program 2010 – 2011

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Current Variance
Original Total

-22,165,874	-22,721,050
22,315,874	22,874,800

Current Total >>

150,000	153,750
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Project ID	Case	Plan/ Program	Project Group/Asset Category	Project Sub Group/Asset Sub Category	Description of Work	Location of Work	Timing Year	Estimated Cost 2007/08 Prices(\$)	Estimated Cost 2008/09 Prices(\$)	NOTES
971	1	Infra	Roads & Transport	Traffic Facilities	Woodbury Rd	Between Hume Ave & Aronia Rd	2011	150,000	153,750	

NOTICE OF MOTION

PROPOSED MASTERPLAN FOR THE GORDON CIVIC & COMMUNITY FACILITIES PRECINCT

Notice of Motion from Councillors A Ryan & M Lane dated 16 April 2008

When considered with Council's existing land holdings at 818 Pacific Highway and 3 Radford Place, the recent purchase of 9, 15, 17 Dumaresq Street (known as proposed "Dumaresq Street Park") provides Council with a unique opportunity to reconsider the types of facilities and public spaces which can be provided as the heart of the new Gordon Town Centre.

We move:

- "A. That Council prepare a master plan and options report for the area of land defined by 818 Pacific Highway and 3 Radford Place (Council Chambers); and 9, 15 and 17 Dumaresq Street (known as proposed "Dumaresq Street Park"), Gordon which:
- (1) Analyses and reviews the current uses on the site, including Council Chambers, Council Administrative Offices and car parking in terms of current capacity and future Council requirements.
 - (2) Considers Council's long term needs for cultural facilities across the LGA in line with the Community and Cultural Facilities Review (confirm correct study name - currently under preparation).
 - (3) Develops options for -
 - a) Protection and adaptive re-use of the heritage building
 - b) A new urban park (with a minimum size of 3465 square metres)
 - c) Car parking for public and staff to meet Council DCP standards
 - d) Community and cultural facilities
 - e) Council Administration Offices
 - f) Other appropriate uses.
 - (4) Is supported by an economic feasibility analysis showing how the redevelopment is to be funded.
- B. That master plan and options report be funded from existing surpluses in the 2007/2008 Strategy special projects budget."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Councillor Adrienne Ryan
Councillor for Gordon Ward

Councillor Michael Lane
Councillor for Gordon Ward

NOTICE OF MOTION

BOOMERANG STREET - PLANNED REMOVAL OF TREES

Notice of Motion from Councillor L Bennett dated 16 April 2008

I move

"That no tree removals are undertaken on public land in Boomerang Street until a full report has come to Council on such removals and associated road/kerb and gutter works."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Laura Bennett
Councillor for St Ives Ward

NOTICE OF MOTION

SES HEADQUARTERS RELOCATION

Notice of Motion from Councillor E Malicki dated 17 April 2008

I move -

"That a committee be set up to progress the relocation of the SES headquarters to meet the current and future operational needs of the Ku-ring-gai SES Unit.

The committee should consist of interested councillors, the GM and/or his nominee(s), the Local Controller of the Ku-ring-gai SES and his nominee, as well as Region Representatives or their nominees. The first meeting should be within two weeks."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

RELEASE OF CONFIDENTIAL DOCUMENTS - REZONING OF 452 MONA VALE ROAD, ST IVES, UNDER DRAFT LEP214

Notice of Motion from Councillor T Hall dated 21 April 2008

I move:

"That the confidential legal opinion provided by Dr Steven Berveling, Barrister to the Council on 5 April 2007, supporting the expunging of "existing use rights" for a petrol station at 452 Mona Vale Road, St Ives, be released for press and public information forthwith, being the basis at ratepayers' cost for Council's decision to rezone the subject site under Schedule 8 of the Ku-ring-gai Planning Scheme Ordinance, at the request of the owner of the said site, the Department of Lands which as a third party, has sighted the Berveling Advising.

Concurrently, the General Manager's Confidential Briefing Memo to Councillors dated 12 June 2007, on the matter also be released for public information."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

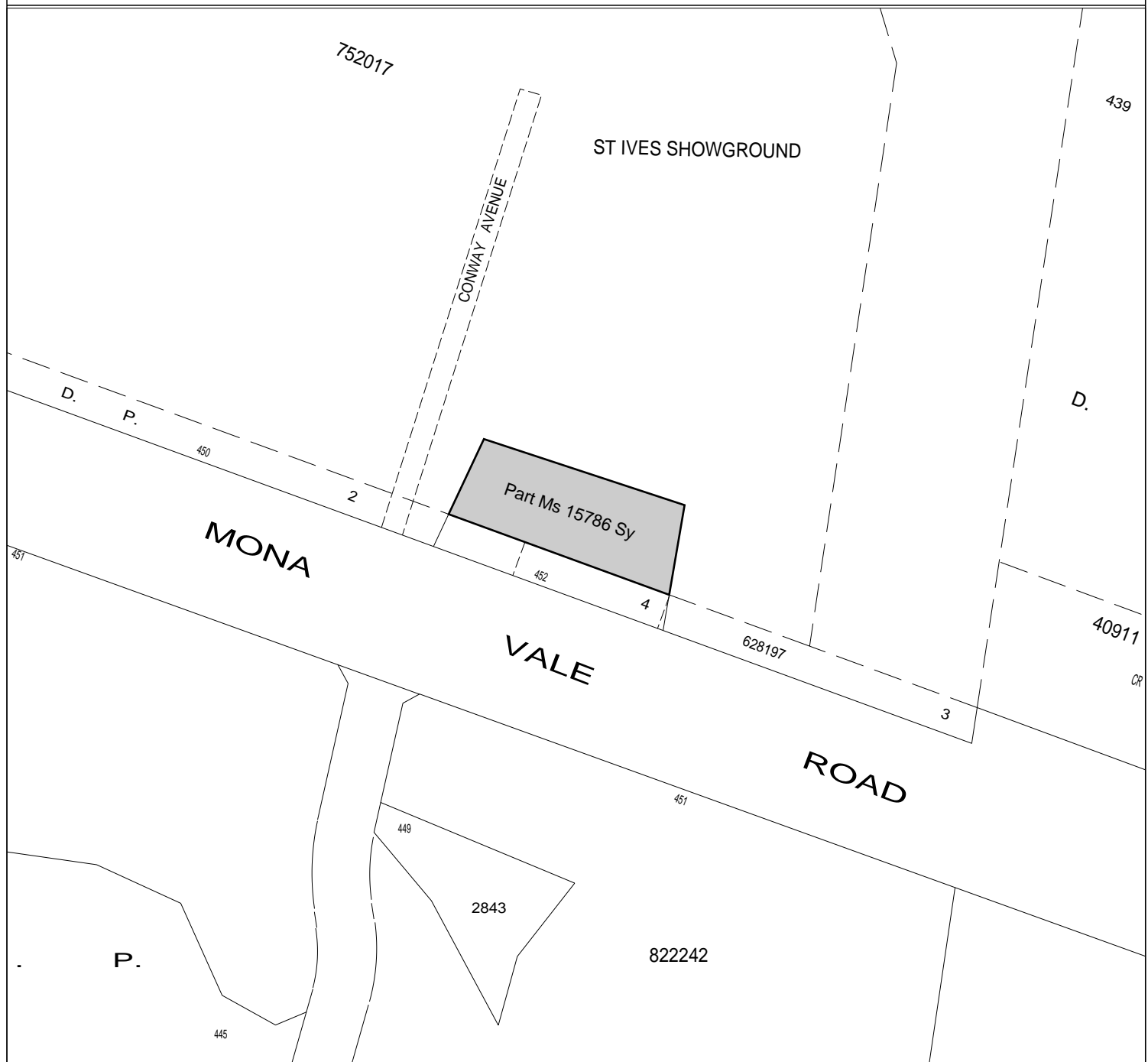
Cr Tony Hall
Councillor for St Ives Ward

Attachments: Background Information:
 1. LEP214 Location Sketch
 2. Ku-ring-gai LEP214 Instrument - 911777
 3. Section 69 Submission to Planning Minister, 10 March 2008 - 903466
 4. Report to Council held 4 September 2007 - 823413
 5. Commercial Services Co-ordinator Memorandum dated 3 October 2006 re
 Lease to Caltex Aust Petroleum Pty Ltd - 678410

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN NO.214



NORTH



DRAWN BY: COUNCIL'S CORPORATE MAPPING SYSTEM

PLANNING OFFICER

COUNCIL FILE NO.

DEPT. FILE NO.

 CERTIFICATE ISSUED
 UNDER SEC.65 E.P.A.ACT

DATE

GOVT. GAZETTE NO.

DATE

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE KU-RING-GAI PLANNING SCHEME ORDINANCE

 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE

Ku-ring-gai Local Environmental Plan No 214

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai Local Environmental Plan No 214*.

2 Aims of plan

This plan aims to allow, with the consent of Ku-ring-gai Council, the carrying out of development on the land to which this plan applies for the purpose of a service station.

3 Land to which plan applies

This plan applies to land at No. 452 Mona Vale Road, St Ives, as shown coloured grey and edged heavy black on the map marked “Ku-ring-gai Local Environmental Plan No 214” deposited in the office of Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 4)

Schedule 8 Development for certain additional purposes

Insert at the end of the Schedule:

Land on Mona Vale Road, St Ives, as shown coloured grey and edged heavy black on the map marked “Ku-ring-gai Local Environmental Plan No 214” deposited in the office of the Council – service station.

In this item, *service station* means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

SECTION 69 REPORT

DIRECTOR GENERAL'S REPORT TO THE MINISTER FOR PLANNING UNDER SECTION 69 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 REQUESTING THE MAKING OF THE LOCAL ENVIRONMENTAL PLAN TO BE KNOWN AS KU-RING-GAI LOCAL ENVIRONMENTAL PLAN NO. 214

SUMMARY

Ku-ring-gai Council requests that the Minister make a Local Environmental Plan which aims to allow the use of a service station at 452 Mona Vale Road, St Ives. This will remove the need for a continuing service station use to rely on "existing use" provisions for its operation.

The subject land is zoned Open Space 6(a) "Recreation Existing" under the provisions of the Ku-ring-gai Planning Scheme Ordinance. The current zoning does not reflect the service station use which has operated on the site for over 40 years.

A copy of the Section 65 Certificate allowing exhibition of the draft Plan is **attached**. An environmental study was not required.

Parliamentary Counsel has provided an opinion that the Plan may be legally made. It is recommended that the Minister make the Plan.

STATE ELECTORATE AND LOCAL MEMBER

The subject land is within the electorate of Ku-ring-gai where the local member is Barry O'Farrell who has made no representations on the draft Plan.

PUBLIC PARTICIPATION

Draft Local Environmental Plan No. 214 (LEP214) was exhibited for 50 days from 21 December 2007 to 8 February 2008. Council received no submissions in respect of the exhibition.

VIEW OF PUBLIC AUTHORITIES

Submissions were received from the Department of Lands, Roads and Traffic Authority, Warringah Council, Ministry of Transport and Rural Fire Service. The Ministry of Transport and Warringah Council advised they had no comment to make of the proposed Plan. The Department of Lands supported the proposed Plan and the Ministry of Transport and Rural Fire Service raised no objection.

CHANGES MADE TO PLAN AFTER PUBLIC EXHIBITION

Council adopted the draft Plan after public exhibition with minor drafting amendment to accommodate Parliamentary Counsel requirements.

CONSIDERATION

- The draft Plan is to permit the existing service station use on its site at 452 Mona Vale Road, St Ives, as a permissible use in the existing Open Space 6(a) "Recreation Existing" zone.
- Draft Local Environmental Plan No. 214 is consistent with State Environmental Planning Policies and Regional Environmental Plans (see table **attached**).
- Draft Local Environmental Plan No. 214 is consistent with relevant directions made under Section 117 of the Act (see table **attached**) excepting Ministerial Direction No's. 6.2 and 6.3 for which the Director General is satisfied that the inconsistency is minor in nature (advised by letter of 4 October 2007 to Ku-ring-gai Council).
- Draft Ku-ring-gai Local Environmental Plan No. 214 does not relate to any lands owned by Council. It is advised that the subject lands are under Council's care, control and management from the Department of Lands. It is advised however that the draft Plan has been prepared and exhibited in accordance with Best Practice Guidelines. There have been no submissions raised relating to Best Practice matters (Best Practice exhibition material is **attached** for information).

- The planning reports relating to the draft LEP are **attached** and deal with the considerations of Council in the matter. The draft LEP recognises the long standing service station use of the land which has been in existence since before the gazettal of the Ku-ring-gai Planning Scheme Ordinance in October 1971. This use of the land has not been reflected in the past zoning controls applying to the land.
- The Director General has issued a Written Authorisation to Exercise Delegation allowing Council to prepare the Section 69(1) report in this matter. When exercising this delegation Council fulfilled the functions required under Schedule 1 of the Director General's Authorisation. A copy of the Authorisation is **attached**.
- The draft Local Environmental Plan was prepared and exhibited in accordance with the terms of the Written Authorisation to Exercise Delegation. This included compliance with Best Practice Guideline requirements.
- Council has fulfilled the requirements of Sections 66, 67 and 68 of the Environmental Planning and Assessment Act in the matter.
- There is currently a development application before Council for the purpose of site remediation. It is anticipated that a future development application for service station redevelopment will be lodged.

RECOMMENDATION

It is therefore RECOMMENDED that the Minister:-

- a. Under Section 70(1)(a) and (8) of the Environmental Planning and Assessment Act 1979, make Ku-ring-gai Local Environmental Plan No. 214 in accordance with the written statement and supporting map attached for the Minister's signature;
- b. give no direction to the Council under Section 70(7) as to the procedure to be followed in connection with making the Minister's decision known to the public; and
- c. authorise the Department to advise Council of the Minister's decision.

Signed:

Dated: 10 March 2008

Name: Antony Fabbro

Position: Manager Urban Planning

As delegate of Ku-ring-gai Council which is the delegate of the Director General of the Department of Planning and I have no notice of the revocation of either delegation.

Enclosed:

- Summary Sheet (with attachments).
- Assessment of Plan against 117 Directions and other requirements.
- Section 65 Certificate.
- Best Practice exhibition material.
- Planning reports of 31 August 2007 and 6 February 2008.
- Council resolutions of 4 September 2007 and 26 February 2008.
- Responses from Authorities to Section 62 consultation.
- Draft LEP214 instrument as advised by Parliamentary Counsel.
- Draft LEP214 map.
- Director General's Written Authorisation to Exercise Delegation.

ST IVES SHOWGROUND SERVICE STATION (452 MONA VALE ROAD, ST IVES) - PROPOSED AMENDMENT TO KU-RING-GAI PLANNING SCHEME ORDINANCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider an appropriate zoning amendment to enable the continued use of the service station site adjoining the St Ives Showground at 452 Mona Vale Road, St Ives as a permissible use.

BACKGROUND:

A service station has operated from the St Ives Showground lands since the 1930s. It has operated on its existing site since 1965, the lands of which are zoned part Recreation Existing 6(a) and part Unzoned. The use does not comply with the existing zoning and site operations have relied on existing use rights. The appropriateness of continuing to rely upon existing use provisions is questioned and an appropriate amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO) to accommodate the use is considered warranted.

COMMENTS:

It is desirable to ensure the continued financial support that the service station provides, via rental from its lease, to St Ives Showground operations. The amendment of the KPSO to remove any potential anomaly between the current use and the 6(a) zoning and to ensure certainty for its continued operation can be supported.

RECOMMENDATION:

That Council resolve to prepare a draft Local Environmental Plan (LEP) to amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to permit the continuing use of the service station use and ancillary commercial / retail purposes.

Item 3

P52793
31 August 2007

PURPOSE OF REPORT

To consider an appropriate zoning amendment to enable the continued use of the service station site adjoining the St Ives Showground at 452 Mona Vale Road, St Ives as a permissible use.

BACKGROUND

The service station is adjacent to the St Ives Showground and is known as 452 Mona Vale Road, St Ives. These lands form the Crown Reserve of which Council acts as Reserve Trust Manager.

The service station has operated at this location since 1965, and is zoned part Recreation Existing 6(a) and part unzoned. The current use is inconsistent with the 6(a) zoning, and to date, the operations at the site have relied on existing use rights. The service station has operated at its current location since that time. The use has a long association with the site dating back at least to the late 1930s when it was sited slightly further to the south.

Council leases the site to Caltex Pty Ltd (Caltex). The rental return is used by Council to offset the cost of developing and maintaining the St Ives Showground. In October 2006, Caltex advised that they would not be exercising the further five (5) year option period. As such Council officers have been liaising with representatives from Caltex and the Department of Lands (Lands) to ensure the valuable revenue obtained through the occupancy of the site is not forfeited.

On 12 June 2007, Council was advised via Memo of the issues impacting the service station site (Attachment A – Confidential Memo – includes legal advice).

COMMENTS

St Ives Showground provides an array of local, metropolitan, regional and national activities with in excess of 450,000 visitors each year and is seen as a valuable strategic asset which assists the broader Crown Reserve system.

The service station activity is important in providing the revenue stream to fund the services and facilities of the St Ives Showground. To ensure the ongoing retention of the service station use, it is appropriate that it not have to continue to rely on existing use provisions. An appropriate amendment to the KPSO to accommodate the services station as a permissible use within the zoning is desirable.

Council has been in discussion on the matter with both the Department of Lands and Department of Planning, each of whom have indicated support for the zoning amendment at Ministerial level.

Verbal feedback was received late last week from the Minister's office via Department of Planning staff that the Department wished to receive a Section 54 response as soon as possible to this matter.

CONSULTATION

There has been ongoing consultation between Council and Lands to ensure the continued use of the site as a service station. There has been discussion with the Department of Lands and Department of Planning on the matter and both have indicated support for the zoning amendment as previously mentioned.

Item 3

P52793
31 August 2007

There has been no public consultation in respect of this matter as yet. However, the rezoning process will require public consultation as a legislative requirement.

Councillors have received memorandums on this subject on 3 October 2006 and 12 June 2007 (see Attachment B).

Should Council resolve to prepare a draft LEP it will be necessary to formally consult with the Department of Planning for consent to prepare and exhibit the draft Plan.

FINANCIAL CONSIDERATIONS

The financial considerations specific to the matter to date have been the use of staff resources. The preparation of any proposed draft Local Environmental Plan and its processing would involve the costs of: Staff resources and advertising (at the time of Plan exhibition).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation in line with statutory obligations would be undertaken in the preparation and exhibition of an amendment to the KPSO.

SUMMARY

A service station has operated at St Ives Showground since the late 1930s, and in its current location since 1965.

The rental return to Council from leasing the site provides financial support to the services and activities at the Showground. St Ives Showground is viewed as a valuable strategic asset that supports the broader Crown Reserve system, and any loss of revenue due to the vacancy at the service station will impact on the current levels of financial support to the services and facilities contained within the Showground.

The zoning amendment proposed to the KPSO will address the current anomaly with the service station use and its zoning. The amendment will allow the continued functioning of the service station on the site as a permissible use.

RECOMMENDATION

- A. That Council advise the Department of Planning of its decision to prepare a draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.
- B. That the draft Local Environmental Plan provide for the amendment of the Ku-ring-gai Planning Scheme Ordinance to permit service station use and ancillary commercial / retail purposes for lands known as 452 Mona Vale Road, St Ives at St

Item 3

P52793
31 August 2007

Ives Showground (being Lot 4 DP628197, part of land in Ms 15786 Sy and Part of Portion 18 in the Parish of Broken Bay).

- C. That upon receipt of formal Department of Planning support the draft Local Environmental Plan be prepared and consultation with statutory authorities be undertaken in accordance with the provisions of Section 62 of the Environmental Planning and Assessment Act 1979.
- D. That following preparation of the draft Local Environmental Plan it be placed on public exhibition in accordance with statutory requirements.
- E. That a report be brought back to Council following public exhibition for consideration and finalising of the draft Local Environmental Plan.

Deborah Silva
Commercial Services Co-ordinator

Rod Starr
Senior Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
Director Strategy

Attachments: **Attachment A - Confidential Memorandum dated 12 June 2007**
 Attachment B - Memorandum dated 3 October 2006 - 787647

3 October 2006

MEMORANDUM

TO: MAYOR
ALL COUNCILLORS

COPY TO: ALL DIRECTORS

FROM: COMMERCIAL SERVICES COORDINATOR

SUBJECT: **452 MONA VALE ROAD - LEASE TO CALTEX AUSTRALIA
PETROLEUM PTY LTD**

Caltex lease a site area of approximately 1,593 sqm adjacent to St Ives Showground as an Ampol petrol station. Council has received advise from Caltex Australia Petroleum Pty Ltd, that they will not be exercising the five (5) year option in their current lease. As such the lease will terminate on 7 November 2006.

The lease requires that the lessee removes all fittings and fixtures, and remediate the land. The lessee has advised that they will require approximately 6-12 months to complete these works.

As the lease does not contain a holdover clause, Council and the lessee have agreed to rely on the provisions of S127 Conveyancing Act 1919, and remain in occupancy on a monthly basis under the current lease arrangements.

As the leased area forms part of St Ives Showground, of which Council acts as Reserve Trust Managers, any new lease proposal will be developed and progressed in conjunction with the Crown (Department of Lands).

A report will be submitted to Council in due course.

Deborah Silva
Commercial Services Coordinator