



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 5 FEBRUARY 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 11 December 2007
Minutes numbered 516 to 544

Minutes of Extraordinary Meeting of Council

File: S02131
Meeting held 17 January 2008
Minutes numbered 1 to 2

MINUTES FROM THE MAYOR

PETITIONS

PT.1 **Bus Service to Lindfield West - (Twenty-Six [26] Signatures)** **1**

.
File: S02126

"Lindfield West supports an aging community with an influx of young families. The current bus service to this area is very limited.

A significant number of school children walk to the designated bus stop at Road/Bradfield Road. The bus stop at Booraba Road/Bradfield Road is unavailable to these children and they must walk the distance of Bradfield Road. Though the walk is not arduous, you need to bear in mind that often these children are carrying heavy bags and musical instruments.

With the increased number of children requiring bus services, it seems necessary that Shorelink and the Council address the problem that the area currently has inadequate bus service. Bus availability all the way down Bradfield Road would benefit everyone in the Lindfield West community; the elderly, the families with young children and the teenagers travelling to high school".

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 **Guidelines for Ku-ring-gai Council Office of the Internal Ombudsman** **2**

.
File: S02850

That Guidelines for the position of Internal Ombudsman be adopted by resolution of the Council.

Recommendation:

That Council endorse the Ku-ring-gai Council Internal Ombudsman Guidelines.

GB.2 Local Government Managers Association 2008 National Congress 19

.
File: S04567

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

Recommendation:

That Council determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

GB.3 Investment Report as at 30 November 2007 37

.
File: S05273

To present to Council investment allocations and returns on investments for November 2007.

Recommendation:

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

GB.4 Investment Report as at 31 December 2007 47

.
File: S05273

To present to Council investment allocations and returns on investments for December 2007.

Recommendation:

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

GB.5 Companion Animals Advisory Committee - Minutes of 29 November 2007 58

.
File: S03449

To submit Minutes of the Companion Animals Advisory Committee Meeting of 29 November 2007.

Recommendation:

That the Minutes of the Companion Animals Advisory Committee Meeting of 29 November 2007 be received and noted.

GB.6 **Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting held 19 November 2007** 66

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 19 November 2007.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 19 November 2007 and attachments be received and noted.

GB.7 **Environmental Levy Programs & Audit Forum - Minutes of Meeting held 26 November 2007** 100

.
File: S04553

To bring to the attention of Council the proceedings from the Environmental Levy Programs and Audit Forum meeting held on Monday, 26 November 2007.

Recommendation:

That the Minutes of the Environmental Levy Programs and Audit Forum meeting held on Monday, 26 November 2007 be received and noted.

GB.8 **Re-Adoption of Amendment to Development Control Plan No 56** 111

.
File: S03673

To re-confirm the Council resolution to amend Development Control Plan No 56 (DCP 56) to require notification and advertising of development applications for firearms outlets.

Recommendation:

That Draft Development Control Plan No 56 - Notification, be adopted by Council.

GB.9 Submissions on Documentation to Support Biobanking **148**

File: S02552

To provide a response to the NSW Government's Draft Biobanking methodology, Compliance Strategy and proposed Threatened Species Conservation (Biodiversity Banking) Regulation 2007 amendments.

Recommendation:

That Council endorse the submission as attached to this report.

GB.10 Draft Climate Change Policy **164**

File: S06055

To seek Council's approval to exhibit for public comment the draft climate change policy.

Recommendation:

That the draft policy be exhibited for comment for a minimum of 40 days during which comments will be sought from the public and the Sustainability Reference Group and that a report be brought back to Council for its consideration.

GB.11 The Swain Gardens Landscape Masterplan **239**

File: S05919

To seek Council adoption of the landscape masterplan for The Swain Gardens.

Recommendation:

That Council adopt the Swain Gardens Landscape Masterplan without amendment.

GB.12 North Sub-Regional Strategy - Final Submission **245**

File: S04554

The Draft North Regional Strategy, which provides a more detailed level of planning than the Metropolitan Strategy, was released by the Department of Planning (DOP) on 31 October 2007, and is on public exhibition until 8 February 2008. A draft submission was initially presented to Council on 11 December 2007.

Recommendation:

That the draft submission on the North Subregional Strategy be endorsed by Council and be submitted to the Department of Planning by 8 February 2008 and a copy of the final submission be placed on Council's website for the information of the community.

GB.13 Council Submission on improving NSW Planning System Discussion Paper 275

.
File: S04554

To provide a submission in response to the "Improving NSW Planning System Discussion Paper" for Council consideration.

Recommendation:

That Council make a submission as attached to this report.

GB.14 Amendment to Sports Grounds Generic Plan of Management - Saturday Evening Sport at Hassell Park, St Ives 284

.
File: S02285

To seek Council adoption of the Amended Sports Grounds Generic Plan of Management to enable Saturday evening competition sport at Hassell Park, St Ives on up to nine Saturdays per year.

Recommendation:

That Council adopt the amended Sports Grounds Generic Plan of Management and that existing parking restriction signs in surrounding streets be amended to reflect the additional Saturday use of Hassell Park.

GB.15 10 to 16 Marian Street, Killara - To Extinguish Existing Drainage Easement & Create a New Easement over Newly Constructed Stormwater Pipeline 288

.
File: DA1388/04-12

Ward: Gordon

For Council to consider granting approval to extinguish the existing drainage easement and create a new easement over the new stormwater pipeline traversing the development site of No.10 to 16 Marian Street, Killara.

Recommendation:

That Council grants approval to extinguish the existing easement and create a new easement over the new pipeline subject to conditions A to C in recommendation of this report.

GB.16 Playground Replacement in Roseville Park Due to Tree Damage 292

File: S02621

Ward: Roseville

To request funding for reconstruction of the existing playground at Roseville Park that was damaged by falling overhead branches.

Recommendation:

That approval be given to bring forward the reconstruction of the new playground in Roseville Park and that funding be provided from the pre 1993 Section 94 plan and the Playgrounds Reserve in a total amount of \$75,000.

GB.17 West Pymble Pool Stage 5 - Preferred Tenderer 298

File: S05442

To recommend the appointment of a contractor to undertake Stage 5 renovations of 50m swimming pool at West Pymble Pool.

Recommendation:

That Crystal Pools Pty Ltd be approved as the preferred tenderer for Stage 5 works at West Pymble Pool and that the Mayor and General Manager be delegated authority to sign the contract documentation and affix the seal of Council.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 State Government Planning Powers 304

File: S04151

Notice of Motion from Councillor E Malicki dated 25 January 2008.

I move:

"A. That Council hold a poll of electors of Ku-ring-gai at the next Local Government Elections in September, to determine the views of our community on whether or not

the State Government and the Minister should have the power to become involved in local planning and, to withdraw planning powers of a democratically elected Council. The question(s) should make particular reference to the appointment of Planning Panels and the Minister's powers under Section 3A of the Act.

- B. That the wording for the poll be set at the next Policy Forum.
- C. That Council approach NSROC for support, and also approach the Local Government Association asking them to approach other councils to follow our lead in conducting a poll at the September elections. This would enable the residents of Council areas throughout Sydney and possibly NSW as a whole to democratically express their views on the interference by the State Government and the Minister in the local planning process" ..

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

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 **28 Treatts Road, Lindfield - Proposal to Acquire** **1**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P60845

Report by Director Operations dated 22 January 2008.

John McKee
GENERAL MANAGER

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

MAYORAL MINUTE

AUSTRALIA DAY HONOURS 2008

I am pleased to inform you of the Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2008 Australia Day Honours.

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

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

JAMES A L T M A N of Killara

For service to the Jewish community and through fostering intercultural understanding

DAVID C O O P E R of North Turramurra

For service to the community through veterans' organisations, and to the Army Cadet movement

JEFFORY F A I R B R O T H E R of St Ives

For service to the poultry industry through research and advisory roles, and the development of regulatory policies on animal and welfare and food safety standards

HELEN R Y A N of Warrawee

For service to the community, particularly in the field of choral music

WARWICK S M I T H of Pymble

For service to the Parliament of Australia, to the telecommunications industry as a contributor to reform and debate within the sector, to the promotion of international trade and tourism, and to philanthropy through a range of charitable and community organisations

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

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

RECOMMENDATION

That Council acknowledge the outstanding contribution made by these recipients of 2008 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.

Cr Nick Ebbeck
Mayor

PETITION

BUS SERVICE TO LINDFIELD WEST - (TWENTY-SIX [26] SIGNATURES)

"Lindfield West supports an aging community with an influx of young families. The current bus service to this area is very limited.

A significant number of school children walk to the designated bus stop at Road/Bradfield Road. The bus stop at Booraba Road/Bradfield Road is unavailable to these children and they must walk the distance of Bradfield Road. Though the walk is not arduous, you need to bear in mind that often these children are carrying heavy bags and musical instruments.

With the increased number of children requiring bus services, it seems necessary that Shorelink and the Council address the problem that the area currently has inadequate bus service. Bus availability all the way down Bradfield Road would benefit everyone in the Lindfield West community; the elderly, the families with young children and the teenagers travelling to high school".

RECOMMENDATION

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

GUIDELINES FOR KU-RING-GAI COUNCIL OFFICE OF THE INTERNAL OMBUDSMAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

That Guidelines for the position of Internal Ombudsman be adopted by resolution of the Council.

BACKGROUND:

The Internal Ombudsman Guidelines set out the role and functions to be carried out by the Internal Ombudsman.

COMMENTS:

The Guidelines are required to give effect to the position of Internal Ombudsman. This report provides information regarding refinements that have been made to some sections following external legal consultation. It is desirable that the Guidelines be endorsed by Council to assist community understanding of the nature of the role.

RECOMMENDATION:

That Council endorse the Ku-ring-gai Council Internal Ombudsman Guidelines.

PURPOSE OF REPORT

That Guidelines for the position of Internal Ombudsman be endorsed by Council.

BACKGROUND

As part of the need to promote the principles of accessibility, fairness, accountability and effectiveness for the position of Internal Ombudsman, it is important to establish Guidelines for the position. The Guidelines set out the role and functions to be carried out by the Internal Ombudsman.

The Guidelines are required to give effect to the position of Internal Ombudsman. It is intended that they be made available to any person dealing with the Office of the Internal Ombudsman and posted on Council's website.

COMMENTS

The Guidelines have been reviewed by Mr Chris Drury of DLA Phillips Fox Lawyers who has suggested amendments to clarify and enhance the operation of the Guidelines. The suggested amendments are incorporated in the Guidelines attached to this report. Corresponding amendments should be considered for Council's Code of Conduct in due course, to maximise consistency between the two documents.

CONSULTATION

The General Manager has reviewed the Guidelines and discussed their content with the Internal Ombudsman. The General Manager is satisfied with the content of the Guidelines and the amendments made further to the advice received from DLA Phillips Fox Lawyers.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The establishment of Guidelines for the Internal Ombudsman will ensure that any person dealing with the Office of the Internal Ombudsman is aware of the role and functions to be carried out by that Office.

Item 1

S02850
3 December 2007

RECOMMENDATION

That Council endorse Guidelines for the Office of the Internal Ombudsman.

John McKee
General Manager

Attachments:

1. Ku-ring-gai Council Internal Ombudsman Guidelines - 693213
2. Letter from DLA Phillips Fox dated 2 August 2007 - Confidential

KU-RING-GAI COUNCIL INTERNAL OMBUDSMAN GUIDELINES

GENERAL STATEMENTS OF PRINCIPLE

- These Guidelines have been adopted by resolution of the Ku-ring-gai Council as part of Council's policy making function to assist in the good governance of the Council and to further compliance by Council with the Council's charter as contained in section 8 of the *Local Government Act 1993* (the Act).
- All Councillors and employees of the Council are to cooperate fully with the Internal Ombudsman in any investigation to be carried out pursuant to these Guidelines. In particular all Councillors and employees must comply with any lawful direction given by the Internal Ombudsman in connection with any investigation undertaken or any recommendation made by the Internal Ombudsman pursuant to these Guidelines.
- Any power to be exercised and any function to be performed by the Internal Ombudsman pursuant to these Guidelines shall be exercised and performed subject to the rules of procedural fairness.
- These Guidelines, despite anything to the contrary contained herein, do not affect any right in law of any person to seek redress from any court or tribunal of competent jurisdiction in respect of any investigation undertaken or recommendation made by the Internal Ombudsman.
- In the event of any inconsistency between any function to be exercised or obligation to be performed under these Guidelines, and any function to be exercised and any obligation to be performed under the Council's Code of Conduct, the provisions of the Code of Conduct shall prevail to the extent of any such inconsistency.

1 DEFINITIONS

In these Guidelines, except in so far as the context or subject matter otherwise indicates or requires –

Conduct Committee means the Conduct Committee established by Ku-ring-gai Council in accordance with the Council's Code of Conduct and Conduct Committee Guidelines.

Confidentiality means the characteristic of data and information being disclosed only to authorised people, entities and processes in an authorised manner. This term has been defined by the International Standards Organisation (ISO) as '*ensuring that information is accessible only to those authorised to have access*'.

Contrary to law includes decisions or actions against the law, where the decision-maker had no power to make the decision or take certain action; breaches of procedural fairness, unauthorised releases of confidential information.

Council means the Ku-ring-gai Council.

Councillor/s means the Councillor/s of Ku-ring-gai Council.

Expert means any person appropriately qualified in a particular area and available to provide advice to the Internal Ombudsman as required.

General Manager means the General Manager of Ku-ring-gai Council.

Internal Ombudsman means the Office of the Internal Ombudsman and includes any personnel conducting activities associated with, or on behalf of, the Internal Ombudsman.

Maladministration has the meaning as defined in the *Protected Disclosures Act 1994* and conduct of a kind that amounts to maladministration if it involves an action or inaction of a serious nature that is:

- a contrary to law, or
- b unreasonable, unjust, oppressive or improperly discriminatory, or
- c based wholly or partly on improper motives.

Mayor means the Mayor of Ku-ring-gai Council.

Oppressive means unconscionable decisions or actions, or an abuse of power, intimidation or harassment.

Procedural Fairness requires the maintenance of fair procedures in the decision making process; the decision maker must not have the appearance of bias and must not have an interest in the outcome of the decision; the decision maker must give to a person who's interest may be affected by the decision the opportunity to present his or her case; and the decision must be based on logical probative evidence.

Unjust means decisions or actions not justified by any evidence or that are unreasonable, unfair or inequitable.

Unreasonableness means decisions or actions so unreasonable that no reasonable person exercising the same function of the decision maker would so decide or act. This term council include arbitrary, unfair or inequitable decisions or actions; the application of a policy inflexibly without regard to the merits of the individual case; serious delays in making a decision or taking action.

2 APPOINTMENT OF INTERNAL OMBUDSMAN

2.1 Appointment of Internal Ombudsman

Council shall establish the position of Internal Ombudsman and appoint a suitably qualified person to perform the duties required of the position.

2.2 Reporting

The Internal Ombudsman shall report directly to the General Manager relating to a matter of administration within the Council or conduct of Council staff. It is the General Manager's responsibility to address the recommendations made by the Internal Ombudsman and ensure their implementation within the Council.

Where the Internal Ombudsman has investigated a complaint on behalf of the Conduct Committee, the Internal Ombudsman shall report directly to the Conduct Committee. The Conduct Committee shall deal with any

findings in accordance with Council's Code of Conduct and Conduct Committee Guidelines.

3 ORGANISATION OF THE OFFICE

3.1 Organisation of the Office

The Internal Ombudsman can only appoint staff under delegation from the General Manager.

3.2 Confidentiality

The Internal Ombudsman and every person carrying out duties in connection with investigations conducted by the Internal Ombudsman and any person who becomes aware of an investigation being carried out by the Office of the Internal Ombudsman, shall ensure that confidentiality is maintained unless it is unreasonable or impossible to do so.

3.3 Independence

The Internal Ombudsman shall perform the duties of the Office with complete independence and impartiality, subject to these Guidelines and compliance with the rules of procedural fairness.

3.4 Process

The Internal Ombudsman shall develop and document processes associated with the investigation and reporting of all matters.

4 JURISDICTION

4.1 Jurisdiction

The Internal Ombudsman may, on receiving a complaint, or on the Internal Ombudsman's own initiative, investigate –

- a a decision or recommendation,
- b an act done or omitted, or
- c a procedure,

relating to a matter of administration or conduct of Council staff, whereby a person is, or may be aggrieved.

Those council staff investigated shall be bound by the Internal Ombudsman's recommendations, once the General Manager has addressed them. The complainant cannot be bound. Where the Internal Ombudsman has carried out an investigation on behalf of the Conduct Committee into the conduct of a Councillor or the General Manager, any findings made by the Internal Ombudsman shall be referred to the Conduct Committee.

While it may be usual practice that a complainant should at first exhaust the internal complaint procedures in place within Ku-ring-gai Council, the Internal Ombudsman shall have the right to waive this requirement on a case by case basis. The Internal Ombudsman shall have the right to investigate any complaint or initiate any investigation without the need for any prior consent of any person or body against whom the complaint is made.

4.2 Limit on jurisdiction

Nothing in this part authorises the Internal Ombudsman to investigate a decision or recommendation, an act done or omitted, or a procedure used by Council, a committee of Council or a community committee, or a matter where an adequate remedy or right of appeal exists, whether or not the complainant uses it. Notwithstanding, matters of maladministration or misconduct that have not, or are not likely to be addressed through the remedy or right of appeal may be investigated by the Internal Ombudsman.

4.3 Questions as to jurisdiction

Where a question arises as to the jurisdiction of the Internal Ombudsman to investigate a matter, the Internal Ombudsman may discuss the matter with the General Manager and/or any expert as required, to determine the question.

5 RIGHT TO COMPLAIN

5.1 Right to complain

Subject to this paragraph 5.1 and paragraph 7.1 any person may complain to the Internal Ombudsman about the conduct of Council staff. Where the Internal Ombudsman receives a complaint about the conduct of a Councillor or the General Manager, the Internal Ombudsman shall report the matter to the General Manager or the Mayor, respectively, who will deal with the matter in accordance with Council's Code of Conduct and Conduct Committee Guidelines.

5.2 Complaint in writing

A complaint made under paragraph 5.1 must be in writing. The Internal Ombudsman may accept a complaint that is not in writing if the Internal Ombudsman considers it appropriate to do so. In any such instance, the Internal Ombudsman shall commit the complaint to writing as soon as practicable.

6 CONCILIATION

6.1 Dealing with complaint by conciliation

The Internal Ombudsman may at any time attempt to deal with a complaint by conciliation. The Internal Ombudsman shall determine the appropriateness of conciliation at any time.

6.2 Procedure for conciliation

The Internal Ombudsman shall be the conciliator in any conciliation. However, the Internal Ombudsman may with the agreement of the parties arrange for a mediator to assist with the conciliation.

6.3 Conciliation is unsuccessful

Where an attempt to deal with a complaint by conciliation is unsuccessful, the Internal Ombudsman may proceed to investigate the matter further or may recommend that the complaint be referred to another authority for investigation.

7 REFUSAL TO INVESTIGATE

7.1 Refusal to investigate, conciliate or continue investigation

The Internal Ombudsman will refuse to investigate, deal with the complaint by conciliation or cease to investigate a matter where –

- a The complaint relates to a decision of the elected Council,
- b The complaint relates to actions or conduct of the Mayor, Councillors or the General Manager, other than a complaint referred to the Internal Ombudsman by the Conduct Committee,
- c The complaint relates to decisions of a standing committee or a sub-committee of Council,
- d The complaint relates to matters under investigation by the –
 - i NSW Department of Local Government,
 - ii Independent Commission Against Corruption,
 - iii NSW Ombudsman,
 - iv A Minister or Government Department, or
 - v NSW Police.
- e The complaint relates to a matter awaiting determination by the elected Council (except that conduct of staff in dealing with the matter prior to the determination by the Council shall not be excluded from the jurisdiction of the Internal Ombudsman),

The Internal Ombudsman may refuse to investigate, deal with the complaint by conciliation or cease to investigate a matter where –

- f An adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal,
- g The complaint is in the opinion of the Internal Ombudsman frivolous, vexatious or not made in good faith, or concerns a trivial matter,
- h The complaint relates to a decision, recommendation, act or omission which is more than one year old,

- i The complaint pertains to conduct relating to a matter before a court, coroner or tribunal,
- j The complaint relates to the appointment or dismissal of an employee or any industrial or disciplinary issue, including complaints involving the grievance and dispute procedures under clause 30 of the *Local Government (State) Award 2004*,
- k A complaint relates to the actions or conduct of private individuals, unless such persons were council staff or Councillors at the time such conduct was alleged to have occurred.
- l Senior Council staff have not had adequate opportunity to address the complaint. Where this provision is in conflict with paragraph 4.1, this paragraph 7.1 shall prevail.
- m Resources are not available or the matter is of a low priority,
- n There is insufficient information available,
- o The complainant declines or refuses to provide further information and/or there are threats made against the Internal Ombudsman or Council.

7.2 Report of decision not to investigate

Where the Internal Ombudsman decides not to investigate or to cease to investigate a complaint, the Internal Ombudsman shall, in writing, inform the complainant and any other interested person of the decision and shall state the reason for the decision.

8 ACCESS TO INFORMATION

8.1 Access to information

The Internal Ombudsman may receive and obtain information, documentation and other materials from any person and in a manner that the Internal Ombudsman considers appropriate.

8.2 Further access

Without restricting the generality of paragraph 8.1, the Internal Ombudsman may –

- a At a reasonable time enter, remain on and inspect premises occupied by Council, conduct private discussions with any person on the premises and otherwise investigate matters within the jurisdiction of the Internal Ombudsman,
- b Require a person to provide information or produce a document or thing in the person's possession or control that relates to an investigation, at a time and place specified by the Internal Ombudsman,
- c Make copies of a document produced under this section.

8.3 Investigations to be private

An investigation by the Internal Ombudsman shall be conducted in private.

8.4 Meetings and right to be heard

The Internal Ombudsman may hold meetings, obtain information from any person and make such inquiries as the Internal Ombudsman considers necessary.

8.5 Adverse findings

Councillors and staff have a right to remain silent during investigations being conducted by the Internal Ombudsman. Where a person being interviewed chooses to remain silent, the Internal Ombudsman must inform the person that the Internal Ombudsman may be entitled to draw adverse inferences from this silence. Notwithstanding, staff are expected to assist with investigations and if given a lawful and reasonable direction to answer a question, they should do so.

9 REPORT ON INVESTIGATION

9.1 Report on investigation

Where, after completing an investigation, the Internal Ombudsman is of the opinion that a decision, recommendation, act, omission or procedure of an employee or employees of Council –

- a Is contrary to law,
- b Is unjust, oppressive or improperly discriminatory,
- c Is based on a rule of law or practice that is unjust, oppressive or improperly discriminatory,
- d Is based in whole or in part on a mistake of law or fact or on an irrelevant ground or consideration,
- e Is related to the application of arbitrary, unreasonable or unfair procedure,
- f Was made without providing adequate reasons,
- g Involves maladministration or misconduct of any kind, or
- h Is clearly at odds with the intention of a Council resolution, policy or procedure,

the Internal Ombudsman shall provide a confidential written report of the opinion, with reasons, to the General Manager.

9.2 Nature of recommendations

In making a report under paragraph 9.1, the Internal Ombudsman may recommend that –

- a A matter be referred to the General Manager for further consideration,
- b An omission or delay be rectified,

- c A decision or recommendation by an employee or employees of Council may be revoked or varied, where permitted by law,
- d Reasons be given by an employee or employees of Council for a decision,
- e A practice or procedure be altered,
- f Council pay compensation to a complainant,
- g Council provide a particular service,
- h Council amend, or not impose a charge or condition in relation to a particular service, application or consent,
- i Council supply a good or service or undertake any necessary corrective or other work to resolve a complaint,
- j Council make an appropriate correction, deletion or addition to a record, or
- k Such other steps be taken as the Internal Ombudsman considers proper and reasonable, in the circumstances.

9.3 Notice of proposed steps

Where a recommendation is made under paragraph 9.2, the Internal Ombudsman may request the General Manager to notify the Internal Ombudsman within a specified time of steps taken, or that are proposed, to give effect to the recommendations.

9.4 Report to complainant

Where an investigation is made of a complaint, the Internal Ombudsman shall report the result of the investigation to the complainant, in such manner and at such time as the Internal Ombudsman considers proper.

9.5 Opportunity to make representation

Where it appears to the Internal Ombudsman that there may be sufficient grounds for making a report under paragraph 9.1 that may adversely affect the Council or the reputation of a person, the Internal

Ombudsman may request that representations be made by the General Manager or any other person before the report is completed. The request for this representation is at the discretion of the Internal Ombudsman.

9.6 Reporting process

Before the Internal Ombudsman makes a report that may damage the reputation of any person, the following steps shall be undertaken:

- i The draft or proposed report be provided to the person or persons who are the subject of the Internal Ombudsman's report,
- ii The person or persons shall be invited to confirm the accuracy of relevant facts or matters, or to indicate where, and in what respects, they regard any material as erroneous,
- iii The person or persons shall be given the opportunity to provide a written response to the Internal Ombudsman's report and that response shall be included with the report.
- iv The Internal Ombudsman must take into account any written submission made in response to the draft report.

10 REVIEW OF INTERNAL OMBUDSMAN'S DECISION

10.1 Review of Internal Ombudsman's decision

Matters investigated and reported by the Internal Ombudsman may only be reviewed by a body external to Ku-ring-gai Council.

10.2 No proceedings against Internal Ombudsman

No proceedings lie against the Internal Ombudsman or against an employee of the Internal Ombudsman for anything done in the course of the exercise or performance, or intended exercise or performance, of functions and duties under these guidelines, if done in accordance with section 731 of the *Local Government Act 1993*.

10.3 The Internal Ombudsman may issue media statements and make public comment on any matters relating to the Office of the Internal Ombudsman. As required, the Media Relations Manager is responsible

for providing media support. All media inquiries regarding the Office of the Internal Ombudsman are to be referred to the Internal Ombudsman for comment.

11 BREACH & PENALTY

Any person who wilfully and without justification –

- a obstructs, hinders or resists the Internal Ombudsman or any other person in the performance of the functions and duties of the Internal Ombudsman under these guidelines,
- b fails to comply with a request of the Internal Ombudsman, or
- c makes a false statement to, or misleads or attempts to mislead the Internal Ombudsman or any other person in the exercise of performance of the functions and duties of the Internal Ombudsman under these guidelines,

will be guilty of a breach of these guidelines and may be liable to disciplinary action.

Any such breach by a Councillor or the General Manager, may be reported to the General Manager or the Mayor, respectively, who will deal with the matter in accordance with the Council's Code of Conduct and the Conduct Committee Guidelines.

12 IMPLEMENTATION

The implementation of this policy is the responsibility of the Internal Ombudsman.

13 REVIEW OF GUIDELINES

The Internal Ombudsman shall review these Guidelines every two years to ensure currency.

LOCAL GOVERNMENT MANAGERS ASSOCIATION 2008 NATIONAL CONGRESS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

BACKGROUND:

The National Congress will be held on the Gold Coast in Queensland from 25 May to 28 May 2008.

COMMENTS:

A Program for the Congress is **attached** to the report.

RECOMMENDATION:

That Council determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

Item 2

S04567
11 December 2007

PURPOSE OF REPORT

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

BACKGROUND

The National Congress will be held at the Gold Coast Convention Centre, Broadbeach, Queensland from 25 to 28 May 2008.

The Congress theme of 'The World is Local: Local Government ... No Boundaries' focussing on the topics of Sustainable Environment, Community Well-Being and Executive Development.

COMMENTS

A Program for the Congress is **attached**.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The cost of attending the Congress is \$1,485 for LGMA members and \$1,600 for non-members. Accommodation and travel expenses are additional.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council determine if it wishes to send delegates to the Local Government Managers Association 2008 National Congress.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments: Congress Program - 865218



NATIONAL CONGRESS

& BUSINESS EXPO

THE WORLD IS LOCAL

LOCAL GOVERNMENT ... NO BOUNDARIES

KEYNOTE SPEAKERS



Tim Costello



Dr Tim Flannery



Marcus Akuhata-Brown

GOLD COAST 08

25TH-28TH MAY 2008

GOLD COAST CONVENTION AND EXHIBITION CENTRE

PROGRAM AND REGISTRATION FORM

PRESENTED BY:



LOCAL
GOVERNMENT
MANAGERS
AUSTRALIA

IN ASSOCIATION
WITH PRINCIPAL
PARTNER:



President's foreword

"The World is Local : Local Government ... No Boundaries" is the theme for the Gold Coast 2008 National Congress. The Congress theme has a strong international flavour.

LGMA has always had strong links with its international affiliates in the United Kingdom, United States, New Zealand, South Africa and more recently Canada. Over the last couple of years the LGMA Board formally decided to increase its international activity in the Asia Pacific. To this end, the Gold Coast 2008 National Congress will host presenters from the United States, England, Scotland, Korea and New Zealand.

Delegates will receive the benefit of international and local experience and best practice in dealing with some of the challenges and issues confronting local government - Sustainable Environment, Community Wellbeing and Executive Development.

These are very good reasons for your officers and elected officials to be part of Australia's leading forum for local government professionals. The associated activities provide added value to a program that will ensure your Congress experience will be unique to you and of benefit to your community.



Steve McGrath FLGMA

LGMA National President & General Manager, Singleton Council, NSW

2008 LGMA National Congress & Business Expo

PRESENTED BY



PRINCIPAL PARTNER



LEADING SPONSOR



MAJOR SPONSORS



SUPPORT SPONSOR



nabgovernment business



SUSTAINABLE ENVIRONMENT

Local Government is ideally placed to influence, advocate and lead communities in taking action through sustainable practices to create and improve the world environment.

Local Government leads the way in developing local initiatives that contribute towards global solutions.

This Congress will present the many local initiatives that contribute to making this world a better place for the next generation:

- Climate change, zero footprint and carbon trading
- Sustainable infrastructure development and service delivery
- Local and international economic development and capacity building



COMMUNITY WELLBEING

Local Government takes on the role of community service provider – no matter where the community, no matter what the service.

Local Government is responsible for delivering local leadership through community engagement and development.

This Congress will present case studies that explore the great steps that Local Government has taken to improving community wellbeing:

- Community development and engagement and local leadership
- Quality of life – healthy and active
- Available and accessible services



EXECUTIVE DEVELOPMENT

Local Government provides a range of personal and professional development programs and employer of choice programs to attract and retain highly sought after professionals.

To respond adequately to day to day challenges Local Government professionals need to continue to "sharpen their saw".

This Congress will present case studies that will explore the many Local Government initiatives to attract and retain professionals:

- Personal and professional development and performance management
- Work/life balance and employer of choice programs
- Defining role and purpose and differentiating Local Government as a career

2008 Program at a glance

All congress sessions will be held at the Gold Coast Convention and Exhibition Centre. Partners are welcome to attend the plenary sessions.

SUNDAY 25TH MAY

2.00pm **Congress Registration** (Convention Centre Foyer)
 5.00pm **LGMA Annual General Meeting** (Central Room C)
 6.00pm **Welcome Reception** (Exhibition Hall 1)
 8.00pm **Evening Free**

MONDAY 26TH MAY

7.00am **ICLEI Oceania Recognition Breakfast** – see **Congressplus** Supplementary Program for details
Congress Registration (Convention Centre Foyer)
 8.00am **Morning Coffee/Tea** (Exhibition Hall 1)
 8.30am **Delegates Program** – *Plenary and Concurrent Sessions*
 9.00am - 5.30pm ***Partner's Tour to Mt. Tamborine** – see **Congressplus** Partner's Program for details
 10.00am - 3.00pm **Pre Dinner Drinks and Congress Dinner** (Arena 2) – see **Congressplus** Social Program for details
 6.45pm

TUESDAY 27TH MAY

7.15am ***ICMA Members Breakfast Meeting** (Conrad Jupiters Hotel) – see **Congressplus** Supplementary Program for details
Congress Registration (Convention Centre Foyer)
 8.00am **Morning Coffee/Tea** (Exhibition Hall 1)
 8.30am **Delegates Program** – *Plenary and Concurrent Sessions*
 9.00am - 5.00pm ***Partner's Tour** – *Canal Cruise and High Tea at Versace* – see **Congressplus** Partner's Program for details
 10.00am - 4.00pm ***Social Event** – *Oceans of Fun – Dinner & Dolphins at Sea World* – see **Congressplus** Social Program for details
 7.00pm

WEDNESDAY 28TH MAY

7.00am ***Women in Local Government Networking Breakfast** (Meeting Room 5) – see **Congressplus** Supplementary Program for details
Congress Registration (Convention Centre Foyer)
 8.00am **Morning Coffee/Tea** (Exhibition Hall 1)
 8.30am **Delegates Program** – *Plenary and Concurrent Sessions*
 9.00am - 2.00pm ***Workshop Sessions**
 2.30pm - 5.00pm
 1. *Local Government Reform – 'Two to Tango'* (Meeting Room 5)
 2. *Keeping the Passion Alive* (Meeting Room 6)
 - see **Congressplus** Supplementary Program for details

THURSDAY 29TH MAY

9.00am – 4.30pm ***Gold Coast Study Tour** – see **Congressplus** Supplementary Program for details

* These events are optional and require separate registration and the payment of an additional fee.

Congressplus

Lowcost/no cost options that add extraordinary value to your Congress participation. See page 8 to 11 for full details.

BUSINESS EXPO

The LGMA Business Expo makes good sense. It brings together representatives from Australia's leading suppliers of goods and services to local government. Demonstrations, product information, pressure free advice – all in one location will inform your major procurement decisions or even expose solutions and options you weren't aware of.

THE WEDNESDAY WORKSHOPS

Attend a choice of Wednesday afternoon workshops. These sessions provide practical ideas and lessons.

STUDY TOUR

A one day study tour following the Congress will provide the opportunity to see more of what the Gold Coast has to offer together with an insight into the challenges of fostering sustainable growth.

INTERNATIONAL LEADING PRACTICES SYMPOSIUM

Extend your stay and attend the Leading Practices Symposium to be held at the Crowne Plaza Surfers Paradise Hotel on the Thursday and Friday following the Congress. Information on this event will be distributed to local authorities during December and find out more on the LGMA website at www.lgma.org.au.

ENTERTAINMENT/RELAXATION

When the work is done you can join in the social events. The Congress Dinner is renowned as an extraordinary dining and entertainment experience and you can also register to attend the unique experience of dining with the dolphins at Sea World.

PARTNER'S TOURS

On offer are interesting diversions for delegates partners. Options include a visit to the Gold Coast Hinterland and another being a cruise of the Gold Coast waterways viewing the homes of the rich and famous ending with High Tea at Palazzo Versace.

BREAKFAST MEETINGS

Start the day at the ICLEI Oceania Recognition Breakfast, the ICMA Members Breakfast or the Women in Local Government Networking Breakfast.

Your easy concurrent session guide

	SUSTAINABLE ENVIRONMENT (SE)	COMMUNITY WELLBEING (CW)	EXECUTIVE DEVELOPMENT (ED)
	Keynote Address		
	Morning Tea		
1			
2			
	Lunch		
3			
4			
	Afternoon Tea		
	Panel Session		
	<i>Session numbers and starting time appear in this column</i>	<i>These are concurrent sessions. Delegates choose one for each time slot.</i>	<i>These are Focus Sessions for all delegates</i>
			<i>Each session has a unique number: this is session ED1</i>

SIMPLE POINTS TO REMEMBER ...

- > You can attend all Focus Sessions;
- > You can choose any one of three concurrent sessions, for each time slot;
- > Nominate your choices on your registration form;
- > You DON'T have to stick with one stream throughout the Congress;
- > By reading the program notes you will readily see that there are many choices for officers at all levels and elected representatives;
- > Some **Congressplus** events require an extra fee and should be paid at the time of registration.

Note: The International Leading Practices Symposium is to be held at the Crowne Plaza Surfers Paradise on 29th and 30th May 2008. A separate registration brochure will be distributed by LGMA but you may wish to note this event when booking accommodation – see **Congressplus** Supplementary Program for details.

Please register before 19th April 2008 to ensure bookings as some events have restricted capacity. Registration fees for optional events are non-refundable although substitutes may be provided.

SUNDAY 25TH MAY

2:00pm	Congress Registration (Gold Coast Convention and Exhibition Centre - Foyer)
5:00pm	LGMA Annual General Meeting (Central Room C)
6:00pm	Welcome Reception (Exhibition Hall 1)
8:00pm	Evening Free

MONDAY 26TH MAY

7:00am	ICLEI Oceania Recognition and Briefing Breakfast – Register directly with ICLEI	
9:00am	Welcome and Opening Sessions – National Anthem, Indigenous Welcome, Opening and update on LGMA National Issues	
10:00am	<p>Keynote Address – Sustainable Environment <i>Dr. Tim Flannery, Scientist and Environmentalist</i></p> <p>As 2007 Australian of the Year for his outstanding contribution to research on climate change and the environment Tim Flannery has made his mark achieving international acclaim from both peers and professionals. Tim believes that human activity is drastically altering the earth's climate, and that before too long these changes will have a devastating effect on life on this planet. He wants to mobilize the social and political will to address this problem before it's too late.</p> <p>Tim is the former director of the South Australian Museum, and is currently a professor at Sydney's Macquarie University. In 2002, he became the first environmentalist to deliver The Australia Day address to the nation and in 2005 he was honoured as Australian Humanist of the Year.</p>	
11:00am	Morning Tea – Exhibition Hall 1	
11:30am	Keynote Address – An international presenter on the conference theme of “the World is Local : Local Government ... no boundaries” is being arranged.	
12:30pm	Lunch – Exhibition Hall 1	

	SUSTAINABLE ENVIRONMENT (SE)	COMMUNITY WELLBEING (CW)	EXECUTIVE DEVELOPMENT (ED)
1:30pm Session 1	<p>Establishing the Sustainable City: Lessons to Learn from Waitakere <i>Dr. Graeme Campbell, Director Strategic Planning, Waitakere City Council, NZ</i></p> <p>For five three-year terms since the Rio Earth Summit, Waitakere City Council has pursued a policy of establishing a sustainable eco-city on the western edge of metropolitan Auckland. This presentation reports on ten development themes of the establishment phase.</p> <p>Early issues included the attracting essential service activities including hospital and tertiary education institutions to the city centre, and improvements to a run-down rail system and regional roading network. After 15 years, work is sufficiently advanced on transport infrastructure to plan with confidence for residential and employment intensification around three town centres and two corridors.</p> <p>A central platform in establishing a sustainable city has been a commitment to on-going strategic planning, dedication to a long term vision for this city, and the process of change which has been goal driven and delivered with passion.</p>	<p>Empowering people using measures of community well being and sustainability <i>Dale Quinlivan, A/Director Services Unit, City of Perth, WA</i></p> <p>Local governments have produced annual reports for many years. The information on performance is mainly financial with varying use of effectiveness and efficiency performance indicators. More recently some local governments are addressing sustainability using the triple bottom line dimensions of economic, social and environment in their annual reports, but there has been little attention paid to who is using the information, what they want, why they want it and how they wish to access it.</p> <p>This presentation will provide evidence from research supporting a new approach to governance in which communities are empowered to be part of the decisions making process, and provides an insight into how community indicators of well being can be used to assist this.</p>	<p>Engaging with our most precious resource <i>Alan Campbell, Chief Executive, Aberdeenshire Council, UK</i></p> <p>There's a lot of talk these days about engaging with others and working in partnerships in our modern local authorities, but what about engaging with our employees when it comes to moving forward all the many challenges we face? And, for that matter, the partnership between managers and those on the frontline.</p> <p>If your workforce can't see the need or feel motivated to make a difference then change will happen very slowly and often painfully.</p> <p>Aberdeenshire Council has found a way of transforming the public services delivered, while at the same time growing a culture where employees care and take ownership for change and improvement and managers understand and practice empowerment.</p> <p>This presentation will also explain the vital role a chief executive has to play in introducing and supporting a culture like this and what he or she ultimately has to gain from it.</p>

MONDAY 26TH MAY

	SUSTAINABLE ENVIRONMENT (SE)	COMMUNITY WELLBEING (CW)	EXECUTIVE DEVELOPMENT (ED)
2:30pm Session 2	<p>CitySmart – Making Brisbane Australia’s most sustainable city <i>Nick Clarke, Manager Natural Environment and John Tunney, CitySmart Project Director, Brisbane City Council, QLD</i></p> <p>CitySmart is a community engagement program that builds on Brisbane’s proven commitment to conserving water and engages residents and businesses in practical environmental actions that will see Brisbane emerge as Australia’s most sustainable city.</p> <p>Citysmart comprises 17 projects supporting an umbrella campaign to encourage residents to adopt more sustainable behaviours in response to climate change, including reducing energy and water use, minimising waste, choosing active travel, reducing pollution and contributing to Brisbane’s biodiversity.</p> <p>CitySmart is about changing behaviours not lifestyles. More importantly, CitySmart is about real people, using real solutions to achieve real outcomes.</p>	<p>Sustaining Community Wellbeing Through Civic Engagement <i>John Neish, General Manager, Parramatta City Council, NSW</i></p> <p>The 2007 Global Forum on Reinventing Government identified that over the last 25 years, levels of trust in government continue to diminish. Citizens have higher than ever expectations of their governments.</p> <p>Community wellbeing is strongest when communities feel a sense of connectivity to their place and a sense of trust in their governments. Trust is enhanced when government is open, transparent, efficient and accountable for its decisions.</p> <p>Local government prides itself as being the closest level of government to its constituents yet many councils are still trying to unravel the complexity of placing citizen engagement at the heart of its planning, prioritising, decision making and performance reporting.</p> <p>This presenter examines how Parramatta City Council aligns its civic engagement approaches to its:-</p> <ul style="list-style-type: none"> > Sustainable strategy for community well being > Transparent reporting on its performance > Prioritisation of its expenditure > Aspirations for continuous improvement > Corporate change management planning 	<p>Newfutures in Employer Branding <i>Graeme Finlayson, Director Organisational Services, Gold Coast City Council, QLD</i></p> <p>The war for talent is biting and senior executives in both the public and private sectors are facing increasing challenges in attracting and retaining the best people. These challenges are also facing one of Australia’s largest and fastest growing local governments, the Gold Coast City Council, as it rolls out an extensive infrastructure programme and delivers services to meet the needs of its 500,000 plus population and 10 million plus visitors each year. Employer branding is one of several HRM responses the Council has developed to the skills shortage organisations across Australia are now facing. This presentation will highlight the innovative techniques the Gold Coast City Council has used to build its employer brand in order to successfully recruit new talent in today’s marketplace and to improve engagement levels with existing staff.</p>
3:30pm	Afternoon Tea – Exhibition Hall 1		
4:00pm	<p>Panel Session – Local Government Reform <i>Facilitated by Professor John Martin, Director, Centre for Sustainable Regional Communities, La Trobe University, Vic</i></p> <p>This panel session is designed to explore and challenge the facts and myths that drive the local government reform process. The panellists will address important aspects relating to recent reforms across Australia. This will include the balance between efficient service delivery and local representation in decision making. The panel will comprise a selection of practitioners and policy makers who have been closely involved in the reform process over a number of years. They will explore the representation and efficient service delivery tensions inherent in creating sustainable local government organisations.</p>		
6:45pm	<p>Pre-Dinner Drinks and Congress Dinner (Arena 2)</p> <p>This highlight of the social program presents fine dining with entertainment by world class comedian Scott Williams followed by dancing to the Boogie Knights Band. (Attendance by delegates at the Congress Dinner is included in the congress registration fee – see Congressplus Social Program – page 10)</p>		

TUESDAY 27TH MAY

7:15am	ICMA Members Breakfast (Conrad Jupiters Hotel, Southport 1 Room) (Registered delegates – see Congressplus Supplementary Program – page 8)		
9:00am Session 3	<p>Sustaining our City Initiative - Randwick City Council <i>Peter Maganov, Manager Sustainability, Randwick City Council, NSW</i></p> <p>Randwick Council’s Sustaining our City initiative is transforming the environmental improvements and sustainability initiatives of council and its community through initiatives that include:</p> <ul style="list-style-type: none"> > Accountability and integration with council’s recently adopted 20-year City Plan > Water savings of 60 – 80 million litres per annum from major water saving projects; > Randwick’s Home Energy Makeover, a major residential energy conservation program; > Development of the NSW Local Government Emissions Trading Scheme; > Commencement of the City / Country Sustainability Schools Exchange; > Commencement of the 3-year, 3-Council, \$2 million, Ecological Footprint project to reduce resource consumption across Sydney’s Eastern Suburbs. 	<p>Showcasing Leading Practice</p> <p>This session will be selected from the Local Government National Awards Program and presented to demonstrate a Community Wellbeing initiative that has led to real outcomes.</p>	<p>Recruiting Young Blood and Retaining Wise Heads <i>Jude Munro, Chief Executive Officer, Brisbane City Council, QLD</i></p> <p>This presentation will outline the programs that Brisbane City Council delivers to ensure that they attract and retain the best staff. These include a focus on recruiting “young blood,” retaining “wise heads,” ensuring flexible work options and a focus on learning and development for all staff.</p>

TUESDAY 27TH MAY

	SUSTAINABLE ENVIRONMENT (SE)	COMMUNITY WELLBEING (CW)	EXECUTIVE DEVELOPMENT (ED)
10:00am Session 4	<p>Environmental Leadership <i>David Pitchford, Chief Executive Officer, Melbourne City Council, VIC</i></p> <p>The City of Melbourne has taken a leadership position in environmental sustainability. With its Council House Project Melbourne has taken significant steps to set an example for the development sector. Council House 2 (CH2) is a visionary new building with the potential to change forever the way Australia – indeed the world – approaches ecologically sustainable design. The Green Building Council of Australia has awarded CH2 six Green Stars, which represents world leadership in office building design. The CH2 project is the first in Australia to achieve the six Green Star certified rating. This achievement is also significant as the design for the project started prior to the launch of the Green Star Rating System and Green Star – Office Design. This along with Melbourne’s other environmental initiatives will be explored during this session.</p>	<p>Living Library Conversations: the world is the local <i>Shauna McIntyre, Community Development Officer, Lismore City Council, NSW</i></p> <p>As globalisation intensifies and communities become increasingly diverse, local government requires strategies to engage the whole community in strengthening community wellbeing. The “Living Library” concept provides such a strategy.</p> <p>A Living Library operates just like a normal library except that the “books” are people from diverse backgrounds who have usually experienced some form of prejudice and negative stereotyping in their daily lives. These “living books” represent groups from diverse cultural, religious, and ethnic backgrounds and lifestyles.</p> <p>This presentation outlines the concept and purpose of a Living Library drawing on the experience gained from Lismore’s Living Library, the first to be launched in Australia. Evidence from the evaluation demonstrates that the Living Library is effective in bringing people from diverse backgrounds together, fostering understanding, increasing people’s sense of belonging and building social cohesion locally.</p>	<p>Local Government – You Can Make a Difference <i>James Trail, Chief Executive Officer, Shire of Augusta-Margaret River, WA</i></p> <p>The change process the Shire has adopted involves an approach which focuses on cultural change with shared leadership as the underlying concept.</p> <p>This organisational development process is called “Growth Development Leaders Program” (GDL). The focus of this program is to achieve lasting change through transforming the organisation’s culture. It is an approach used successfully in Australia in both private and government organisations.</p> <p>Three major projects developed during the GDL, Communication Strategy, Customer Service Strategy and System and Performance Management System, have now been rolled out through the organisation with others to follow.</p> <p>In order to provide a supportive environment in which staff are valued and developed, the Shire also offers flexible hours of employment, a family-friendly working environment and a flexible salary packaging program.</p> <p>Without flexible work practices and programs like the GDL and salary packaging, the Shire will find it difficult to become an Employer of Choice especially in times of growth and cultural change.</p>
11:00am	Morning Tea – Exhibition Hall 1		
11:30am	<p>Keynote Address – Community Wellbeing <i>Rev. Tim Costello, Chief Executive, World Vision</i></p> <p>Tim has a diverse background, and is well known within the public eye for his work on domestic issues such as gambling, urban poverty, homelessness, reconciliation and substance abuse. He studied law and education at Monash University, followed by theology at the International Baptist Seminary in Switzerland, and a Masters in Theology at the Melbourne College of Divinity. In 1993 he became Mayor of St Kilda, and in 1995 he became Minister at Collins Street Baptist Church and the Executive Director of Urban Seed, a Christian not-for-profit outreach service for the urban poor.</p> <p>Tim has also had a leading role with World Vision as their Chief Executive, using this position to better help people in times of need as was evident in 2004 when Tim raised more than \$100 million for the World Vision Asian Tsunami appeal.</p> <p>Tim was awarded an Officer of the Order of Australia (AO), for “service to the community” in 2005.</p>		
12:30pm	Lunch – Exhibition Hall 1		
1:30pm	<p>Panel Session – Building International Links <i>Facilitated by Associate Professor Graham Sansom, Director, UTS Centre for Local Government NSW</i></p> <p>This session will explore the rationale and practicalities of councils and local government managers expanding their international activities. Australian local government lags behind comparable countries such as Canada, the USA and UK in building international links, but there are signs of growing interest and awareness of the benefits that can flow.</p> <p>The panel member’s collective expertise covers the broad range of local government’s international activities. They will reflect on their personal experiences; on the benefits for themselves, their councils, their local areas and Australia; and on the issues to be considered in furthering international links.</p>		
3:00pm	Afternoon Tea – Exhibition Hall 1		
3:30pm	<p>Panel Session – Sustainable Environment <i>Facilitated by Wayne Wescott, Chief Executive, ICLEI Oceania</i></p> <p>Climate change has moved up the priority list for senior decision-makers globally. These decision-makers will need to understand the implications of carbon emissions trading schemes, the re-framing of asset management and urban planning required by adaptation to existing climate change, the practical small-scale activities that organisations can take to reduce their carbon impact and the large-scale policies that will be debated by governments, business and their communities.</p> <p>What is the future roadmap for senior local government managers? Which actions do they need to take right away and which need to be planned for in the medium and long-term? Where does our role stop and others - State and Federal governments, business, households - take over? Where do we go for credible sources of information on these issues?</p> <p>Wayne and a distinguished panel will examine some of these questions in an informal but thoughtful manner.</p>		

TUESDAY 27TH MAY

7:00pm	Social Evening – Oceans of Fun - Dinner and Dolphins at Sea World Departing from the Convention Centre at 7.00pm for Sea World. Guests will be entertained by the Dolphin Cove Show before dining on a delicious Sea World Buffet, and returning to hotels by 11.00pm. (Registered delegates – see Congressplus Social Program – page 10)
--------	--

WEDNESDAY 28TH MAY

7:00am	Women in Local Government Networking Breakfast - (Meeting Room 5) (Registered delegates – see Congressplus page 8)
--------	---

	SUSTAINABLE ENVIRONMENT (SE)	COMMUNITY WELLBEING (CW)	EXECUTIVE DEVELOPMENT (ED)
9:00am Session 5	Showcasing Leading Practice This session will be selected from the Local Government National Awards Program and presented to demonstrate a Sustainable Environment initiative that has led to real and sustainable outcomes.	New Local Government in the Northern Territory <i>Nick Scarvelis, Executive Director Local Government, DLGHS, NT</i> This presentation examines a number of the key policy drivers which combined to create the momentum for structural and cultural change in local government in the Northern Territory. New Local Government in the Territory has not simply been about amalgamation of councils. Until 2008 only five per cent of the Territory was under a local government jurisdiction. Sixty three councils operated in isolation, under duress and with little community building capacity. Now there are just four municipal councils and nine shire councils. Small and large settlements are connected and local government services are being planned and delivered in an integrated manner using a hub and spokes model. Regional Management Plans guarantee basic services to communities and make resource sharing across local governing bodies a feature of future planning. State of the art communications and business systems connect the most remote localities and local boards provide a forum for local action, community building and local engagement. Communities in the bush will be strengthened by a local government Indigenous employment and business development strategy and a web based governance resource.	Shape Your World The LGMA SA Division in association with LGASA will present a session on the development and implementation of a new employer of choice brand that will position Local Government as a major employer to attract key talent during this time of skill shortage. The Shape Your World brand will be used to lift the profile of Local Government as a sector amongst the current local government employees, prospective employees considering local government and those undertaking secondary and tertiary studies and considering their future employment options.
10:00am Session 6	Local sustainability – global impact <i>Penny Holloway, General Manager, North Sydney Council, NSW</i> Local government can have a significant impact on changing community attitudes towards sustainability. Through leading by example, as well as through policies and programs aimed at bringing about change in local communities, local councils can contribute significantly to tackling climate change. In this presentation, a case study of award-winning North Sydney Council will demonstrate the range of policies, programs and initiatives, which have created a sustainable inner-urban densely populated environment. The presentation will explore ways of introducing sustainability to all sectors of a complex community, in ways that can be replicated elsewhere, including: <ul style="list-style-type: none"> • Sustainable business • Sustainable public areas • Sustainable neighbourhoods • Sustainable transport 	Local Government Leadership and Engaging ‘Communities of Interest’ <i>Desley Renton, Social Policy Advisor, Local Government Association Queensland</i> Local Government is well positioned to lead creative responses to an array of increasingly complex issues. This leadership can result in building a strong credible organisation - and deliver outcomes that will enhance the quality of life for our communities, both now and into the future. What are some of the requirements of taking this approach? Where in Council does this work belong? How can these initiatives connect to other aspects of Local Government business to support good governance and strengthen democracy? Whether urban, regional, rural or remote, Local Government has a valuable contribution to make. This presentation will explore the above questions by taking a close look at some Queensland Local Government award winning engagement initiatives. We will consider the importance of engaging internal ‘community’ (getting our own house in order) and investigate what is involved in working with multiple and diverse external ‘communities of interest’.	Executive Development Recruitment and Retention <i>Jim Harland, Chief Executive, Dunedin City Council, NZ</i> The challenges facing local government in developing executive talent and retaining staff are a worldwide phenomena with most western countries facing this issue. In this address participants will be presented with New Zealand’s experience in addressing the recruitment and retention issue at a national level, the development of a local government brand, the steps in its implementation and finally what this means for executive development. A particular focus of the address will be the climate and culture created in working in local government whereby staff at all levels are sometimes criticised in the media by their board of directors when undertaking their work. The impact that this has on our ability to attract people into the sector and retain them in view of competition from other industries will also be commented on.
11:00am	Morning Tea – Exhibition Hall 1		

CongressProgram

WEDNESDAY 28TH MAY

11:30am	Keynote Address - A high profile presenter will be confirmed to present on the relevant issues of the day once the outcome of the 2007 Federal Election is known.
12:30pm	<p>Keynote Address – Community Wellbeing <i>Marcus Akuhata-Brown</i></p> <p>Marcus has a very diverse background. He is a qualified teacher and gifted communicator and has led a number of innovative alternative education programs addressing the learning needs of youth at risk and young offenders. Since 1996 Marcus has traveled the world as both a national and international representative and delegate. Marcus has been a Director on the international board of CIVICUS as well as head of the Commonwealth Youth Caucus, an organization dedicated to increasing young people's participation in social and economic development. More recently, in 2000 Marcus founded Tukaha Global Consultancy in New Zealand and currently divides his time between speaking and consultancy work, land development and personal studies.</p> 
1:30pm	Close – Conclusion of Congress and handover of LGMA National Presidency
2:00pm	Lunch – Convention Centre Foyer and Terrace
2:30pm	<p>Workshop 1 - "It Takes Two to Tango" : Getting the Political-Management Leadership Roles Right. (Meeting Room 5) <i>Facilitated by Simon Baddeley, Institute of Local Government Studies, School of Public Policy, University of Birmingham, UK</i></p> <p>Workshop 2 - Keeping the Passion Alive (Meeting Room 6) <i>Facilitated by Dr Frank Benest, City Manager, Palo Alto, California, USA</i> (Registered delegates - see this page for details)</p>

Congressplus

SUPPLEMENTARY PROGRAM

MONDAY 26TH MAY

7.00am – 8.30am (Gold Coast Convention Centre)

ICLEI OCEANIA RECOGNITION AND BRIEFING BREAKFAST

ICLEI is a worldwide movement of local governments committed to sustainability and to achieving tangible outcomes for local councils and their communities. Across Australia, ICLEI Oceania is working with councils participating in the Cities for Climate Protection Program, the Water Campaign and the Triple Bottom Line Capacity Building Program.

Councils will be recognised at this event for their achievements, their political commitment and their professional expertise.

For further information or to register for this event, please contact: Events Team, ICLEI Oceania: Telephone (03) 9639 8688

TUESDAY 27TH MAY

7.15am – 8.30am (Southport Room 1, Conrad Jupiters Hotel, Broadbeach)

(Cost \$45)

ICMA MEMBERS BREAKFAST

This is an informal networking breakfast at which ICMA Service Awards will be presented to eligible members. All delegates with an interest in local government internationally are welcome to register to attend.

WEDNESDAY 28TH MAY

7.00am – 8.30am (Gold Coast Convention Centre, Meeting Room 5)

(Cost \$45)

WOMEN IN LOCAL GOVERNMENT NETWORKING BREAKFAST

This event will provide delegates an opportunity to register and support women in local government at a networking breakfast meeting featuring a prominent keynote speaker.

WEDNESDAY 28TH MAY

2.30pm - 5.00pm (Meeting Room 5)

(Cost \$75)

WORKSHOP 1

LOCAL GOVERNMENT REFORM - 'IT TAKES TWO TO TANGO': GETTING THE POLITICAL-MANAGEMENT LEADERSHIP ROLES RIGHT

Facilitated by Simon Baddeley, Institute of Local Government Studies, School of Public Policy, University of Birmingham, UK

Executive leadership in local government requires a recognition of the ambiguity, confusion and tension that arises at the overlapping boundaries of political and managerial spheres of action. In this workshop designed for elected officials and senior managers, Simon will show video extracts from a small sample of chief executive and elected member conversations to explain how politicians and managers in the UK jointly create government - a perennial puzzle of increasing consequence for the sector.

2.30pm - 5.00pm (Meeting Room 6)

(Cost \$75)

WORKSHOP 2

KEEPING THE PASSION ALIVE

Facilitated by Dr Frank Benest, City Manager, Palo Alto, California, USA

Learn how to revive a seasoned manager's passion for his or her work. A manager can be re-energized through self analysis techniques, mentoring relationships and training programs that teach the skills needed for dealing with difficult issues, such as how to work within generations. Learn how to identify and prevent burn out, how to get your staff or yourself out of a rut and how to keep seasoned managers motivated and on the cutting edge.

THURSDAY 29TH MAY

9.00am - 4.30pm

(Cost \$110)

"ECO-FRIENDLY GOLD COAST" LGMA STUDY TOUR

The Study Tour for the 2008 LGMA conference will provide participants with a rare insight into the challenges of fostering sustainable growth in the context of good environmental stewardship. Participants will see examples of Gold Coast's success in achieving a well-balanced and strategic approach to sustainable growth which emphasises maintaining its diverse and rich environment.

The tour will commence with a 9.00am departure from the Convention Centre travelling to the Gold Coast City Council for a brief "Active and Healthy" session prior to morning tea and a briefing session from council officers on the challenges of sustainable growth and how this theme is reflected in the thrust of Council's work.

Following morning tea, participants will travel to Stapylton in the north of the City to visit the Mitchell's Builders Industrial Estate, a good example of a self sustainable industrial estate. The estate is entirely constructed of demolition material from previous industrial sites that have been reconditioned. A solar power system provides energy to run water pumps, street lighting and the estate's security systems.

From the Stapylton area the tour will visit Sanctuary Cove for lunch at a local diner in this sophisticated waterfront marine village. Following lunch, the tour will visit the City's Marine Precinct, located in and about the Coomera River system. The precinct encompasses an area of approximately 250 hectares and is home to major maritime sector companies.

For the final leg of the tour the group will move on to Bond University to visit the School of Sustainable Development, a 6 star green rated construction. The school's buildings feature:



- > Global best practice in sustainability
- > Optimum orientation
- > Ecologically designed stormwater and waste water treatment
- > Energy efficient lighting and power
- > Carbon neutral building
- > Refrigerants with zero ozone depleting and minimal global warming potential
- > Use of recycled materials
- > the recycling / reuse of construction waste

A brief information session will be held at the School detailing the innovative designs being adopted and some of the latest concepts in sustainable development.

The tour will then return to Gold Coast City Council's Chambers for light refreshments where council officers will be available to answer questions arising from the study tour.

The tour will conclude at the Convention Centre by 4.30pm

2008 INTERNATIONAL LEADING PRACTICES SYMPOSIUM



INTERNATIONAL
LEADING PRACTICES

Symposium 08

Following the LGMA National Congress being held at the Gold Coast Convention & Exhibition Centre from 25th to 28th May, the 2008 International Leading Practices Symposium will be held at the Crowne Plaza, Surfers Paradise on 29th and 30th May.

This event is being held in collaboration with Local Government Managers Australia, the New Zealand Society of Local Government Managers and the USA International City/County Management Association. The Symposium will feature outstanding examples of local government practice from the United States, New Zealand, United Kingdom, South Korea and Australia. The Symposium sessions will focus on the congress themes of Sustainable Environment, Community Wellbeing and Executive Development and will comprise a series of six case studies presented over two days as plenary sessions and workshops. Delegates will have opportunity to attend at least four of the workshops hence the value in having more than one delegate from each authority.

The Symposium will be of significant interest to CEOs/GMs, middle management and elected officials. Comprehensive case study notes will be provided to enable delegates to take home valuable lessons to put into practice in their own councils.



sustainable environment

community wellbeing

executive development

The proposed program and registration information will be distributed in January 2008 and details will also be available on the LGMA website at www.lgma.org.au.

Discounted registration for the Symposium will be available to delegates who have also registered to attend the LGMA National Congress.

When booking accommodation on the Gold Coast for the LGMA National Congress, please give consideration to remaining for the International Leading Practices Symposium.

29TH-30TH MAY 2008 CROWNE PLAZA SURFERS PARADISE

SUNDAY 25TH MAY

6.00pm – 8.00pm (Gold Coast Convention Centre, Exhibition Hall 1)

Welcome Reception

The reception will commence at 6.00pm, concluding at 8.00pm. An excellent opportunity to renew acquaintances and view the exhibitions on offer before proceeding to dinner at a location of your choice.



MONDAY 26TH MAY

6.45pm – 11.15pm (Gold Coast Convention Centre, Arena 2)

Congress Dinner

The Congress Dinner is renowned as a great dining and entertainment experience which will be continued in 2008. The evening will commence at 6.45pm with pre-dinner drinks on the Convention Centre Terrace prior to dinner at 7.30pm. Following dinner world class entertainment will commence with corporate comedian Scott Williams followed by dance band Boogie Knights.

Scott is in constant demand both nationally and internationally because of his quick wit and endearing character. His comedic mind is quicker than the eye, yet mere words fall despairingly short of describing an evening with Scott Williams because he can be, and is, all things to all audiences.

Boogie Knights is entralling crowds in Brisbane as they take the audience back to the greatest and most unforgettable hits of the retro era. This colourful group provide a dynamic show by performing classic hits with modern zest and appeal to a broad age group. Their energy, visual appeal and fantastic sound guarantee a completely entertaining musical performance.

(The Congress Dinner is included in the full registration fee paid by delegates. Other guests are to register and pay the fee of \$150.)



TUESDAY 27TH MAY

7.00pm – 11.00pm (Sea World Resort, Main Beach) (Cost \$140)

Oceans of Fun- Dinner & Dolphins

You will be transferred by coach to Sea World departing from the Gold Coast Convention Centre at 7.00pm stopping at the Crowne Plaza Surfers Paradise enroute to Sea World for this exclusive event.

Guests will be escorted to Dolphin Cove where an appetising selection of pre-dinner beverages (beer, sparkling wine and soft drinks) will be served.

The entertainment begins with Sea World's Imagine Dolphin Cove Show.

Delight at this unique and wondrous presentation starring the world's most popular and endearing marine mammals. Set to a beautiful musical score and featuring a series of exciting interactions, Imagine is both educational and entertaining.

Learn all about the beautiful Sea World dolphins while witnessing their amazing agility and grace as they interact with their trainers at Dolphin Cove, the largest sandy bottom lagoon ever built for dolphins.

After the show you will be escorted to the stunning Broadwater Room and treated to spectacular views of the Broadwater and the Gold Coast Hinterland.

A delicious Sea World buffet will be served and beer, wine and soft drinks will continue to flow throughout the evening.

This spectacular evening should not be missed and is sure to be a highlight of your conference experience.

Coaches will return you to your hotel from 10.45pm.



MONDAY 26TH MAY

10.00am – 3.00pm

(Cost \$85)

Mt Tamborine Hinterland Tour

Set in a tranquil mountaintop rainforest environment, Mt Tamborine is an eclectic mix of National Parks, boutique wineries, bed & breakfast's, antique shops and art and craft galleries.

This quaint township is nestled in the Hinterland only 25 minutes from Surfers Paradise and offers a diverse range of activities including strolling through Gallery Walk, shopping, wine tasting, enjoying the breath taking views and relaxing at one of the many local wineries. You will enjoy a little of each of these on this tour. You will also visit Fudge Heaven and try over 40 varieties of mouth watering fudge with real cream and butter made daily on the premises.

Departing from the Gold Coast Convention & Exhibition Centre, the tour will visit Mt Tamborine for free time at Gallery Walk. You will then visit the Fudge Factory, sample cheese from a local cheese maker, taste wine at Witches Falls Winery and then enjoy a sumptuous lunch at Heritage winery. The tour will return guests to the Convention Centre.



TUESDAY 27TH MAY

10.00am – 4.00pm

(Cost \$155)

Gold Coast Cruise and High Tea

Coaches will transfer you from the Gold Coast Convention Centre at 10.00am to Marina Mirage where you will board the "Eclipse" the newest, fastest luxury catamaran on the Gold Coast.

You will enjoy a picturesque cruise along the calm Broadwater, relax and view the homes of the rich and famous, Sovereign Island, South Stradbroke Island and Jumpinpin. Enjoy the breathtaking views, listen to the informative commentary and take photos of the abundant wildlife. Morning tea will be provided and you will stop off at Couran Point for a sumptuous picnic lunch.

At the conclusion of the cruise you will visit Palazzo Versace, where you will be treated to High Tea whilst experiencing the opulence of the most luxurious hotel in Australia. On conclusion, your coach will return to the Convention Centre by 4.00pm.



WHERE TO STAY

All Congress Hotels are within walking distance of the Gold Coast Convention and Exhibition Centre

CONRAD JUPITERS



Located adjacent to the Gold Coast Convention and Exhibition Centre. Five minute walk from a major shopping centre and the heart of Broadbeach. This five star hotel offers a variety of room types, featuring cable channels, high speed broadband internet, individually controlled air-conditioning connections and a daily newspaper. Conrad Jupiters features several excellent restaurants and bars, Jupiters Casino, a large swimming pool surrounded by tropical gardens, a professional gymnasium, a steam room and spa, gift shop, newsagents and tennis court.

SOFITEL GOLD COAST



Five minute walk from the Gold Coast Convention and Exhibition Centre. It is located in cosmopolitan Broadbeach and exudes five star luxury. Standard room features include flat screen LCD televisions, digital telephones, L'Occitane bathroom products, fluffy robes and bath sheets, relaxing armchairs and large desks.

CROWNE PLAZA SURFERS PARADISE



Fifteen minute walk from the Gold Coast Convention and Exhibition Centre and is a 4½ star resort hotel set amongst a luscious tropical setting. The spacious rooms all offer ocean views and private balconies. Facilities include two restaurants and three bars, two heated pools, spa, sauna and gymnasium. This hotel is perfect for families.

MANTRA BROADBEACH ON THE PARK



Five minute walk from the Gold Coast Convention and Exhibition Centre and is located in the heart of Broadbeach. This 4½ star resort offers a range of first class facilities for guests and features spacious one, two and three bedroom apartments, two pools, fully equipped gymnasium and more.

MANTRA PHOENICIAN



Five minute walk from the Gold Coast Convention and Exhibition Centre and is located in the heart of Broadbeach. This resort features luxuriously appointed one or two bedroom fully self-contained apartments with spacious balconies. This 4½ star resort has a heated pool, fully equipped gymnasium, health spa facilities, spa, barbecue area, games room and more.

BREAKFREE SAVANNAH



10 minute walk from the Gold Coast Convention and Exhibition Centre and is located in Broadbeach. This 4 star family resort features one and two bedroom apartments, two pools, two spas, sauna, children's playground area and barbecue area.



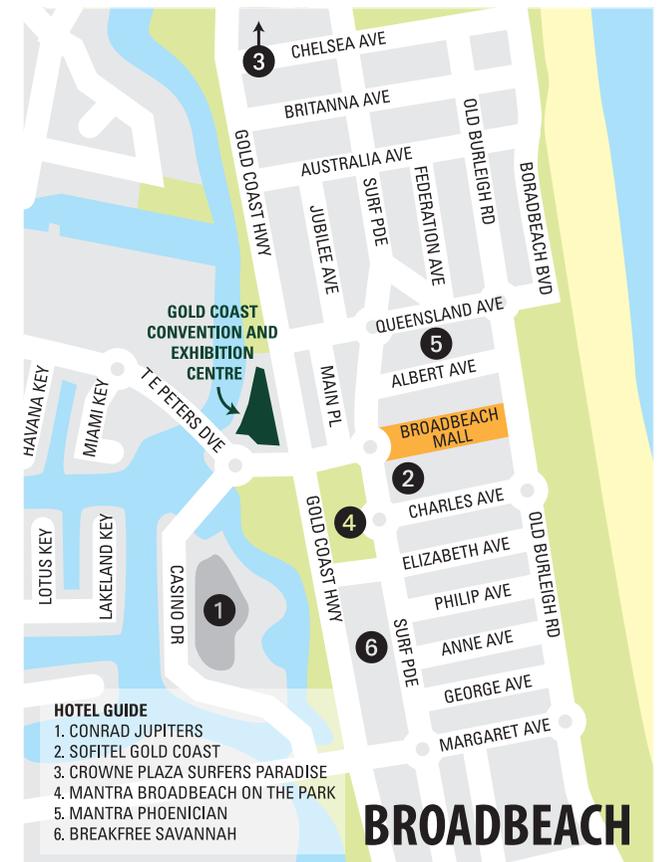
HOW TO GET THERE

BY AIR

Three carriers - Qantas, Jetstar and Virgin Blue operate regular daily flights to the Brisbane and Gold Coast airports.

A range of attractive promotional fares is offered by all airlines throughout the year.

Options for transfer from airports to Congress Hotels are available from www.verygc.com.



ADDITIONAL INFORMATION

VENUE

The Gold Coast Convention & Exhibition Centre will be the venue for the Congress which will incorporate a full trade exhibition in Exhibition Hall 1.

Gold Coast Convention Centre
Gold Coast Highway, Broadbeach 4218
Ph: +61 7 5504 4000 Fax: +61 7 5504 4001

CONGRESS REGISTRATION

An Early Bird Registration is provided to allow delegates to take advantage of early booking prices. To receive the Early Bird Registration Discount, your registration is to be received by Destination Conference & Incentive by 18th April 2008. Late registration fees apply for Congress registrations received after this date.

Online registration is available at www.lgma.org.au/nationalcongress

Acknowledgement of your registration will be provided by Destination Conference & Incentive. Should you have any questions regarding registration and accommodation contact Destination Conference & Incentive on Telephone: +61 7 5562 0164 Fax: +61 7 5575 8065 or Email: lgmacongress@destinationconference.com.au.

CONCURRENT SESSION REGISTRATION

Please indicate on the rear of the Registration Form your choice of concurrent sessions. You can choose any one of three concurrent sessions for each time slot and you do not have to stick with one stream throughout the Congress.



SOCIAL PROGRAM

Registration in the Full Delegate's Congress Program includes registration for the Welcome Reception on the Sunday evening and Congress Dinner on the Monday evening. Accompanying persons or additional guests and people registering as a day delegate are required to register separately and pay for these events. Other Congressplus events will require separate registration and an additional payment by all Congress attendees and guests. These events may have restricted attendance numbers and please note that there will be no refund on cancellations. Substitutes may be provided.

SPECIAL REQUIREMENTS

Delegates with specific requirements such as prescribed medical diets are requested to advise their requirements on the registration form. Where possible, arrangements will be made to cater for your needs.

DRESS

Smart casual or business attire at all times throughout the Congress and social activities is encouraged.

GETTING ABOUT

The Gold Coast Convention Centre is easily accessible from all congress hotels, Broadbeach Mall and the Pacific Fair Shopping Centre.

GETTING THERE

The Gold Coast is accessible by two airports. The Gold Coast airport is 20 minutes drive from the Convention Centre and the Brisbane airport is a one hour drive. Both airports are serviced by Skybus, taxis and a rail link from Brisbane airport.

Please visit www.verygc.com for detailed information on travel options under the heading of 'Getting Here & Around'.

PARKING

Parking is available at the Gold Coast Convention Centre at a flat rate of \$5.00 per day.

ACCOMMODATION

All Congress Hotels are within walking distance of the Gold Coast Convention Centre. See page 12 for further information.

CONGRESS TRANSPORT

All Congress hotels are within walking distance of the Gold Coast Convention Centre. A courtesy coach will be provided for delegates accommodated at the Crowne Plaza Surfers Paradise prior to and after daily congress sessions, the Congress Dinner and the Sea World event. Transport for participants in the Partner's Tours, and the Study Tour is to depart only from the Gold Coast Convention Centre.

TRADE EXHIBITION

A wide range of exhibitors will be displaying their products and services throughout the Congress in the Exhibition Area (Exhibition Hall 1). Morning Coffee, Morning and Afternoon Teas and Lunch will be located in the Exhibition to allow delegates and their guests to view the exhibition at their leisure.

CONGRESS SUPPORT

LGMA gratefully acknowledges the support of all sponsors and participants in the trade exhibition.

LGMA also appreciates the contribution by Destination Conference & Incentive and the Gold Coast Convention & Exhibition Centre in the organisation of the Congress.



LOCAL
GOVERNMENT
MANAGERS
AUSTRALIA

...and finally, another reason to register: the LGMA Business Expo brings together representatives from Australia's leading suppliers to local government. Demonstrations, product information, pressure free advice - all in one location will inform your major procurement decisions or even expose solutions and options you weren't aware of.

Leading Professionals in Local Government



NATIONAL CONGRESS
& BUSINESS EXPO

All congress enquiries to:

Local Government Managers Australia
PO Box 615, Port Melbourne VIC 3207
Telephone: +61 3 9676 2755 Fax: +61 3 9676 2311
Email: national@lgma.org.au Website: www.lgma.org.au

All registration and accommodation enquiries to:

Destination Conference & Incentive
PO Box 3779, ROBINA QLD 4230
Telephone: +61 7 5562 0164 Fax: +61 7 5575 8065
Email: lgmacongress@destinationconference.com.au

FIND
OUT
MORE

www.lgma.org.au

INVESTMENT REPORT AS AT 30 NOVEMBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations and returns on investments for November 2007.

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 from 6.50% to 6.75% in November.

RECOMMENDATION:

That the summary of investments and performance for November 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 November 2007.

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 November, Council had a net cash inflow of \$3,715,000 and net investment (interest and capital) loss of \$216,300.

Council's total investment portfolio at the end of November 2007 is \$68,537,000. This compares to an opening balance of \$55,578,000 as at 1 July 2007.

Council's net investment loss is a result of November being the worst month on record for credit in Australia, following the revelation of substantial losses from sub-prime positions at a number of US investment banks and on the expectation of more to come in the fourth quarter.

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.

* **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**

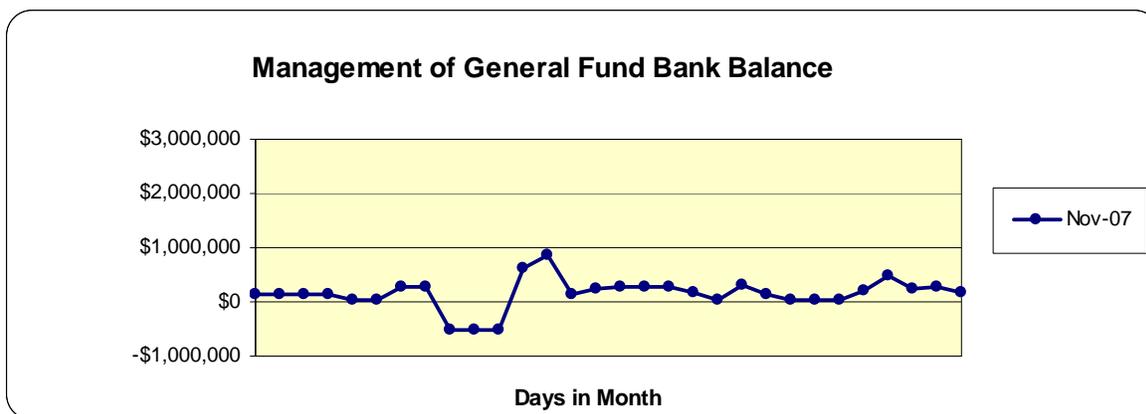
This represents the mix or allocation of surplus funds with each of Council's Fund Managers and direct securities.

Item 3

S05273
21 December 2007

Management of General Fund Bank Balance

During November Council had a net inflow of funds of \$3,715,000.



Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @30Nov 2007 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Maturity
Working capital (0-3 Months)								
Adelaide Bank	AAA SAVER	AAA	10,248	0.57	6.99	6.58	14.92	0-3 mths
Westpac Bank	Westpac Bank Deposit	AA	3,487	0.54	6.60	6.58	5.09	0-3 mths
Short Term (3-12 Months)								
LGFS	Fixed Out Performance Fund	AA-	10,855	0.60	7.15	7.15	15.83	0-3 mths
Short -MediumTerm (1-2 Years)								
Perpetual	Perpetual Credit Income	A	2,570	-2.21	-8.16	3.58	3.75	0-3 mths
Aberdeen Asset Management	Aberdeen Income Fund	A	11,999	-0.01	3.32	6.00	17.50	0-3 mths
MediumTerm (2-5 Years)								
Longreach/Rabobank	Longreach CPWF	AAA	3,049	-3.82	-13.23	1.40	4.45	5 yrs +
UBS AG London	LongreachSTIRM	AA+	993	1.36	8.45	-0.87	1.46	5 yrs +
Athena Finance (Westpac)	Camelot	AA	1,023	-1.32	3.48	3.08	1.49	5 yrs +
BlackRock Investment	BlackRock Diversified Credit	A	9,701	-2.04	-3.72	-3.88	14.15	0-3 mths
Select Access Investments	Titanium AAA	AAA	2,000	0.65	7.76	7.25	2.92	2-5 yrs
ABN AMRO/Nomura	Pheonix Notes	AA+	2,000	0.75	9.49	9.38	2.92	2-5 yrs
Long Term (5 Years+)								
HSBC Bank	Maple Hill 11	AA	3,000	0.76	9.46	9.46	4.37	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.69	8.57	8.57	0.73	5 yrs +
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	2,127	-1.13	5.90	4.11	3.10	5 yrs +
Deutsche Bank	Longreach s26 Prop	AA+	970	-1.92	22.61	-6.22	1.46	5 yrs +
ABN AMRO/Rembrandt Australia	SURF CPDO	AAA	2,015	0.73	8.75	8.03	2.94	5 yrs +
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	0.64	7.70	7.06	2.92	5 yrs +
TOTAL/WEIGHTED AVERAGE			68,537	-2.85	3.55		100	

Matured/Traded Investments - Weighted YTD Average Return (%)	3.70
Weighted Average Overall Return Year To Date (%)	3.55
Benchmark Return: UBSWA Bank Bill Index(%)	6.78
Variance From Benchmark (%)	<u>-3.23</u>

The weighted average return for the total portfolio year to date was 3.55% compared to the benchmark of the UBS Bank Bill Index of 6.78%.

Note:- The period return now reflects the actual monthly return, which was previously reported as annual return.

Item 3

S05273
21 December 2007**Income Investments and Growth Investments**

Since Council's investment policy was changed in August 2006, a wider range of investments have 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

Rabobank/CPWF 1-2006: This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of November 2007, the investment has returned 1.65% with a 3.77% decrease in net asset value from October. Global equity markets fell in November as credit and sub-prime issues resurfaced and investors shifted into "safe haven" assets such as Treasury Bonds. The fund manager's expectation continues to be for total fund returns in the target range of 8% to 10% over the life of the investment.

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 impacted the returns this month with annualised returns of 5.9% and a positive return of 4.11% 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 funds annualised return is 3.48% with a return of 3.08% since inception.

Deutsche Bank/Series 26: This new 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 \$96.95 down from \$98.82 in October and from an issue value at inception of \$97.00, after upfront fees. This includes provision for the first coupon payment in December 2007. This property investment was down 3% on the month as the global diversity of this product helped offset a couple of significant falls in UK and Japan.

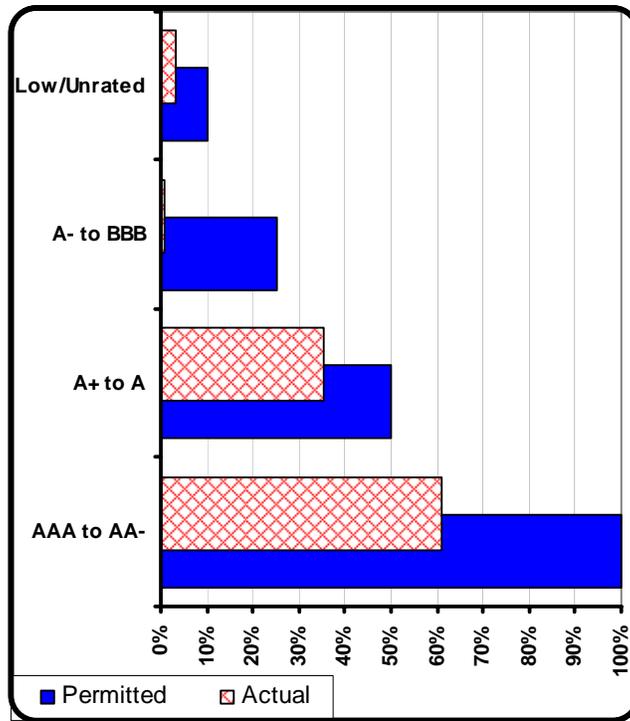
Blackrock Diversified Credit Fund: Credit markets began the month poorly and progressively became worse as further sub-prime losses among US banks was announced. Due to the credit nature of this fund, the widening credit spreads and the fund's large exposure to major financial banks, the fund's running yield rose from 82 to 123 points. This measures the income over and above the bank bill rate. The managers believe that with the current credit spreads the underlying assets are secure.

Perpetual Credit Income Fund: Due to the ongoing poor performance of this fund, Council has, subsequent to this reporting period, closed this fund.

Allocation of funds

The following charts show the allocations of Councils investment funds by the categories shown:

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



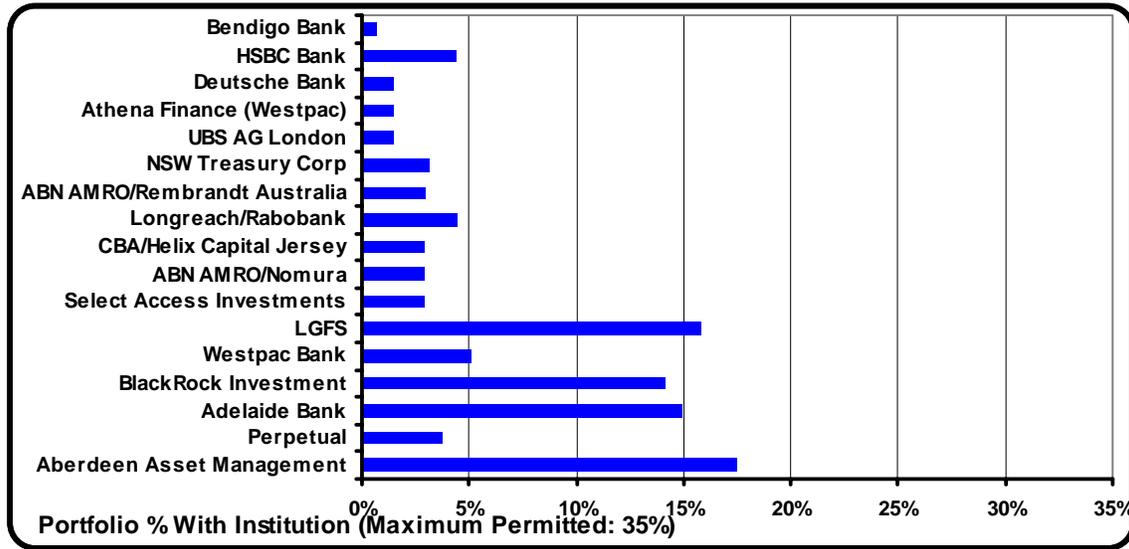
Investment Rating	Proportion
AAA to AA-	60%
A+ to A	35%
A- to BBB	1%
Less than BBB	4%

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

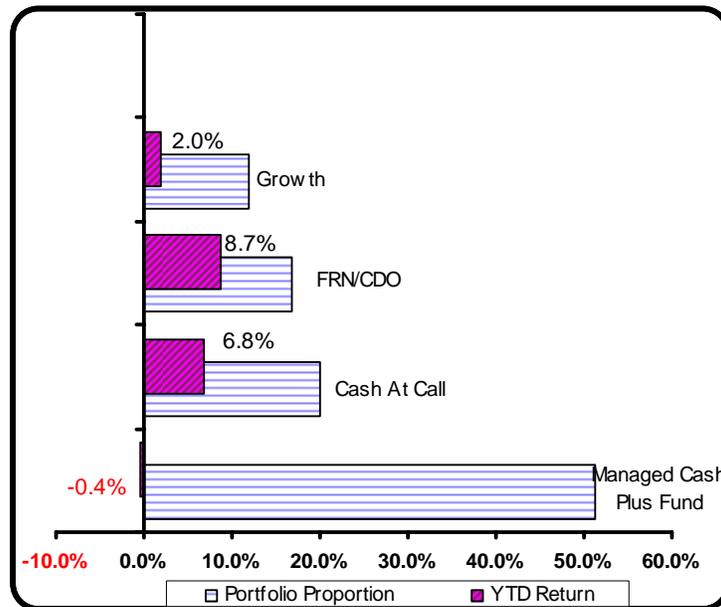
Council’s Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.

Item 3

S05273
21 December 2007



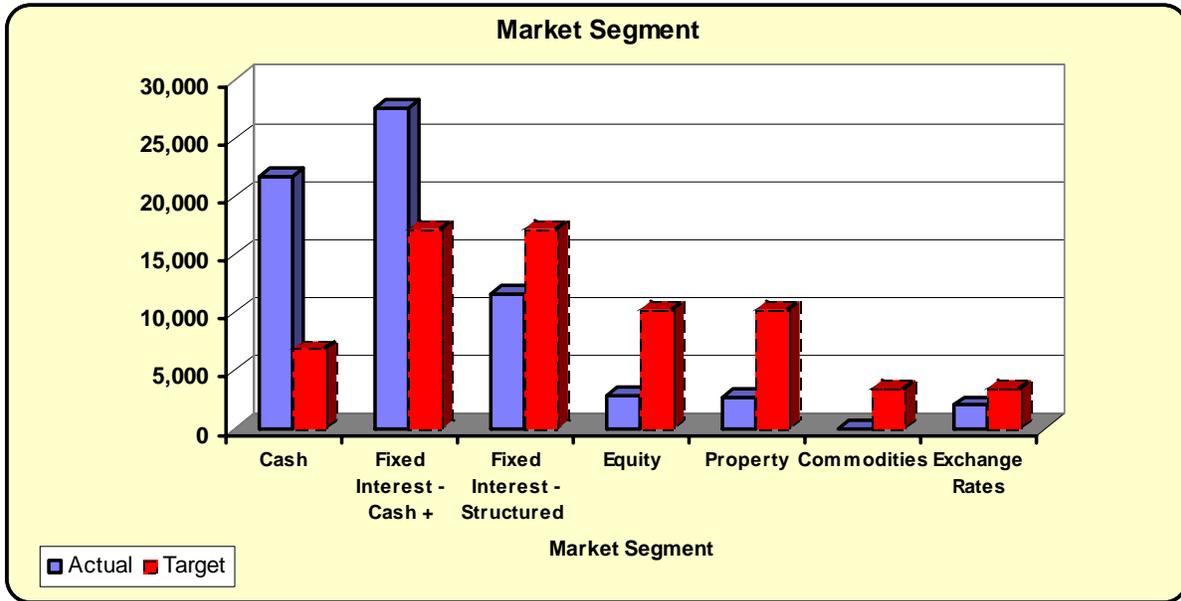
3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



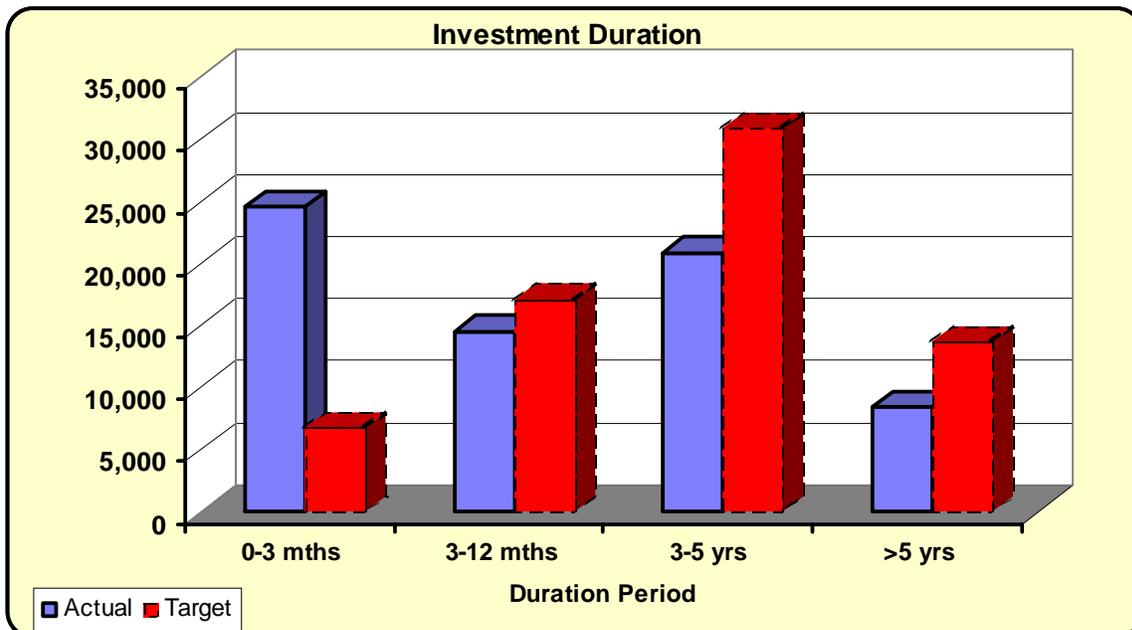
Item 3

S05273
21 December 2007

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



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

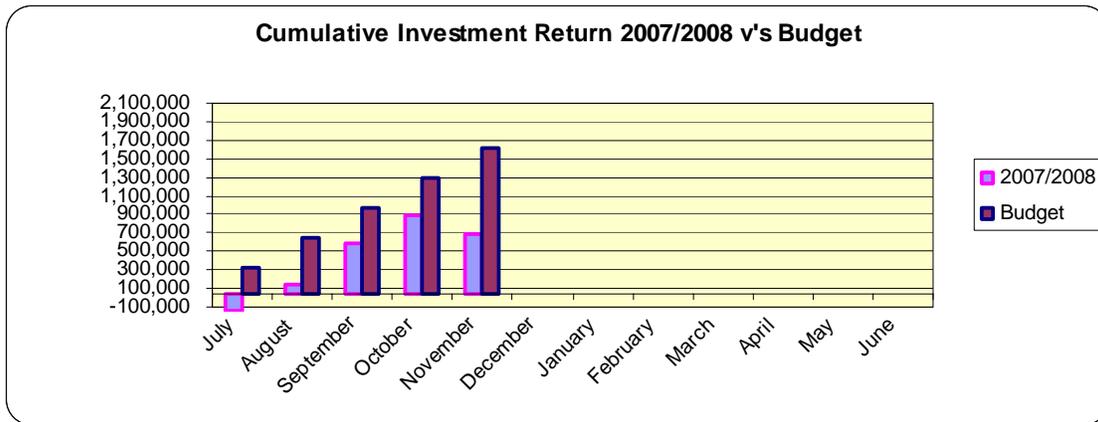


Item 3

S05273
21 December 2007

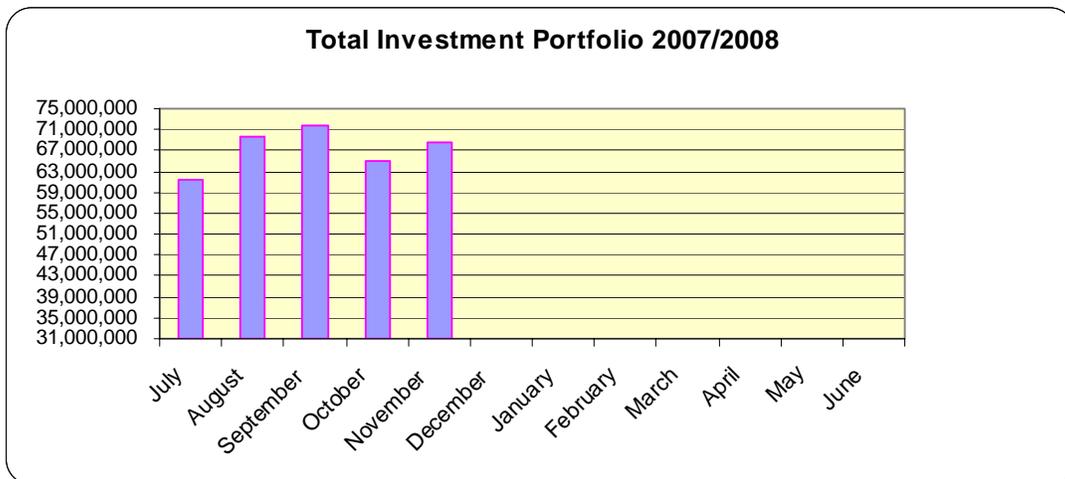
Cumulative Investment Return

The following chart compares the net return earned on a cumulative monthly basis against the budgeted year to date forecast. At the end of November year to date, the net return on investments totals \$681,300 against a year to date budget of \$1,605,625 representing a negative variance of \$924,325. The variation is due to the recent outlay of funds to purchase community land, the budget factoring in the deferred 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 will be reviewed in the December quarterly budget review.



Total Investment Portfolio

The following chart compares the year to date investment portfolio balances for 2007/2008.



During November 2007 Council's investment portfolio increased by \$3,715,000. Council's closing investment portfolio after interest and fees of \$68,537,000 in November 2007 is \$12,959,000 higher than the July 2007 opening balance of \$55,578,000.

Item 3

S05273
21 December 2007

Domestic Markets

Interest Rates

The Reserve Bank increased the cash rate from 6.50% to 6.75% at its November meeting. Poor third quarter inflation data sees underlying inflation now at the top end of the RBA's 2-3% pa target range. Expectations are that it will rise further through 2008 as the Reserve Bank estimates a peak of 3.25%, revised upwards from a previous estimate of 3%.

Other

The ASX200 Accumulation index fell -2.8%, having been down 7.5% from the peak at one point. However, it is still up over 19% in 2007.

The listed property index plunged -6.04% in the month, tracking similar losses to UK and the US peers.

The domestic property sector is heading for the worst year in almost a decade with a year to-date loss of -1.46%.

From a high of US93.5c, the A\$ fell back to US87.5c as the US strengthened against most cross currencies.

Global Markets

The Federal Reserve:

There have been three major investment phases since the central banks became involved in tackling the effects of the sub-prime crisis.

They injected liquidity in large volumes throughout August and cut discount rates 50bp on 17 August, encouraging banks to seek emergency funding where required. This was good enough for share markets, ending sharp corrections and seeing new record highs.

In September they cut the interest rates by 50bps, and this brought about a very strong 4 weeks of recovery in credit markets.

While credit was already weakening in late October, the disappointing 25bps cut by the Federal Reserve on 31 October and the risk balanced commentary from the Chairman Bernanke on 29 November sent both the credit and share markets diving.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The budgeted interest on investments for 2007/2008 is \$3,853,500. Of this amount approximately \$2,548,000 is restricted for the benefit of future expenditure relating to developers' contributions,

Item 3

S05273
21 December 2007

\$465,000 transferred to internally restricted depreciation reserves, and the remainder is available for operations.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 30 November 2007:

- Council's total investment portfolio is \$68,537,000. This compares to an opening balance of \$55,578,000 as at 1 July 2007, an increase of \$12,959,000.
- Council's year to date net return on investments (interest and capital) totals \$681,300. This compares to the year to date budget of \$1,605,625. The variation is due to the recent outlay of funds to purchase community land, the budget factoring in the deferred 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 will be reviewed in the December quarterly budget review

RECOMMENDATION

- A. That the summary of investments and performance for November 2007 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

INVESTMENT REPORT AS AT 31 DECEMBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations and returns on investments for December 2007.

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) retained the official cash rate of 6.75% in December.

RECOMMENDATION:

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

PURPOSE OF REPORT

To present to Council investment allocations and returns on investments for December 2007.

BACKGROUND

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

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of December, Council had a net cash outflow of \$2,141,000 and net investment (interest and capital) gain of \$210,000.

Council's total investment portfolio at the end of December 2007 is \$66,396,000. This compares to an opening balance of \$55,578,000 as at 1 July 2007.

Council's net investment gain in December is a result of a review of our portfolio based on the global volatility and adoption of a strategy to address this volatility. Given the ongoing instability in credit markets Council has increased its investment in the Local Government Financial Services Fixed Out Performance Fund. The rationale is a stable return of BBSW+0.5% with no direct exposure to falling credit markets and with short term liquidity accessible weekly when required.

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.

* **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**

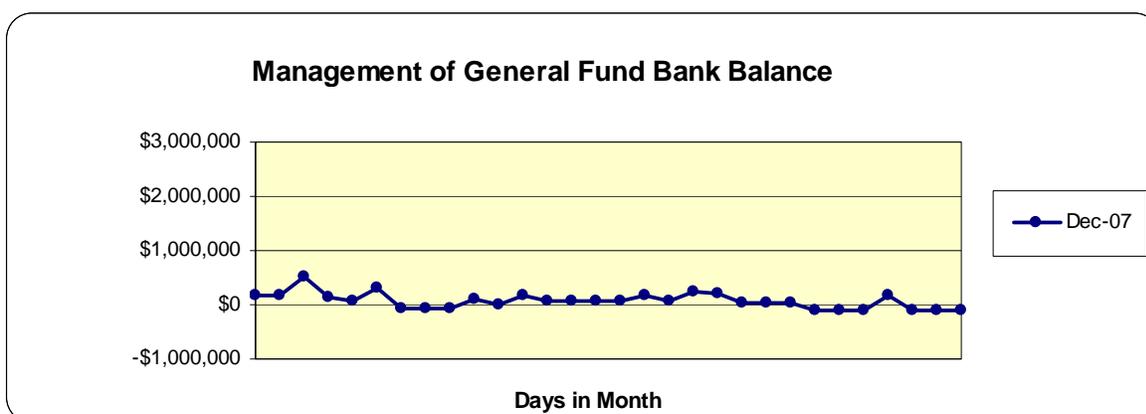
This represents the mix or allocation of surplus funds with each of Council's Fund Managers and direct securities.

Item 4

S05273
14 January 2008

Management of General Fund Bank Balance

During December Council had a net outflow of funds of \$2,141,000.



Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @31Dec 2007 \$000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/inception (%)	% of Total Invested	Maturity
Working capital (0-3 Months)								
Adelaide Bank	AAA SAVER	AAA	6,801	0.58	7.01	6.58	10.24	0-3 mths
Westpac Bank	Westpac Bank Deposit	AA	1,426	0.64	6.80	6.80	2.15	0-3 mths
Short Term (3-12 Months)								
LGFS	Fixed Out Performance Fund	AA-	17,953	0.63	7.42	7.42	27.04	0-3 mths
Short - Medium Term (1-2 Years)								
Aberdeen Asset Management	Aberdeen Income Fund	A	5,067	0.06	2.42	6.69	7.63	0-3 mths
Medium Term (2-5 Years)								
Longreach/Rabobank	Longreach CPWF	AAA	2,975	-2.40	-15.15	-0.84	4.48	5 yrs +
UBS AG London	LongreachSTIRM	AA+	997	0.34	7.74	-0.37	1.50	5 yrs +
Athena Finance (Westpac)	Camelot	AA	1,033	0.95	4.90	3.95	1.56	5 yrs +
BlackRock Investment	BlackRock Diversified Credit	A	9,754	0.54	-2.01	-2.01	14.69	0-3 mths
Select Access Investments	Titanium AAA	AAA	2,000	0.67	7.86	7.25	3.01	2-5 yrs
ABN AMRO/Nomura	Pheonix Notes	AA+	2,000	0.76	9.49	9.49	3.01	2-5 yrs
Westpac Bank	ANZ Sub FRN	AA-	2,925	0.68	8.48	8.48	4.41	2-5 yrs
Long Term (5 Years+)								
HSBC Bank	Maple Hill 11	AA	3,000	0.77	9.49	9.49	4.52	5 yrs +
Bendigo Bank	Bendigo Bank FRN	BBB	500	0.69	8.58	8.58	0.75	5 yrs +
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	2,100	-1.25	2.55	8.31	3.16	5 yrs +
Deutsche Bank	Longreach s26 Prop	AA+	883	-5.23	10.62	-20.37	1.33	5 yrs +
ABN AMRO/Rembrandt Australia	SURF CPDO	AAA	2,015	0.75	8.84	8.44	3.03	5 yrs +
CBA/Helix Capital Jersey	Oasis Portfolio Note	AAA	2,000	0.67	7.79	7.34	3.01	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,967	0.64	7.96	7.96	4.47	5 yrs +
TOTAL /WEIGHTED AVERAGE			66,396	3.15	4.12		100	

Matured/Traded Investments - Weighted YTD Average Return (%)	-6.16
Weighted Average Overall Return Year To Date (%)	3.56
Benchmark Return: UBSWA Bank Bill Index(%)	6.88
Variance From Benchmark (%)	<u>-3.32</u>

Item 4

S05273
14 January 2008

The weighted average return for the total portfolio year to date was 3.56% compared to the benchmark of the UBS Bank Bill Index of 6.88%.

Income Investments and Growth Investments

Since Council's investment policy was changed in August 2006, a wider range of investments have 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

Rabobank/CPWF 1-2006: This investment is in property, infrastructure and utilities and was made on 27 September 2006. From inception to the end of December 2007, the investment has returned -0.84% with a 2.40% decrease in net asset value from November. Global equity markets fell further in December as the credit and sub-prime turmoil forced central banks to address elevated pressures in short term funding markets. Both the Federal Reserve and Bank of England cut rates by 25 basis points during the month.

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 the listed property sector the worst affected down 5.16% as concerns over the high levels of leverage and the impact of higher refinancing costs continued to detract value. The annualised return was 2.55% and a positive return of 4.16% 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 funds annualised return is 4.90% with a return of 3.95% since inception.

Deutsche Bank/Series 26: 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 \$88.28 down from \$96.95 in November and from an issue value at inception of \$97.00 after upfront fees. The unit price dropped as the first coupon payment was made in December 2007. This property investment was down 4% on the month.

Blackrock Diversified Credit Fund: The fund running yield dropped only one basis point (bps) which shows the fund has stabilised. The fund outlook for 2008 is for continued volatility, however the fund managers believe that the bonds of financial institutions will outperform those of large corporate bodies over 2008, especially the larger banks and money centre banks that the fund has a major proportion of funds invested with. As financial institution credit spreads widened due to capital losses through panic of the US sub-prime mortgage crisis, investors who have funds with the corporate bodies were relatively unaffected. The fund expects this trend to reverse in 2008 as banks capital value increases and spreads fall.

Item 4

S05273
14 January 2008

LGFS Fixed out Performance Fund: This fund ceased taking new applications at the end of November and commenced taking new applications in mid December. The reason for the closure was that they had reached their budgeted target for the size of the fund and needed to consider implications of allowing the fund to grow further. Council has increased its exposure to this fund as we receive regular income and returns 0.50%pa greater than cash. Given the disappointing returns from the credit rated funds for the year to date this fund brings increased certainty in a volatile market.

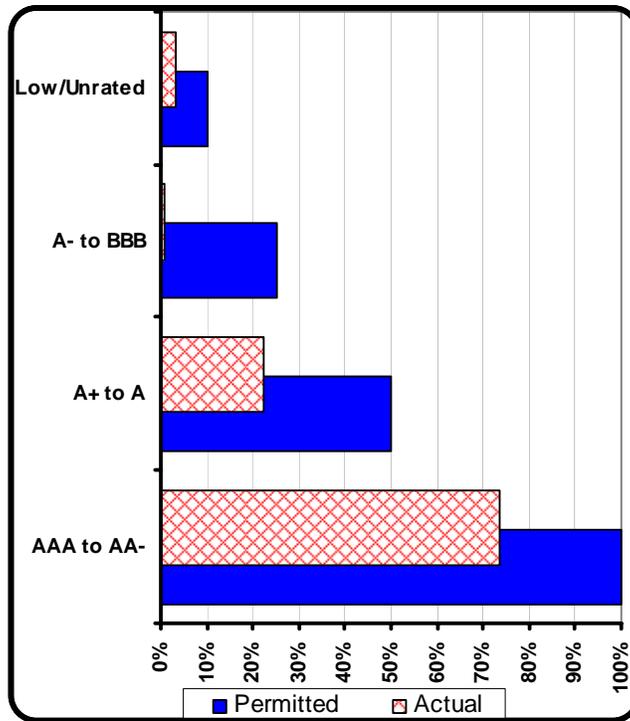
Perpetual Credit Income : This fund was closed in December with a weighted average loss of - 6.16% and transferred to LGFS Fixed Out Performance Fund currently returning 7.42%.

ANZ Subordinated Callable FRN: Council has transferred \$6,000,000 from Aberdeen income fund in December and purchased two ANZ subordinated notes with maturity dates of March 2012 and October 2017 with returns of 8.48% and 7.96% respectively. Payments of coupons are quarterly based on the 90 day BBSW with the current trading margin being 1.02% and 0.95% respectively. Both these investments are callable in 2012. The logic behind this is again to maintain stability within the portfolio and receive regular income above the bank bill.

Allocation of funds

The following charts show the allocations of Councils investment funds by the categories shown:

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



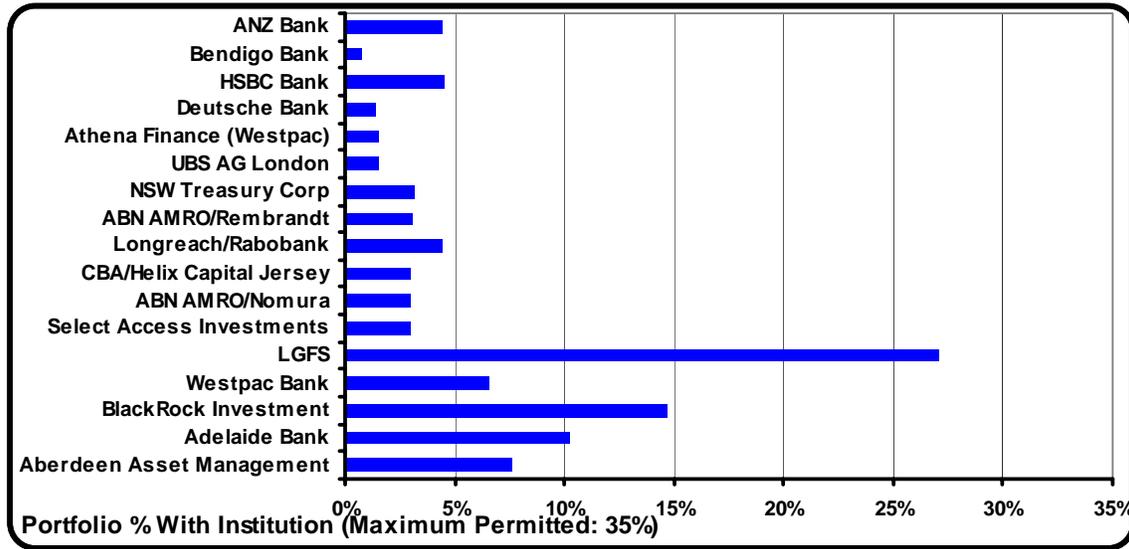
Investment Rating	Proportion
AAA to AA-	74%
A+ to A	22%
A- to BBB	1%
Less than BBB	3%

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

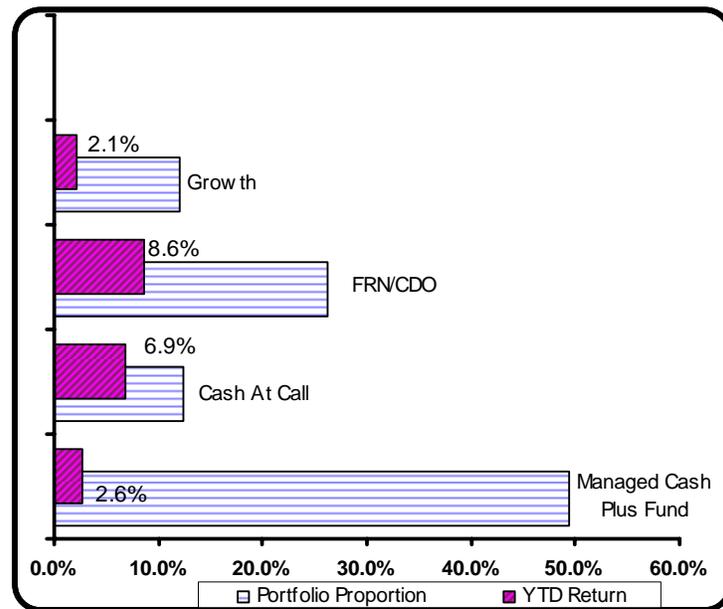
Council’s Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 35%.

Item 4

S05273
14 January 2008



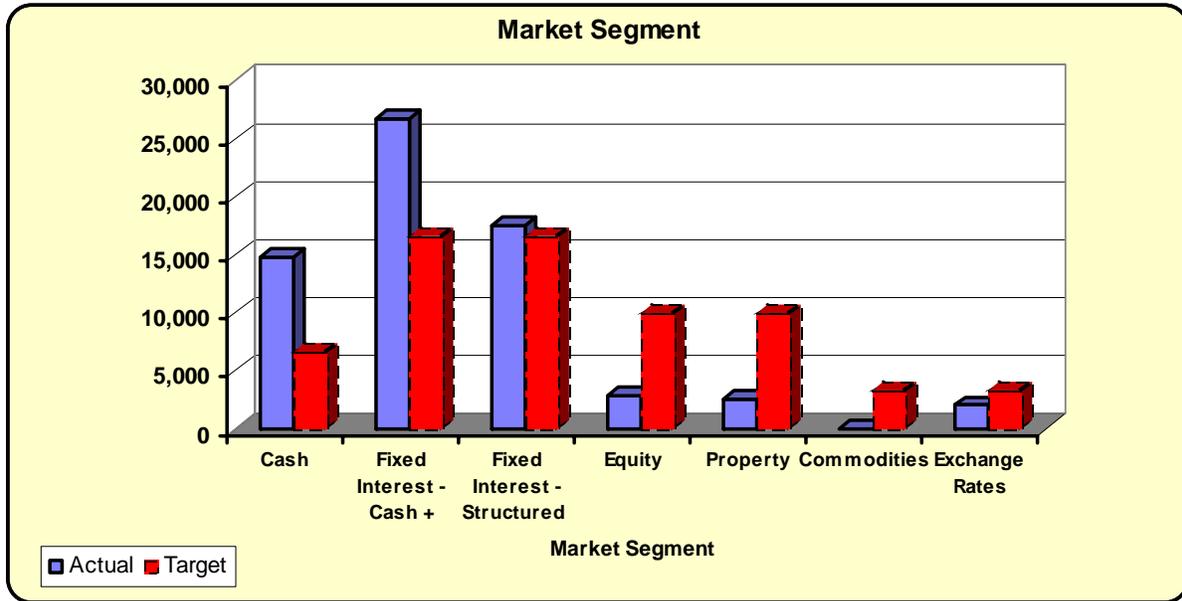
3) **Investment type and YTD return:** Actual proportion of investments by type and year to date return.



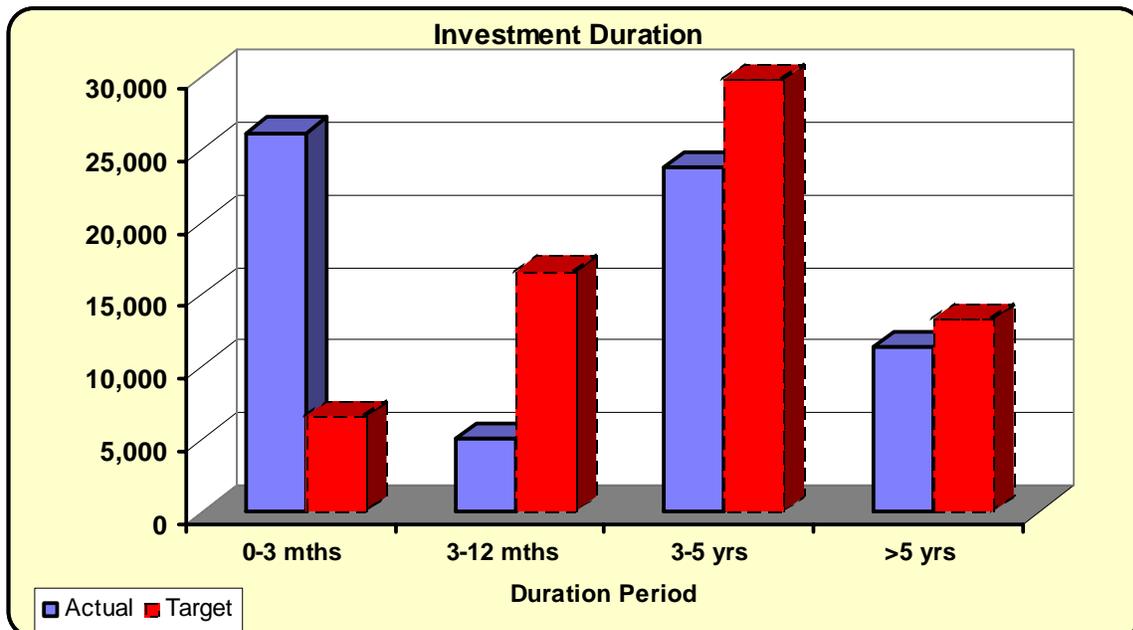
Item 4

S05273
14 January 2008

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



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

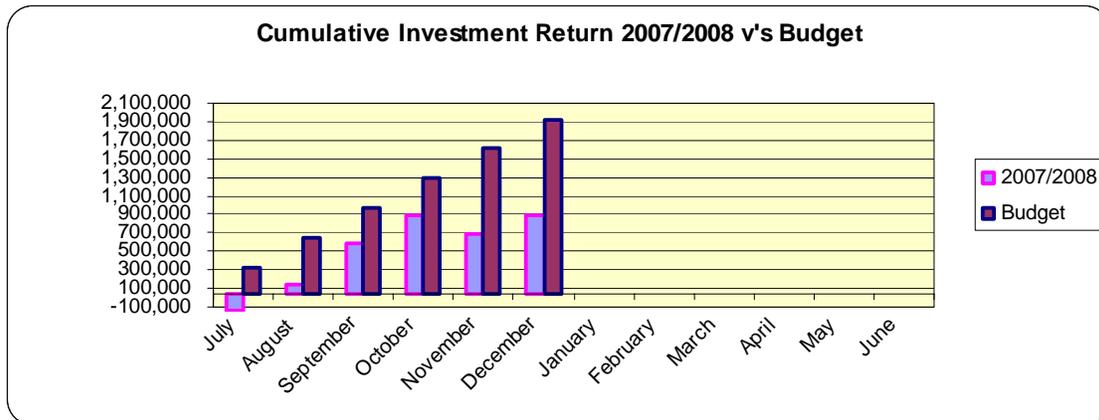


Item 4

S05273
14 January 2008

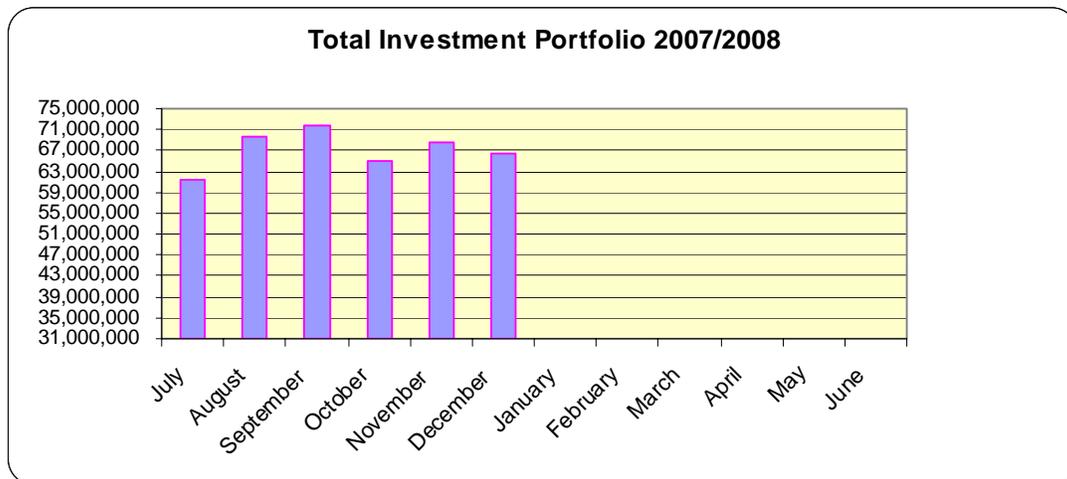
Cumulative Investment Return

The following chart compares the net return earned on a cumulative monthly basis against the budgeted year to date forecast. At the end of December year to date, the net return on investments totals \$891,000 against a year to date budget of \$1,926,750 representing a negative variance of \$945,750. The variation is due to the recent outlay of funds to purchase community land, the budget factoring in the deferred 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 will be reviewed in the December quarterly budget review.



Total Investment Portfolio

The following chart compares the year to date investment portfolio balances for 2007/2008.



During December 2007 Council's investment portfolio decreased by \$2,141,000. Council's closing investment portfolio after interest and fees of \$66,396,000 in December 2007 is \$10,818,000 higher than the July 2007 opening balance of \$55,578,000.

Item 4

S05273
14 January 2008

Domestic Markets

Interest Rates

The Reserve Bank retained the cash rate at 6.75% at its December meeting.

Other

Australian stocks underperformed their international peers on revelations that Centro, a major property holding company, had not refinanced maturity debt. This sent tremors through an already nervous market. The ASX Accumulation Index declined 2.96% while the property sector plunged 6.75% on suspicion that there would be other cases resulting in the worst performance in this sector in more than a decade.

Although the liquidity measures announced by the Reserve Bank and Central banks have eased funding pressures in the short term, in the long term it is prudent to be cautious about credit markets as the fallout from the sub-prime crisis puts pressure on bank balance sheets and their ability to lend.

The rating agencies have changed the ratings of several companies as a direct result of losses related to the sub-prime crisis. Citigroup was downgraded by Moody's while S & P put it on negative watch. Merrill Lynch was also downgraded and HSBC's outlook has been revised from positive to stable by S & P and Moody's.

Global Markets:

The Federal Reserve resumed their easing cycle with a 25bp cut in the Fed funds rate. The market's response to the latest rate cut was negative with participants believing the Fed reluctantly cut rates and are underestimating the possibility of a severe economic slump.

The Central banks of the European Union, Canada and Switzerland banded together to provide stressed banks easier access to liquidity. The European central Bank also responded with a liquidity injection largely in response to short term rates surging in the first half of December.

Credit spreads traded sideways during the month, but remain almost double October's lows.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The budgeted interest on investments for 2007/2008 is \$3,853,500. Of this amount approximately \$2,548,000 is restricted for the benefit of future expenditure relating to developers' contributions, \$465,000 transferred to internally restricted depreciation reserves, and the remainder is available for operations.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 December 2007:

- Council's total investment portfolio is \$66,396,000. This compares to an opening balance of \$55,578,000 as at 1 July 2007, an increase of \$10,818,000.
- Council's year to date net return on investments (interest and capital) totals \$891,300. This compares to the year to date budget of \$1,926,750. The variation is due to the recent outlay of funds to purchase community land, the budget factoring in the deferred 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 will be reviewed in the December quarterly budget review.

RECOMMENDATION

- A. That the summary of investments and performance for December 2007 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

COMPANION ANIMALS ADVISORY COMMITTEE - MINUTES OF 29 NOVEMBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To submit Minutes of the Companion Animals Advisory Committee Meeting of 29 November 2007.
BACKGROUND:	The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of companion animals (dogs & cats) within Ku-ring-gai.
COMMENTS:	<p>At its latest meeting, the Companion Animals Advisory Committee discussed:</p> <ul style="list-style-type: none">* Standard conditions of hire imposed on sportsgrounds.* E-news for pet owners* Membership of the Companion Animals Advisory Committee* Impounding services for Ku-ring-gai* Dog Day Out 2008* Companion animal compliance statistics for Sept/Oct 07* Ku-ring-gai's Companion Animal Management Plan* Dog off leash areas
RECOMMENDATION:	That the Minutes of the Companion Animals Advisory Committee Meeting of 29 November 2007 be received and noted.

PURPOSE OF REPORT

To submit minutes of the Companion Animals Advisory Committee Meeting of 29 November 2007.

BACKGROUND

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of companion animals (dogs & cats) within Ku-ring-gai.

The Committee met on 29 November 2007 and a copy of the minutes is attached for the information of Council.

COMMENTS

Routine matters considered by the Committee were its membership, review of the Ku-ring-gai Companion Animal Management Plan and companion animals compliance statistics for September and October 2007.

Operational matters discussed included a proposed call for quotations on Ku-ring-gai's pound services and discussion of upgrades for off-leash dog areas.

Community activities included planning for Dog Day Out 08, E-news for pet owners and support for the "Colour Your Canine" annual event.

CONSULTATION

The Committee is a consultative forum, representing the interests of both pet owners and non-pet owning residents within Ku-ring-gai. The Committee membership also includes a practising local veterinarian.

FINANCIAL CONSIDERATIONS

The Committee's recommendations on upgrade of off-leash dog areas may require additional financing. These works should be considered in Council's Capital Works Programme 2008/09.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Ongoing consultation continues with relevant departments of Council.

Item 5

S03449
7 January 2008

SUMMARY

Discussion at the November 29 2007 meeting reviewed the membership of the Committee. It was noted that Elizabeth Thrift and Sydney Birchall were leaving the Committee, proposed that Dr Susan Thomas join the Committee and that the three remaining vacant membership positions be advertised on the Council web site. The current high quality pound service provided to Council was noted, however, to ensure market parity, expressions of interest will be sought from other local service providers.

RECOMMENDATION

That the Minutes of the Companion Animals Advisory Committee meeting of 29 November 2007 be received and noted.

A Seaton
Manager
Regulation & Compliance

M Miocic
Director
Development & Regulation

Attachments: Minutes of Meeting of 29 November 2007

Minutes of Meeting
Companion Animals Advisory Committee
Meeting held Thursday 29th November, 2007 commencing at 6.35pm

Present.

Cr Tony Hall (Chair)
Ms Beryl Anderson
Ms Barbara Bessen
Dr Michael Eaton
Ms Sue Hutchins
Ms Sandra Fry

Staff Present

Ms Anne Seaton, Manager Compliance & Regulation
Dr Paul Hopwood, Companion Animal Management Officer\

CAAC 219 Apologies

Mayor, Cr Nick Ebbeck
Mr Sydney Birchall jnr
Ms Jenny Daniel
Dr Joanne Righetti
Ms Elizabeth Thrift

Cr Hall (Chair) opened the meeting at 6.35pm.

Recommendation: That the apologies for non-attendance be accepted.

CAAC 220 Declaration of pecuniary interest.

Nil

CAAC 221 Minutes of meeting 27 September 2007

The minutes were adopted.
Moved Ms Sandra Fry
Seconded Ms Beryl Anderson

CAAC 222 Matters arising from the minutes.

CAAC 222.1 Standard conditions of hire imposed on sportsgrounds . It was agreed unanimously by the Committee to recommend to Council that the wording of Council's sporting grounds condition of hire be amended so as to read:

Sportsfield hirers agree to inform spectators associated with their clubs activities of the need to keep their dogs on leash at all grounds and to collect and dispose of their dog's faeces. At those grounds that may be a shared and formally

declared leash-free area the animals must be on leash at all times whilst a sporting activity is in progress.

CAAC 222.2 E news for pet owners. Communications Department will work with the Animal Management Officer to develop a an electronic "Pet News ". This may be distributed through links to the recently developed Ku-ring-gai Council E-news, via Council's webpage and by links with various pet stakeholder groups.

CAAC 223 Membership of the Companion Animals Advisory Committee

The resignation of Ms **Elizabeth Thrift** (community member under 25 yr) from the Committee was noted.

The request from Mr **Sydney Birchall jnr** (community member with fauna and flora interests) to stand down from the Committee when a replacement member for his position can be appointed was noted.

Current membership of the Companion Animals Advisory Committee is:

Ms Beryl Anderson
Dr Barbara Bessen
Ms Jenny Daniel
Dr Michael Eaton
Ms Sandra Fry
Ms Sue Hutchins
Dr Joanne Righetti

Recommendation 1. That Council reindorse appointment of current members of the Committee for a further term of two years.

Recommendation 2. That Council appoint Dr Susan Thomas, A/Professor Education University of Sydney (community member) to the CAAC.

Moved Barbara Bessen
Seconded Sue Hutchins - Unanimous.

Recommendation 3. The **three** vacant community representative positions on the CAAC be advertised on Council's webpage.

Recommendation 4. The CAAC review nominations as received and make recommendations to Council as appropriate.

Moved Barbara Bessen
Seconded Sue Hutchins - Unanimous

CAAC 224 Impounding services (reference CAAC 214)

Council's current pound service provider is the Thornleigh Veterinary Hospital 180 Pennant Hills Road, Thornleigh. Council enjoys a most satisfactory service from this service provider. However, Council entered into arrangements with this

provider some years ago and it is now time for a market place review of the service.

Council management has identified three major issues with any pound service, namely quality of service, proximity of facility and cost effectiveness. The draft pound service provider expression of interest document was presented to the CAAC for comment.

Recommendation. Council call for expressions of interest from pound service providers capable of operating a quality Ku-ring-gai pound service.

Moved Dr Michael Eaton
Seconded Ms Sandra Fry - Unanimous

CAAC 225 Dog Day Out 2008 (reference CAAC 217)

The CAAC were briefed by Companion Animals Management Officer, Dr Hopwood on preparations for Dogs Day Out 2008.

Recommendation 1. That Council's Companion Animal Management Officer liaise with CAAC members to build a team of workers for the various activities to be conducted at the St Ives Showground for Dogs Day Out 08.

Recommendation 2. That Council's Companion Animal Management Officer seek Dog Day Out 08 team workers from other Ku-ring-gai companion animal stakeholders including schools, off-leash area users and interested community groups.

Recommendation 3. That Council's Companion Animal Management Officer continue to progress the arrangements for Dogs Day Out 08 including advertising, stallholders invitations and community liaison and report back to the next meeting of the Committee.

CAAC 226 Compliance statistics report.

Animal Control activities for Sept/Oct, as recorded by Council's Customer Request System, were tabled.

The Companion Animal Management officer advised that Council's Rangers were currently engaged in a registration drive for companion animals identified to be resident in the Ku-ring-gai Council area. A search of the Companion Animal Register for the period Jan 1998 to June 30 2007 listed 1906 unregistered dogs and cats. Each owner has been written to and advised that their animal is unregistered and that it must be registered within 28 days of receipt of Council's letter. It is proposed that a final warning letter be sent prior to the issue of Penalty Notices.

In response, Council has received 89 new registrations, notifications of 10 changes of address, 4 notifications of new owners, 70 returns unknown at this

address and notifications of 22 deceased animals. There are approximately a further 100 registrations currently being processed.

Recommendation 1.

1.1 That the chair, Cr Hall approach the Mayor to consider an article in the Mayoral Column advising residents to register their companion animals.

1.2. That the article refer to a 28 day amnesty from the date of receipt of the Council letter directing the pet to be registered.

1.3. That the article warn residents that \$165 Penalty Notices will be issued for all unregistered dogs and cats over 6 months of age located in the Ku-ring-gai Council area on expiry of the amnesty.

1.4. That the article advise that no further warnings will be issued by Council prior to issue of fines.

1.5 That Council advertise the requirement to register companion animals in local newspapers.

Moved Cr Hall

Seconded Ms Sandra Fry - Unanimous

Recommendation 2. That Council's Companion Animal Management Officer liaise with the Department of Local Government with the view to expanding the role of veterinary practitioners in accessing the Companion Animal Register and amending the Register for deceased animals.

CAAC 227 Companion animal management plans (ref CAAC 218)

Companion animal management plans from Hornsby, Willoughby and North Sydney Councils were tabled. Comparisons between the March 2006 -11 Ku-ring-gai Council 5 year management plan and other Council management plans were discussed.

Recommendation 1. That the Companion Animal Management Officer review the CAMP annually.

Recommendation 2. That the annual review of the CAMP be tabled to the CAAC at its first meeting of each calendar year.

Recommendation 3. That Council's current Handbook for pet owners be reviewed and amended by way of sticker or stamp prior to distribution.

CAAC 228 Off-leash areas

Cr Hall gave the CAAC a briefing on off-leash facilities in Ku-ring-gai and on the observations made from a tour of the facilities made with the CAMO on Monday the 15 October 2007.

Recommendation 1 That Council consider priority upgrade of the following off-leash areas: Bicentennial Park (Yanko Rd), Kissing Point Village Green (Vernon St), Roseville Park (Clanville Rd), Acron Oval (Acron Rd) and St Ives Showground.

Recommendation 2. That Council only consider upgrades of off leash areas on the merits of the requirements for each area and not on a global formula. Upgrades to be in conjunction with input from the local users of each off leash area.

Recommendation 3. That Council not consider the installation of fixed agility course facilities in the vicinity of the Jim Powell Pavilion St Ives Showground.

Recommendation 4. That Council undertake dog proof fencing of the cattle rings (located between Pickering and Powell pavilions) to provide a secure off-leash training facility within the municipality.

CAAC 229 General Business

1. **Colour your canine.** Representations were received from local pet groomers whom wish to host an afternoon fund raiser for the Leukemia Foundation. The colour your canine event is to be hosted under the umbrella of the "Worlds Greatest Shave". Dogs will be spray painted with vegetable dyes in a variety of stencilled patterns. The inaugural event held in May 2007 raised in excess of \$1200. It is hoped that the event will see even greater returns for the Leukemia Foundation in 2008 by building on the community acceptance of the May 2007 activities.

Recommendation 1. That Council support the hosting of a **Colour your Canine** event in 2008.

Recommendation 2. That Council provide in kind assistance with venue hire, promotion, staffing and organisation.

Next Meeting Thursday 28 February 2008

Cr Hall thanked the members of the Committee for their attendance and closed the meeting at 7.25pm.

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETING HELD 19 NOVEMBER 2007

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, 19 November 2007.

BACKGROUND:

The role of the Bushland, Catchments and 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:

The meeting of Monday, 19 November 2007, four items were discussed including Council's climate change strategy, Council's mapping and assessment method for endangered ecological communities, the public use of bushland containing endangered ecological communities and proposed meeting dates for 2008.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 19 November 2007 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, 19 November 2007.

BACKGROUND

The role of the Bushland, Catchments and 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 four items for general business discussion in the meeting of Monday, 19 November 2007. Minutes of the meeting are included as Attachment 1 to this report:

1. a presentation and discussion on Council's proposed Climate Change Strategy. The presentation (attachment 2) outlines the potential risks for Ku-ring-gai under a number of climate model scenarios for 2030 and 2070 as well as the current mitigation and adaptation strategies.
2. a presentation and discussion on the proposed mapping and assessment method for endangered ecological communities. The presentation is included as Attachment 3.
3. Council bushland particularly where they contain endangered ecological communities. This focused on Sheldon Forest as a case study and current leases and users therein; and
4. the proposed Reference Group meeting dates for 2008 were discussed with dates following the August meeting to be confirmed after the Council election, scheduled for September 2008.

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.

Item 6

S03448
30 November 2007

SUMMARY

The Reference Group considered four items of business at its meeting held on Monday, 19 November 2007. The Group discussed Council's climate change strategy and mapping and assessment method for endangered ecological communities, use and leases within bushland containing endangered ecological communities and the proposed meeting dates for 2008.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 19 November 2007 and attachments be received and noted.

Peter Davies
Manager Corporate Planning & Sustainability

Attachments:

- 1. Minutes of Meeting of 19, November 2007 - 884064**
- 2. Climate change strategy presentation - 856520**
- 3. Mapping and assessment method for endangered ecological communities presentation - 856521**

Bushland Catchments & Natural Areas Reference Group

Monday 19 November 2007

Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Nancy Pallin Margery Street Margaret Booth Alla Kamaralli Janet Harwood Michelle Leishman Stephen Shortis John Martyn	Clr. E. Malicki – Chair Clr. A. Andrew – Deputy Chair	Peter Davies – Manager Corporate Planning & Sustainability Jenny Scott – Sustainability Program Leader Louise Hayward – Sustainability Officer Sophia Findlay – Technical Officer (Water) Terri Southwell – Urban Planner Matthew Drago – Open Space Services Mgr Kim English – Administrator

Apologies:

Members	Councillors	Staff
Colin Manton Ian Wright Chris McIntosh	Clr. N Ebbeck (Mayor)	

Meeting opened 7.05pm.

Declaration of Pecuniary Interests:

No pecuniary interests declared.

Confirmation of Minutes:

Councillor Malicki requested the following changes to Minutes of Monday 15 October 2007:

BC&NARG 53 – Mapping of Endangered Ecological Communities (EEC's)

The sentence “The endangered ecological value is the most important factor in the determination” to be changed to “*The endangered ecological value would be the most important factor in the assessment*”.

BC&NARG 54 – Community Activities and their Impact on Bushland Reserves

The sentence “Specifically they cited activities such as camping, recreation, camp fires within Sheldon Forest that may be inappropriate given that it contained an endangered ecological community” to be changed to “*Specifically they cited activities such as camping, commercial activities, camp fires within Sheldon Forest that may be inappropriate given that it contained an endangered ecological community*”.

Business arising from the previous meeting:

No business arising from the previous meeting.

General Business

BC&NARG 61 – Climate Change

Council's Sustainability Officer and Sustainability Program Leader gave a presentation to the Reference Group regarding Council's Climate Change Strategy. This included details of the latest CSIRO modelling and how this may influence climate in Ku-ring-gai by 2030. The presentation also covered current mitigation and adaptation strategies and used information collected to the damage caused by the 1991 storm to infer approximate costs and impacts. A copy of this presentation has been sent to all members and is attachment 2 to these Minutes.

Issues raised included

- The need for Council to make it easier and facilitate the uptake of energy and water savings initiatives for residents and business
- The importance of promoting climate change initiatives and issues to the wider public
- The need for council to adopt a greenhouse emission reduction target.

On the latter point, the committee made the recommendation that:

Council acknowledges the achievements made in relation to climate change and that work towards an emission rate reduction of 60% by 2030.

BC&NARG 62 – Mapping of Endangered Ecological Communities

Council's Technical Officer – Water gave a presentation detailing the proposed mapping and assessment method for Endangered Ecological Communities (EEC's). This presentation built from earlier updates on the project at the meetings of 20 August and 16 October 2007. A copy of this presentation is attachment 3 to these minutes. The major changes in the methods included the use of light detection and ranging (LIDAR) data that will provide information on canopy heights as well as changes to the categorisations to the rapid field assessment sheet. The presentation also outlined the compatibility of the proposed method to that used by the Royal Botanic Gardens, NSW Fisheries and Sydney Metro Catchment Management Authority in the mapping of foreshore vegetation.

Issues raised as part of the discussion on this item included:

- The need to have the process developed and reviewed by independent experts
- The need for suitably qualified and skilled practitioners to undertake the mapping
- That the method be considered by Council prior to commencement
- The value of up to-date aerial photography to assist in the aerial photography interpretation given the rate of change in development across Ku-ring-gai
- The value of identifying key canopy species as part of the rapid field assessment
- The use of value based rather than a numeric assessment as part of the field mapping process

BC&NARG 63 – Public use of Environmentally Sensitive Areas

Discussion on this topic was focused on the use of Sheldon Forest including the Scout Hall and other users. Nancy Pallin advised the members that Councillor Malicki, Janet Harwood and herself met at Sheldon Forest on Friday 16 November 2007. At

Attachment 1

the meeting the suggestion was made that a separate Plan of Management (PoM) for sites containing threatened species or communities could be made or that the Bushland PoM have a section devoted to such areas. Manager Corporate Planning & Sustainability confirmed that the existing PoM can always be updated and also suggested that the operational plan accompanying the PoM may be a good instrument to look at in the first instance as a mechanism for tightening permissible activities.

In relation to the Scout lease, the Manager Corporate Planning & Sustainability advised members that a new generic lease is currently being prepared with the Scouting Association. It is proposed that this new lease will have strong environmental controls in relation to use of both the hall and associated curtilage.

BC&NARG 64 – Proposed meeting dates for 2008

All Reference Group members present at this meeting approved the proposed 2008 dates as follows:

- Monday 18 February 2008
- Monday 31 March 2008
- Monday 16 June 2008
- Monday 11 August 2008

*** Further dates to be confirmed following Council election scheduled for September 2008 ***

Other business

LEP 212

Manager Corporate Planning & Sustainability gave a brief update on LEP 212. He advised that additional correspondence will be sent to DECC from Council in support of the need to protect the Blue Gum High Forest within the proposed zoning area.

102 Rosedale Road, St Ives

Manager Corporate Planning & Sustainability advised that a confidential report had recently been presented to Council. Councillor Malicki and Councillor Andrew advised the Reference Group that Council will continue to investigate options and opportunities to save the site.

UTS site

Councillor Malicki advised that the UTS proposed development is currently on exhibition.

Agenda Items for the Next Meeting

- Ku-ring-gai Nursery – what is the budget for the nursery, what is the purpose of the nursery and what is it there for?
- North Turramurra Recreation Area update.

Next Meeting

Monday 18 February 2008 – Level 3 Ante Room at 7.00pm (**this meeting date has since changed to Monday 25 February 2008**).

Meeting Closed at 10.10pm

Climate Change Strategy

Climate Change Risks in Ku-ring-gai

What can Ku-ring-gai expect by 2030?

- Average temperature increase of 0.4-2°C
- Extreme temperature days to increase by 20-50%
- Decrease in average rainfall by up to 14%
- Increase in extreme rainfall events by 7-10%
- Increase in extreme winds by up to 7%

What can Ku-ring-gai expect by 2070?

- Average temperature increase of 1-6°C
- Extreme temperature days to increase by 20-600%
- Decrease in average rainfall by up to 40%
- Increase in extreme rainfall events by 3-5%
- Increase in extreme winds by up to 24%

Potential secondary effects

- Increased frequency and intensity of fires
- Drought stress on public open space
- Building and public asset damage
- Passenger fleet storm damage
- Increased maintenance costs of roads
- Flooding damage
- Facility closures
- Electricity, water, communication disruption
- Rail, road and logistics disruption
- Residential and business damage
- Biodiversity loss
- Land degradation
- Health impacts

Current Mitigation Strategies

- 1999: Council joined the Cities for Climate Protection Program
- 2002: Greenhouse Action Plan to reduce corporate emissions by 20% by 2010.
- 2005: CCP program completed and joined the CCP Plus program
- 2006: Energy and Water Savings Action Plan developed.
- 2007: Council commissioned Energy Conservation Systems to develop a Detailed Facility Study listing projects expected to save 440 tonnes of CO₂ per annum;

Since 1999, Council has reduced GHG emissions by 450 tonnes per annum through the purchase of renewable energy; downsizing passenger fleet; lighting and computer upgrades; Power Factor Correction and; oval lighting automation system.

Current Adaptation Strategies

- Stormwater harvesting
- Sewer mining
- Energy & Water saving action plan
- Recycling programs
- Procurement policy

Establishing Council's Risk Exposure

- When are the risks too high to accept the 'do nothing' option as responsible management?
- Collaborating with the community to set risk priorities
- Sharing the responsibility for the solution

Risk Analysis Methodology

Assessing Risks –

Risk = Probability x Consequence

- Determining probability in 2030 (CSIRO modelling - ppm concentration scenarios)
- Determining consequence in 2030 terms (historical data) (\$ and qualitative data)

Probability - Storms as the Case Study

- CSIRO modelling
- Storm frequency
- Storm intensity

Consequence of Severe Storms

- 1991 Ku-ring-gai Severe Storm magnitude
 - impacts
 - economic cost
 - lessons learned
- Extrapolate into 2030 terms

Magnitude of 1991 Storm

- Duration – 20 minutes
- Deaths – 1
- Injured - 100
- Trees destroyed - 50,000
- Homes demolished - 20
- Homes damaged - 7000
- Foodstuffs destroyed – 200 tonnes
- Water, power and communication supplies were disrupted, reducing access to sterilised water
- 140kms of powerlines and three high voltage steel towers destroyed
- Personnel - 1500 State Emergency Service, Volunteer Bushfire Brigade and NSW Rural Fire Service personnel, 440 NSW Roads and Traffic Authority personnel, with 50 Council staff involved in working through the first 24 hours after the event.
- Machinery - 80 cranes, 80 cherry pickers, 175 trucks (from RTA) and 59 miscellaneous equipment used in the clean-up

Magnitude in \$

\$670M

(in 1991 \$)

or

\$970M

(in 2006 \$)

or

\$ 9.6B

(in 2030 \$)

Cost Benefit Table and Trigger Questions

QBL/ESD	Trigger Question	Cost/Benefit
<i>Internal Stakeholders</i>		
Social	Have all the internal stakeholders been identified and consulted?	
Economic	Have the direct and indirect income or expense of the strategy been accounted for?	
Environmental	Will this strategy enhance local biodiversity conservation ?	
Governance	Has the Precautionary Principle been applied?	
<i>External Stakeholders</i>		
Social	Have all the external stakeholders been identified and consulted?	
Economic	Will there be a long term benefit to the local economy?	
Environmental	Is the quality of the local environment enhanced?	
Governance	Do stakeholders have a clear means for continuing involvement?	

Limitations of the Cost Benefit Analysis

- Quantifying intangibles
- Inability of climate modelling to forecast change on the local scale
- Equity between current and future generations

Where to From Here?

- localise predictions to Ku-ring-gai with available CSIRO regional data
- use historic Ku-ring-gai data to clarify the costs associated with likely secondary effects such as extreme storms
- determine on the basis of probability and consequence significance secondary impacts and determine their costs based on AGO guidelines
- develop a Ku-ring-gai community consultation process to clarify priorities from steps one and two
- Apply for funding through AGO to undertake risk analysis and develop strategy

Where to continued...

- identify suitable adaptation strategies to offset significant secondary impacts
- prioritise adaptation strategies in terms of most favourable cost benefit
- examine funding requirements and potential resources and identify funding source
- sequence implementation of adaptation strategies over time to reduce unacceptable risks to Ku-ring-gai Council and the community
- mitigation will continue to be vigorously pursued to reduce adaptation investment

In summary...

- Pursue mitigation to reduce greenhouse gas emissions further (20% reduction on 1996 emission level is the target)
- Introduce Adaptation Strategies
The aim will be to minimise the most severe impacts predicted by the current climate change modelling.

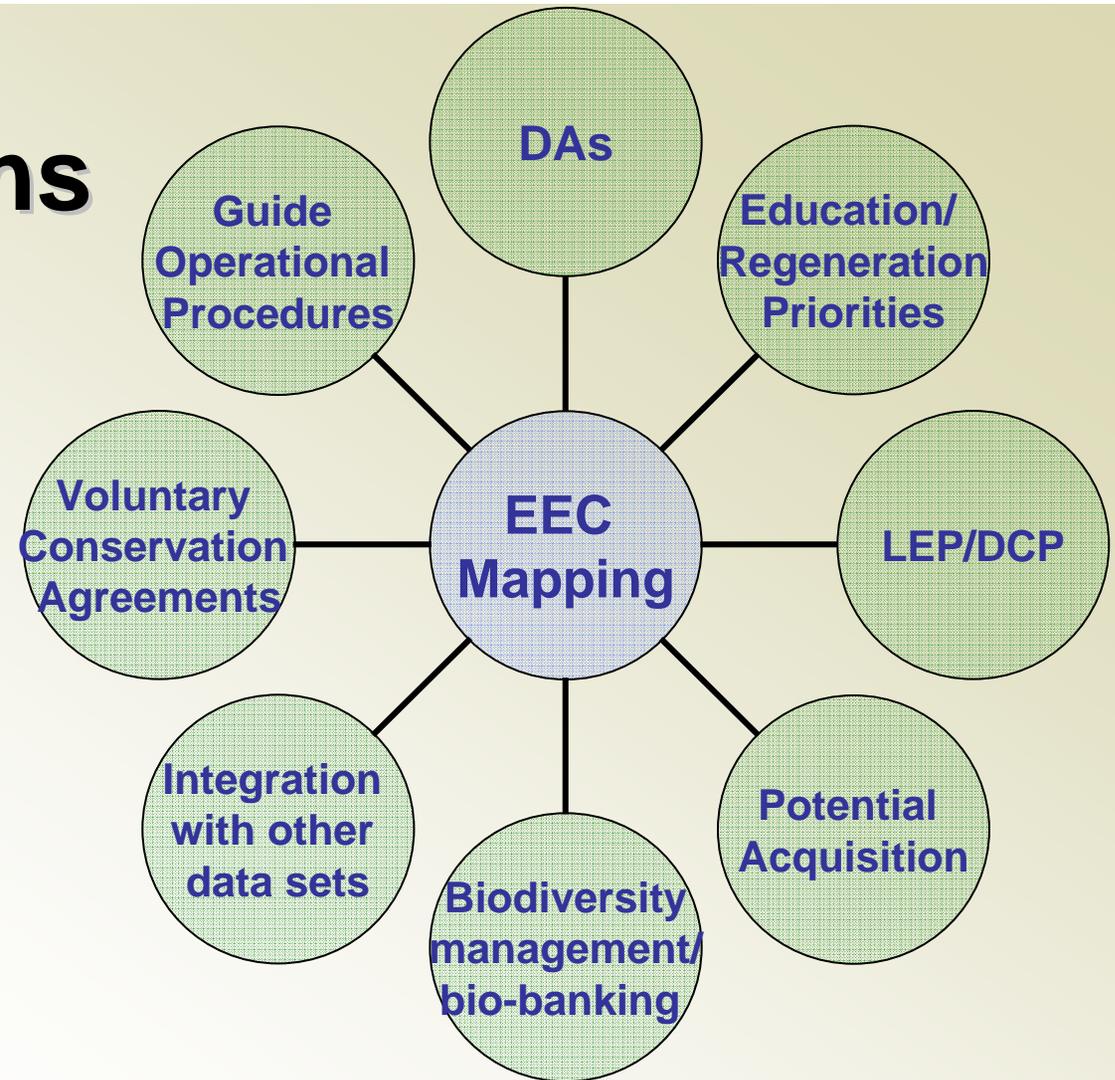


Attachment 3
19 November 2007

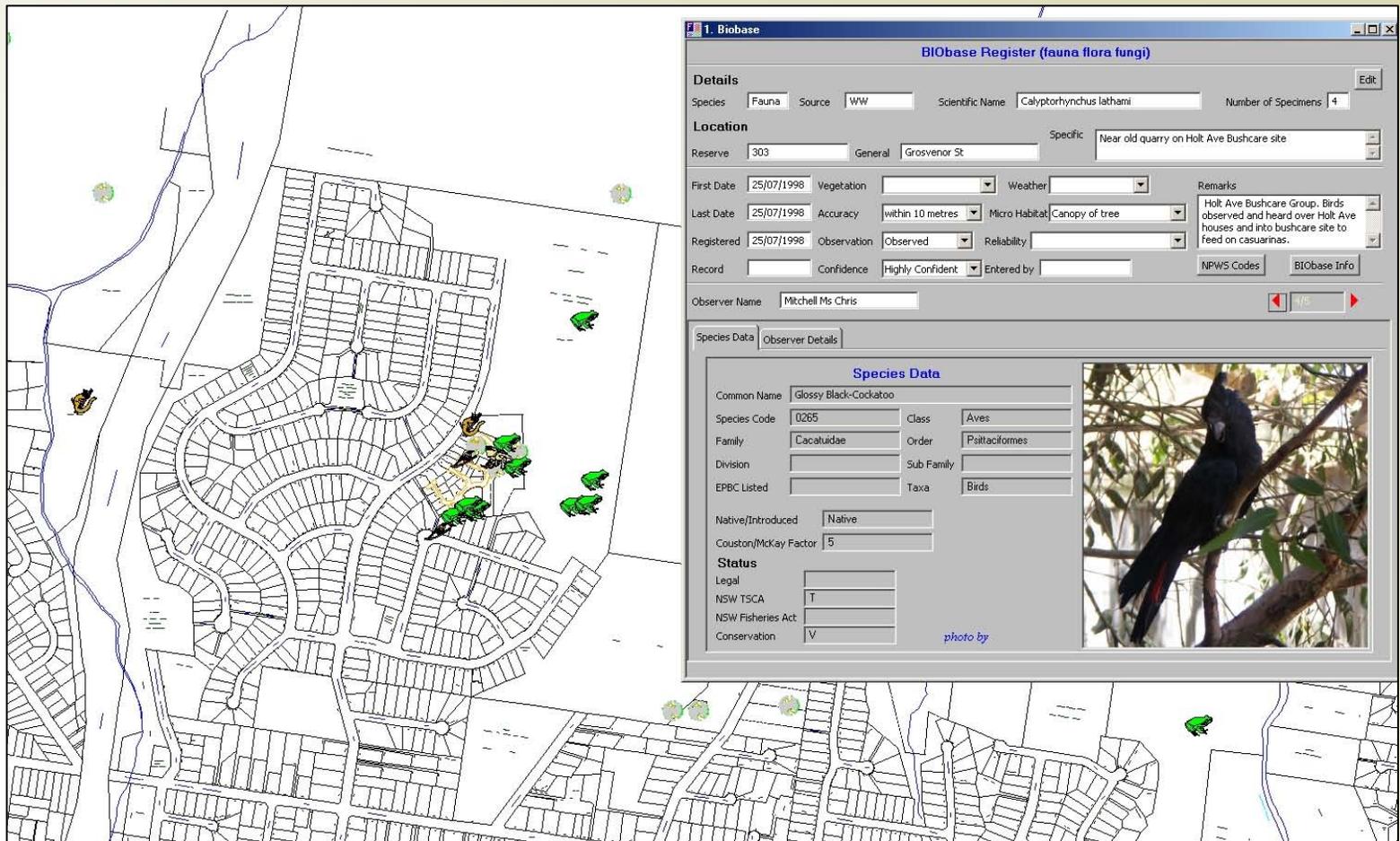
Ku-ring-gai Council's Mapping and Assessment Method for Endangered Ecological Communities

The Bushland, Catchments and Natural
Areas Reference Group

Potential Applications



ESA GIS Data Integration and Accessibility



The image displays a GIS map on the left and a Biobase data entry form on the right. The map shows a residential area with several bird icons (green and brown) indicating species locations. The Biobase form is titled "1. Biobase" and "Biobase Register (fauna flora fungi)".

Details

Species: Fauna Source: WW Scientific Name: *Calyptorhynchus lathami* Number of Specimens: 4

Location

Reserve: 303 General: Grosvenor St Specific: Near old quarry on Holt Ave Bushcare site

First Date: 25/07/1998 Vegetation: [dropdown] Weather: [dropdown] Remarks: Holt Ave Bushcare Group. Birds observed and heard over Holt Ave houses and into bushcare site to feed on casuarinas.

Last Date: 25/07/1998 Accuracy: within 10 metres Micro Habitat: Canopy of tree

Registered: 25/07/1998 Observation: Observed Reliability: [dropdown]

Record: [dropdown] Confidence: Highly Confident Entered by: [dropdown] NPWS Codes: [dropdown] Biobase Info: [dropdown]

Observer Name: Mitchell Ms Chris

Species Data

Common Name: Glossy Black-Cockatoo

Species Code: 0265 Class: Aves

Family: Cacatuidae Order: Psittaciformes

Division: [dropdown] Sub Family: [dropdown]

EPBC Listed: [dropdown] Taxa: Birds

Native/Introduced: Native

Couston/McKay Factor: 5

Status

Legal: [dropdown]

NSW TSCA: T

NSW Fisheries Act: [dropdown]

Conservation: V photo by [dropdown]





19 November 2007

Changes since last BC&NARG meeting...

- Preliminary application of LIDAR data
- Consultation with Daniel Connolly (DECC) *Native vegetation mapping in Sydney*
- Compared with Vegetation map of the Sydney Harbour Foreshore (December 2006) – Andrew Morrison
- New staff with expertise (Starting 10 December)
- Determining need for consultant
- Continual development of the Assessment Tool

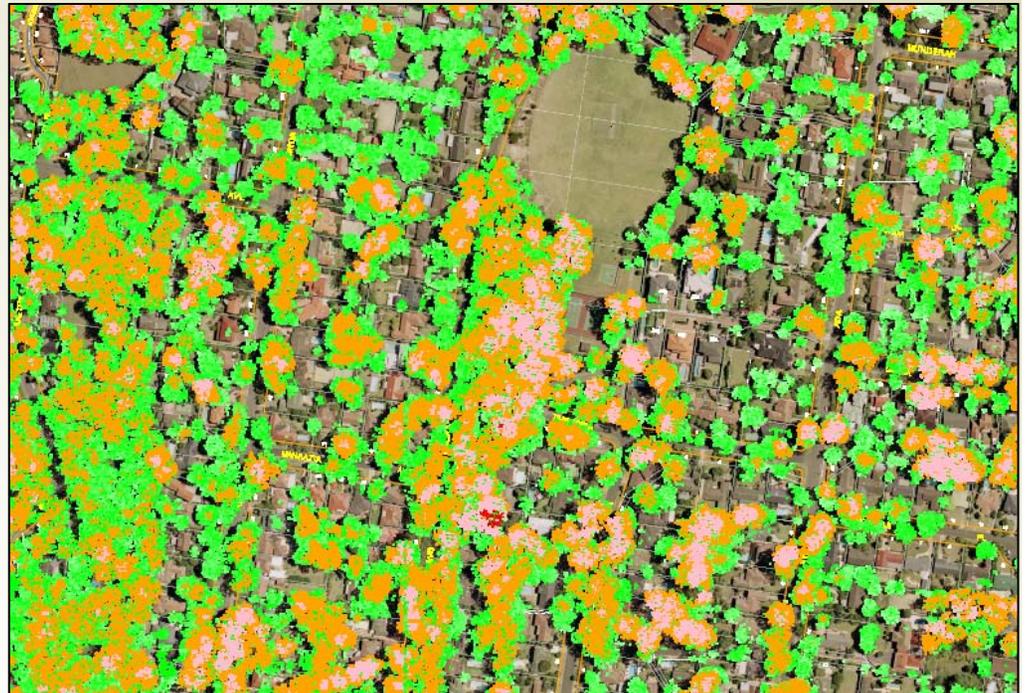
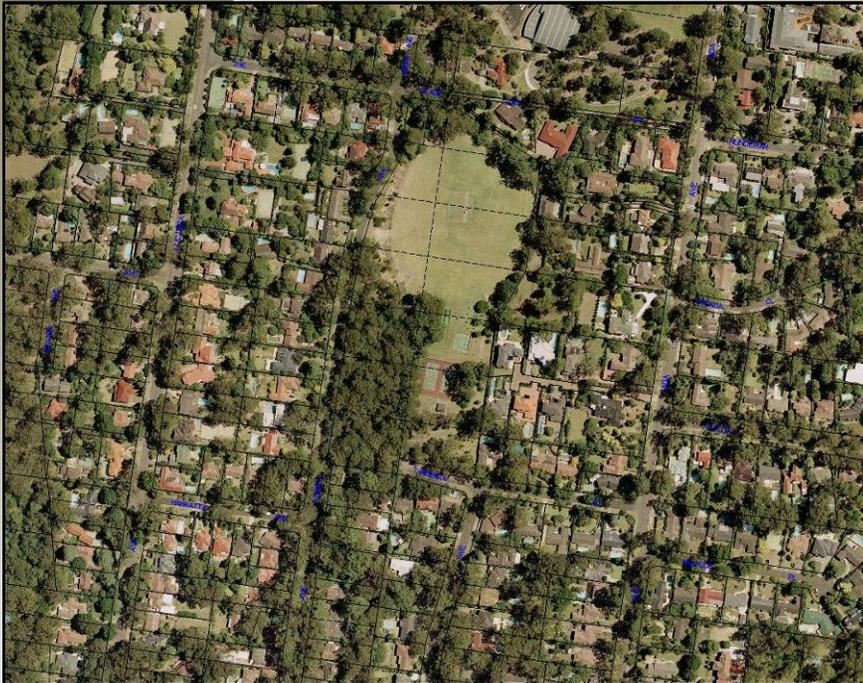
Preliminary LIDAR Canopy Heights

Orange: 20-30m Pink: 30-40m Red: 40-50m



Preliminary LIDAR Canopy Heights

Orange: 20-30m Pink: 30-40m Red: 40-50m





19 November 2007

Rapid Field Assessment Sheet

1. Trees within EEC assemblage
(refer to assemblage lists provided by NSW Scientific Committee's)

- Absent
- Single species present
- Multiple species present
- All

2. Species Composition

- Absent
- 1-3 species in EEC assemblage observed
- 4-8 species in EEC assemblage observed
- >8 species in EEC assemblage observed

3. Stand Integrity

- Absent
- Individual trees
- Canopy and groundcover only
- Canopy, groundcover & midstorey present

4. Area of Remnant EEC on land

- Absent
- < 10m²
- 10 – 30 m²
- > 30 m²

5. Recruitment

- No recruitment observed
- Disrupted recruitment
- Understorey only
- Successional/layer recruitment

6. Connectivity

- No physical connection/isolated
- Understorey only
- Canopy only connectivity
- Understorey and canopy connection

7. Surface Condition / Development

- > 50% of site contains impermeable surfaces
- 10% - 50% of site contains impermeable surfaces
- < 10% of site contains impermeable surfaces

8. Soil

- > 50% of site contains foreign soil medium
- 10% - 50% of site contains foreign soil medium
- < 10% of site contains foreign soil medium

9. Tree Maturity

(determined by largest tree girth observed within stand)

- Not applicable
- < 30cm
- 30cm – 1m
- >1m

Benefits

- Adds value to the ESA work already undertaken
- Uses less staff resources, much shorter timeframe
- Strong strategic value
- Increased potential for use in plans and policies to strengthen environmental outcomes in DA process

Options - LEP/DCP

Mapping layer not included in Plans



Existing ESA, and EEC mapping on Council's
system for staff use

Options - LEP/DCP

Single layer showing EECs

- Maintain/expand core areas of EECs
- Minimise edge effects on EECs
- Minimise impacts from stormwater
- Retain, encourage mature and hollow bearing trees (including dead trees) while preventing damage to humans or property from tree or branch fall
- Maintain appropriate fire regimes while protecting life and property from bushfire impacts
- Protect/enhance supporting areas of EECs

Core, support & remnant layers

- Protect/enhance remnant stands of trees from EECs for genetic diversity
- Avoid hard surfaces and structures within EECs
- Maintain/enhance connectivity between areas of the EEC (including supporting areas and remnant trees) and between the EEC and other areas of native vegetation and natural areas, to allow:
 - Pollination and seed dispersal
 - Species movement for:
 - Genetic diversity
 - Climate change adaptation

Next

- Preliminary GIS analysis (1:2000) to determine probable BGH extent
- Refinement of method
- Report to council
- Updates to BC&NARG throughout 2008

ENVIRONMENTAL LEVY PROGRAMS & AUDIT FORUM - MINUTES OF MEETING HELD 26 NOVEMBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Environmental Levy Programs and Audit Forum meeting held on Monday, 26 November 2007.

BACKGROUND:

The Environmental Levy Programs and Audit Forum are two of the three Environmental Levy advisory forums, who meet twice yearly for discussions on progress and direction of the Environmental Levy.

COMMENTS:

At the meeting of Monday 26, November 2007, 7 items were discussed. The Program Forum discussed future projects and directions of the levy. The Audit Forum reviewed financial matters and the development of an assessment proforma to evaluate Environmental Levy projects.

RECOMMENDATION:

That the Minutes of the Environmental Levy Programs and Audit Forum meeting held on Monday, 26 November 2007 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Environmental Levy Programs and Audit Forum meeting held on Monday, 26 November 2007.

BACKGROUND

The role of the Environmental Levy Programs Forum is to provide expert advice and feedback to Council on matters in relation to the direction and progress of the Environmental Levy. Membership to this Forum was previously considered and supported by Council on 26 September, 2005.

COMMENTS

7 items were discussed at the meeting of Monday, 26 November 2007:

Actions of the minutes have and are being addressed as follows:

1. Staff in collaboration with environmental levy audit forum members have assembled and are reviewing a draft assessment proforma.
2. Staff have implemented monitoring projects for qualitative review. This work is in progress, utilising contractors with results to be assessed and compared.
3. Council are undertaking further discussions in regard to future direction of the environmental levy.
4. Easy language for the advisory forum shall be kept in mind at all times.
5. Council staff have engaged contractors in collaboration with outdoor staff at suitable sites regarding the importance and effective management of bushland through pre and post fire weeding

CONSULTATION

The Forums are consultative forums representing the interests of residents, community groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations as part of this report. The Program Forum has sought advice on the financial implications of expanding elements of the program, though these are to be discussed further prior to reporting to Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The finance section of the Corporate department has assisted in the development of the presentation to the Forums.

Item 7

S04553
10 January 2008

SUMMARY

The Environmental Levy Programs and Audit Forums provide an advisory role as to the direction of new, and auditing of existing projects to be funded by the Environmental Levy. At the meeting of Monday, 26 November 2007, 7 items of business were discussed, including current and future projects and the development of an assessment proforma. levy program

RECOMMENDATION

That the Minutes of the Environmental Levy Programs and Audit Forum meeting of Monday, 26 November 2007 be received and noted.

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

Peter Davies
**Manager Corporate Planning &
Sustainability**

Attachments:

- 1. Minutes of Meeting of Monday, 26 November 2007 - 860533**
- 2. Ku-ring-gai Environmental Levy Audit Forum Report 2007 and Assessment Proforma - 883370**

Environmental Levy Audit and Program Forums - Minutes 26 November 2007

Environmental Levy Programs and Audit Forums

Monday, 26 November 2007
Level 3 – 7.00pm

Attendees:

Members	Staff
Alex Horn	Councillor Jennifer Anderson
Liz Deane	Mary-Lou Lewis – Natural Areas & Environmental Levy Program Leader
Eija Roti	Peter Davies – Manager Corporate Planning & Sustainability
Richard Boele	Tino Caltabiano- Finance Manager
Ken Burchall	
Irena Sprey	
Nancy Pallin	
Susan Israel	

Apologies:

Members	Staff
John Balint	
Ross Peacock	
Breville Johnson	
Harley Wright	

Meeting open 7.00pm

General Business

ELPC 9 – Environmental Levy presentation

Program Leader gave a joint presentation to both forums on current Environmental Levy projects and those completed at the end of the 2006/07 financial year.

Comments by forum members included:

- need to include in the financial summary where Council has sought and obtained supplementary findings via other government grant.
- need to maintain an updated web site on project and there status

There was one general presentation to both Forums on the status of current projects. Each forum then separated to discuss their respective items as below:

Programs Forum Meeting Minutes

Communication, education and participation – the importance of communicating the outcomes of the levy to the community were discussed. In particular members stressed the importance of maintaining an up to date web site. As part of education strategies the group emphasised the need to develop materials and strategies for non-English speaking backgrounds. Members also suggested that local businesses,

Environmental Levy Audit and Program Forums - Minutes 26 November 2007

community groups and sections of the community may be interested in helping to deliver the projects as part of a joint program.

Future projects – discussion focussed on the need for additional resources to fund further, and maintain current bush regeneration projects. Other discussion emphasised the importance of expanding the current water sensitive urban design program across the LGA.

ELPC 10 – Communication

This item discussed the importance of raising the profile and awareness of Environmental Levy program and its projects. Forum members identified the web as the main mechanism for promoting the projects as it can be updated regularly with links to consultant reports, designs and other information that provides support for the direction of the projects, particularly those of an experimental nature such as the rain gardens to improve stormwater quality.

ELPC 11 – Future Projects

This item was raised in the context of future project as identified in the original levy program and also as a mechanism to raise other projects that could be funded by this or a future levy. (also see LPC 14)

The need for the bush regeneration program to continue on current sites so as to not allow degradation to occur was a central part of the discussion for future projects. As part of this discussion it was suggested that the Levy or Council resource an additional bush regeneration crew of 18 staff. These would supplement existing Levy funded contractors and operational staff to progress regeneration across a greater area and also assist in specialist projects such as pre and post fire weeding, collection of seeds on road reserves and where necessary provide supplementary resources for emergency situations such as clean up post wildfire fires and storms. The Program Leader was asked to provide a cost analysis of this for the next meeting and also to report on the present and expected condition and cost of the current bush regeneration projects funded by the Levy.

Program Leader commented that additional bushland regeneration has commenced at four new sites including the new North Wahrenonga to North Turrumurra fire trail, Mona Street, Kylie and Wattle Streets and Blytheswood Avenue.

The Forum acknowledged areas improvements in Council's general operational practices we mowing of certain public reserves has ceased enabling sites to regenerate. As part of this program, the Forum asked if the cost of regeneration maintenance could be off set by the saving in mowing costs. The Program Leader advised that this would also be investigated and reported on at the next meeting.

ELPC 12 – Education

As part of the education program for the Levy, the forum identified the need for in-house and community wide education program for the identification and removal of problematic weeds. The program should also be multilingual and utilise Council's contacts within the various non-English speaking groups in the LGA.

ELPC 13 - Increase community involvement

Environmental Levy Audit and Program Forums - Minutes 26 November 2007

Forum members suggested there was an opportunity to involve local business, community groups and retirees in helping to promote and deliver environmental outcomes to complement and work with identified Levy projects. To determine the success of this, it was suggested that this be investigated as a trial for a small number of projects to ascertain the level of interest, support and other environmental and community benefits. Program Leader to identify a number of projects and partnerships.

ELPC 14 – Projects beyond the current program to 2012

Following from ELPC 11, the Forum discussed other projects that may be relevant for the future of the current or a new Environmental Levy. These included:

- Proposed Water Sensitive Urban Design (WSUD) identified for the Lofberg Catchment be expanded to other areas following its review
- Investigate benefits and costs of reducing paving in urban areas to benefit natural streams
- Ensure the maintenance of projects previously funded

Audit Forum Meeting Minutes

Discussion on the development of a project evaluation form was the main area of business for the Forum. The final form, as attached to the minutes, would be trialled by the Program Leader in consultation with the Audit Forum for further discussion at the next meeting.

ELPC 15 – Project evaluation

The Audit forum discussed the development of a proforma to assist in the review of Levy funded projects. Elements of the review were to examine financial delivery, project evaluation processes, community reporting and consultation in design and delivery. A draft template was developed by Forum members prior to the meeting and refined through discussions. A completed version (attached) to be trailed by Council's Program leader and the Forum is attached.

The Forum was also attended by Council's Finance Manager and the members supported his presence at future meetings.

Other Business:

1. Environmental Levy Tour. Proposed date - Friday 8 February to be confirmed and invitations to be sent to Councillors. The tour will walk over the new fire trail (8km).
2. Review of membership - as per the charter establishing the Forums, in September 2008 new positions will be advertised.
3. Next meeting – Wednesday 20 February 2008

Meeting Closed at 9.15pm

Ku ring gai Environmental Levy Audit Committee Report 2007

The Audit Committee's responsibility is defined as:

This committee oversees the financial and performance delivery of the programme against the strategies and budget.

"To independently audit the programs' finance, delivery, process and consultation" (Environmental Levy Advisory Committees-Committee Information-KMC Website)

"The role of the community audit committee is to provide an independent auditing function on finance, evaluation, process, program delivery reporting and consultation" (Item 8 Ordinary Meeting of Council 18 October 2005)

- Finance
- Programme delivery
- Evaluation
- Reporting (to whom, when and in what form?)
- Process
- Consultation (with whom?,-how/when will this occur?)

The following checklist is a review approach to delivering on the Audit Committee's responsibilities. A review requires significantly less resources to complete than an audit. Particularly for financials the audit committee should not be presenting audit level opinions. By taking a review approach the audit committee can present opinions based upon less evidence and higher-level evidence.

This review has 16 objectives for consideration for each project that are based on the originally stated and publicly communicated objectives of the environmental levy program. For each area of consideration the Audit Committee presents an opinion as to whether the project has responded to that objective completely, partially or not at all.

Project Reviewed:

Interviewees:

Name & Title:

Objectives Assessed	Evidence sighted/collected	Comments/ <i>Recommendation</i>
<i>Fulfil our community's vision in planning for the future</i>		
People worked together to realise agreed outcomes		
Sustainable values embodied in planning and development decisions		
<i>Work with the community</i>		
Community was actively involved		
Community members from all backgrounds were encouraged to participate (inclusive approach)		
Council was responsive to		

Objectives Assessed	Evidence sighted/collected	Comments/ Recommendation
community involvement		
<i>Conserve our natural environment</i>		
Preserved and enhanced bushland and biodiversity		
Moved towards a clean environment with no/less pollution		
Reduced, reused and recycled resources		
Increased the use of renewable resources		
Informed the community on sustainability		
<i>Contribute to community development through sustainable facilities and services</i>		
Improved capacity to lead and adapt to changing community needs		

Objectives Assessed	Evidence sighted/collected	Comments/ <i>Recommendation</i>
<i>Maintain sound processes and controls</i>		
Demonstrated compliance with existing Council policies		
Demonstrated required tendering and quotation process was followed		
Budget and expenditure appropriately controlled and discharged (has the Levy only paid for what it should?)		
Project process, consultation and delivery effected as planned & any changes were appropriate to intent		
Appropriate and effective monitoring and evaluation conducted to ensure project intent was delivered		
Continuous learning report satisfactorily completed		

Comments are in normal font and do not need to be accepted for audit committee sign off.

Recommendations are in italics and must be agreed & formally responded to for audit committee sign off.

RE-ADOPTION OF AMENDMENT TO DEVELOPMENT CONTROL PLAN NO 56

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To re-confirm the Council resolution to amend Development Control Plan No 56 (DCP 56) to require notification and advertising of development applications for firearms outlets.

BACKGROUND:

On 4 December 2007 Council resolved to adopt an amendment to DCP 56 which would result in development applications for firearms outlets requiring notification and advertising. Other minor amendments are also included.

COMMENTS:

The Environmental Planning and Assessment Regulations 200, requires that a notice is to be placed in a local newspaper within 28 days of the Council resolution for a DCP amendment to take effect. The 28 day period has expired without a notice being placed in the newspaper. Council needs to re-adopt its resolution to allow the necessary notice to be issued within the statutory requirements.

RECOMMENDATION:

That Draft Development Control Plan No 56 - Notification, be adopted by Council.

PURPOSE OF REPORT

To re-confirm the Council resolution to amend Development Control Plan No 56 (DCP 56) to require notification and advertising of development applications for firearms outlets.

BACKGROUND

On 4 December 2007 Council considered the officer's report and resolved to adopt amendments to DCP 56 to require notification and advertising for development applications for firearms outlets and other minor amendments. Council resolved the following:

- A. *That Draft Development Control Plan No 56 – Notification be adopted.*
- B. *That a notice be placed in the local paper in accordance with the Environmental Planning Assessment Regulation 2000.*
- C. *That the Department of Planning be notified of Council's decision in accordance with the Environmental Planning Assessment Regulation 2000.*
- D. *That reference in the existing DCP to proposed conservation areas, remain and further that an appropriate definition of proposed conservation areas be developed by staff.*

A copy of the report to Council on the matter is included as **Attachment 1**. The amendments required in "D" are included in the Draft DCP in **Attachment 2**.

In regard to making the required amendment to DCP 56 effective, clause 21(2) of the Environmental Planning and Assessment Regulation 2000 requires that:

"The Council must give public notice of its decision in a local newspaper within 28 days after the decision is made".

The amended development control plan would then come into effect on the date that the public notice of its approval appears in the local newspaper. The DCP will also be submitted to the Department of Planning at this time.

COMMENTS

As the result of an administrative error over the holiday period, the required public notice of Council's decision to amend DCP 56 was not placed within the North Shore Times within the 28 day statutory timeframe, due to the Christmas break and printing dates of the local paper.

Therefore in order for Council to ensure that the resolved amendment to DCP 56 is effective it needs to re-adopt part B of its previous resolution. This will allow the necessary public notice to be issued to satisfy the statutory requirements for the making of DCP amendments.

CONSULTATION

Not required for this report as the matter has been previously exhibited and adopted by Council.

FINANCIAL CONSIDERATIONS

Cost of advertising is covered by the Urban Planning, Strategy Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not required for this report.

SUMMARY

The Environmental Planning and Assessment Regulations 2000, requires that a notice to be placed in a local newspaper within 28 days of the Council resolution for a DCP amendment to take effect. The 28 day period has expired without a notice being placed in the newspaper. Council needs to re-make its resolution to allow the necessary public notice to be issued to satisfy the statutory requirements for the making of DCP amendments.

RECOMMENDATION

- A. That Draft Development Control Plan No 56 – Notification, as attached, be adopted.
- B. That a notice be placed in the local paper in accordance with the provisions of the Environmental Planning Assessment Regulation 2000.

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Attachments:

- 1. Copy of original report presented to Council on 4 December 2007 - 879035
- 2. Copy of Draft Development Control Plan No 56, as amended - 879145 and 879041

AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO 56 - NOTIFICATION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council Draft Development Control Plan No 56 - Notification for consideration and adoption.
BACKGROUND:	Council's Development Control Plan No 56 – Notification (DCP 56) came into effect on 13 July 2005. On 16 October 2007, as a result of community concern regarding the lack of a requirement for notification of a sporting goods and firearms retail outlet, Council resolved to exhibit draft DCP amendments to provide for notification of Development Applications for such premises. The draft DCP was publicly exhibited for 28 days and notified on the website.
COMMENTS:	The amendment would result in a development application for a firearms outlet requiring notification and advertising. Other minor amendments are also included. No submissions were received in response to the public exhibition.
RECOMMENDATION:	That Draft Development Control Plan No 56 - Notification be adopted by Council.

PURPOSE OF REPORT

To present to Council Draft Development Control Plan No 56 - Notification for consideration and adoption.

BACKGROUND

Council's *Development Control Plan 56 – Notification (DCP 56)* came into effect on 13 July 2005. It affects all land to which the Ku-ring-gai Planning Scheme applies, currently the entire Local Government Area.

Chapter 3 of the DCP includes a table which outlines that a new use in a 3(a) or 3(b) zone is to be notified in accordance with the requirements for Type A.

In relation to Type A, Section 4.1.1 states that:

No advertising is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.

Community concern was raised regarding the approval of a development application (DA) for a sporting goods and firearms retail outlet at 19-21 Babbage Rd, Roseville Chase. The DA was not notified, as it was not deemed to be required as a Type A proposal. Council resolved to prepare a draft DCP to address this issue.

Amendments in relation to the notification of potential heritage items discussed at the Planning Committee of 18 September have also been incorporated into the draft DCP.

On 16 October 2007 Council resolved:

A. That Draft Development Control Plan No. 56 – Notification, as attached, be placed on exhibition in accordance with the Environmental Planning and Assessment Regulation.

B. That a report be brought back to Council for consideration following the exhibition period.

COMMENTS

A. It is proposed to amend DCP 56 to provide for notification and advertising of any DA for firearms outlets to ensure that the community has an opportunity to consider and comment on the impacts of any proposal for such outlets. The following amendments are proposed (see **Attachment 1** for Draft DCP):

1. To the Dictionary of Definitions (Chapter 2) add a definition of firearms outlet in the appropriate location:

Item 3

S03673
26 November 2007

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under the NSW Firearms Act (1996).

2. To the Table in Chapter 3, in section Other – New Use, in column 2 add: *firearms outlets in any zone* and in column 3 add the letter *F*.

This would provide that DAs for firearms outlets be notified and advertised in accordance with Type F. Under Section 4.6.1, Type F requires 30 day notification:

- *to such persons as appear to [Council] to own or occupy:*
 - *the three (3) adjoining and neighbouring properties to each side of the subject property; and*
 - *the seven (7) adjoining and neighbouring properties to the front and rear of the subject proper; and*
 - *if practicable, to such other persons as appear to [Council] to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out;*
 - *and to such other persons as are required to be notified by the regulations.*

Type F also requires the placement of a notice at the site and advertising in the local newspaper.

3. In the Appendix, to the list of developments that require Type F notification, add:

Firearms outlets *all*

for consistency with the table in Chapter 3.

- B. Other minor changes are recommended to fix typographical errors and reduce confusion.

1. Listing of heritage items in a separate section on Council's website

- a. Section 4.6.10 of the DCP requires that "heritage items or items in a conservation area" be listed in a separate section of Council's website for "existing and potential heritage items". It is recommended that DAs for works on such sites be listed in the usual place on the website, and marked as being a heritage item or within a conservation area. Note, however, that there are currently no gazetted conservation areas under the KPSO, and none are likely to be declared till the Ku-ring-gai Comprehensive Principal LEP is made. This control would therefore only apply to heritage items at this stage.

2. Notification of demolition of heritage items – separate listing on website

- a. Section 4.4.8 of the DCP relates to the notification of the proposed demolition of "potential heritage items" and "proposed conservation areas". A sign at the site, and listing on a separate section of the website is required. Again, it is

Item 3

S03673
26 November 2007

recommended that DAs for demolition on such sites be listed in the usual place for development applications on the website, and marked appropriately, and the requirement for separate listing be deleted.

- b. However, confusion arises regarding two of the terms within Section 4.4.8 as they have no statutory meaning, namely:

proposed conservation area

- It is recommended that “proposed conservation area” be amended to “draft conservation area” which is a statutory term referring to conservation areas that have been adopted by Council, but not yet gazetted.

potential heritage item

- Council has been reviewing a number of items for their potential heritage significance. Each of the items is still being reviewed and has not been adopted by Council as a *draft heritage item*. Such items are listed on Council’s database, Proclaim, as a *potential heritage item*. It is recommended a definition of *potential heritage item* be added to the dictionary in the DCP to ensure clarity. Such a definition would refer specifically to those items under review and listed on Proclaim as *potential heritage items*.
- Such a definition would not include *draft heritage items*, that is, items that *have* been adopted by Council or the Heritage Council for listing as a heritage item, but not yet gazetted. It is therefore recommended that this control include the reference to *draft heritage items* for consistency.

3. To the Table in Chapter 3, in section Modifications to development Consent: Correct the typographical error in the last line, to read:

all other s.96(2) and s.96AA modifications *B*

4. In Section 4.1.1, change the term “advertising” to “notification”. As most DAs are not advertised in the paper, this will clarify the control.

CONSULTATION

The draft plan was placed on public exhibition from 26 October 2007 until 23 November 2007 in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 including advertisement in the North Shore Times on Friday 26 October 2007 and notification on Council’s website. No submissions were received in response to the exhibition.

FINANCIAL CONSIDERATIONS

The costs associated with this DCP are limited to staff time and advertising/exhibition costs. The costs are covered by the budget of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Draft DCP 56 has been prepared in consultation with Development and Regulation and Strategy Departments.

SUMMARY

Draft DCP 56 has been prepared in response to community concerns about the lack of notification of a DA for a firearms outlet. The amendments would result in the notification and advertising of DAs for such proposals in the future to ensure that the community has an opportunity to make a submission. The draft DCP was publicly exhibited from 26 October to 23 November. No submissions were received in response to the exhibition.

RECOMMENDATION

- A. That Draft Development Control Plan No 56 – Notification be adopted.
- B. That a notice be placed in the local paper in accordance with the Environmental Planning Assessment Regulation 2000.
- C. That the Department of Planning be notified of Council's decision in accordance with the Environmental Planning Assessment Regulation 2000.

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Attachments: Draft Ku-ring-gai Development Control Plan No 56 - Notification - 844288

Development Control Plan 56 - Notification Contents

Chapter 1 - Introduction	2
1.1 Where the DCP applies	2
1.2 Commencement of the Plan	2
1.3 Purpose of the Plan	2
1.4 Objectives of the Plan	2
1.5 Relationship to other Environmental Planning Instruments	2
Chapter 2 – Dictionary of Definitions	3
Chapter 3 – Notification and Advertising Requirements	6
Chapter 4 – Notification Requirements by Type	12
4.1 Type A Requirements	12
4.2 Type B requirements	12
4.3 Type C requirements	12
4.4 Type D requirements	13
4.5 Type E requirements	14
4.6 Type F Requirements	15
4.7 Criteria to be considered in determining likely detrimental effect of development	17
Chapter 5 – Procedures for Notification	19
5.1 Website information	19
5.2 Notification to Councillors	19
5.3 Notification letters	19
5.4 Advertisements in the local newspaper	20
5.5 Notification signs at the property	21
Chapter 6 – Written Submissions to Council	22
6.1 Form of Written Submissions	22
6.2 Anonymous submissions	22
6.3 Disclosure of submissions	22
6.4 Acceptance and consideration of submissions	23
6.5 Acknowledgement of submissions	23
6.6 Advice to applicant of written submissions	23
Appendix	24
Notification Type A Developments	24
Notification Type B Developments	25
Notification Type C Developments	25
Notification Type D Developments	26
Notification Type E Developments	27
Notification Type F Developments	27

Chapter 1

Introduction

1.1 Where the DCP applies

This plan applies to all land within the Ku-ring-gai Local Government Area to which the *Ku-ring-gai Planning Scheme Ordinance* applies, unless the development being carried out is defined as exempt or complying in Council's adopted DCP 46 - Exempt and Complying Development.

1.2 Commencement of the Plan

This plan was adopted by Council on 28 June 2005 and came into force on 13 July 2005.

1.3 Purpose of the Plan

This plan has been prepared in order to clearly communicate Council's requirements for the involvement of stakeholders in the consideration of applications for development consent made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

1.4 Objectives of the Plan

The objectives of this DCP are:

- A. Public participation in the planning process that is appropriate to the type and form of development proposed.
- B. A consistent, transparent and efficient development assessment process.

1.5 Relationship to other Environmental Planning Instruments

The plan has been prepared to complement the Ku-ring-gai Planning Scheme Ordinance and has been prepared in accordance with section 72 of the *Environmental Planning and Assessment Act 1979*, as amended, and Part 3 of the *Environmental Planning and Assessment Regulation 2000*, as amended. The advertising and notification procedures required under this legislation take precedence over the provisions of this DCP. In the event of any inconsistency between this plan and other Council development controls plans, policies and codes, this plan will prevail unless otherwise specified in this plan or in the other plans, policies and codes.

Chapter 2

Dictionary of Definitions

Adjoining land means land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising means written notice of a proposed development including a notice in a newspaper.

Ancillary, in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.

Building includes a structure or part of a permanent building or structure but not a manufactured home, a moveable dwelling or associated structure or part thereof.

Built-upon area means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace or pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any likely structure, but excluding minor landscape features.

Bushland is land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.

Community Land Development means community land development within the meaning of the *Community Land Development Act 1989*.

Complying Development means a minor type of work or activity listed in Schedule 2 of Council's DCP 46 that can be certified within seven days by either Council or an accredited certifier.

Council means Ku-ring-gai Council.

Cut and fill means earthworks undertaken to alter the slope or level of the land. DCP stands for Development Control Plan.

Designated Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development means the erection of a building or the carrying out of a work in, on, over or under the land or the use of land or building or work thereon or the subdivision of land.

Development Application has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development assessment officer means the Council officer with primary responsibility for assessing the development application.

Development assessment team leader means a Council officer with responsibility for a group of development assessment officers.

Dual Occupancy means land with two dwellings.

Dwelling means a room or suite of rooms occupied, used, constructed or adapted so as to be capable of being occupied or used as a separate domicile.

Exempt Development means a minor type of work listed in Schedule 1 of Councils DCP 46 that will have minimal environmental impact and that does not require development consent before it may be undertaken, but that may require some other form of approval or license from Council or another authority.

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under Section 7 of the NSW Firearms Act (1996)

Ground level means the level of the site before development is carried out on the site under this Plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.

Local Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Neighbouring land means any land, other than adjoining land, within the Ku-ring-gal local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.

Notification means written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.

Occupier means a person who lives on the land.

Owner has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Potential heritage item is a site identified by Council resolution for potential listing as a heritage item, and is listed as such on Council's database, Proclaim.

Proposed conservation area is an area identified by the National Trust as an urban conservation area, as mapped in Appendix B.

Public exhibition is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.

Recreational venue means a sports facility (indoor or outdoor), park, playground and the like.

Section 96(1) modifications are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations.

Section 96(IA) modifications are modifications by Council to consents that involve minimal environmental impact.

Section 96(2) modifications are other modifications by Council to consents that may have an environmental impact.

Section 96AA modifications are modifications made by consent authorities to consents granted by the Court.

Site area means the area of land contained within the title boundaries of the site or the area of the property on which the development is proposed to be carried out. Site area excludes an access corridor to the site such as the area of any access handle in the case of battle-axe (hatchet) shaped allotments.

Strata Title Building means a strata title building within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold) Development Act 1986*.

Urban Conservation Area means a conservation area under the Ku-ring-gai Planning Scheme Ordinance, as mapped at Appendix B.

Written submission means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

Chapter 3

Notification and Advertising Requirements

- 3.1 Where a development, section 96 modification or section 82A review application is submitted to Council, notification is required in accordance with the table in this Chapter.
- 3.2 In accordance with the requirements of the *Ku-ring-gai Planning Scheme Ordinance* and as specified in the table below, the following development on heritage items must be notified and advertised as Notification Type F, which is the same as the requirements for designated development:
- a) all demolition of heritage items;
 - b) all demolition in urban conservation areas; and
 - c) any use of a building or land for which consent is sought under the provisions of 61 H of the *Ku-ring-gai Planning Scheme Ordinance* (KPSO), in that where consent would not normally be granted under the KPSO, consent may be granted where doing so would have little or no adverse effect on the amenity of the area and where conservation of the building depends on Council granting consent under clause 61 H.
- 3.3 A development is considered to require the notification type specified in the table if it meets one or more of the circumstances specified in the relevant line of the table.
- 3.4 Where a development may be considered to fall into two or more Notification Types, notification shall be undertaken in accordance with the higher requirement.
- 3.5 Once the development category is determined, the notification must be undertaken in accordance with the notification Type (A - F) listed for that development category in the table, as described in Chapter 4 of this DCP.
- 3.6 In the event that the development for which consent is applied does not appear in the below, the notification /advertising requirements for the development application will be determined by the development assessment team leader in accordance with other requirements of this DCP.

Development Category	Circumstances	Type
AMENDMENTS, MODIFICATIONS AND REVIEWS		
Amendments to undetermined DAs	Where the environmental impact will be the same or less than the original proposal	A
	Where the environmental impact will be greater than the original proposal	B
Modifications to Development Consent	S96(1) and S96(1A)	A
	S96(2) and S96AA that is designated development, State significant or any other where Council is not the consent authority – see clause 118 of the EP&A Regulation	Cl 118 EP&A Regs
	All other S96(2) and S96AA modifications	B
Review of Determinations (S82A)	Must be notified as per the notification requirements for the type of development proposed in the original DA	as per original DA
MULTI-UNIT DWELLINGS (except seniors living policy)		
Heritage items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Apartment Conversions	All	F
Residential Flat Buildings	All	F
Townhouses	All	F
Villas	All	F
Other	All	F
SENIORS LIVING POLICY		
All	All	F
DUAL OCCUPANCY DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Dual Occupancy	New	D
	Alterations and additions	C
Family Flats	New, addition of one or more rooms	D
	Other works	C

DETACHED SINGLE DWELLINGS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Alterations and Additions to Dwellings	All	C
Alterations and Additions with Ancillary Works	See “alterations and Additions to Dwellings” above	-
New Dwellings	All	D
New Dwellings and ancillary	See “New Dwellings” above	-
Other	All (see also residential ancillary)	C
RESIDENTIAL ANCILLARY		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Carports / Garages	All	C
Combined Multi	All	C
Fencing	All	A
Landscape Works	All	A
Outbuildings	All	C
Swimming Pools	All	C
Tennis Courts	All	C
Other	All	C
SUBDIVISION		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Torrens Title	All	D
Strata Title	All	A
Community Title	All	A
Company Title	All	A
Stratums	All	A
COMMERCIAL DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Internal works (any development type)	All	A
Boarding Houses	New building / use; additional habitable rooms; increased height; outdoor recreation facilities	D
	Other	A

Chapter 3 – Notification and Advertising Requirements

Brothels	New business; external alterations / additions; increase in room and / or employee numbers by more than two	D
	Other	A
Caravan Parks	All	D
Clubs	In residential zones	F
	In non-residential zones: internal modifications; minor external changes	A
	In non-residential zones: other	D
Hotels	New buildings; additional habitable rooms; outdoor recreation facilities; increased height	E
	Other	C
Motels	In residential zones	A
	In non-residential zones: new buildings; additional rooms; outdoor recreation facilities; increased height	E
	Non-residential zones: other	C
Professional Consulting Rooms	In residential zones	F
	In all other zones	A
Restaurants	In non-residential zones	A
	In residential zones	D
Service Stations	Minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	A
	All other works	D
Warehouse / Bulk Stores	Minor external changes; internal changes	A
	All other works	D
Other – Alterations and Additions	All	D
Other – New Use	In areas zoned 3(a) or 3(b)	A
	In any other zones	D
	Firearms outlets in any zone	F
Other – new Buildings	In areas zoned 3(a) or 3(b)	D
	In any other zones	E
Other – Extension of Trading Hours	In a residential zone	D
	In any non-residential zone	A

DEMOLITION		
Heritage Items	Where the DA applies to the heritage items	F
Urban Conservation Areas	Any demolition in an urban conservation area	F
Other	All	D [†]
COMMUNITY FACILITIES		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Child Care Centres	Internal works	A
	In residential zones (except internal works)	F
	In zones other than residential (except internal works)	D
Educational Establishments	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	D
Hospitals / Nursing Homes	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	E
Places of Public Worship	All	F
Places of Assembly	Residential zones	F
	Non-residential zones	D
Recreational Venues	In residential zones	D
	In non-residential zones	A
Special Events	All	A
Libraries	Internal works	A
	New libraries	D
	Alterations and additions to libraries	C
Public Authorities	All	A
Other	All	D

[†] Note: As described in Chapter 4, additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a proposed conservation area or where the item is identified as a potential heritage item by Council.

SIGNAGE		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Residential	All	C
Commercial	All	A
Other	All	A
TELECOMMUNICATIONS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Other	All	D
MISCELLANEOUS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Agriculture	All	A
Drainage	In residential zones	A
	In all other zones	A
Utility Installations	All	A
Other	All	D

Chapter 4

Notification Requirements by Type

4.1 Type A Requirements

4.1.1 No notification is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.

4.1.2 In the event that the development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters shall be sent in accordance with 5.3 of this DCP to all such persons.

4.2 Type B requirements

4.2.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:

- a) all persons who were notified about the original application or any subsequent applications for amendment or modification; and
- b) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.

4.2.2 Where, in accordance with the above controls, the development assessment team leader determines that re-notification and re-advertising shall not occur, the assessment report on the application shall include a statement giving the reasons that this was not considered necessary.

4.2.3 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.

4.2.4 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

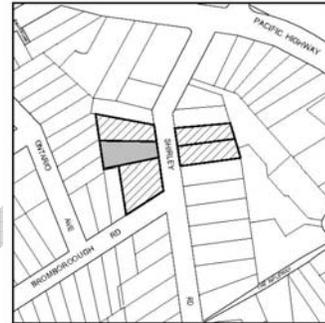
4.3 Type C requirements

4.3.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:

- a) all owners and occupiers of the adjoining land on either side of the subject property, and
- b) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken,

except where, in the opinion of the development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in Section 4.6 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.

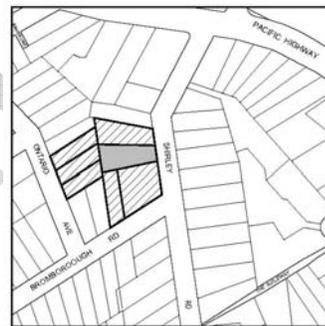
4.3.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters sent in accordance with 4.3.1 shall also be forwarded to the proprietors of the strata plan or community plan.



Type C example – minimum notification for works at front

4.3.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council’s records at the time the notification letters are being prepared.

4.3.4 Where Council’s records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.



Type C example – minimum notification for works at rear

4.3.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.

4.3.6 The development application shall be listed on Council’s website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.4 Type D requirements

4.4.1 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of all adjoining land except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



Type D example – minimum notification for all works

- 4.4.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.4.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.4.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.4.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.4.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.4.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.4.7 **If the development application is for a new dual occupancy development, a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP.**
- 4.4.8 If the development application is for demolition of an item within an area identified by Council as a proposed or draft conservation area or where the item is identified as a draft heritage item or a potential heritage item:
- a) a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP; and
 - b) the notification of the development application on Council's website must indicate that the item is a draft heritage item, a potential heritage item or an item in a proposed or draft conservation area as appropriate.

4.5 Type E requirements

- 4.5.1 The notification specified in 4.5.2 is required, except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified below would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



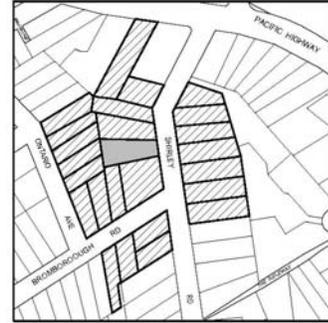
Type E example – minimum notification for all works

- 4.5.2 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of:
- a) three (3) adjoining and neighbouring properties to each side of the subject property, and
 - b) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.
- 4.5.3 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.5.4 An advertisement shall be placed in a local newspaper that circulates at least once weekly throughout the Ku-ring-gal Local Government Area in accordance with 5.4 of this DCP.
- Note:** Council is obliged to advertise the development only once during the period of public inspection.
- 4.5.5 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.5.4 shall also be sent to the proprietors of the strata plan or community plan.
- 4.5.6 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.5.7 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.5.8 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.5.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6 Type F Requirements

- 4.6.1 As soon as practicable after the development application has been submitted, Council shall
- a) place the application and any accompanying information shall be placed on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published as referred to in (c), and give written notice of the application in accordance with the regulations:

- to such persons as appear to it to own or occupy
 - the three (3) adjoining and neighbouring properties to each side of the subject property and
 - the seven (7) adjoining and neighbouring properties to the front and rear of the subject property, and



Type F example – minimum notification for all works

- if practicable, to such other persons as appear to it to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, and
- to such other persons as are required to be notified by the regulations, and

- b) cause notice of the application to be exhibited in accordance with the regulations on the land to which the application relates, and
- c) cause notice of the application to be published in accordance with the regulations in a newspaper circulating in the locality.

4.6.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.6.1 shall also be sent to the proprietors of the strata plan or community plan.

4.6.3 If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the requirements of 4.6.1.

4.6.4 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.

4.6.5 During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them. [The cost of copying will be charged in accordance with Council's Fees and Charges.]

4.6.6 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.

4.6.7 Circumstances in which public exhibition may be dispensed with:

- a) a development application for designated development is amended, or substituted, or withdrawn and later replaced before it has been determined by the consent authority, and
- b) the consent authority has complied with 4.6.1, 4.6.2 or 4.6.3 in relation to the original application, and
- c) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application,
- d) the consent authority may decide to dispense with further compliance with 4.6.1 in relation to the amended, substituted or later application. In that event, compliance with 4.6.1 in relation to the original application is taken to be compliance in relation to the amended, substituted or later application.

4.6.8 The consent authority must give written notice to the applicant of its decision under 4.6.6 at or before the time notice of the determination of the development application is given under section 81 of the *Environmental Planning and Assessment Act 1979*.

4.6.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6.10 If the development application applies to a heritage item or an item in a conservation area, the notification on Council's website must indicate that the item is a heritage item or an item in a conservation area as appropriate.

4.7 Criteria to be considered in determining likely detrimental effect of development

4.7.1 In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this DCP, the development assessment team leader shall consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.

4.7.2 In considering whether enjoyment of adjoining or neighbouring land may likely be detrimentally affected by the proposed development, the development assessment team leader shall take into account the following matters:

- a) views from surrounding properties;
- b) overshadowing;
- c) loss of privacy;
- d) noise impact;
- e) the design and appearance of the proposal in relation to the streetscape;
- f) the use of the development;

- g) the scale, height, external appearance and bulk of the proposed building;
- h) the siting of any proposed building in relation to the site boundaries;
- i) hours of use;
- j) light spillage or reflection;
- k) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed.
- l) traffic and parking generation;
- m) adverse impacts of stormwater drainage;
- n) tree removal impacts; and
- o) excavation requirements.

4.7.3 The opinion formed by the development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

Chapter 5 Procedures for Notification

5.1 Website information

- 5.1.1 Where, in accordance with this DCP, the development application is to be advertised on Council's website, the following minimum information must be included:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) a brief description of the proposed development; and
 - d) if the land on which the development is proposed contains a heritage item or is in an urban conservation area.
- 5.1.2 In accordance with Chapter 4 of this DCP, where the development application relates to an existing or potential heritage item identified by Council, or to an existing or potential conservation area identified by Council, information about the development application must be included in a separate section of Council's website regarding existing and potential heritage items and conservation areas.

5.2 Notification to Councillors

- 5.2.1 Councillors will receive a weekly list of all new development applications within their ward area including:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) the date on which the development application was accepted by Council;
 - d) the name of the development assessment team leader responsible for assessing the development application;
 - e) a brief description of the proposed development; and
 - f) A4 notification plans of the proposal.

5.3 Notification letters

- 5.3.1 Where, in accordance with this DCP, notification letters are to be sent, the letters shall contain the following information:
- a) the development application number;
 - b) the address of the proposed development;
 - c) the name of the applicant;

- d) the name of the Council officer responsible for assessing the development application;
- e) a brief description of the proposed development;
- f) an invitation to view the development proposal;
- g) when and where the development application may be viewed;
- h) advice that the persons to whom the letter is addressed have the right to make a written submission regarding the development proposal:
 - i. within thirty (30) days if the development is Notification Type F and lodged between 24th January and 9th December (inclusive); or
 - ii. within fourteen (14) days if the development is Notifications Types B, C, D or E and lodged between 24th January and 9th December (inclusive); or
 - iii. if the application was lodged between 10 December and 23 January (inclusive), not later than the first working day after 13 February,

and that the written submission will be considered during the assessment period.

- i) advice that submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and will be available for the applicant to consider under the Freedom of Information legislation;
- j) advice that copies of the plans may be provided by Council if costs are paid by the person requesting the plans;
- k) the date by which written submissions must be provided to Council; and
- l) where physical works are proposed, A4 notification plans.

5.4 Advertisements in the local newspaper

5.4.1 Where, in accordance with this DCP, the development application is to be advertised in a local newspaper, the advertisement shall contain the following minimum information:

- a) the development application number;
- b) the address of the proposed development (lot, deposited plan and street numbers; and
- c) a brief description of the proposed development.

5.4.2 The applicant shall pay to Council the fee determined by Council for advertising in accordance with its adopted fees and charges.

5.5 Notification signs at the property

5.5.1 Where, in accordance with this DCP, a notification sign is required, it shall be headed “Development Proposal” and shall contain the following details:

- a) the development application number;
- b) the address of the proposed development;
- c) the name of the applicant;
- d) a brief description of the proposed development;
- e) when and where the development application may be viewed; and
- f) the date by which written submissions must be provided to Council.

DRAFT

Chapter 6

Written Submissions to Council

6.1 Form of Written Submissions

- 6.1.1 A person may make one or more written submissions regarding any development proposal to which this DCP applies within the period during which the application is available for public inspection, as specified in Section 6.4 of this DCP.
- 6.1.2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
- 6.1.3 A written submission shall state the reasons for objection to or support for a development application.
- 6.1.4 The name and address of the person making the written submission shall be clearly marked on the submission.
- 6.1.5 If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
- 6.1.6 The development application number shall be clearly marked on the submission.
- 6.1.7 The written submission shall be clear and legible.

Note: It is also helpful to Council if a daytime telephone contact number is provided in the event that Council needs to clarify issues with the person making the submission.

6.2 Anonymous submissions

- 6.2.1 Council will not consider any anonymous submissions in the assessment of development applications.

6.3 Disclosure of submissions

- 6.3.1 The applicant for the development and members of the public may access submissions upon request to Council under the *Freedom of Information Act*.
- 6.3.2 If the development application is reported to a Council meeting, the submission may be reproduced and / or summarised in the assessment report.

6.4 Acceptance and consideration of submissions

- 6.4.1 All written submissions submitted on or prior to the date specified by Council in the newspaper advertisement and/or notification letter shall be considered by the development assessment team leader in the assessment of the development proposal.
- 6.4.2 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of the development assessment team leader, a longer period is warranted in the circumstances.
- 6.4.3 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of the assessment report by the development assessment team leader.
- 6.4.4 In the assessment of a development proposal, Council will not consider written submissions lodged after the assessment report has been completed by the responsible Council officer.
- 6.4.5 The reasons for support of or objection to the development application specified in the written submissions considered by Council shall be summarised in the assessment report prepared by the development assessment team leader.
- 6.4.6 Subject to the *Privacy and Personal Information Protection Act 1998*, the names and addresses of the persons who made written submissions with respect to the development application shall be indicated in the assessment report.

6.5 Acknowledgement of submissions

- 6.5.1 Written submissions received by Council will be acknowledged in writing.
- 6.5.2 In the event that the development application is to be determined at a Council meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or email, provided such contact details have been given to the Council, to advise the person of the committee or Council meeting date.

6.6 Advice to applicant of written submissions

- 6.6.1 The applicant of a development application to which this DCP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- 6.6.2 The applicant shall be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

Appendix A

Notification Type A Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Agriculture	all
Amendments to undetermined DAs	where the environmental impact will be the same or less than the original proposal
Boarding houses	all works other than new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	all works other than new businesses, external alterations and additions and increase in room and/or employees numbers by more than two
Clubs	internal modifications and minor external changes in non-residential zones
Commercial Development	all internal works
Educational Establishment	all internal works
Hospitals /Nursing Homes	all internal works
Libraries	all internal works
Modifications to development consent	s.96(1) and s.96(1A)
Other Commercial Development	new use in 3(a) and 3(b) zones and extension of trading hours in any non-residential zone
Professional consulting rooms	in non-residential zones
Public Authorities	all
Recreational Venues	in non-residential zones
Restaurants	in non-residential zones
Service stations	minor external and internal works where no change to storage, pumping, bunding, drainage and the line of liquids or dangerous materials is required

Signage	Commercial and other non-residential
Special Events	all
Utility Installations	all
Warehouse / Bulk Stores	minor external changes and all internal changes

Notification Type B Developments

Amendments to undetermined DAs	where the environmental impact will be greater than the original proposal
Modifications to Development Consent	s.92(2) and s.92AA modifications other than those requirements set by the <i>Environmental Planning and Assessment Regulation</i>

Notification Type C Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Alterations and Additions to Dwellings	all
Carports / Garages	all
Combined Multi	all
Dual Occupancy	alterations and additions
Family Flats	works other than new buildings and addition of one or more rooms
Hotels	all works other than new buildings, additional habitable rooms, outdoor recreation facilities and increased height
Libraries	alterations and additions
Motels	all works in non-residential <u>other than</u> new buildings, additional rooms, outdoor recreation facilities and increased height
Outbuildings	all

Residential Signage	all
Swimming pools	all
Tennis Courts	all

Notification Type D Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Boarding Houses	new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	new businesses, external alterations / additions, increase in room and / or employee numbers by more than two
Caravan Parks	all
Child Care Centres	all external works in non-residential zones
Clubs	all works in non-residential <u>other than</u> internal modifications and minor external changes
Demolition [‡]	all except demolition of heritage items or in urban conservation areas
Dual Occupancy [§]	new
Educational Establishments	all external works in non-residential zones
Family Flats	new and addition of one or more rooms
Libraries	new
New Detached Single Dwellings	all
Places of Assembly	in non-residential zones
Recreational Venues	in residential zones
Restaurants	in residential zones

[‡] In accordance with the provisions of Chapter 4, additional notification provisions *may* apply to this type of development.

[§] In accordance with the provisions of Chapter 4, additional notification provisions apply to this type of development.

Service Stations	all works other than minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous chemicals is required
Telecommunications	all
Torrens Title Subdivision	all
Warehouse / Bulk Stores	all works other than internal changes and minor external changes

Notification Type E Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Hospitals / Nursing Homes	in non-residential zones (except internal works)
Hotels	new buildings, additional habitable rooms, outdoor recreation facilities, increased height
Motels	in non-residential zones: new buildings, additional rooms, outdoor recreation facilities, increased height

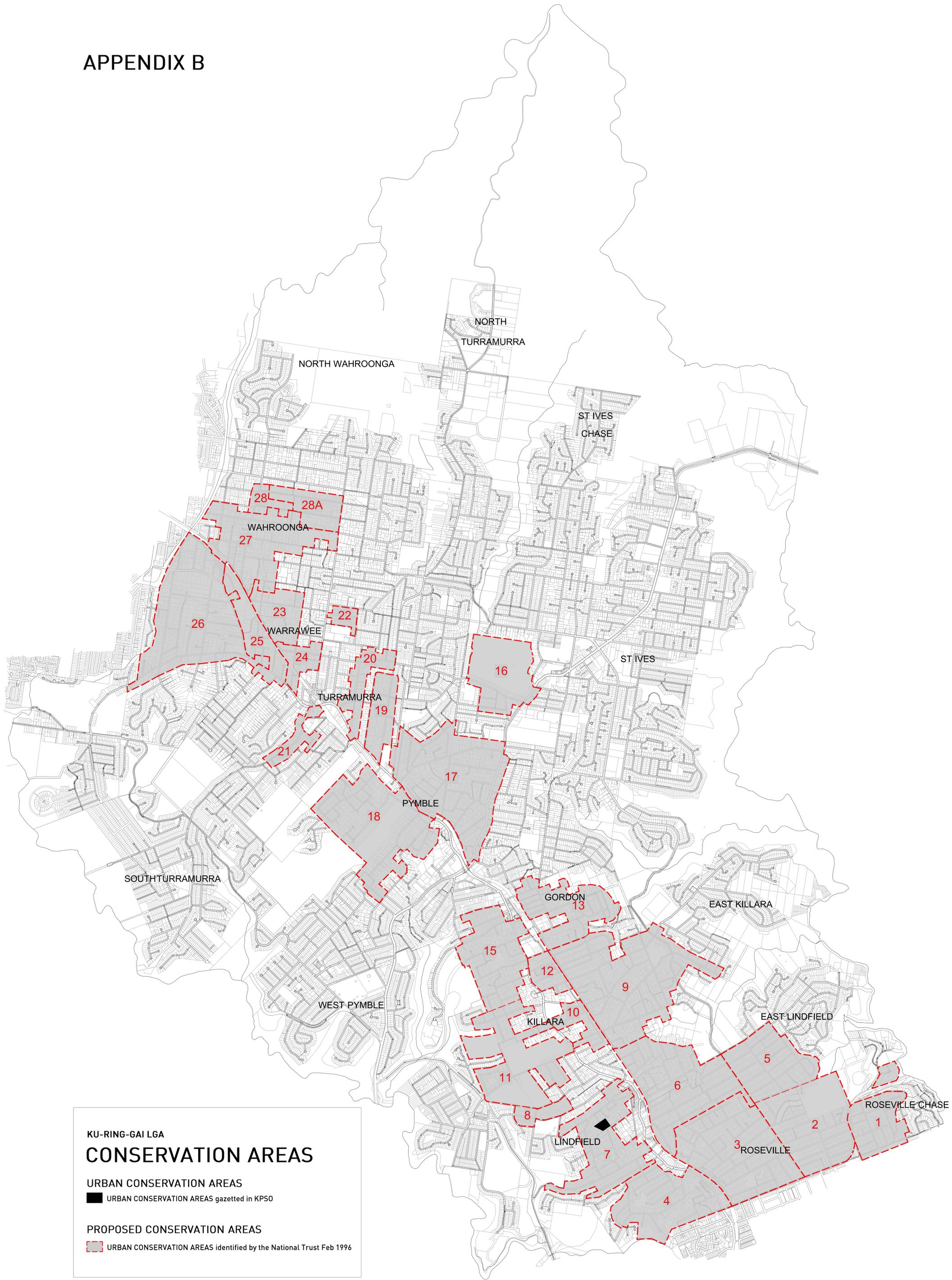
Notification Type F Developments

Apartment Conversions	all
Child Care Centres	in residential zones (except internal works)
Clubs	in residential zones
Educational Establishments	all external works in residential zones
Firearms outlets	all
Heritage Items	any application relying on KPSO Clause 61H any demolition
Hospitals / Nursing Homes	all external works in residential zones
Motels	in residential zones
Places of Assembly	residential zones
Places of Public Worship	all

Professional Consulting Rooms	in residential zones
Residential Flat Buildings	all
Seniors Living Policy	all
Townhouses	all
Urban Conservation Areas	any application relying on KPSO Clause 61H and any demolition
Villas	all

DRAFT

APPENDIX B



SUBMISSIONS ON DOCUMENTATION TO SUPPORT BIOBANKING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide a response to the NSW Government's Draft Biobanking methodology, Compliance Strategy and proposed Threatened Species Conservation (Biodiversity Banking) Regulation 2007 amendments.
BACKGROUND:	The proposed Biobanking will be regulated under the <i>Threatened Species Conservation Act 2006</i> . A new part 7A Biodiversity Banking regulation is proposed to come into effect as part of the introduction of the <i>Threatened Species Conservation (Biodiversity Banking) Regulation 2007</i> . The Biobanking Regulation, Compliance Strategy and the Biobanking Methodology are currently on public exhibition until the February 1, 2008. An extension to this date has been granted to allow Council to consider the proposed program at its first ordinary meeting of Council in February.
COMMENTS:	BioBanking is a market-based scheme that will, in many cases, replace the current threatened species assessment processes for development in urban and coastal areas. Biobanking aims to direct development away from areas with high biodiversity values to areas with low biodiversity values, while providing incentives for landowners to protect areas containing important biodiversity. The scheme aims to provide a transparent, consistent and robust framework for developers and conservationists that will streamline threatened species assessment and maintain/improve overall biodiversity.
RECOMMENDATION:	That Council endorse the submission as attached to this report.

PURPOSE OF REPORT

To provide a response to the NSW Government's Draft Biobanking methodology, Compliance Strategy and proposed Threatened Species Conservation (Biodiversity Banking) Regulation 2007 amendments.

BACKGROUND

Biodiversity banking or biobanking is a market-based scheme to enable NSW developers to offset the impacts of development on threatened species in urban and coastal areas. Biobanking has been developed by the Department of Environment and Climate Change (DECC) with extensive community consultation over the last few years. The philosophy of the scheme is based on an 'improve or maintain' test for biodiversity values. For development proposals that have an impact on threatened species, the proponent must show that overall biodiversity values within the region will be improved or at least maintained.

The biobanking scheme operates through the generation of 'biodiversity credits' by landholders who commit to enhancing and protecting biodiversity values on their land. The site gaining credits becomes a 'Biobank site'. Biobank credits can then be bought by developers to 'offset' the impacts of a development, thereby generating funds, in perpetuity, for the conservation management of the Biobank site. Biobank credits will also be able to be bought by brokers and those seeking to invest in conservation outcomes, including philanthropic organisations and government.

The scheme proposes a mechanism and a funding pool, via the sale of the biodiversity credits for a given site. This ensures the long term management and conservation of important biodiversity areas in perpetuity. Under the existing legislative provisions there are limited opportunities to conserve private lands. One mechanism used is that of voluntary conservation agreements, though the uptake and continuity of such agreements has been declining. For public lands the options too are limited. Typically these include the creation of reservations such as an extension or creation of a new national park, Crown reserve or council owned reserve.

Under the proposed biobanking scheme, credits are awarded to landowners when a biobank site is established. The credits represent an improvement in the condition of biodiversity values such as an expansion in the quality or quantity of habitat or population of threatened species. Funding from the credits is managed over the long term via the Biobanking Trust Fund. Developers would need to source particular types of credits in accordance with the offset rules as set out in the method. The two critical elements include:

- **Ecosystem credits:** These can only be used to offset biodiversity impacts in the same ecological community, or in another community of the same formation that has an equal or greater percentage of land cleared and the same predicted threatened species; and
- **Species credits:** These can only be used to offset biodiversity impacts on the same threatened species.

If participants fail to meet their commitments under the scheme, penalties may be applied. The performance of participants would be monitored by DECC.

Item 9

S02552
21 January 2008

A framework for the NSW BioBanking Scheme has been established under the *Threatened Species Conservation Amendment (Biodiversity Banking) Act 2006*. DECC is presently consulting on the details of the scheme with comments due February 1, 2008. Council has received an extension to this deadline following the first Ordinary Meeting of Council in 2008. Attachment 1 to this report seeks to provide a response by Ku-ring-gai Council to the NSW Government on the proposal.

COMMENTS

How will this scheme affect local government?

While biobanking will apply to all urban and coastal areas, it has generally been designed for local government areas with large development sites.

DECC will manage the scheme. The scheme is an alternative to the current threatened species 'assessment of significance'.

Developers may obtain a biobanking statement when they meet the 'improve or maintain' test, as set out in the BioBanking Assessment Methodology. If a developer obtains a biobanking statement and the development in question is taken to not significantly affect threatened species a Council may not further consider the impact of the development on the biodiversity values, as part of the application or determination.

From a development consent perspective, the biobanking statement must be incorporated in the conditions of consent, if requested by the proponent. Once this occurs Council cannot impose conditions that are inconsistent with the biobanking statement. If Council imposes additional biodiversity conditions relating to matters already considered under the biobanking statement, the developer can request a review of council's decision. The conditions in the biobanking statement cannot be appealed.

Biobanking does not stop a Council from refusing consent to a development for other reasons such as the area being important for recreation, urban amenity or character of the neighbourhood. As biobanking participation is voluntary, developers may choose to have their proposals assessed under existing threatened species assessment processes.

A refusal by the Director General to issue a biobanking statement in respect of development does not prevent the development being evaluated or assessed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

The benefits of the scheme as proposed by DECC are as follows:

- The scheme provides a mechanism to manage and conserve areas as offsets against development. There are now only very limited opportunities to do this because there is no framework under the planning laws for the long-term management of private land for conservation purposes, except by reservation as a national park, Crown reserve or council owned reserve; and
- Local Councils can use BioBanking to help them obtain biodiversity certification for new local environmental plans (LEPs); and

Item 9

S02552
21 January 2008

- Councils can also establish biobank sites on their own land and generate credits (sourced from philanthropic organisations or developers as determined by Council); and
- Land included in a biobanking agreement is not exempt from council rates.

Implications for Ku-ring-gai

While there has been no legislative or formal policy as to the minimum area for a biobanking site, advice from DECC is that it would not be used on areas smaller than 0.25 hectares. This would limit its application to only larger development areas (or consolidated sites) that support existing Blue Gum High Forest (BGHF) or other endangered communities and/ or threatened species.

Smaller remnants (likely much of the BGHF in Ku-ring-gai) will continue to require a 7 part test pursuant to the *Threatened Species Conservation Act*. The same will apply to Sydney Turpentine Ironbark Forest and Duffy's Forest.

There is a potential to use Council owned bushland reserves to create biodiversity credits to assist in funding their management.

There may be a simplification in the development assessment process for sites with significant species or communities.

There is a potential for the loss of local biodiversity where offsets are provided outside the area but within the same EEC or bioregion.

There remains continued uncertainty regarding the application of the scheme in a number of areas including:

- the potential to consider biocertification of the new LEP and/ or require biobank sites to be within nominated areas under the new LEP; and
- the need to ensure that vegetation mapping of the local government area (LGA) is undertaken as soon as possible, to ensure that the best available information is used where biobanking is sought by a developer, Council or other entity.

The draft submission to the scheme (Attachment 1) addresses the main issues for Ku-ring-gai Council and suggests a number of amendments to the scheme. A summary of the key recommendations are as follows:

1. That the Biobanking Assessment Tool include specific bench marks with a 'high bar' for Blue Gum High Forest (BGHF), Sydney Turpentine Ironbark Forest (STIF) and Duffys Forest Endangered Ecological Communities and that the tool be reviewed to allow the assessment and protection of single Blue Gums and small patches of critically endangered ecological communities following the final determination by the NSW Scientific Committee and subsequent decisions by the NSW Land and Environment Court.
2. If the above is not possible, an addition to the Biobanking regulation be made that either:
 - a) excludes BGHF, STIF and Duffys Forest from assessment under the Biobanking Scheme in the local government areas of Ku-ring-gai, Hornsby and Baulkham Hills.

Item 9

S02552
21 January 2008

These LGA's contain the last remaining significant stands of BGHF. If proper assessment and protection cannot be attained using the Biobanking Assessment Tool, the above EECs must be excluded from the scheme to close the loophole that would potentially allow the clearing of the last remaining large/ medium-sized but relatively low condition, stands of BGHF; or

- b) critically endangered communities, in any condition, not be eligible for biobanking.
- 3. "Red flag" areas (important sites) should not be subject to variation or negotiation as to their biobanking status. However, if it is determined that variation is possible, further work is required if biobanking is to be used in developed urban areas to allow for "red flag" areas where only small patches of vegetation often in "low condition" remain.
- 4. Develop a different set of assessment protocols (Section 2.3.2) for variation of "red flag" areas within urban areas. For example, Blue Gum High Forest communities would almost always be considered to have low viability, as they would fall within the "relatively small area of native vegetation... surrounded...by intense land uses", while many will also be "degraded". This does not recognise their endangered status nor geographic limitations. Larger and/or connected areas of this critically endangered community should be "red flagged", protected and enhanced and should not be subject to any variation.
- 5. Patch sizes for credits in urban areas (Section 3.1.2) should be scaled down. Under this methodology, patches of <5ha would get the low credits, but patches of less than a hectare may be the largest patches remaining of the EEC locally (or broader) and therefore critical sites for protection and improvement. In Ku-ring-gai there may be less than 25 sites with patches of Blue Gum High Forest greater than half a hectare in effect limiting their potential protection under the scheme.
- 6. Reduced fees should apply for smaller urban lots to prevent them being priced out of the credit market (along with a simpler assessment methodology). In effect, the policy favours sites with lower land values, excluding or limiting its application in already developed areas.
- 7. For reliability, the development site should be assessed by (or on behalf of) DECC, not on behalf of (and directly employed by) the developer. The methodology for biobank sites and development sites should be the same, with the same assumptions and degree of assessment.
- 8. Offsets should be "like for like" – same community or same threatened species. Where "like for like" at this level is not available, alternatives such as same vegetation formation, or funding for management are not appropriate alternatives, as this will result in the loss of the community or threatened species over time. Where "like for like" is not available, the development should not go ahead, or should be amended to protect the species or community.
- 9. For local/regional biodiversity protection, credits should be used in the same CMA subregion, though noting that Ku-ring-gai LGA falls within two CMA regions as do its endangered and critically endangered EECs. This in effect limits the application of the scheme by half for Ku-ring-gai. The biobanking system should favour credits in the same

Item 9

S02552
21 January 2008

- general locality and only where no credits are available locally, should a developer be able to source credits from further afield.
- 10 Where there are no regional conservation plans, it is recommended that the biobanking scheme not be gazetted for any LGA until comprehensive conservation mapping has been undertaken by the Council or by DECC in consultation with the local Council.
- 11 Given the small areas remaining of Critically Endangered Communities (CEEC), biobanking credits should not be available for CEECs on public land reserved for its bushland values. If public lands reserved for bushland values are to be included within the scheme, the credits should be reduced.
- 12 The following require further consideration:
- the inclusion of an accredited persons register;
 - compliance priorities; and
 - the use of deferred commencement conditions.
- 13 There should be a whole of government sign-off, such that planning directives and directions do not override the legitimate need for conservation and protection of natural areas and systems as determined by the Government's own independent Scientific Committee.

CONSULTATION

An electronic copy of the draft submission was provided to the Bushland, Catchments and Natural Areas Reference Group for comment in December 2007. In response to this, two submissions were received, one, a personal submission to the NSW Government (to note), the other comments on Council's draft. Key issues raised from the latter submission made by Margery Street representing the Australian Native Plants Society included:

Council's submission is generally supported. In particular:

- *the impacts of the lack of inclusion of very small remnants as offset sites, and potential for too small biobank sites;*
- *the impacts of the potential for the Minister for Planning to override the biobanking provisions;*
- *the necessity for consideration of threatening processes and offsite impacts;*
- *poor availability of data at a local level;*
- *importance of "like for like", at a local level;*
- *undesirability of land already earmarked for conservation being included as biobank sites;*
- *and*
- *lack of consistency/reliability of consultants' reports when employed by a developer.*

Other issues and comments thereto are as follows:-

Issue raised:

Using economic and market instruments to determine the value of biodiversity will result in those with the most economic power determining development. This approach may result in further loss, rather than improvements in biodiversity.

Item 9

S02552
21 January 2008

Council comment:

Offsetting of biodiversity impacts already occurs. However, it is not based on any consistent methodology and is carried out in a piecemeal, opportunistic fashion. Biobanking is designed to provide a more robust, consistent and transparent scheme for this practice. The biobanking legislation is already in place. The current public exhibition does not relate to the use of biobanking as a process, rather the details of how the scheme works. The submission deals with the details of the process not the concept itself.

Issue raised:

The need to re-emphasise the value of simple green space; not just endangered species, but also canopy, songbirds, urban marsupials and natural outdoor space.

Council comment:

Agreed. The draft submission now includes a comment that consideration should be given to applying the scheme to other natural areas.

Issue raised:

Council assessment of biodiversity and greenhouse considerations should have priority over a proponent's "choice".

Council comment:

The "choice" of the proponent will be overseen by the DECC to ensure that overall biodiversity values are protected. At present Council has limited ability to protect significant areas in perpetuity, let alone ensure suitable ongoing management. This scheme is aimed to fill this need.

FINANCIAL CONSIDERATIONS

There is no financial impact with submitting a submission.

If biobank sites are permitted on publicly owned land, Biobanking may have a financial benefit for Council, in that Council sites may be used to generate funds to assist in the management of environmentally significant sites. As noted in the submission, this may not necessarily yield additional environmental benefits.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The submission is based on comments from the Strategy and Development and Regulation Departments.

SUMMARY

The general principles behind the scheme are supported, in that it seeks to provide a tool that is robust, consistent and has a transparent process for achieving biodiversity conservation within urban areas. Notwithstanding this, there are a number of specific areas that could be improved. It is recommended that the attached submission be sent to the Department of Environment and

Item 9

S02552
21 January 2008

Climate Change for their consideration before gazettal of the final process and amending legislation.

RECOMMENDATION

That Council's submission on the NSW Government's Draft Biobanking methodology, Compliance Strategy and proposed Threatened Species Conservation (Biodiversity banking) Regulation amendments (2007) be sent to the Department of Environment and Climate Change for their consideration.

Terri Southwell
Urban Planner

Penny Colyer
Environment Officer – Strategy

Peter Davies
Manager Corporate Planning &
Sustainability

Attachments: Submission on Biobanking Scheme documentation - 882125

KU-RING-GAI COUNCIL SUBMISSION ON THE DRAFT BIOBANKING SCHEME

BIOBANKING ASSESSMENT METHODOLOGY/COMPLIANCE ASSURANCE STRATEGY AND REGULATORY IMPACT STATEMENT

General

Council supports the development of tools designed to provide for a robust, consistent and transparent process for achieving biodiversity conservation within urban areas. Council generally supports the methodology proposed for the use of biobanking. The following identifies a number of specific areas where Council considers there to be shortcomings in the Scheme and the accompanying documents.

1. Use of the assessment tool in an existing urbanised area

In principle, there is potential to use the biobanking approach in an urban area such as Ku-ring-gai to allow the loss of less significant patches of vegetation/habitat by creating offsets which extend/enhance more significant patches/corridors of vegetation and habitat. However, opportunities to offset the loss of, say, a single tree that represents the only remnant of a Critically Endangered Ecological Community on a particular site, by improved management of a larger connected "biobank site" do not appear to be catered for within the methodology.

The Biobanking assessment tool that will be used to assess both development and biobanking sites has been adapted from the biometric tool used to assess clearing of native vegetation under the *Native Vegetation Act 2003*. As such, the Biobanking assessment tool is really only suited to assessment of sites or vegetation zones larger than 0.25 or 0.5 hectares (conflicting verbal advice received). This means that Biobanking is mostly of use in local government areas (LGAs) with large green field development sites. However as we understand it, there is nothing to stop developers applying the Biobanking assessment tool to sites within highly urban local government areas, such as Ku-ring-gai, if there are sites large enough to conduct an assessment on.

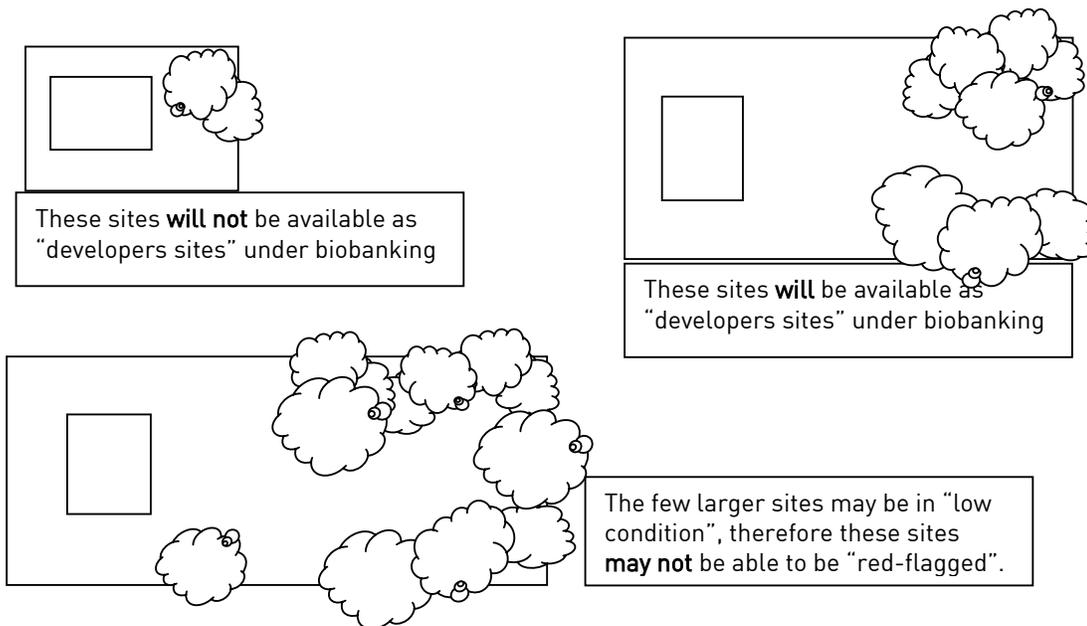
There are two endangered ecological communities (EECs) and a critically endangered ecological community within the Ku-ring-gai LGA. There are also several potential development sites larger than 0.5 hectares and several more larger than 0.25 hectares that are likely to support these EECs. The EECs on these sites will frequently be in a relatively poor condition due to the urban edge effects and other factors noted to be key threatening processes. The value of these sites is most often subject to a diversity of interpretations by various ecological consultants. The main concern relates to how the Biobanking assessment tool will apply to EEC especially Blue Gum High Forest (BGHF) which is now listed as critically endangered. This follows an absence of detailed and up-to-date mapping across the Sydney landscape and therefore how credits could be given and/or development occur.

Both Site Value and Landscape Value Assessments are weighted against isolated sites of urban remnant bushland. While this may have ecological merits on a landscape scale, the logic is contradictory with respect to communities and species that have effectively become landlocked as a result of development. The scheme should consider the significance of vegetation in urban areas as part of the landscape

value assessment. It is well documented that within areas of greatest population such small native vegetation remnants increase in ecological (and health and visual) significance.

This concern is especially serious in the case of the critically endangered BGHF. In *Murlan Consulting v Ku-ring-gai Council* (2007) NSLEC 374 recent Land and Environment Court determination, the court determined that individual Blue Gums may now constitute Blue Gum High Forest under the final determination by the NSW Scientific Committee and therefore should be accorded protection under the *Threatened Species Conservation Act 1995*. Under the Biobanking tool there is no capacity to assess (for protection or offsetting) individual Blue Gums or smaller sites with a small remnant, nor sites with obvious recovery potential as may be indicative of remnant or undisturbed soils.

Therefore the potential result of developers applying the Biobanking assessment tool to sites supporting BGHF, is that the last remaining medium sized stands of BGHF on private land could be cleared, while perversely, single Blue Gums will be protected because developers will have to conduct a traditional 7 part test and potentially a species impact assessment under the *Threatened Species Conservation Act 1995*. The proposed scheme through allowing a choice of Biobanking or existing legislative provisions, effectively enables developers to choose the legislative path to achieve their best outcome, rather than legislation or policy determining best outcome for protecting the integrity of vegetation communities and ecological systems.



Inevitably, due to the pressure for urban consolidation along current transport arteries (where BGHF grows in the Ku-ring-gai LGA), there is going to be some loss of BGHF, most likely in the form of isolated single or small stands of Blue Gums. It is obviously vital for the long term viability of BGHF that as many trees as possible be protected, thereby protecting potential habitats. The Biobanking assessment tool must have the capacity to assess single Blue Gums and other key species in this EEC. It is recommended that EECs (especially CEECs) be excluded from the biobanking

scheme (or within Ku-ring-gai, Hornsby and Baulkham Hills) until a methodology is available that allows the offsetting of such smaller remnants/remnant trees.

2. Red Flag Areas

Council supports the use of red flag areas, however the provision to allow for the variation of red flag areas is not supported.

The biobanking scheme aims to provide a secure system, in perpetuity, for maintaining and improving biodiversity values. If biobanking is to apply to urban areas, allowing red flag areas to be varied will reduce the overall security of biodiversity outcomes rather than improve them. Similarly the ability of the Planning Minister to cancel a Biobanking Agreement undermines the security of the biodiversity outcomes. This would result in particularly poor outcomes in the case of red flag areas and where no offset is provided. This provision would reduce the incentive for a landholder to seek a biodiversity agreement when there is no certainty that the work they do to enhance biodiversity on the site will result in permanent protection.

The definition of the red flag areas fails to take into account the condition of critically endangered ecological communities. For instance, Blue Gum High Forest has few healthy patches, with the result that virtually all privately held land containing this CEEC would be in 'low condition'. Verbal advice from DECC indicates that significant portions of BGHF in Ku-ring-gai LGA would not even be assessable under the methodology, as the tool can only be used to assess sites over a certain size. It is noted that Council staff have received conflicting verbal advice on the minimum size areas to which the scheme would apply, namely 0.25 hectares to 0.5 hectares. Further work is required to allow for red flag areas in urban areas, where only small patches of vegetation remain.

Similar issues will arise relating to the protection of habitats for threatened species, when these are assessed using 'ecosystem credits', ie, where vegetation habitat is used as a surrogate for the species, and where small patches may be significant.

3. Expert Report for Development Sites

Section 4.4 Step 3 requires an Expert Report for the "development site" by an accredited consultant employed by the developer, while the report for the Biobank site is conducted by (or on behalf of) DECC. In Council's experience, consultant reports on behalf of developers often miss critical species on a site and are more likely to find that a particular threatened species/EEC is not present on a site, than when consultants are employed by Council or DECC. For this reason Council always needs to carefully check such reports. It is critical that the assessment for both the development site and the Biobank site are as reliable and consistent as possible. The development site should be assessed by (or on behalf of) DECC, or at a minimum, the site inspected by DECC in its checking of the consultant's site assessment.

4. Availability of information

It is very difficult to accurately assess the methodology, when the software tool is not available. Benchmarks for the EECs in Ku-ring-gai LGA are not available, there is no

available information on 'identified populations'. It is unknown which species will be assessed under "ecosystem credits".

5. Other sections of the draft methodology

Section 2.4.1 Where habitat surrogates are used for threatened fauna species, the additional management actions for species credits should also apply.

Section 3.1 Benchmarks for urban areas should include minimal clearing, minimal mowing and minimal stormwater impacts, that reflect key threatening processes for the specific vegetation communities and/or species.

Section 3.3 Is 1000 hectare assessment circle suitable in urban areas? How would a person on site assess the percentage of native vs exotic cover across backyards in an urban area?

Section 4.4.1 Council supports the consideration of impacts off the development site as part of the assessment.

Section 4.4 The methodology for biobank sites and development sites should be the same. The current proposal will result in expert reports for development sites and assumptions for biobank sites. Some of the biobank sites will inevitably not contain the threatened species assumed to be there, therefore, the balance will tip towards loss of species.

Section 6.1.1 For local/regional biodiversity protection, credits should be used in the same CMA subregion. It is unclear if this is the case (appears to be under 6.3.1, but not under 6.1.1)

In order for a site to comply with management conditions under the Biobank scheme, it would need to be of a sufficient size to be economically sustainable. The management of small areas of bushland is likely to be less cost effective and therefore unsustainable. Given that areas of native vegetation area assessed by 'region' not 'locally', this would preclude most remnant bushland in urban areas. The cost of purchasing biodiversity credits within urban areas would be more expensive than elsewhere due to land value. It would be unlikely that the offset scheme would benefit the 'local' vegetation communities, as developers would be more likely to purchase the least expensive alternatives, (p7 Biobanking Overview). The calculations are weighted towards large areas of intact vegetation within a larger area of high existing vegetation cover, again favouring the non-urban areas. The potential loss of local biodiversity is not in accordance with the recent changes to section 5A of the Environmental Planning and Assessment Act 1979, which is based on the protection of local biodiversity. The system should favour credits in the same general locality and only where no credits are available locally, should a developer be able to source credits from further afield.

Attribute 2 – Credits should be for same vegetation type, not just same formation. It is unclear if this is the case (appears to be under 6.3.1, but not under 6.1.1). Offsets should be "like for like" – same community or same threatened species. Where "like for like" at this level is not available, alternatives such as same vegetation formation are not suitable, as this will result in the loss of the community or threatened species

over time. Where “like for like” is not available, the development should not go ahead, or should be amended to protect the species or community.

Section 11. The scheme relies largely on 'native vegetation data' which we have experienced in the past to be of poor quality at a local scale. Some regions, such as the Sydney CMA, do not have Regional Conservation Plans, on which to base the information. It is recommended that the biobanking scheme not be gazetted for any LGA until comprehensive conservation mapping has been undertaken by the Council, CMA or DECC under a predetermined and consistent method.

The scheme only supports the protection of species, communities or populations identified as being at risk within the legislation. It is important to protect vegetation areas where such threats are not as immediate, if we want to protect the long term biodiversity of the region or locality. Biobanking could provide a mechanism to protect bushland areas for the long term, so that species that are more common now, do not eventually become threatened. For example this could cover the protection of Sydney sandstone vegetation under threat from phytophthera.

6. The Regulatory Impact Statement

The Regulatory Impact Statement excludes areas already committed to conservation management from becoming Biobank sites, such as Community Lands classified as Natural Areas. However, it is understood that this aspect has been reconsidered. Should this occur Option 3, which provides for a reduction of credits in such cases, should be adopted. In addition, given the small areas remaining of Critically Endangered Ecological Communities, biobanking credits should not be available for CEECs on public land reserved for its bushland values.

Where biodiversity credits are not available for a particular community or species, funding for Council park management or Threatened Species Recovery Plans, are not appropriate alternatives, as this will result in a loss of these communities or species over time. The development should be relocated to a more suitable location or amended to ensure the maintenance/protection of the community or species.

Ministerial approval is required under Section 127Q of the *Threatened Species Conservation Act 1995* for development of biobank sites by, or on behalf of public authorities. The Regulation should provide a reasonable time limit for the consent. This will be particularly important if deferred commencement conditions are permitted, where a time limit is set on the provision of a suitable offset.

7. Compliance Assurance Strategy

Council strongly supports the role of DECC as the compliance agency. In this regard it is important that DECC controls the initial assessment process (as discussed above), as well as later follow up.

Section 5.1 There should also be an accredited persons register (not companies, as this may allow a non-accredited person to undertake the assessment). This could follow a similar path to contaminated land assessments.

Section 5.2 sets out the priorities for compliance – mostly based on the significance of the site or the non-compliance. However many smaller less significant sites may

be missed through these priorities. Priorities should include targeting offenders who have offended – either on a significant scale, or more than once (which would pick up accredited consultants who misrepresent less significant site values).

Section 5.4 Compliance responsibilities of biobank site owners – should include photographic evidence.

Section 6. The proposed process of Council adding conditions to development consents (as supplied by DECC), and DECC undertaking the compliance on the conditions is supported.

The timing of the biobanking undertaking on the part of the developer in the DA process needs to be further considered. The potential for deferred commencement, on the basis of finding a biobank site within a given timeframe, may create a presumption of approval, even where a site cannot be found. For Councils with a Planning Panel such as Ku-ring-gai, this may also have implications as to the determination process.

SUMMARY OF KEY RECOMMENDATIONS

1. That the Biobanking Assessment Tool include specific bench marks with a 'high bar' for Blue Gum High Forest (BGHF), Sydney Turpentine Ironbark Forest (STIF) and Duffys Forest Endangered Ecological Communities, and that the tool be redeveloped to allow the assessment and protection of single key species that represent EEC as noted by the NSW Scientific Committee.
2. If the above is not possible, an addition to the Biobanking regulation be made that either:
 - excludes BGHF, STIF and Duffys Forest from LGA assessment under the biobanking scheme in the local government areas of Ku-ring-gai, Hornsby and Baulkham Hills. These LGAs contain the largest remaining stands of BGHF. If proper assessment and protection cannot be attained using the Biobanking Assessment Tool, the above EECs must be excluded from the scheme to close the loophole that would potentially allow the clearing of the last remaining large/medium-sized but relatively low condition, stands of BGHF; or
 - critically endangered communities, in any condition, not be eligible for biobanking.
3. Red flag areas should not be subject to variation. However, if it is determined that variation is possible, further work is required if biobanking is to be used in developed urban areas, to allow for red flag areas, where only small patches of vegetation, often in "low condition" remain. For example:-
 - Development of a different set of assessment protocols (Section 2.3.2) for variation of red flag areas within urban areas. For instance, Blue Gum High Forest communities would almost always be considered to have low viability, as they would fall within the "relatively small area of native vegetation... surrounded...by intense land uses", while many will also be considered as "degraded". Nevertheless, the larger and/or connected

areas of this critically endangered community should be red flagged, protected and enhanced and should not be subject to any variation.

- Patch sizes for credits in urban areas (Section 3.1.2) should be scaled down. Under this methodology, patches of <5ha would get the low credits, but patches of less than a hectare may be the largest patches remaining of the EEC locally (or broader) and therefore critical sites for protection and improvement.
 - Reduced fees should apply for smaller urban lots to prevent them being priced out of the credit market (along with a simpler assessment methodology).
4. For reliability the development site should be assessed by (or on behalf of) DECC, not on behalf of (and directly employed by) the developer. The methodology for biobank sites and development sites should be the same, with the same assumptions, or degree of assessment.
 5. Offsets should be “like for like” – same community or same threatened species. Where “like for like” at this level is not available, alternatives such as same vegetation formation, or funding for management are not appropriate alternatives, as this will result in the loss of the community or threatened species over time. Where “like for like” is not available, the development should not go ahead, or should be amended to protect the species or community.
 6. For local/regional biodiversity protection, credits should be used in the same subregion that may incorporate more than one CMA. The biobanking system should favour credits in the same general locality, and only where no credits are available locally, should a developer be able to source credits from further afield.
 7. Where there are no regional conservation plans, it is recommended that the biobanking scheme not be gazetted for any LGA until comprehensive conservation mapping has been undertaken by the Council, CMA or DECC against a predetermined and agreed method.
 8. Given the small areas remaining of Critically Endangered Ecological Communities, biobanking credits should not be available for CEECs on public land reserved for its bushland values. If public lands reserved for bushland values are to be included within the scheme, the credits should be reduced.
 9. The following require further consideration:-
 - the inclusion of an accredited persons register
 - compliance priorities and
 - the use of deferred commencement conditions.
 10. There should be a whole of government sign-off such that planning directives and directions do not override the legitimate need for conservation and

protection of natural areas and systems as determined by the Government's own independent Scientific Committee.

DRAFT CLIMATE CHANGE POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval to exhibit for public comment the draft climate change policy.
BACKGROUND:	This report has been developed with the purpose of establishing a position of Council with respect to climate change. This follows growing scientific, community and political recognition of climate change and its impact on society and the environment. The draft policy has drawn from the most recently published climate modelling by the CSIRO and the Stern review, undertaken for the British government and follows the recent decision by the Australian Government to ratify the Kyoto Protocol.
COMMENTS:	<p>In preparing the draft policy, a discussion paper on climate change and consultation has been undertaken. The direction proposed by the policy is to implement both mitigation and adaptation measures to minimise the negative effects associated with climate change. Specific targets and projects will be developed as part of a subsequent strategy following the adoption of the policy.</p> <p>The draft policy allows for changes in scientific evidence, legislation as well as State and Commonwealth policy and, is designed to eliminate any impediment on Council or the community in addressing climate change.</p>
RECOMMENDATION:	That the draft policy be exhibited for comment for a minimum of 40 days during which comments will be sought from the public and the Sustainability Reference Group and that a report be brought back to Council for its consideration.

PURPOSE OF REPORT

To seek Council's approval to exhibit for public comment the draft climate change policy.

BACKGROUND

Within the past 18 months, the profile of climate change has gained momentum with an increase in scientific certainty coinciding with stronger public pressure to address the issue. Scientific research institutes, including the CSIRO [1,2,3], have refined climate model projections to the stage where human induced climate change has become a widely accepted phenomenon. In turn, the Stern Review (2007)[4] prepared for the British government, addressed the effect of climate change on the world economy concluding that a failure to address the risks will potentially lower global gross domestic product by up to twenty percent less than otherwise might be expected. Following the release of these and other studies an investigation was commenced to determine how Ku-ring-gai may be affected by climate change.

Due to the complexity of the direct and indirect affects of climate change, investigations have been separated into five areas that relate to Council, its operations and the wider Ku-ring-gai community. This approach forms the basis of the draft Climate Change Policy (refer to Attachment 1) supported by the discussion paper (Attachment 2).

Physical effects of climate change in the Ku-ring-gai local government area

The discussion paper (Attachment 2) provides a summary of the major physical effects resulting from climate change under various climate model projections as developed by the CSIRO [1,2,3]. As an example, the business as usual scenario, that is where there is no attenuation in the emission of greenhouse gases, South-East NSW [3] is expected to have an increase in severe rain events, extreme winds, extreme daily temperatures and a decrease in overall rainfall. This would generate various secondary effects such as electricity, water, gas and sewer disruption, damage to public and private infrastructure, human health and biodiversity impacts, more intense and frequent storms, local flooding and prolonged droughts.

Social response to climate change in Ku-ring-gai

The consultation process undertaken as part of the development of the Sustainability Strategy has provided Council with an indicative direction for the Climate Change Policy (Attachment 3, of the Consultation Report).

In summary, the responses suggest that the Ku-ring-gai community is aware of the issues related to climate change. Responses range from optimism to be able to respond to a changing climate, to fear, in terms of some of the predicted or perceived changes. An important outcome nevertheless is that the Ku-ring-gai community is generally very motivated and has a strong willingness to not only participate in discussion on the issues but also take the lead in implementing actions. Another important finding was that they would like to see greater support and initiative from Council.

Current and future policy and regulatory implications

Government policy and regulation at both State and Commonwealth levels to address climate change is in a state of flux. To date the implications for Council have not been significant, though it would be reasonably expected that this would change with the setting and tightening of national

Item 10

S06055
21 January 2008

emission reduction targets and most relevant for local government is the significant contribution of the residential and transport sector to greenhouse emissions. At the international level, the ratification of the Kyoto protocol which comes into force on 11 March 2008 commits Australia to limiting emissions to an 8% increase on 1996 emission levels by 2010. To provide a local perspective, Council's own emissions, have already increased by 20% based on 1996 levels.

In terms of future targets, the Commonwealth Government has commissioned the *Garnaut report* (due for completion in September 2008) which will detail the national economic impacts of mitigating and adapting to climate change and will be used as the basis for decision-making during post-Kyoto negotiations, including targets. Important to the direction of this report were various discussions at the United Nations Climate Change Conference in Bali (December 2007) that pointed towards post-Kyoto mitigation targets in the range of 60-80% based on 2010 levels. While no specific targets were negotiated, there is a high probability that Australia can expect to have a mitigation goal significantly more stringent than the current Kyoto targets which are likely to influence all levels of government, businesses and the community.

Legislative responsibilities

There is considerable divergence of opinion among and within Australian jurisdictions regarding the seriousness of climate change. Where courts have given consideration to developments which will contribute to climate change or those which will be adversely affected by climate change arguments have tended to be framed around the Principles of Ecologically Sustainable Development (ESD) or similar provisions as exist within other States.

To date there have been no common law actions regarding climate change in Australia. In the United States, successful actions have been brought that have turned on the inaction of an entity that has failed to recognise or adequately consider the impacts of climate change. Exposure to such actions in Australia can be limited through prevailing legislation such as the *Civil Liability Act 2002* (NSW). For local government, ESD is just one of the elements that must be considered whilst recognising its financial, other resource and policy limitations.

To reduce the risk of exposure to litigation, local councils may need to take into account the future effects of climate change across a range of its activities including the approval of new developments and the management of assets. This can be achieved by adhering to the ESD principles, as have been applied to climate change in the courts. In addition councils must also recognise the need to fulfil its duty of care to those within the local government area. Whilst the scope for actions in negligence and nuisance arising from climate change appears limited at present, the legal concepts of reasonableness and causation are evolving at a rapid rate which may require councils to act with due diligence in a manner that is consistent with shifting legal and community expectations.

Current policy responsibilities

At the Ordinary Meeting of Council 17 December 2002, Council set a reduction goal under the Cities for Climate Protection Program to reduce Council's corporate greenhouse emissions by 20% by 2010 based on 1995 levels. In the 2006 financial year Council emitted a combined 8,961 tonnes of CO₂ from Council facilities, street lights and vehicles, amounting to a 20% increase in emissions on 1996 levels. For this goal to be realised, it would be necessary to reduce corporate emissions to a level of 5,860 tonnes of CO₂ per annum, representing a reduction by 40%.

Notwithstanding this increase, Council has initiated several energy conservation measures. These include an abatement of 450 tonnes of greenhouse gases per annum through the purchase of

Item 10

S06055
21 January 2008

renewable energy, vehicle downsizing, lighting and computer upgrades, power factor correction installation and automation of oval lighting. In addition to this Council recently commenced works under an Energy Performance Contract which will abate a further 266 tonnes of CO₂ per annum through various upgrades to lighting and air conditioning systems across a number of Council facilities (as reported to Council on 12 December 2006)

Council has not specifically addressed adaptation to climate change as part of its policy response. However it has initiated a range of actions that relate to a change in climate including the implementation of a stormwater harvesting and sewer mining program to provide irrigation for sporting facilities and updating the Bushfire Prone Land Map to provide greater accuracy and enable higher building standards for construction to mitigate bushfire risk.

COMMENTS

An analysis of the impacts of climate change and the policy options for Council have concluded:

- a - climate change is already occurring therefore we need to adapt to this change
- b - Council needs to mitigate climate change to reduce impacts
- c - existing Cities for Climate Protection goals require reassessment
- d - adaptation alone is not an effective response to climate change
- e - Council needs to take a more inclusive and strategic approach to climate change which encompasses both adaptation and mitigation
- f - the sooner we address the issues the better the result
- g - even if all scientific evidence is debunked, there is still benefit in adopting this policy.

The draft policy has been designed to recognise these impacts and to:

- 1 allow for changes in scientific evidence, legislation and other government policy decisions (such as recent Kyoto ratification, the impending release of the *Garnaut report* and the continuation of debate after the Bali conference in a post-Kyoto environment)
- 2 eliminate any impediment on Council or the community in addressing climate change
- 3 not restrict the results of any risk assessment or subsequent strategy.

In terms of setting targets or milestones for Council and the community, the draft policy is deliberately silent at this stage. Such targets will be proposed as part of the development of a strategy. This approach has been taken so as to better understand the risks and costs associated with both adaptation and mitigation within the context of environmental, social and economic factors. It is recognised however that many other councils have set medium and long term emission reduction targets though the costs to their council and community to achieve these has not been documented. This latter approach has the potential to undermine any realistic achievement of the targets, particularly if there is no incorporation of the program within the respective organisations long term financial planning.

As part of the process of setting targets, as noted in the discussion paper, a risk assessment approach is proposed. The assessment will be based on the Quadruple Bottom Line (QBL) framework, encompassing governance, environmental, social and economic implications. It will also incorporate a prioritisation process targeting both mitigation and adaptation initiatives based on a benefit/cost approach. It is proposed that this approach will help determine the amount and

Item 10

S06055
21 January 2008

benefit of the various investment and action strategies so as to provide the best outcome for Ku-ring-gai and its residents.

In terms of the economic impacts, the current costs of mitigating or reducing greenhouse gas per tonne is \$880. This figure takes into account what could be described as the "low fruit", the easier and least costly strategies. It is foreseeable that if Council commits to a high emission reduction target, or indeed seeks to meet its existing 20% commitment. The cost per tonne is expected to be greater.

References:

1 CSIRO report 1

Hennessy, K., Page, C., McInnes, K., Jones, R., Bathols, J., Collins, D. and Jones, D., 2004, *Climate Change in New South Wales, part 1: Past climate variability and projected changes in average climate*. CSIRO.

2 CSIRO report 2

Hennessy, K., McInnes, K., Abbs, D., Jones, R., Bathols, J., Suppiah, R., Ricketts, J., Rafter, T., Collins, D. and Jones, D. 2004, *Climate Change in NSW. Part 2: Projected changes in climate extremes*. CSIRO.

3 CSIRO report on Sydney metro area

CSIRO, 2007 *Climate Change in the Sydney Metropolitan Catchments*, prepared for the NSW Government by the CSIRO,
http://www.greenhouse.nsw.gov.au/_data/assets/pdf_file/0007/5956/070216_SydneyDetailedFinal1.pdf [accessed 5/9/07]

4 Stern review

Stern, N., 2007. *Stern Review on the Economics of Climate Change*, http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/sternreview_index.cfm

CONSULTATION

A range of participants have already been consulted as part of the development of the draft Climate Change policy. This has included key scientific bodies such as the CSIRO, the Australian Greenhouse Office and industry recognised experts including Professor Ann Henderson-Sellers, Director of the World Climate Research Programme and Professor Andrew Pitman of the International Panel on Climate Change (IPCC). The discussion paper has also been used as a tool to invoke discussion between key community and Council groups.

The discussion paper has also been presented to Council staff, Councillors at the October Planning Meeting and at the Bushland, Catchments and Natural Areas Reference Group meeting in November. At the request of the then Planning Committee, Councillors sought a detailed workshop that was held on 13 December 2007. At this workshop, the latest developments in the science of climate change were presented by Professor Andrew Pitman followed by discussion on current initiatives and planning for climate change in Ku-ring-gai.

Item 10

S06055
21 January 2008

The proposed consultation on the draft policy will involve discussions with Council's Sustainability Reference Group, Australian Greenhouse Office and other groups. Through the draft climate change policy public exhibition period, Council will conduct community workshops to analyse and prioritise risks to Ku-ring-gai within a Quadruple Bottom Line framework. The approach to be used, is based on various international studies on risk assessment and guidelines and as promoted by the Australian Greenhouse Office *Climate Change Impacts & Risk management: A Guide for Business and Government*. This will allow Council to more accurately prioritise risks in a comprehensive manner which will form the basis of a climate change strategy for Council and the community addressing both adaptation and mitigation.

FINANCIAL CONSIDERATIONS

There will be direct financial implications in adopting this policy. The benefits and costs will be developed as part of the consultation of the draft policy and subsequently in the development of the strategy.

As noted in the Stern Report (2007), the cost of delay and inaction may be significantly more through the direct and indirect effects of climate change on our assets and community. It is anticipated that these will also be incorporated within any benefit/cost assessment.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the discussion paper and draft policy has involved all departments of Council. Refer to Attachment 3 (Consultation report) for further details.

SUMMARY

The effects of climate change will have an impact on Ku-ring-gai and its community. While it is acknowledged that any reduction in emissions by Council and its residents alone will not have a significant impact on reducing the impact of climate change, any mitigation strategy must be set in the context of global change and the necessity for the collective actions of all communities.

Adaptation to climate change must also form part of a policy and operational response. This realises the current trajectory of changing climate, which for Ku-ring-gai is likely to result in an increase in rain and wind storms creating substantial clean-up, insurance and business costs and social disruption.

Community consultation to date has pointed to Council to take a leadership role on this matter, not only through the management of its own facilities and assets but also through providing mechanisms to empower residents to take action. Consultation will continue with a specific focus on analysing and prioritising risks within a Quadruple Bottom Line framework which will allow Council to comprehensively determine our vulnerability and ability to address specific climate change risks.

RECOMMENDATION

- A. That the draft Climate Change Policy be exhibited for a minimum period of 40 days during which public comment will be sought.
- B. That as part of the consultation of the draft policy a risk assessment and benefit/cost analysis be commenced to help inform Council of the implications of the policy within environmental, social, economic and governance areas.
- C. That a copy of the draft Policy be referred to the Sustainability Reference Group and Australian Greenhouse Office for comment.
- D. That a report be submitted to Council following public consultation.

Louise Hayward
Sustainability Officer

Jenny Scott
**Sustainability Program
Leader**

Peter Davies
**Manager Corporate Planning &
Sustainability**

Attachments:

- 1. Draft Climate Change Policy - 881233**
- 2. Discussion Paper - Mitigation & Adaptation in the Ku-ring-gai Local Government Area - 832892**
- 3. Climate Change Policy/ Consultation Policy - 881225**

Ku-ring-gai Council

Draft Climate Change Policy

Policy Statement

Ku-ring-gai will implement adaptation strategies combined with a strong mitigation program throughout Council and the community to maximise the opportunities and minimise the negative effects associated with climate change.

Purpose

This policy has been developed as a response to the projected implications of Climate Change on Ku-ring-gai's community, environment and economic sustainability.

Context

Based on the evidence presented by the scientific community, climate variability will inevitably generate a level of adverse impact. The potential for climate change creating amplifying feedbacks and the uncertainty of how climate systems will respond at the local level strengthens the argument for a precautionary approach to climate change.

Council and the community have contributed to human induced climate change with Ku-ring-gai identified as one of the highest emitters of greenhouse gases per capita. The effects of climate change are already apparent in Australia and regardless of any current and future effort towards stabilising greenhouse emissions, some level of adaptation will be required.

Strong scientific and economic evidence advocates a combination of adaptation and mitigation as a sustainable response to the climate change issue. Delay would entail a greater level of impact and eventually higher costs of addressing the impacts. However, we have a great opportunity with Ku-ring-gai's community being highly motivated and educated providing an excellent platform for the ready adaptation to and mitigation of climate change.

Objectives

Our objectives are to:

- Capitalise on opportunities arising from climate change
- Ensure our vulnerability to weather related risk is reduced
- Ensure our vulnerability to regulatory (institutional and financial) related risk is reduced
- Reduce our carbon footprint as a priority
- Continually improve performance in climate change adaptation and greenhouse gas mitigation

Doc Distribution	External & Internal	Doc Status	Draft	File #	S06055
Doc Owner	Mgr Corp Planning & Sustainability	Officer		Contact	Sustainability Officer
Approval date		Approved by			
Effective date		Review period	2 years	Review date	

Associated Documents

Discussion Paper – Climate Change: Mitigation and Adaptation in the Ku-ring-gai Local Government Area (2007)

Definitions

In this policy:

Adaptation means the responsive adjustment to varying conditions

Amplifying feedbacks means a process that results in an amplification of the response of a system to an external influence

Carbon footprint means Carbon footprint is a measure of the amount of carbon dioxide or CO₂ emitted through the combustion of fossil fuels; in the case of an organization, business or enterprise, as part of their everyday operations; in the case of an individual or household, as part of their daily lives; or a product

Greenhouse gases means gases in the Earth's atmosphere such as water vapour, carbon dioxide, tropospheric ozone, nitrous oxide, and methane that allow sunlight through but absorb and capture infrared radiation.

Mitigation means the action of lessening in severity or intensity

Precautionary approach means a management philosophy that favours constraining an activity when there is high scientific uncertainty regarding its effects on the natural environment, as opposed to allowing an activity to continue until proof, of either no effect or a negative impact, is obtained

Sustainability means a state or process that can be maintained indefinitely

Legislative Framework

The following policies and legislation affects this policy:

- *Local Government Amendment (Ecologically Sustainable Development) Act 1997*(NSW)
- *Environmental Planning & Assessment Act 1979*
- Kyoto protocol

Discussion Paper

**Climate Change - Mitigation and Adaptation in the Ku-ring-gai
Local Government Area**

September, 2007

*Prepared by
Dr Jennifer Scott
Sustainability Program Leader*

*Louise Hayward
Sustainability Officer*

Executive Summary

In Australia the average temperature has risen by 0.7°C over the last century, this warming trend appears to be in excess of the natural climate variability. If global greenhouse emissions remain unchecked and continue to rise at the current rate, Australia's average temperature is projected to increase to 0.4-2.0°C above 1990 levels by the year 2030, and 1.0-6.0°C by 2070.

Climate change may have the ability to trigger positive feedback loops in nature which amplify warming and cooling trends. In addition to this, climate and other complex systems do not behave in a simple linear fashion. The possibility of these amplifying feedbacks occurring and the uncertainty of how climate systems will respond strengthens the argument for a precautionary approach to climate change.

It is likely that the climate change predicted by the CSIRO will see Ku-ring-gai experience an increase in drought, extreme wind and rain events and an increase in frequency of extreme temperature days. The regional scenarios predicted will create both adverse and opportunistic economic, environmental, social and governance consequences on Ku-ring-gai Council and its community.

Primary effects associated with climate change could generate a range of secondary effects on the Ku-ring-gai local area. Notable impacts may include electricity, water, gas and sewer disruption, extremes in heat, more intense and frequent storms, local flooding and prolonged droughts. These could affect infrastructure and property, businesses, logistics and transport, resources, public services, biodiversity, land and health.

The average Ku-ring-gai household consumed 13,000kWh *per annum* – well exceeding the NSW average of 7790kWh (Parliament of NSW, 2005). Council used 2,766MWh of electricity in the 2005/2006 financial year equating to 2663 tonnes of CO₂. In an effort to reduce these figures, Council has initiated many energy efficiency projects to offset greenhouse gas emissions.

Global evidence suggests we should be aiming for stabilisation of atmospheric CO₂ somewhere within the range 450 – 550ppm CO₂. To stabilize at 450ppm CO₂, we would need to achieve a 70% reduction below current levels by 2050. Stabilisation – at whatever level – requires annual emissions be brought down to the level that balances the Earth's natural capacity to remove greenhouse gases from the atmosphere. The longer action is delayed, the harder that goal will become (Stern, 2006).

Based on the evidence presented by CSIRO and others, it is probable that climate variability will generate a level of adverse impact. Whether it is a human induced or a natural phenomenon does not materially alter the need for action. As a result, adaptation strategies combined with a strong mitigation program will be required to deal with minimizing and managing the negative effects associated with climate change. Adaptation in particular is emerging as an important objective for at least coping with climate change. It must be stressed that this in no way compromises the need to pursue current and future mitigation strategies.

At the Local Government level, taking a precautionary approach to the uncertainty surrounding the rate and impact of climate change is necessary to satisfy good risk management principles. Further research will allow Council to gain a greater understanding of both the physical impacts of climate change and the policy and legal decisions which may affect Council's capability to address climate change in Ku-ring-gai.

The first priority is to strengthen action to slow climate change and to start undertaking the necessary adaptation strategies to cope with the consequences arising before stability is established. Delay could intensify climate change leading to higher costs of tackling the problem.

A strategy of mitigation plus adaptation is superior to business-as-usual plus adaptation, and requires less spending.

Adaptation will be crucial in reducing vulnerability to climate change over the next few decades. Adaptation can mute the impacts, but by itself cannot solve the problem of climate change however there are limits to what adaptation can achieve. As the magnitude and speed of unabated climate change accelerate, the relative efficiency and effectiveness of adaptation diminishes.

To determine where to invest in future mitigation and adaptation strategies a cost / benefit analysis can be used to clarify the value of investing in adaptation strategies in terms of direct and indirect effects. To establish the full cost / benefit of any mitigation or adaptation strategy it is necessary to consider social, ecological, economic and governance issues. This Quadruple Bottom Line (QBL) framework develops an improved understanding of the interrelationships and interdependencies between these four factors.

This paper aims to stimulate debate regarding whether Council should concentrate efforts on climate change mitigation, adaptation or a combination of the two.

-Table of Contents -

<i>Executive Summary</i>	2
<i>List of Acronyms</i>	5
<i>Introduction</i>	6
<i>Background</i>	6
<i>Major Causes of Human Induced Climate Change</i>	8
<i>Primary Effects of Climate Change</i>	10
- <i>past climate and observed changes in average climate</i>	10
- <i>extreme daily temperatures</i>	11
- <i>drought</i>	12
- <i>extreme rainfall</i>	15
- <i>extreme winds</i>	17
- <i>amplifying feedbacks and uncertainty</i>	18
<i>Secondary Effects of Climate Change</i>	20
- <i>public infrastructure and property</i>	20
- <i>residential infrastructure and property</i>	22
- <i>businesses</i>	22
- <i>logistics and transport</i>	22
- <i>resources</i>	23
- <i>public services</i>	23
- <i>biodiversity</i>	24
- <i>land</i>	25
- <i>health</i>	26
<i>Stabilisation of Atmospheric Greenhouse Gases</i>	27
<i>Recommendations</i>	29
- <i>Council due diligence</i>	29
- <i>mitigation and adaptation</i>	30
- <i>potential tools to address mitigation and adaptation issues</i>	31
<i>Determining where and how to invest in future mitigation and adaptation strategies</i>	33
<i>References</i>	42
<i>Attachment 1: Existing and complete mitigation projects</i>	45
<i>Attachment 2: Case studies</i>	48

Acronyms

AGO	Australian Greenhouse Office
BOM	Bureau of Meteorology
COAG	Council of Australian Governments
CSIRO	Commonwealth Scientific and Industrial Research Organisation
EPC	Energy Performance Contract
ESD	Ecological Sustainable Development
GDP	Gross Domestic Product
Gt	Gigatonne
GHG	Greenhouse Gas
IPCC	Intergovernmental Panel on Climate Change
NSW	New South Wales
PMSEIC	Prime Minister's Science, Engineering and Innovation Council
PPM	Parts Per Million
QBL	Quadruple Bottom Line
RTA	Roads and Traffic Authority
SRES	Special Report on Emissions Scenarios
UNEP	United Nations Environment Programme
WMO	World Meteorological Organisation

Introduction

In Australia the average temperature has risen by 0.7°C over the last century (Pittock, 2003), this warming trend appears to have emerged over and above the natural climate variability. While Australians are accustomed to dealing with climate variability, human induced climate change appears likely to take us outside the range of any previous experience. This will likely require new strategies to cope with emerging scenarios that could render previous management thresholds ineffective.

In relation to these temperature increases, the CSIRO have released climate change projections based on a variety of scenarios which demonstrate that the region surrounding Ku-ring-gai is likely to see an increase in drought, extreme wind and rain events and an increase in frequency of extreme temperature days CSIRO,(2007). The scenarios predicted will create both adverse and opportunistic economic, environmental, social and governance consequences on Ku-ring-gai Council and its community.

In relation to the economic consequence of climate change, the Stern Review on the Economics of Climate Change (Stern, 2006) makes a compelling case for action to include both mitigation and adaptation strategies. In response to predictions presented by such scientific groups such as the CSIRO, the Stern Review explains that the long term global economic cost of 'business as usual' is likely to far outweigh the cost of taking a precautionary approach to reduce the level of risk. Although the majority of the Stern review is globally based, the findings and recommendations within the report have a relevance to Ku-ring-gai.

This discussion paper has been developed as part of a risk evaluation strategy to assess the potential impacts of Climate Change on Ku-ring-gai Council and encompasses economic, environmental, social and governance implications. In 1999, Council resolved to mitigate corporate greenhouse emissions and in response, has implemented several greenhouse reduction projects, however to date Council has yet to consider the advantages associated with adapting to climate change. This paper aims to stimulate debate regarding whether and the degree to which Council should concentrate efforts on climate change mitigation, adaptation or a combination of the two.

Background

Projected global warming changes for the 21st century is comparable with previous perturbations during the glacial-interglacial cycles, although likely faster and more extreme than past inter-glacials (Pittock, 2003). Even if all excess greenhouse gas emissions were arrested today, Australia would still experience an increased warming of 0.2–1.0°C by the end of the century (Hennessy *et al*, 2006). If global greenhouse emissions are left unchecked and continue to rise at current levels, Australia's average temperature is projected to increase to 0.4-2.0°C above 1990 levels by the year 2030, and 1.0-6.0°C by 2070, (Preston & Jones, 2006).

Currently, Australia's annual contribution to global greenhouse emissions is 559,074GT CO₂ based on Kyoto Accounting (Australian Greenhouse Office, 2007) - an increase of 12GT since 1990. This amount equates to a 1.4 per cent contribution towards global greenhouse gas emissions (Campbell, 2006). In the 2005/2006 financial year, Ku-ring-gai's residents and businesses used 442,306MWh and 210,661MWh of electricity respectively (NSROC, 2006) producing a combined 628545 tonnes of CO₂. The average Ku-ring-gai household consumed 13,000kWh *per annum* – well exceeding the NSW average of 7790kWh (Parliament of NSW, 2005). Council used 2,766MWh of electricity in the 2005/2006 financial year equating to 2663 tonnes of CO₂.

Human induced climate change has been widely accepted at the international level, this acceptance promoted a portfolio of initiatives to mitigate greenhouse gas emissions, and more recently, adapt to climate change. Most notably, actions preceding the formation of the Intergovernmental Panel on Climate Change and the recent release of the Stern Review have generated significant debate on the international stage.

Recognising the problem of potential global climate change, the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) established the Intergovernmental Panel on Climate Change (IPCC) in 1988. It is open to all members of the United Nations and WMO (IPCC, 2007). The role of the IPCC is to assess on a comprehensive, objective, open and transparent basis the scientific, technical and socio-economic information relevant to the assessment of risk from human-induced climate change, its potential impacts and options for adaptation and mitigation (IPCC, 2007).

The 1997 Kyoto Protocol is an attempt to apply emissions trading in the context of international collective action between sovereign states and was created in response to the establishment of international groups on climate change. Participating countries (excluding the United States of America and Australia) have agreed to differentiated, legally binding commitments to reduce six greenhouse gases by at least five percent below 1990 levels over the first commitment period from 2008 to 2012. While the Kyoto Protocol has its critics, it has established an aspiration to create a single global carbon price and implement equitable approaches to sharing the burden of action on climate change (Stern, 2006).

The Stern Review discussed the effect of climate change and global warming on the world economy. The main conclusions are that one percent of global gross domestic product (GDP) per annum needs to be invested to avoid the worst effects of climate change. Failure to do so could risk global GDP being up to twenty percent lower than otherwise might be. Following the release of this report, global interest in climate change has increased coinciding with stronger public pressure to act on the findings of the report.

Within Australia, the Commonwealth Government 2007 Climate Change Policy commitments the nation to a 108% reduction in Greenhouse Gas Emissions from 1990 levels by 2012 (Australian Government, 2007). While the policy predominantly discusses mitigation strategies it recognises the need for adaptation strategies. To this end, the Commonwealth Government in May 2007 announced that an Australian Centre for Climate Change Adaptation would be established to position Australia to manage the risks of climate change. The Centre will play a key role in implementing parts of the National Climate Change Adaptation Framework endorsed by the Council of Australian

Governments (COAG) in April 2007 (AGO, 2007). The leaders of the Asia-Pacific Economic Cooperation (APEC) forum gathered in Sydney on 8-9 September 2007. During this event, the APEC economic leaders adopted the Sydney Declaration which 'reaffirmed their commitment to work with all members of the international community for an enduring global solution to climate change.' (APEC, 2007)

At the State level, the NSW government has developed the NSW Greenhouse Action Plan which sets out direction for the NSW Government over the next 3 years and beyond to reduce its own emissions and work with other stakeholders to reduce their GHG emissions. The NSW Government sees the response to climate including reducing community energy use, change transport patterns and some agricultural land use practices. Like the Commonwealth Government, mitigation is the focus of the Plan. Adaptation is not discussed other than as two separate strategies, one based on research into adaptation and mitigation and the other a building adaptation initiative (NSW Greenhouse Office, 2005).

At the Local Government level, taking a precautionary approach to the uncertainty surrounding the rate and impact of climate change is necessary to satisfy good risk management principles. Ku-ring-gai Council has initiated many greenhouse mitigation projects to reduce greenhouse gas emissions (refer to attachment 1 for further details). In 1999, Council signed up to the Cities for Climate Protection Program and in 2002 developed a Greenhouse Action Plan to mitigate emissions, resolving to reduce corporate emissions by 20 per cent by 2010. Since the development of this Plan, Council has reduced greenhouse emissions by 450 tonnes per annum through the purchase of renewable energy; vehicle emissions; lighting and computer upgrades; Power Factor Correction and; the Cloudmaster oval lighting automation system. In 2006, Council developed an Energy and Water Savings Action Plan as a requirement of the NSW State Government. This report recommended implementing an Energy Performance Contract (EPC). At the time of writing this report, Council has developed a detailed facility study as a basis for the EPC further reducing Council's annual emissions by over 440 tonnes.

These initiatives have been based on readily achievable greenhouse gas emission goals rather than a strategic response to address existing and future climate change and the potential impacts these scenarios may impose on the Ku-ring-gai environment. Climate Change is fundamentally a sustainability issue that has as its genesis the aspiration of reducing dependency on a non-renewable (fossil fuels) resources. As such, whether or not the climate skeptics are correct becomes a redundant argument as there are many good reasons for reducing emissions and few plausible arguments for the obverse position beyond the global warming debate.

Major causes of human induced climate change

Fifty seven percent of emissions are from burning fossil fuels in power, transport, buildings and industry. Agriculture and changes in land use particularly deforestation, produce forty one percent of emissions. In the absence of policies to combat climate change, CO₂ emissions will inevitably rise as the global carbon economy continues to grow.

Historically, economic development has been associated with increased energy consumption and hence energy related CO₂ emissions per capita (Stern, 2006).

Energy use is the dominant source of greenhouse gas emissions in Australia and contributes fifty five percent of the nation's total emissions (Pittock, 2003). Electricity generation emissions increased by 50.1 per cent from 1990 to 2005 (Department of the Environment and Water Resources, 2005). This increase in demand is fuelled by economic growth as demonstrated by the usage of air conditioners in residential and commercial situations (Howden & Crimp, 2001). Howden and Crimp (2001) report found consumption of energy due to air conditioning is a good indicator of economic affluence. In terms of climate change an increase in temperature would be expected to generate a rise in electricity demand. In respect to Ku-ring-gai, above average household wealth coupled with this increasing average temperatures will likely see an increase in air conditioning use and in turn, electricity consumption per household within the local government area.

Transport currently accounts for 16 per cent of Australia's total emissions and is the fastest growing emissions sector in Australia (Pittock, 2003) accounting for nearly seventy four million tonnes of greenhouse gas emissions. Approximately ninety percent of these emissions come from road transport vehicles including cars, trucks and buses. In Ku-ring-gai alone, over 25,000 residents use cars to travel to work, equating to 62 per cent of the Ku-ring-gai working population (Ku-ring-gai Council, 2004). The 2001 Sydney average for commuters travelling to work by car was 53.2%.

Primary Effects of Climate Change

This section reports on three modeling scenarios proposed by the IPCC in 2000 and subsequent modeling for NSW by the CSIRO. The following climate change projections are based on three scenarios as proposed by the IPCC:

1. Special Report on Emissions Scenarios (Nakicenovic & Swart, 2000) without explicit policies to limit greenhouse gas emissions;
2. Stabilising atmospheric CO₂ concentrations at 550ppm and;
3. Stabilising atmospheric CO₂ emissions at 450ppm.

The current evidence as discussed within the Stern Review, suggests aiming for stabilisation somewhere within the range 450 – 550 ppm CO₂ (see section on stabilisation for further information).

The following data provides a snapshot of the past to future trends in climate change. All figures and data listed within this section are extracted from the CSIRO consultancy report for the NSW Greenhouse Office, *Climate Change in New South Wales, Part 2: Projected Changes in Climate Extremes (2004)*.

Past climate and observed changes in average climate

From 1950 to 2003, the NSW annual mean temperature rose 0.17°C per decade. The annual mean maximum temperature rose 0.15°C per decade and the annual mean minimum temperature rose 0.19°C per decade (Hennessy *et al*, 2004). There has been an increase in hot days (35°C or more) of 0.10 days per year, an increase in hot nights (20°C or more) of 0.26 nights per year, a decrease in cold days (15°C or less) of 0.22 days per year and a decrease in cold nights (5°C or less) of 0.29 nights per year. (Hennessy *et al*, 2004).

The projections from the CSIRO contain margins of error due to the limitations in being able to predict climate change. The following table and figure both show these variations in projections, however all projections show an increase in average temperatures.

Table 1 forecasts the temperature change in coastal NSW over the coming century. Such modeling draws closer to the scenario likely to affect Ku-ring-gai. Temperature rise is dependent on the scale of CO₂ concentration in the atmosphere.

Projection	SRES	550 ppm	450 ppm
2030	0.2 to 1.6	0.3 to 1.2	0.2 to 1.2
2070	0.7 to 4.8	0.8 to 3.0	0.7 to 2.5

Table 1. Projected change of coastal and southern NSW in annual average temperature (°C) for the years 2030 and 2070 relative to 1990 (Source: Hennessy et al, 2004).

Future projections for the years 2030 and 2070 model the potential scale of change over the next century (refer to fig.1). The coloured bars show ranges of change for areas with corresponding colours in the maps.

Figure 1.

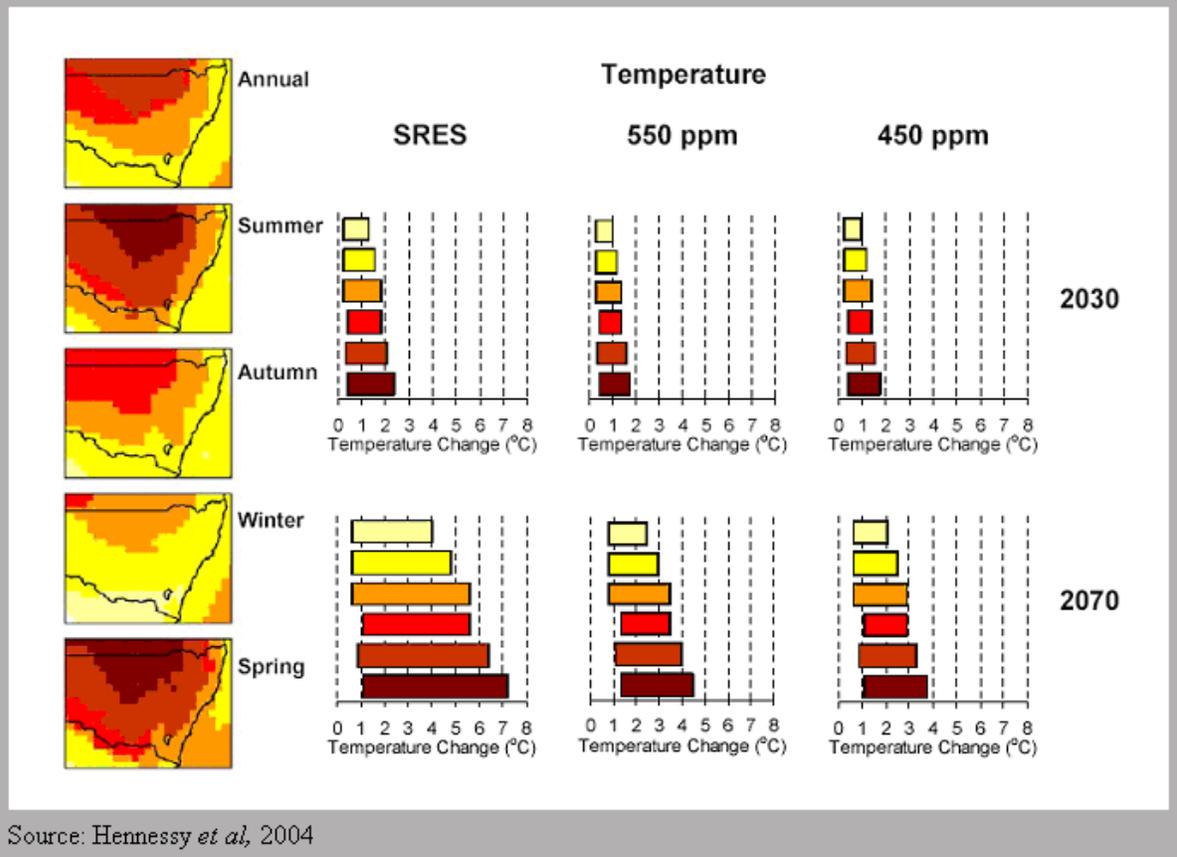


Figure 1. Projected change in average annual and seasonal temperature for the years 2030 and 2070 relative to 1990.

Extreme Daily Temperatures

Hennessy *et al* (2004) describes extreme daily temperatures as days exceeding 35C degrees. Small changes in average temperature can be associated with large changes in extreme daily temperatures (Hennessy *et al*, 2004). In February 2004, NSW and other eastern States experienced a record-breaking hot spell over 40°C at a number of locations (BoM, 2004a). On 13 October 2004, Sydney's maximum temperature of 38.2°C was the hottest October day in the city since records began back in 1858 (BoM, 2004b). Although in isolation, such events cannot be attributed to changing climate, it is reasonable to expect that such events will occur more frequently or earlier or later in the season than has occurred historically.

Tables 2 and 3 summarise the modeled impact of climate change on the increase in extreme daily temperatures for the Sydney region. The tables demonstrate that Sydney can expect and increase in extreme temperature days.

Days Exceeding 35°C			Spells Above 35°C		
Present	2030	2070	Present	2030	2070
3	4-6	4-18	0	0-0	0-1

Table 2: The average number of days per year above 35°C for Sydney for present conditions (1964-2003), 40 years centered on 2030 and 40 years centered on 2070. A hot spell was defined as three consecutive days above 35°C. (Source: Hennessy et al, 2004)

Days Exceeding 40°C			Spells Above 40°C		
Present	2030	2070	Present	2030	2070
0	0-1	0-4	0	0-0	0-0

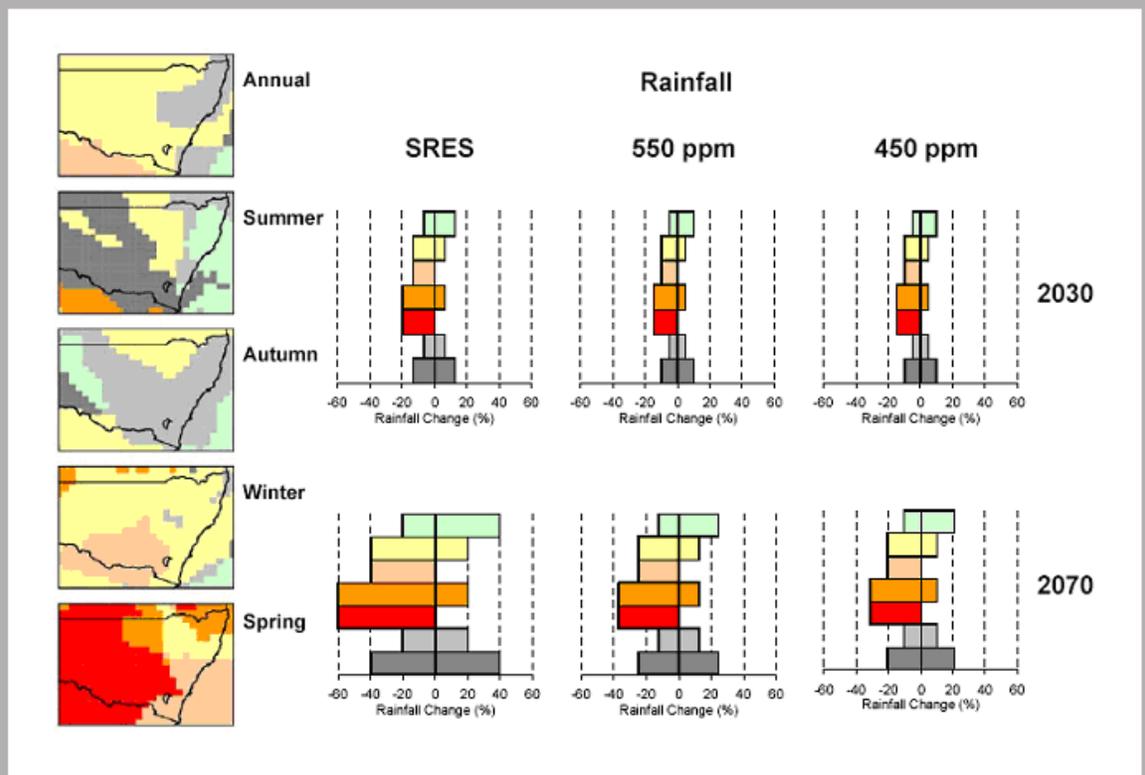
Table 3: The average number of days per year above 40°C for Sydney for present conditions (1964-2003), 40 years centered on 2030 and 40 years centered on 2070. A hot spell was defined as three consecutive days above 40°C (Source: Hennessy et al, 2004).

Drought

The definition of drought is based on the criteria for serious rainfall deficiency used by the Bureau of Meteorology. Drought is classified by examining 3-month periods to see whether they lie below the first decile (lowest 10% on record). Once a 3-month period has been classified as a drought, it remains in the drought category until the rainfall deficiency is removed. The overall period of drought could be any number of consecutive months.

Figure 2 examines the effect of climate change on rainfall over the century and shows a strong likelihood for lower than average rainfall.

Figure 2.



Source: Hennessy *et al.*, 2004

Figure 2 . Range of change in average rainfall (%) for the years 2030 and 2070 relative to 1990. The coloured bars show range of change for areas with corresponding colours in the maps.

Table 4 shows observed and projected monthly frequencies of drought for 2030 for worst and best case scenarios. The average frequency during 1961-2000 is about three months per decade. Southern NSW regions tend to have more droughts in winter and spring. The projections indicate that increases and decreases in drought frequency are possible, but there is a tendency toward increases, especially in winter and spring. The frequency is increased by about seventy percent for the worst case (lower rainfall) scenario and decreased by thirty five percent for the best case (higher rainfall) scenario by 2030. The range of uncertainty is much larger by 2070 when drought frequency could increase by more than two hundred percent or decrease by up to seventy percent. However even considering the range of uncertainty, Ku-ring-gai can expect an increase in drought conditions.

Season	2030	2070
Summer	+/-14	+/-40
Autumn	+/-7	+/-20
Winter	-14 to +7	-40 to +20
Spring	-4 to 0	-40 to 0

Table 4: South east region of NSW rainfall change (%) scenarios for 2030 and 2070, relative to 1990 (Source: Hennessy *et al.*, 2004).

Figures 3 and 4 reveals the observed and projected drought frequencies per decade for low and high rainfall change scenarios. A nominated month refers to the central month in a three month period, e.g. May refers to April-June.

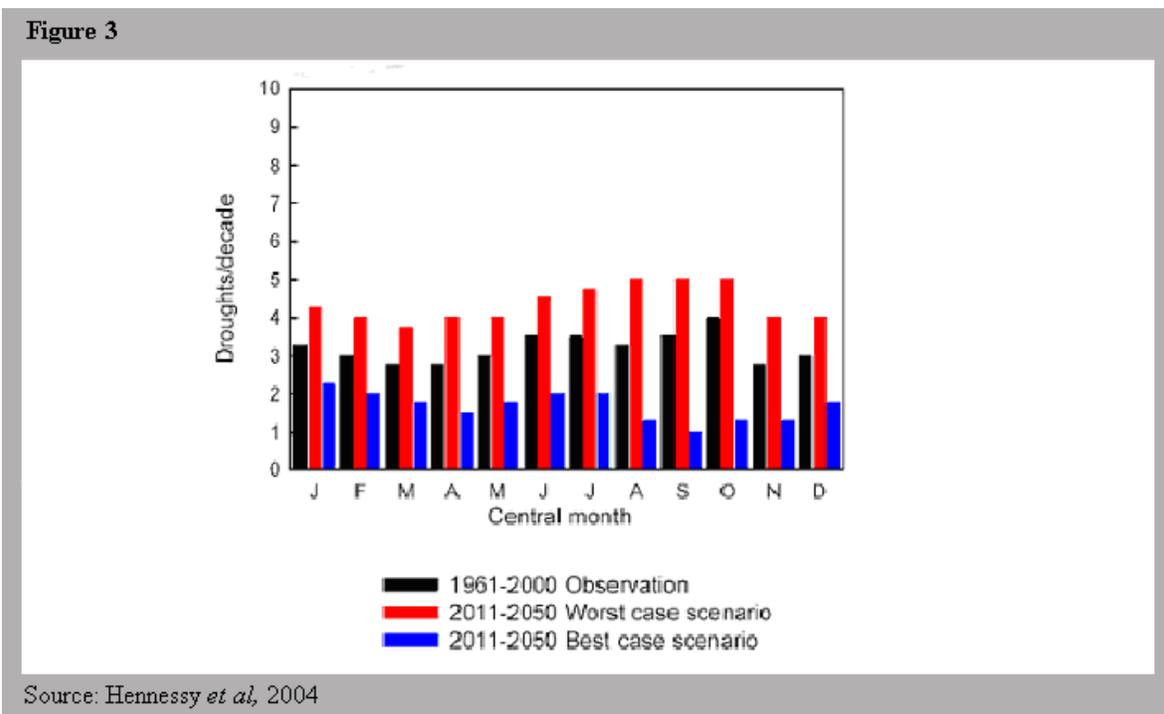


Figure 3. Droughts per decade under the best and worst case scenario compared with the 40 year record between 1961 and 2000.

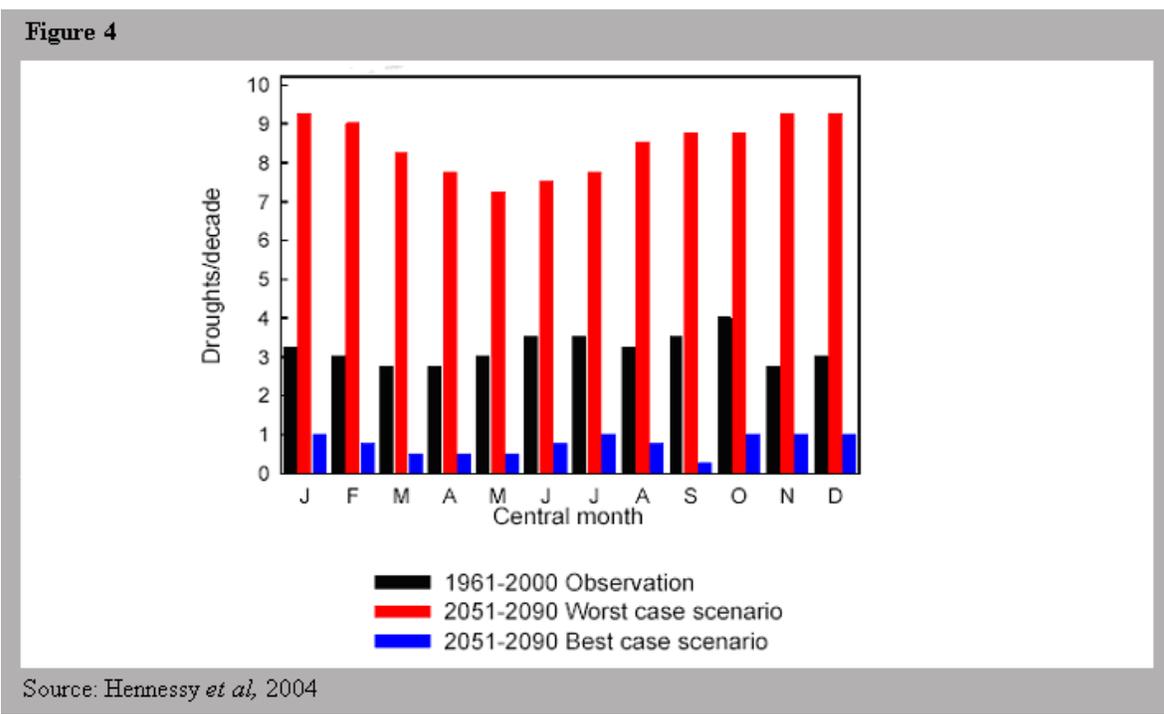


Figure 4: Observed (1961-2000) and projected (40 years centered on 2070) drought frequencies per decade for low and high rainfall change scenarios. A nominated month refers to the central month in a three month period, e.g. May refers to April-June.

Extreme Rainfall

While much of NSW shows a tendency towards drier seasonal-average conditions under enhanced greenhouse scenarios, it does not necessarily follow that extreme daily rainfall events will become less frequent or severe. Previous studies based on daily rainfall data from various climate models have indicated marked increases in the intensity and frequency of extreme daily rainfall events under enhanced greenhouse conditions for the Australian region (Hennessy *et al*, 2004).

The projected changes in rainfall intensity for the 1-in-40 year, 1-in-20 year, 1-in-10 year and 1-in-5 year events have been averaged to produce the average patterns of change shown in Figure 5 for 2030 and 2070. The projected change in annual extreme rainfall intensity for 1-day events shows a large region of increased extremes through the southern and central regions. The projections for 2070 are similar to those for 2030 but with more widespread increases in annual extreme rainfall in all regions.

Within the Sydney region, by 2070 extreme rainfall intensity increases between -3% to +12% in spring, summer and autumn, and decreases by 0% to -7% in winter.

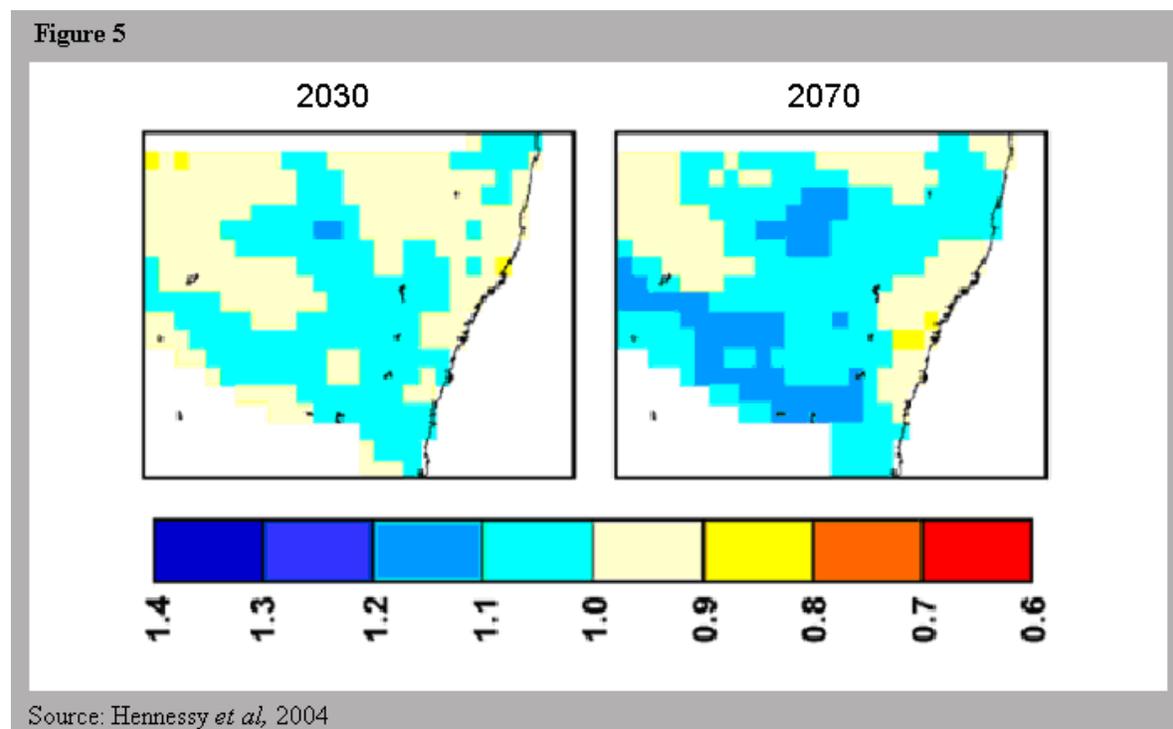
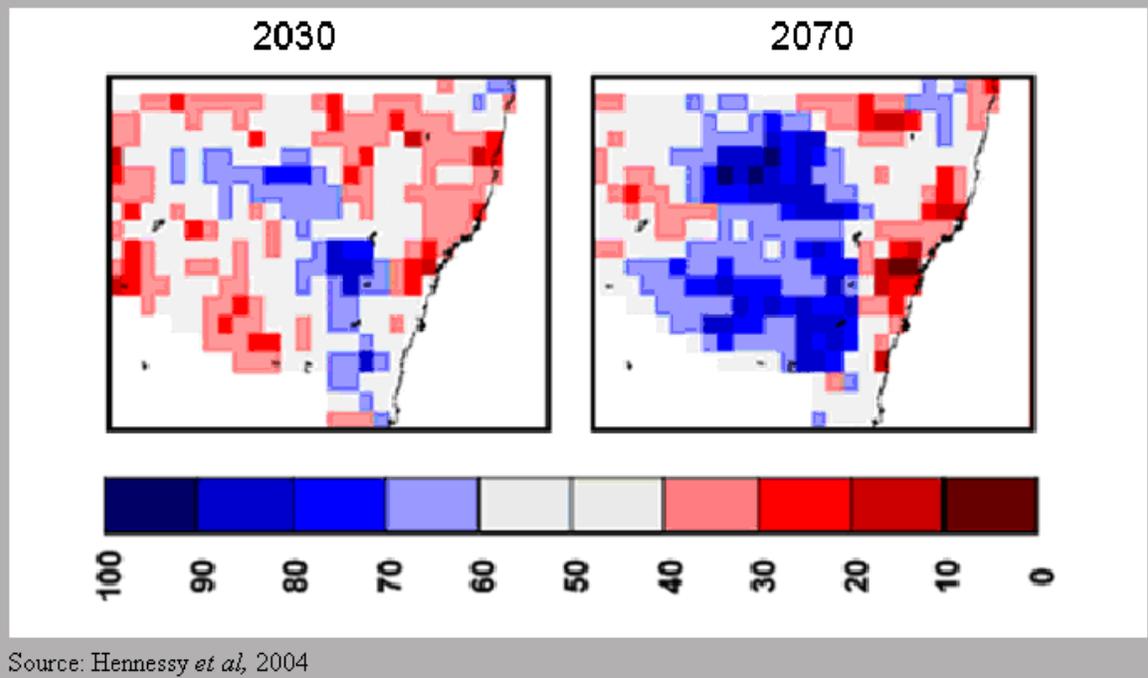


Figure 5: Average fractional change in the intensity of 1-day extreme rainfall events (for return periods of 5, 10, 20 and 40 years) for 2030 and 2070 relative to the current climate. Yellow regions show decreases in rainfall intensity and blue regions show increases in intensity.

The projections presented in Figure 5 convey information about the possible direction of change in extreme rainfall intensity but they do not convey any information on the likelihood of this change occurring. The likelihood is high if all four models show increases in intensity for all four return periods, and likelihood is low if all four models show decreases in intensity for all four return periods.

Figure 6



Source: Hennessy *et al*, 2004

Figure 6: The likelihood (%) of an increase in 1-day extreme rainfall (for return periods of 5, 10, 20 and 40 years) for 2030 and 2070 relative to the current climate. Red regions denote regions of where most of the four models simulate a decrease in rainfall extremes and blue regions those where most models project an increase in extremes.

Figure 6 reveals the highest likelihood of an increase in annual rainfall extremes occurs in central and south-east NSW. These regions coincide with increases in the intensity of extreme rainfall. The majority of models show a decrease in rainfall extremes along the coast in autumn and winter. By 2070, the agreement between models is much stronger regarding the direction of changes in extreme rainfall intensity. The patterns of change for the 3-day events are mostly similar to those of the 1-day events.

The following table shows the overall predicted changes in extreme rainfall events for the Sydney region.

Event	2030	2070
1-day	+7%	+5%
3-day	+10%	+3%

Table 5: Projected change in intensity for the Sydney region of the 1-in-40 year 1-day and 3-day rainfall events. All changes are relative to the climate of 1961-2000 (Source: Hennessy *et al*, 2004).

Extreme winds

Projected changes in wind patterns across New South Wales were analysed in a range of climate model simulations. While the magnitude of the change is generally small (less than 3% per degree of global warming), there is agreement between models.

Regional scenarios for mean wind speed over NSW are presented in Figure 7 as colour-coded maps representing the range of possible change. Wind speed changes across NSW contain large uncertainty in most seasons. Annual average wind speed shows a tendency for decreases in coastal regions, the range being -2.6 to +.3% by 2030 and -8 to +4% by 2070. In summer, the southern coastal regions are likely to undergo wind increases in the range of -1.3 to +2.6% by 2030 and -4 to 8% by 2070. In spring, wind increases are likely across all of the state.

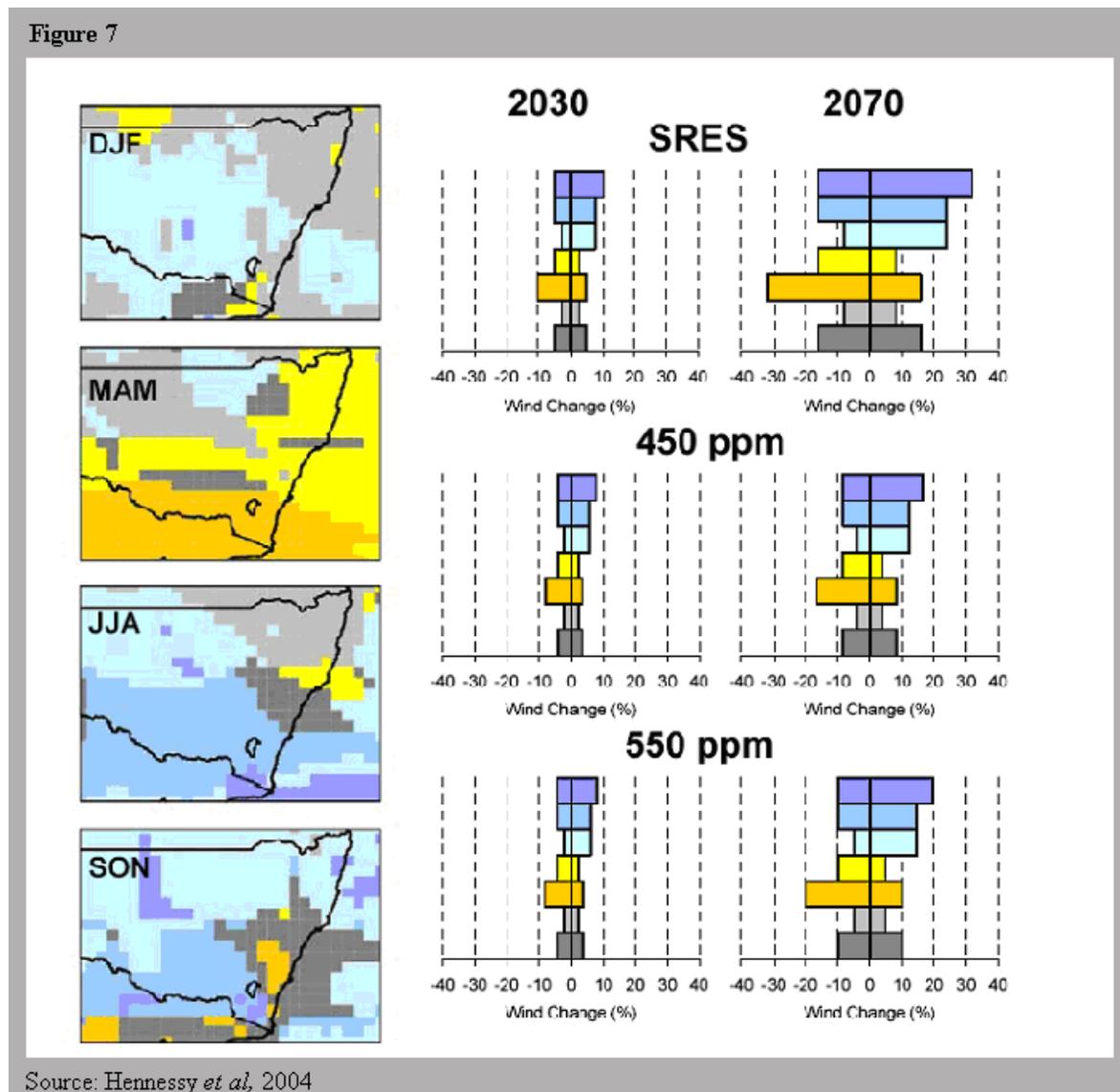


Figure 7: Ranges of change (%) in the 95th percentile of monthly near-surface wind-speed for the years 2030 and 2070 relative to 1990. The coloured bars show ranges of change for areas with corresponding colours in the maps. The

reduction in the range is also shown for the IPCC's 550 ppm and 450 ppm CO₂ stabilisation scenarios. DJF = summer, MAM = autumn, JJA = winter, SON = spring.

The projections convey information about the range of change but no information on the likelihood of any particular change taking place. In the absence of probabilistic projections, and in view of the fact that for wind both increases and decreases are possible, it is informative to also present the wind change as an average of 12 models noting that there is large uncertainty.

Extreme wind was defined as the 95th percentile, i.e. the monthly wind-speed exceeded only 5% of the time. During summer, much of the state, particularly to the southwest, experiences changes in extreme winds in the range -2.5 to +7.5% by 2030 and -8 to +24% by 2070, i.e. a bias toward increasing wind-speeds. Compared with the mean wind projections shown in Figure 7, extreme wind-speeds are biased toward increases over a larger portion of the state and the magnitude of the increase is greater. In autumn, extreme wind-speeds are biased toward decreases across much of the state.

In winter, there is a greater tendency toward extreme wind speed increases across the state. In the southern half of the state, the changes are in the range -5 to 7.5% by 2030 and -16 to +24% by 2070. The projections for spring also show a bias toward increases, with the range being -2.5 to +7.5% across much of the north by 2030 and -8 to +24% by 2070, while the south shows considerably greater variation in the direction of change.

Mean wind speed projections show a tendency for increases across much of the state in summer. In autumn, there is a tendency toward weaker winds in the south and east. The tendency in winter is toward increases in the south. A tendency for stronger winds is evident in spring. Projected changes in extreme monthly winds (strongest 5%) showed similar patterns to the mean wind-speed changes in summer and autumn, except that the magnitude of the increases and decreases tended to be larger. In spring, extreme winds tended to increase.

Due to the large scale nature of wind patterns, no data specific to the Ku-ring-gai area is available. However, the above information shows a general tendency for increases in extreme winds across the state of New South Wales, which will affect Ku-ring-gai.

Amplifying feedbacks and uncertainty

Climate change may have the ability to set-off positive feedback loops in nature which amplify warming and cooling trends. Researchers with the Lawrence Berkeley National Laboratory (Berkeley Lab) and the University of California at Berkeley have been able to quantify the feedback implied by past increases in natural carbon dioxide and methane gas levels (University of California, 2006). Their results point to global temperatures at the end of this century that may be significantly higher than current climate models are predicting (University of California, 2006). In addition to the potential for amplifying feedbacks, climate and other complex systems do not behave in a simple linear fashion (Pittock *et al*, 2003). The possibility of these amplifying feedbacks occurring and the uncertainty of how climate systems will respond strengthens the argument for a precautionary approach to climate change.

In the Sydney Metropolitan area, the CSIRO (2007) report predicts changes will place a strain on the already pressured water supply system and heighten the need for biodiversity conservation efforts. Forests may become more productive at higher temperatures meaning greater fuel loads for bushfires. Flash flooding occurring from storm surges particularly those influenced by rising sea levels may cause significant costs (CSIRO, 2007).

Secondary Effects of Climate Change

The primary effects of climate change as predicted by the CSIRO may create many secondary effects that could potentially impact the Ku-ring-gai local area. Notable impacts on the Ku-ring-gai area may include electricity, water, gas and sewer disruption, extremes in heat, more intense and frequent storms, local flooding and prolonged droughts. Following is a brief analysis of some of these effects.

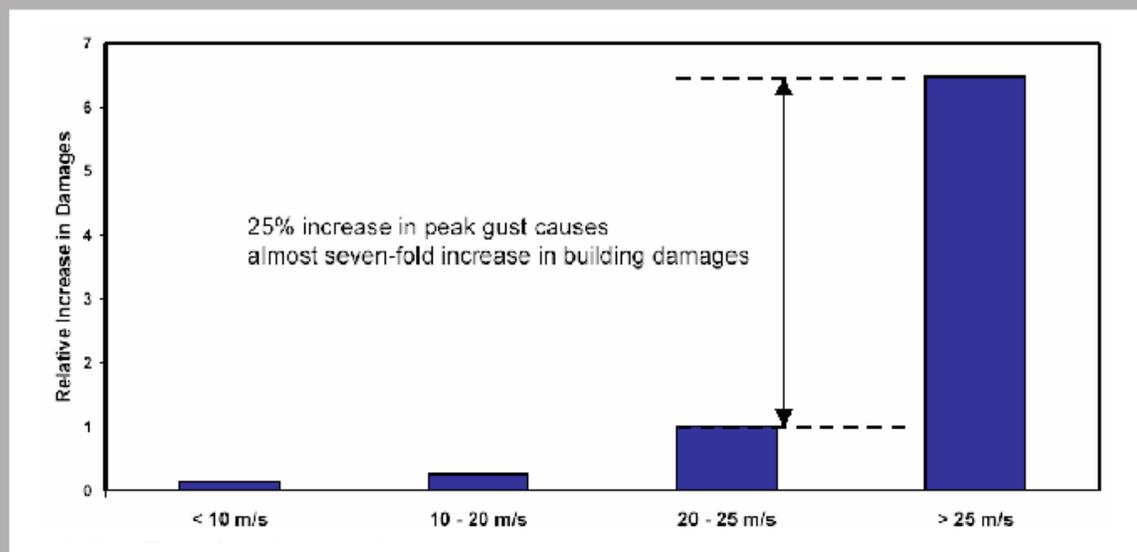
Public infrastructure and property

Public open space areas include parks, ovals and golf courses. The community may increase their patronage of these assets if the winters are milder and a more conducive climate emerges to encourage participation in outdoor activities. Open space areas may also be subject to mounting heat stress and drought conditions, if so a higher level of maintenance and management to ensure facilities are reflective of residents' expectations will likely be required. Parks and reserves may need additional preventative and reactive maintenance due to increased evapo-transpiration and increasing wind speeds and storm events causing tree damage. Erosion may accelerate as rain events intensify. An escalating fire risk is possible and will likely require an improved hazard reduction response and wild fire containment strategies within Council and National Parks to protect both public and private assets (refer to biodiversity section on page 23).

Council's buildings and associated facilities are vulnerable to any change in the climate. Changing soil conditions (from droughts) may influence building stability (Stern, 2006). Buildings may be damaged by extreme drought, wind, rain and fire events and could lead to a facility becoming unusable by the community until it can be repaired or replaced.

Council itself has an extensive operational and passenger vehicle fleet, with the majority of vehicles unprotected and vulnerable to damage from severe storms. These scenarios may increase insurance premiums, both for property insurance and public indemnity. Importantly, climate changes are disproportionate to the associated damage which may occur. For example, Coleman (2002) cites a 650% increase in building damage from just a 25% increase in peak wind gusts, based on Insurance Australia Group (2005) data (see Figure 8).

Figure 8



Source: Insurance Group Australia, 2005

Figure 8: Damage costs increase disproportionately for small increases in peak wind speed.

Intensifying rain events may potentially escalate maintenance requirements of roads, footpaths, bike paths and walking trails due to increased incidence of, erosion, pothole damage, subsidence and landslip. Rainfall changes can alter moisture balances and influence pavement deterioration. In addition, temperature can affect the aging of bitumen resulting in an increase in embrittlement causing the surface to crack and reducing waterproofing of the surface seal (Norwell, 2004). The life of bituminous surface treatments is affected by ambient temperature. An increase in temperature could accelerate the rate of deterioration of seal binders and require earlier surface dressings/reseals leading to higher maintenance costs (Norwell, 2004).

Council's facilities may also be subject to increased costs of and further restrictions in water use. In an extreme event, this may force the closure of Council's swimming pool facilities or increase capital costs if alternate water sources are needed to maintain and operate Council facilities.

Electricity supply to Council facilities may become less reliable with supply disruptions predicted during periods of extreme temperatures. This may render the majority of Council facilities unusable, including the Council administration building causing significant disruption to the general operation of the Council. The cost of electricity is also expected to rise putting additional operational costs onto Council to provide community facilities. This issue raises the question regarding the feasibility of Council investing in a system of back-up electricity supply for public facilities. Such a system may utilise 'green' technology and serve the dual purpose of reducing dependence on mains supply and offsetting increasing costs associated with energy derived from the burning of fossil fuels.

Council has two existing landfill sites where leachate is maintained on site and treated before being discharged to sewer and in rain events to the surrounding bushland. The existing leachate controls may not cope with the predicted increase in extreme rain events,

creating possible environmental damage and risking a potential breach of environmental pollution laws.

Residential infrastructure and property

Residential properties can be damaged by flood, hail, wind damage, tree and debris damage, drought, land instability and fire events. Fire, extreme rain and wind events are predicted to increase in intensity and frequency, each has the potential to directly damage residential property, contents and vehicles, and displace residents during danger periods and until properties are repaired. Extended drought conditions can create ground instability under properties and infrastructure causing cracking and subsidence as the ground shrinks – this is particularly the case for buildings on clay soils. Fire events reduce ground cover and may lead to an increased erosion rate and land slip potentially destabilising property during rain events.

These events are very costly and can serve to increase property and vehicle insurance creating a monetary burden on residents. The Sydney hailstorm of March 1990 caused insured losses of A\$384 million, while the largest costs for a single event was the Sydney hailstorm of April 1999 at A\$2,200 million (Pittock *et al*, 2003).

Residential properties should have decreased heating costs with milder winter temperatures but increased heating costs with a higher frequency of extreme temperature events and general increasing climate temperatures. However, cooling costs in summer will likely increase dramatically if more and more homes rely on air conditioning for cooling rather than passive solar design.

Electricity supplies may become more costly and less reliable with disruptions expected caused by peak demand spikes on extreme temperature days, transmission line damage through storm events and fires, and reduced transmission efficiency during periods of warmer temperatures. Water supplies may also become more costly as demand outstrips supply, and stronger restrictions may be enacted to reflect this scarcity in resource. Residents wishing to consume more water and energy than can be supplied may need to invest in water and energy harvesting technologies, at a cost to the home owner.

Businesses

Business can be economically affected by climate change. Increased extreme rain and wind events can cause power and logistics disruption with receiving and delivering goods and services and storage of perishable materials affected. Staff and customers may have access to businesses disrupted through extreme wind and rain events and increased bushfires. Energy and water supplies may increase in price and supplies may become restricted to reflect the scarcity of the resource. The reliability of the energy supply may be compromised by increased demand on hot days and reduced transmission efficiency.

Logistics and transport

The rail and road system and the movement of people and products throughout Ku-ring-gai will be adversely affected by climate change. Electricity supply disruption through either reduced transmission efficiency or grid overload on extreme temperature days can shut down the rail network with signal failures and electric trains unable to operate. In addition to this, electricity disruption will contribute to traffic delays and disruption of traffic signals throughout the Council area. Extreme weather events can create disruptions to road and rail transport through localized flooding and debris from damaged trees and property. Rail lines can also buckle under extreme temperatures creating delays on the rail network. These varying disruptions of the road and rail network can create significant hurdles for logistics within and outside of Ku-ring-gai for both the movement of people and products.

Resources

As drought conditions increase in frequency, water supplies may be restricted and the cost of water may rise. Energy use may increase as incremental air conditioning demands in summer outstrip the reduction in heating demands in the winter (Stern, 2006). A greater frequency of extreme events may adversely affect the security and continuity of supply of electricity. Higher temperatures will likely reduce transmission line efficiency and increase peak demand for electricity for air conditioning (Pittock *et al*, 2003). Although carbon trading is not addressed in this report, if such trading was implemented, the cost of carbon derived electricity to the consumer would likely rise. Communication links including telephone cables may be disrupted during extreme rain and wind events.

Food costs could increase due to drought conditions which reduce crop and other forms of rural production e.g. dairy, beef, sheep etc. yields or as a result of extreme weather events where crops sustain physical damage. In 2006, Cyclone Larry destroyed 95% of Australia's banana crops (Queensland Department of Primary Industries and Fisheries, 2006), inflated the price of bananas and other fruit for at least a year after the event. As a result this event fuelled speculation of inflationary pressures on the economy caused by the Cyclone (The Commonwealth Treasurer, 2006).

Public services

With an increase in potential extreme wind and rain events, emergency response agencies will be placed under increasing pressure. The State Emergency Service, Police, Ambulance and Fire services all have a role to play in disaster management. If extreme weather events increase, so will the need to supplement the emergency services response capacity to adequately support the community in times of crisis.

Demand on councils to provide not only preventative management but to also assist in emergencies will likely escalate. Bushfire hazard reduction activity could place further strain on the existing limited resources of councils. So too will tree maintenance and storm clean ups. The 1991 storm that affected Ku-ring-gai for example generated insurance losses of \$226M and general costs of \$670M (Emergency NSW, 2007). These costs were borne by both the private and public sectors.

The following is an excerpt from Emergency NSW report on the effects of the 1991 storm:

"MAJOR STORM EMERGENCIES IN NSW 1991, January 21, Northern Suburbs, Sydney. An extreme wind/hail/rain storm caused severe damage with a pattern suggesting it may have been caused by a tornado or at least a severe 'downburst' in the Turrumurra area. One person was killed and about 100 injured, of which 30 were serious.

Ku-ring-gai Council alone reported that wind, large hail (up to cricket ball size at Duffy's Forest and Barrenjoey) and falling trees damaged over 10,000 houses, with over 100 completely unroofed and 20 totally destroyed. At least 1000 other buildings incurred damage and many businesses suffered extensive damage. About 140kms of powerlines and three steel towers were brought down. (Clean up and restoration of essential services took weeks). Insurance losses of \$226 million and total estimated costs of \$670 million (1997 values) occurred.

Estimated wind strengths of 118km/h to 230 km/h stripped many suburbs and forested areas bare of leaves and limbs or whole trees (at least 50,000 significant trees were felled or suffered long-term damage).

Intense rainfall was recorded in many suburbs (highest readings at Fox Valley, followed by Castle Hill) causing damaging flash floods."

Source: Emergency NSW, 2007

Council's public indemnity and property insurance may rise as the frequency of property damage through extreme wind and rain events, hail storms, and fire escalates. Increases in public indemnity insurance are anticipated with the likelihood of tree and debris damage to private property and persons on the rise.

Council's operational costs will increase as energy and water prices inflate over time. Council's capital costs may also increase as building and facilities design require upgrading to better suit the changing climate (i.e. deeper gutters on buildings and larger diameter storm water drains to manage extreme rain events).

Biodiversity

Vegetation within Ku-ring-gai is potentially going to alter under changed climate conditions. Increased extreme wind could reduce the canopy cover as more trees are damaged by winds as occurred in the 1991 storms. Drought, increased frequency of bush fire events and prescribed hazard reduction burns will likely impact the ecology of the area. Private gardens may also change over time as property owners opt for more drought tolerant native plants in response to drought and water restrictions.

Increases in average temperatures negatively impact some indigenous plants. The present temperature range for 25% of Australian Eucalyptus trees is less than 1°C in mean annual temperature (Hughes *et al*, 1996). Similarly 23% have ranges of mean annual rainfall of less than 20% variation. If present day boundaries even approximate actual thermal or rainfall tolerances, substantial changes in Australian native forests may be expected with climate change (Pittock *et al*, 2003).

Ku-ring-gai is home to three endangered ecological communities; Blue Gum High Forest, Duffy's Forest and Sydney Turpentine Ironbark Forest. Each of these communities contain eucalypt species which, according to these current studies, may be adversely affected by climate change, which will increase the current cumulative impacts on these communities.

With a change in vegetation composition, habitat for native fauna could also change. Ku-ring-gai's existing vegetation is highly fragmented limiting the opportunity for fauna to migrate between habitat areas. The viability of migratory routes may decline further depending on vegetation changes caused by climate change (Hughes, 2007).

Hughes (2007) believes increased temperatures will affect photosynthesis, respiration, decomposition, metabolic rate, survivorship and the timing of natural cycles. These changes will likely lead to winners and losers in the biodiversity conservation challenge. Those species that are less specialized and have shorter generational phases will likely benefit. Some species may be able to adapt but Hughes (2007) makes the point that the projected rate of global warming and the cumulative stresses from the combined effect of historical and contemporary change will require changes in the way we manage natural areas.

More intense rainfall events would increase runoff velocity, soil erosion, and sediment loadings. Further deforestation, urbanization and hardening of local catchments will exacerbate runoff volume, velocity and loadings (Pittock *et al*, 2003). The risk of eutrophication of waterways may intensify with a greater incidence of sewer overflow and storm water runoff in extreme rainfall events. Such nutrient loadings encourage algal growth which can be toxic to animals, fish and humans.

Ku-ring-gai is likely to experience increases in fire frequency and intensity which has the potential to impact the natural terrestrial and aquatic ecosystems. On average, Sydney is likely to experience 0-2 more days with a fire danger index of 'very high' or 'extreme' by 2020 and 1-6 more days by 2050 (CSIRO, 2007). The frequency and intensity of forest fires will also be a determinant of the rate of change in the composition of forest ecosystems in the face of climate change (Mackay *et al*, 2002) and of the survival of above ground carbon sinks in forest biomass. Fire is relevant not only to the impacts of climate change, but also to the carbon cycle and mitigation policies that involve carbon sequestration capacity in forests (Pittock *et al*, 2003).

Land

The rate of soil erosion will likely rise due to extreme rainfall and bushfire frequencies. Direct consequences of accelerated soil erosion include loss of plant nutrients, loss of organic matter that sustains the desirable characteristics of the soil, decrease in soil depth and water storage capacity, and damage to infrastructure such as fences, roads and buildings (Pittock *et al*, 2003).

Additional effects of soil erosion include increased sedimentation and turbidity of downstream rivers, lakes and estuaries. These often lead to increased nutrient concentration, the formation of large sand slugs in river channels and the filling in of pools, increasing salt concentrations in estuaries and changes in species composition (Pittock *et al*, 2003).

Land destabilisation may develop with droughts causing land shrinkage and swelling, and floods causing land slips. Removal of vegetation through drought and more frequent fire regimes will contribute to further land destabilisation.

Health

Climate change may alter the distribution and incidence of climate related health impacts, ranging from a reduction in cold related deaths to greater mortality and illness associated with heat stress. In cities, heat waves will become increasingly dangerous as regional warming together with the urban heat island effect (where cities concentrate and retain heat) leads to extreme temperatures and more dangerous air pollution incidents (Stern, 2006). In addition to increased vulnerability from the urban heat island effect, Ku-ring-gai is also home to a significant number of elderly residents who are more susceptible to extreme temperatures.

Droughts, wild fires and hazard reduction burns release respiratory pollutants into the atmosphere increasing the risk of respiratory disease within the community particularly the elderly, young and asthma sufferers.

A lowering of the water quality of waterways within Ku-ring-gai may occur from elevated average temperatures, highly variable flow volumes and the escalating incidence of sewage overflows in extreme rain events. Primary contact and fishing within these waterways may become an increasing health hazard.

The distribution and abundance of disease vectors are closely linked to temperature and rainfall patterns. There is the potential for the Dengue fever transmission zone to reach Sydney with 3°C of warming (Woodruff *et al*, 2005). Ross River virus vectors also have the potential to move distribution areas closer to Ku-ring-gai. However, Australia's health infrastructure is quite strong, and numerous existing adaptations, such as quarantine and eradication of disease vectors, are available to deal with the main changes expected (Pittock *et al*, 2003).

Mental and emotional health of residents and business owners within Ku-ring-gai may be affected due to potential financial hardship or dislocation from their home or business as a result of an extreme weather event, or loss of a loved one through heat stress or other health implications of climate change.

Stabilisation of atmospheric greenhouse gases

Even if all greenhouse gas emissions were eliminated tomorrow, the Earth will warm by a further 0.5 - 1°C over coming decades due to the considerable inertia in the climate system (CSIRO, 2006). There is general agreement that if the annual greenhouse gas emissions remain at the current levels, the world will likely experience major climate change (Stern, 2006).

However, annual emissions are not standing still – they are rising, at the rate of approximately 2.5ppm / yr (Pittock, 2003). If they continue to do so, then the outlook is even worse (Stern, 2006). The current evidence suggests we should be aiming for stabilisation of atmospheric CO₂ somewhere within the range 450 – 550ppm CO₂. To stabilize at 450ppm CO₂, we would need to achieve a 70% reduction below current levels by 2050. Stabilisation – at whatever level – requires that annual emissions be brought down to the level that balances the Earth’s natural capacity to remove greenhouse gases from the atmosphere. The longer action is delayed, the harder that goal will become (Stern, 2006).

The stock of greenhouse gases in the atmosphere is already at 430ppm CO₂. The higher the stabilisation level, the higher the ultimate average global temperature increase will be. There is now strong evidence that natural carbon absorption will weaken as the world warms (Pittock *et al*, 2003). This would make stabilisation more difficult to achieve.

To stabilize concentrations of carbon dioxide in the long run, emissions will need to decline by more than 80% from 2000 levels. Stabilisation at 550 ppm CO₂ or below is achievable, even with currently available technological options, and is consistent with economic growth (Stern, 2006).

Currently Council’s greenhouse emission reduction target as part of the Cities for Climate Protection Program is set at 20% based on 1990 levels. This goal is only in reference to Council’s corporate emissions and excludes community emissions. To stabilise Ku-ring-gai’s atmospheric CO₂ levels, a further reduction of 60%, with the inclusion of community emissions, would be required.

Stabilising the stock of greenhouse gases in the range of 450 – 550ppm CO₂ demands urgent action to reduce emissions and ensure that emissions peak in the next few decades and the rate of decline in emissions is maximised. Stabilising greenhouse gas emissions is achievable through utilizing a portfolio of options, both technological and otherwise, across multiple sectors.

The lower limit to the stabilisation range is determined by the level at which further tightening of the goal becomes prohibitively expensive. On the basis of current evidence, stabilisation at 450ppm CO₂ or below is likely to be very difficult and costly (Stern, 2006).

Stabilisation of atmospheric concentration implies that annual greenhouse gas emissions must peak and then fall, eventually reaching the level that the Earth system can absorb annually, which is likely to be below 5 GtCO₂. At the moment, annual emissions are over

40 GtCO₂. Global emissions will have to cut by 25% to 75% from current levels by 2050 (Stern, 2006).

If not arrested and reversed every incremental increase in CO₂ emissions magnifies the probability and consequence of harm arising from climate change. As the atmospheric CO₂ concentrations increase so does the likelihood of triggering extreme weather events, The consequences will likely be amplified as greenhouse gas concentration levels escalate.

The Stern Review arrives at the conclusion that the risks can be substantially reduced, but by no means eliminated, if greenhouse gas emissions can be stabilised at 550ppm CO₂ or below. To reach a 550ppm CO₂ stabilisation trajectory in a cost effective manner, electricity production is likely to have to be 60% less carbon intensive than today (International Energy Agency, 2006).

Recommendations

It would seem based on the evidence presented by CSIRO and others, that climate variability will inevitably generate a level of adverse impact. As a result, adaptation strategies combined with a strong mitigation program will be required to deal with minimising the negative effects associated with climate change. Adaptation in particular is emerging as an important objective for at least coping with climate change. This in no way compromises the need to pursue current and future mitigation strategies.

Council due diligence

The possibility of climate change creating amplifying feedbacks and the uncertainty of how climate systems will respond strengthens the argument for a precautionary approach to climate change. Although projections on climate change are becoming more accurate over time, there is still a level of imprecision in this data. However, in accordance with the *Local Government Amendment (Ecologically Sustainable Development) Act 1997*, “if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation”.

According to England (2007), ‘Local governments currently have available to them a number of defences that seem likely to protect them from claims based on a failure to recognise and respond to information about climate change. Nevertheless, just as the science of climate change is gathering momentum, so too the law in this area is evolving rapidly. Local governments should therefore take care to ensure their actions, decisions and policy responses to matters that may either contribute to, or be affected by, climate change remain current and reasonable in what is a rapidly evolving policy context’ (England, 2007).

In light of the limitations with existing data, and the advent of data gaps, Council shall further research the impact of climate change on the local government area as data becomes available. This cycle of continual improvement will allow Council to gain a greater understanding of both the physical impacts of climate change and the policy and legal decisions which may affect Council’s capability to address climate change in Ku-ring-gai.

Further research into national and international examples of climate change initiatives that relate to the local level will be undertaken as well as the broader scale global policy directions. For example these may include facilitation of private action, education, awareness raising, enabling environment for change. Lessons learned from this research will assist in keeping Council’s response to local level climate change issues relevant and timely.

Without this knowledge, policy making regarding adaptation and mitigation cannot be soundly based on economic considerations and may not be effective in avoiding significant damages to the economy, ecology and people.

The costs of climate change will be manageable if the right policy frameworks are in place. There are also benefits along the way, if policy is designed well, for energy security, social equity, environmental quality, health and access to energy.

Without a long term goal, there are grave risks that a series of fragmentary or short term commitments would lead to inconsistent policies that would raise the costs of action and fail to make a significant impact in reducing emissions. Effective action to reduce emissions to a level consistent with the stabilisation of greenhouse gases in the atmosphere will require the broadest possible participation.

Mitigation and adaptation

Strong scientific and economic evidence advocates a combination of adaptation and mitigation as a sustainable response to the climate change issue. Further research is required to determine economically viable and socially acceptable mitigation and adaptation strategies at the local level. Such research could include:

- a description of the options of mitigation and adaptation
- the costs and benefits of adaptation and mitigation
- priorities for policy based on further research
- a full understanding of the triple bottom line effects of any recommended policy priorities
- a summary of Councils' role and responsibility in mitigation and adaptation and how that relates to other government and non government strategies.
- Identification of a position based on current information and refine as modeling and national/international policies are improved over time.

The first priority is to strengthen action to slow and stop human induced climate change and to start undertaking the necessary adaptation to the cope with what will happen before stability is established. Delay would entail more climate change and eventually higher costs of tackling the problem.

A strategy of mitigation plus adaptation is superior to business-as-usual plus adaptation, and requires less spending.

Once a long term stabilisation threshold is established, the price of carbon is likely to rise over time. This will occur because of the damage caused by further emissions at the margin – the social cost of carbon – is likely to increase as concentrations rise towards this agreed long term quantity constraint. Governments cannot force this understanding, but it can be a catalyst for dialogue through evidence, education, persuasion and discussion. Governments, businesses and individuals can all help to promote action through demonstrating leadership.

Adaptation will be crucial in reducing vulnerability to climate change and is the only way to cope with the inevitable impacts over the next few decades. Adaptation can mute the impacts, but by itself cannot solve the problem of climate change. There are limits to what adaptation can achieve. As the magnitude and speed of unabated climate change increase, the relative effectiveness of adaptation will diminish.

Adaptation is a key response to reduce vulnerability to climate change but it is complex and many constraints will need to be overcome. Much adaptation will be triggered by the way climate change is experienced. Individuals and businesses will respond to climate change – both by reacting to specific climate events, such as floods, droughts, or heatwaves, and also in anticipation of future trends.

Council's own long-term policies for climate-sensitive public goods, such as natural resources protection, coastal protection and emergency preparedness, should take account of climate change to control future costs. As well as providing a clear policy framework for investment decisions, Council sets long-term policies for public and publicly provided goods that supply community services. Examples of specific relevance to climate change include flood and coastal protection, public health and safety, and natural resource protection.

The risks of not taking action could leave a significant public liability – either because the private sector will no longer carry the risk, for example by refusing to offer flood insurance, or because of sharply rising costs of disaster recovery and public safety.

At higher temperatures, the costs of adaptation will rise sharply and the residual damages will remain large.

Potential tools to address mitigation and adaptation issues

Mitigation

The uncertainties over future carbon absorption make a powerful argument for taking a precautionary approach that allows for the possibility that levels of effort may have to increase to reach a given goal. The longer action is left, the more effort is required to achieve the same outcome.

Early abatement paths offer the option to switch to a lower emissions path if at a later date the world decides this is desirable. Similarly, aiming for a lower stabilisation trajectory may be a sensible hedging strategy, as it is easier to adjust upwards to a higher trajectory than downwards to a lower one. Late abatement trajectories carry higher risks in terms of climate impacts; exceeding stabilisation goals incur particularly high risk.

Early abatement may imply lower long term costs through limiting the accumulation of carbon intensive capita stock in the short term. Mitigation costs will vary according to how and when emissions are cut. Slowly reducing emissions of greenhouse gases that cause climate change is likely to entail some costs. Without mitigation efforts, future economic activity would generate rising greenhouse gas emissions that would impose unacceptably high economic and social costs across the entire world. A low carbon economy with manageable costs is possible but will require a portfolio of technologies to be developed.

In broad brush terms, spending on mitigation somewhere in the region of 1% gross world product on average forever could prevent the world losing the equivalent of 10% of gross world product forever on the impacts of climate change (Stern, 2006).

Examples of mitigation tools

- energy and water savings plan
- sustainable building design
- green vehicle fleet
- facilitating public transport access
- greening of Council's procurement policy

Adaptation

The effects of climate change are already apparent in Australia and regardless of any current and future effort towards stabilising greenhouse emissions, some level of adaptation will be required. In light of this, strong action is necessary and urgent. Adaptation can occur without the immediate agreement on a precise stabilisation goal and is the only means to reduce the now unavoidable short term costs of climate change over the next few decades.

Adaptation is different to mitigation in two key respects. First it will in most cases provide local benefits, and second, these benefits can occur without long lead times. As a result, the private sectors – households, communities, and firms – will carry out much adaptation on their own, without the active intervention of policy, in response to actual or expected climate change.

The costs associated with early adaptation are not small, however are also not high enough to seriously compromise Council or its community's future standard of living. On the other hand without an accompanying mitigation strategy to check emissions, long term adaptation could pose a global and most likely local threat to economic growth.

Vulnerability and adaptation to climate change must be considered in the context of the entire ecological and socioeconomic environment in which they will take place. Indeed, adaptations will be viable only if they have net social and economic benefits and are taken up by stakeholders. Adaptation should take account of any negative side effects, which would not only detract from their purpose but might lead to opposition to their implementation (PMSEIC, 1999). Adaptation in these circumstances depends on costs and benefits, the lifetime of the structures, and the acceptability of redesigned measures or structures.

Examples of adaptation tools

- early warning systems for extreme weather conditions,
- education programs raising awareness of climate change,
- preventive measures and control programs for diseases spread by vectors
- tree planting incentive schemes
- burying electrical infrastructure underground
- new infrastructure design standards

Determining where and how to invest in future mitigation and adaptation strategies

To determine where to invest in future mitigation and adaptation strategies several points need to be considered:

- the costs and benefits that may accrue over the short and long term
- who meets the costs and who stands to benefit
- acknowledge and account for externalities
- involve the community in the process

To satisfy these requirements is difficult because potential developments due to climate change are far reaching and complex. To incorporate all these factors into a decision requires a method of analysis that can take complexity and convert it into a clarified data set to guide decision making.

Cost / Benefit Analysis

The aim of a cost / benefit analysis is to clarify the value of investing in adaptation strategies in terms of direct and indirect effects. Investing today to reduce the impact of future events needs guidance to ensure investment is wisely allocated.

A cost / benefit tool can guide the investment analysis and requires quantifying wherever possible the level of investment involved to reduce a risk from unacceptable to an acceptable level. The first step in such an evaluation is to determine where the acceptable threshold level of risk exists and then forecast the future changes in risk due to climate change across the Quadruple Bottom Line. Once the risks are clarified it can be determined if the exposure to the increased risk will still be acceptable in the medium to long term if no adaptation strategies are applied.

At this point the local community must be consulted to determine where the acceptable threshold risk level exists. Once an acceptable level of risk has been collaboratively identified, then the influence of global climate change can be assessed beyond the threshold level set by the community.

The risk levels can be explained by using the various climate change models forecast changes occurring at different atmospheric CO₂ concentrations. Current models are not yet sufficiently sensitive to forecast local variations and regional models provide information at the closest scale relevant to a local government area. As more refined modelling becomes available it will be used to adjust the scenarios for the future where necessary for accuracy.

The acceptable level of risk or the threshold would be established using the descriptors provided by research such as CSIRO (2004)¹ for each of the global warming scenarios (450ppm, 500ppm, 550ppm CO₂ etc). For example probability and consequences from storm frequency and intensity up to the scenario described at 450ppm CO₂ may be

¹ Ibid.

considered as acceptable by the community. Beyond that threshold, the probability and consequence may be deemed too costly to accept the 'do nothing' approach. The costs and benefits of implementing action now to ameliorate risks occurring at the 450 ppm threshold can then be calculated.

The CSIRO (2004) modelling suggests an increase in wind and rain events. Rainfall intensity may increase by up to 7% and probability of intense events by up to 3 fold by 2030.² Wind intensity could increase by to 7.5% with a possibility of a 6 fold increase in severe wind weather by 2030.³ Given the magnitude of the 1991 storm impact, it appears the case for both adaptation and mitigation is consistent with a precautionary approach.

Case Study - Severe Storm - 21 January 1991

On 21 January 1991, a severe storm hit Sydney's North Shore. In only twenty minutes, the storm killed one person and injured 100 more, destroyed 50,000 trees, demolished 20 houses and damaged another 7000 houses throughout Wahroonga, Turrumurra, St Ives and Pymble. In addition to this, water, power and communication supplies were disrupted, reducing access to sterilised water and destroying over 200 tonnes of foodstuff. In total, approximately 140kms of power lines and three high voltage steel towers were brought down. Clean up and restoration of essential services took weeks. The total estimated costs from this 20 minute event are around \$670 million.¹

The debris from trees prevented access to the area, and the disruption to communication supplies, impeded assessment of the extent of damage and reduced the effectiveness of the recovery response. There is a continuing legacy of weakened trees today caused from epicormic growth 16 years after the storm.

The initial disaster response involved 1500 State Emergency Service, Volunteer Bushfire Brigade and NSW Rural Fire Service personnel, 440 NSW Roads and Traffic Authority personnel, with 50 Council staff involved in working through the first 24 hours after the event. In addition to personnel, 80 cranes, 80 cherry pickers, 175 trucks (from RTA) and 59 miscellaneous equipment (loaders etc) were used to assist in the clean up.

One storm ***\$670M (in 1991 \$)***
or
\$970M (in 2006 \$)

If we forecast ahead to 2030 the cost of one storm of this magnitude would escalate by over another 120%.

Principles of Ecological Sustainable Development and the Quadruple Bottom Line

To establish the full cost / benefit of any mitigation or adaptation strategy it is necessary to consider social, ecological, economic and governance issues. This Quadruple Bottom Line

² Hennessy et al, above n 6 at figure 4.2.

³ Ibid at figure 5.4.

(QBL) framework develops an improved understanding of the interrelationships and interdependencies between these four factors.

These four factors can be interpreted using the Principles of Ecological Sustainable Development as cited in the *Local Government Amendment (ESD) Act 1997* (NSW). Applying these Principles as a means to interpret and put into effect a QBL filter has many benefits including adopting a precautionary approach to risk identification and management.

Quadruple Bottom Line global climate change adaptation risk analysis

Taking into account sufficient depth and breadth to determine the interrelationships and interdependencies between each of the ESD principles is an intellectual challenge that requires good quality information to support the assessment of costs and benefits. Application of the Principles of Ecological Sustainable Development can be formatted many ways including as a set of ‘trigger’ questions that relate to the four factors of the QBL. The ‘trigger’ questions will reflect the essence contained in each of the ESD principles, namely intra and inter generational equity, biodiversity conservation and the true valuation and pricing of environmental goods and services.

The template in Table 6 sets out a series of trigger questions reflecting each of the Principles of Ecological Sustainable Development. The decision maker is asked to consider the short term (< 3 yrs) and longer term (> 3 yrs) consequences whether they be a benefit or a cost.

QBL/ESD	Question	Cost/Benefit
	<i>Internal Stakeholders</i>	
Social	Have the majority of internal stakeholders been identified and consulted?	
Economic	Have the key direct and indirect income or expense of the strategy been accounted for?	
Environmental	Will this strategy enhance local biodiversity conservation?	
Governance	Has the Precautionary Principle been applied?	
	<i>External Stakeholders</i>	
Social	Have the majority of external stakeholders been identified and consulted?	
Economic	Will there be a long term benefit to the local economy?	
Environmental	Is the quality of the local environment enhanced?	
Governance	Do stakeholders have a clear means for continuing involvement?	

Table 6 – A cost benefit analysis to determine the effect of a global warming adaptation strategy for both Council and the community.

Responses to the ‘trigger’ questions are either framed as a cost or a benefit either internally to Council or externally to the community and the environment. These costs and benefits need to be quantified where possible although in some instances qualitative indicators may prove to be a more accurate form measurement.

Indicators to assess performance can be developed to assist the respondent to quantify their response if necessary. For example in relation to stakeholders the answer may be expressed as the number of stakeholders or groups consulted. Costs would relate to the investment required to consult widely and the benefits may be a brief summary of the stakeholder input. In the long term, cost savings could accrue from the suggestions raised by the stakeholders or the reverse where a draw down effect needs to be considered and accounted for. Both direct and indirect costs and benefits can be drawn into this analysis however, there is a need to decide how far you intend to track indirect costs and benefits. To keep the tool practical and the results meaningful, the analysis needs to focus on significant indirect costs and benefits rather than try to absorb every potential minor indirect cost or benefit that could occur.

The Table 6 framework as a filter identifies significant issues associated with decision making around adaptation strategies for global warming. Simplification is necessary to keep the tool ‘user friendly’ and time efficient, however care needs to be taken to avoid oversimplification and subsequent loss of detail.

To demonstrate how this tool can be used to examine the cost / benefit of investing in strategies to reduce the impacts of global climate change, a case study has been created around the question of burying electricity infrastructure underground. By answering the questions raised in the QBL framework a clearer picture can be developed regarding the cost benefit of the adaptation strategy and value for money. By comparing the impacts associated with damaged infrastructure in the 1991 storms with the costs and benefits of burying cables the net effect can be clarified across the QBL.

Table 7 shows the internal cost benefit scenario for burying power cables. Clearly it is critical to the issues surrounding the pros and cons of burying the power cables as well as the economic, social and environmental advantages and disadvantages. Capacity to research direct and indirect actions and impacts is a distinct benefit in the application of this tool.

QBL/ESD	Question	Cost/Benefit
<i>Internal Stakeholders</i>		
Social	Have the majority of internal stakeholders been identified and consulted?	<p><i>Benefit:</i></p> <ul style="list-style-type: none"> - all Council employees whose roles involve maintenance of power infrastructure have returned input relating to the benefit to their work of burying cables. <p><i>Cost:</i></p> <ul style="list-style-type: none"> - consultation process highlighted additional costs such as disturbance to street infrastructure that needs to be accounted for
Economic	Have the direct and indirect income or expense of the strategy been accounted for?	<p><i>Benefit:</i></p> <ul style="list-style-type: none"> - savings of \$1.6M per annum in tree pruning and overhead line clearing <p>Indirect benefits</p> <ul style="list-style-type: none"> - 140km power lines damaged in 1991 storms will be saved - Power disruptions decrease by 75% - 200 tonnes of food spoilage disposal cost avoided (\$21,000) <p><i>Cost:</i></p> <ul style="list-style-type: none"> - \$47.8M for trenching and dismantling of infrastructure
Ecological	Will this strategy enhance local biodiversity conservation ?	<p><i>Benefit:</i></p> <ul style="list-style-type: none"> - tree canopy thickens and provides improved resources for biodiversity reserves - micro climate improves <p><i>Cost:</i></p> <ul style="list-style-type: none"> - disturbance of tree roots in trenching - soil disturbance and erosion risk
Governance	Has the Precautionary Principle been applied?	<p><i>Benefit:</i></p> <ul style="list-style-type: none"> - the threshold of risk has been identified at 450 ppm CO₂ by staff. This strategy is designed to reduce the harm forecast at >450 ppm. <p><i>Cost:</i></p> <ul style="list-style-type: none"> - modelling is still subject to variation, figures may change overnight and vigilance is required to ensure the staff has up to date data

Table 7 – An example of using the QBL to examine the cost / benefit of burying electrical infrastructure underground – internal (Council employees)

Table 8 is a continuation of the analysis but the focus has shifted to issues external to Council, that is community and environmental issues. Incorporating quantifiable indicators is useful but as can be seen in the table it is not always possible to source an appropriate indicator to match every issue.

<i>QBL/ESD</i>	Question	Cost/Benefit
<i>External Stakeholders</i>		
Social	Have the majority of external stakeholders been identified and consulted?	Benefit: <ul style="list-style-type: none"> - the community capacity building from learning about the modelling of global warming - the community has established a guideline threshold level of risk for council to work toward - reduced incidence of electrocution and motor collisions with power poles Cost: <ul style="list-style-type: none"> - shading of gardens restricting plant growth - temporary disruption to property access
Economic	Will there be a long term benefit to the local economy?	Benefit: <ul style="list-style-type: none"> - reduced heating and cooling costs due to improved canopy protection - jobs created temporarily during construction phase - increase in value of local real estate Cost: <ul style="list-style-type: none"> - permanent loss of jobs due to cessation of pruning and trimming trees - increased rates to cover costs
Environmental	Is the quality of the local environment enhanced?	Benefit: <ul style="list-style-type: none"> - 3,308 tonnes CO₂ mitigated through reduction in transmission losses - street scape aesthetics improves - improved air quality Cost: <ul style="list-style-type: none"> - accumulation of organic detritus in drainage system - underground cabling uses Aluminium offsetting CO₂ reductions
Governance	Do stakeholders have a clear means for continuing involvement?	Benefit: <ul style="list-style-type: none"> - future generations benefit from current investment through cost and CO₂ savings - reduced base load power requirements and so delay need for additional power generation Cost: <ul style="list-style-type: none"> - costs may be bequeathed depending on terms of loan - future up grades will be expensive

Table 8 – An example of using the QBL to determine the cost / benefit of burying electrical infrastructure underground – external (community members)

Advantages and disadvantages of the Cost Benefit analysis tool

Advantages

This type of cost benefit has a number of advantages. In complex and uncertain scenarios such as global warming, any tool needs to be able to take into account a range of **direct and indirect effects**. For example economically the cost of burying power cables in 2006 dollars is \$140 per metre. This is a direct project cost and easily quantifiable. By contrast indirect costs can more difficult to estimate. For example by placing electricity cabling underground, the tree canopy management requirements will lessen. This in turn could see increased volumes of leaf litter entering the stormwater system requiring further investment to maintain the drains. This is a speculative but probable cost and difficult to quantify in the absence of any solid trend data. Even so, by integrating this indirect cost into the analysis, decision makers become aware of the likely effects associated with burying the power cables.

Transparency in decision making is essential if the community are to trust and support the decision making process. This tool allows public scrutiny of the data incorporated into the decision and demonstrates a sound rationale for the policy position. While in some quarters transparency is regarded as a threat, in the modern era of '*freedom of information*', such transparency promotes due diligence and accountability.

Another advantage is the ability to **internalise external costs**. That is, costs external to the Council budget need to be incorporated into the cost benefit of the decision. This tool recognises costs and benefits to the community and the environment. These types of cost and benefits may easily be ignored if they are not captured in the inquiry process. Such 'externalities' accumulate overtime and eventually will need to be accounted either by impacts on the ballot box, civil litigation or by the tax payer. Often all three will occur if the accumulated impacts are permitted to remain unrecognised and unaccounted for.

Short and long term analysis allows the tool to embrace changes that occur only over time. Cumulative effects may only become evident as an adaptation strategy matures and full effects of the strategy emerge. Predicting long term changes can be difficult however by reviewing case studies from previous events such as storms or bushfires the cumulative effects over time can be clarified.

Disadvantages

Every tool has advantages and disadvantages including **difficulty in acquiring quantified data**. Many of the indirect costs are difficult to measure or not normally part of any measurement system. While qualitative data sets are informative, they may not lead to a concrete conclusion leaving the decision making open to a level of subjectivity in the interpretation of the qualitative information.

Another apparent disadvantage is **translating the threshold level of risk into a set of 'trigger' questions**. The trigger question quality is integral to the value of the tool. Each question must reflect the essence of the ESD principle they represent. The precautionary principle prompts the application of the cost benefit analysis, the companion principles, that

is biodiversity conservation, inter and intra generational equity and the true valuation and pricing of environmental goods and services become the focus of the trigger questions.

Variable interpretations of each ‘trigger’ question is another difficult issue in a tool of this nature. It is quite likely that different people may interpret the ‘trigger’ questions in a variety of ways. For example people from different ethnic backgrounds, non English speaking, different age groups or education levels may all read the same questions but interpret according to their understanding of the world. For this reason questions need to be kept very simple and avoid complex concepts or jargon words.

Finally political terms may affect investment priorities above and beyond the information and conclusions developed through this research. While such influences do not play an overt role in the decision making, they do nevertheless have a guiding influence on decision makers in their determinations.

Issues surrounding the question of adaptation strategies

Quantifying intangibles is a contentious issue however necessary to discuss. Quantification of intangibles can be very misleading, for example placing a dollar value on a tree. Environmental economic tools can be useful, for example willingness to pay or contingency valuations are both forms of quantifying intangibles. Whether it is necessary to be able to quantify everything is questionable as the discussion for indirect effects suggests. In order to keep the tool time efficient it is likely it will be necessary to accept qualitative measures as legitimate indicators.

Inability of climate modelling to forecast change on the local scale will likely impact the confidence decision makers have in the modelling. Confidence is already being compromised by discussions on the accuracy of modelling on the global scale let alone the national and regional scales. As the geographic scale diminishes so does the complexity of predicting changes. Extrapolating from regional to local is largely a matter of reviewing past occurrences and then examining the change in frequency and intensity on the regional scale. This gives some clue to local changes and their consequences but the error factor cannot be discounted.

Equity between current and future generations emerges as an issue when it comes to who finances an adaptation strategy. Who pays and who benefits will likely not correspond with many climate adaptation strategies. While economic tools such as application of a discount rate suggests that investment with today’s money is more economically efficient than waiting 20 years to invest, it can be difficult to convince an ageing population. Kuring-gai has an older demographic who may not see the benefits of investing in adaptation strategies that will not produce a return for some years to come. Options to resolve such issues may involve financing adaptation strategies over time with long term loans that spread the costs across generations of residents. Or financing via a perpetual allocation of funds from a dedicated levy would allow an adaptation strategy cost to be distributed over time and generations of residents.

This paper documents an early attempt at quantifying the cost / benefit of investment in burying electrical infrastructure to offset the impacts of climate change. In the absence of the climate change argument, it may appear from that the costs outweigh the benefits which may explain why cabling has not been buried to date. This conclusion needs to be re-examined in light of the climate change debate and in particular the changes in extreme weather events

The value of the cost / benefit tool is the provision to decision makers with a synopsis of the costs and benefits associated with a particular adaptation strategy in order to more accurately identify the wisdom of investment in a particular strategy. The QBL cost / benefit framework is useful in summarising the complexity around the interrelationships between the four sustainability pillars as described in the tables.

It is envisaged that Council can apply this risk analysis strategy to all facets of climate change that may affect the Council area. This analysis will provide Council with direction to efficiently manage its adaptation and mitigation responsibilities and clearly demonstrate responsible due diligence in regard to the Precautionary Principle.

References

APEC, 2007, *APEC Sydney 2007*, www.apec2007.org (accessed 17/9/07)

Australian Government, 2007 *Australia's Climate Change Policy – our economy, our environment, our future*, The Department of the Prime Minister and Cabinet, <http://www.pmc.gov.au> (accessed 26/8/07)

Australian Greenhouse Office, 2007, *Australia's National Greenhouse Accounts*, <http://www.greenhouse.gov.au/inventory/>

Bureau of Meteorology, 2004a, *NSW February 2004: Heatwave conditions*. Bureau of Meteorology media archive. http://www.bom.gov.au/announcements/media_releases/nsw/2004febnsw.shtml

Bureau of Meteorology, 2004b, *Sydney experiences hottest October day on record*. Bureau of Meteorology media archive. http://www.bom.gov.au/announcements/media_releases/nsw/20041013.shtml

Campbell, I., 2006, *Media Release: Australian Minister for the Environment and Heritage Greenhouse Accounts show Australia is still on target for 108 per cent* <http://www.environment.gov.au/minister/env/2006/mr23may406.html>

CSIRO, 2007 *Climate Change in the Sydney Metropolitan Catchments*, prepared for the NSW Government by the CSIRO, http://www.greenhouse.nsw.gov.au/_data/assets/pdf_file/0007/5956/070216_SydneyDetailedFinal1.pdf (accessed 5/9/07)

Department of the Environment and Water Resources, 2007 National Greenhouse Gas Inventory 2005, Australian Greenhouse Office

Emergency NSW, 30 July 2007, *Major Storm Emergencies in NSW*, <http://www.emergency.nsw.gov.au/content.php/273.html>

England, P., 2007, *Climate Change: What are Local Governments Liable for?* Griffith University, Brisbane.

Hennessy, K., McInnes, K., Abbs, D., Jones, R., Bathols, J., Suppiah, R., Ricketts, J., Rafter, T., Collins, D. and Jones, D. 2004, *Climate Change in NSW. Part 2: Projected changes in climate extremes*. CSIRO.

Hennessy, K., Page, C., McInnes, K., Jones, R., Bathols, J., Collins, D. and Jones, D., 2004, *Climate Change in New South Wales, part 1: Past climate variability and projected changes in average climate*. CSIRO.

Howden, S. and Crimp, S., 2001, *Effect of climate and climate change on electricity demand in Australia*. In: Ghassemi F, Whetton P, Little R, Littleboy M. (eds). *Integrating*

models for natural resources management across disciplines, issues and scales. MSSANZ Inc. Canberra, Australia. Pp. 655-660.

Hughes, L., Westoby, M. and Cawsey, M., 1996, *Climatic range sizes of Eucalyptus species in relation to future climate change*. *Global Ecology and Biogeography Letters*. 5: 23 – 29.

Hughes, L., 2007 *Adapting to climate change – implications for managing biodiversity in Sydney*, a public lecture to the residents of Ku-ring-gai (5/8/07) by Professor Lesley Hughes Dept Biological Science, Macquaries University.

Insurance Australia Group, 2005 “*Evidence to the Stern Review*”, *Insurance Australia Group, Australia*. www.sternreview.org.uk

Intergovernmental Panel on Climate Change, 2007, *Intergovernmental Panel on Climate Change* <http://www.ipcc.ch/>

International Energy Agency, 2006, *Energy Technology Perspectives – Scenarios and Strategies to 2050*, International Energy Agency, Paris.

Ku-ring-gai Council, 2004, *Ku-ring-gai Council Comprehensive State of the Environment Report 2004*, [http://www.kmc.nsw.gov.au/resources/documents/Council_SoE2004_\[1\].pdf](http://www.kmc.nsw.gov.au/resources/documents/Council_SoE2004_[1].pdf)

Local Government Amendment (Ecologically Sustainable Development) Act 1997
http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Nebojsa Nakicenovic and Rob Swart (Eds.), 2000, *Special Report of the Intergovernmental Panel on Climate Change Emissions Scenarios*. Cambridge University Press, England.

Norwell, G. (Project Manager), 2004, *Impact of Climate Change on road infrastructure*, Austroads Inc. Sydney

Northern Sydney Regional Organisation of Councils (NSROC), 2006, *State of the Environment Report 2005/2006*, NSROC

NSW Greenhouse Office 2005 *NSW Greenhouse Plan – Executive Summary*, NSW Department of Environment and Climate Change,
http://www.greenhouse.nsw.gov.au/climate_change_in_nsw/greenhouse_plan (accessed 26/8/07)

Parliament of New South Wales, 2005, *Legislative Assembly Questions - 3419—Electricity Consumption*
<http://www.parliament.nsw.gov.au/prod/la/qala.nsf/ad22cc96ba50555dca257051007aa5c8/ca25708400173f67ca25704600244d7c!OpenDocument>

Pittock, B. (ed), 2003, *Climate Change: An Australian Guide to the Science and Potential Impacts*, Australian Greenhouse Office.

PMSEIC, 1999: *Moving Forward in Natural Resource Management: The Contribution that Science, Engineering and Innovation Can Make*. Report prepared for the Prime Minister's Science, Engineering and Innovation Council, Canberra, Australia, 33 pp. Available at: <http://www.dest.gov.au/science/pmseic/>

Preston, B.L. and Jones, R.N., 2006, *Climate Change Impacts on Australia and the Benefits of Early Action to Reduce Global Greenhouse Gas Emissions: A consultancy report for the Australian Business Roundtable on Climate Change* CSIRO, Australia

Queensland Department of Primary Industries and Fisheries, May 2006, *Scheduling banana crop production after Tropical Cyclone Larry*
<http://www2.dpi.qld.gov.au/Cyclone/18477.html>

The Commonwealth Treasurer, July 2006, *Consumer Price Index – June Quarter 2006*, <http://www.treasurer.gov.au/tsr/content/pressreleases/2006/074.asp>

University of California, 22 May 2006, *Research News: Berkley Lab*, <http://www.lbl.gov/Science-Articles/Archive/ESD-feedback-loops.html>

Woodruff, R., Hales, S. Butler, C. and McMichael, A., 2005, *Climate Change Health Impacts in Australia*. Australian Conservation Foundation and the Australian Medical Association.

Attachment 1:

Existing and completed mitigation projects

Energy and Water Savings Action Plan

On 27 June 2006, Council adopted an Energy and Water Savings Action which specifically targets Council's top 38 energy and water consuming sites providing recommendations to reduce the consumption. As part of the implementation of the Savings Plan, Council is currently investigating Energy Performance Contracting as a way of financing a larger scale effort to reduce our energy consumption at Council facilities.

Energy Performance Contract

On 27th June, Council resolved to investigate Energy and Water Performance Contracting as a method of funding water and energy conservation projects at Council facilities. The project will involve engaging a contractor to undertake energy and water conservation projects at Council facilities with the savings from the projects financing the contract. The duration of the contract is expected to be around 5-7 years. Currently, Council has engaged Energy Conservation Systems to develop a Detailed Facility Study which will form the basis of the Energy Performance Contract. This study has earmarked projects which will reduce Council's corporate greenhouse emissions by 440 tonnes CO₂ per annum.

Cities for Climate Protection

Council became a participant in the Cities for Climate Protection program as part of a commitment to reducing greenhouse gas emissions. The Cities for Climate Protection program provides a strategic five milestone framework to empower Local Governments to reduce greenhouse emissions and energy costs within their council area. Over 400 councils globally have joined the program including over 140 Australian councils. Council has achieved all of the milestones and has since joined the CCP Plus program designed by the International Council of Local Environmental Initiatives (ICLEI) for Councils wanting to progress their greenhouse reduction programs further. Many of Council's energy programs have been financed by grants exclusive to CCP participants.

Greenhouse Action Plan

As part of participating in the Cities for Climate Protection program, Council developed a Greenhouse Action Plan in 2000 which recommended ways to reduce both corporate and community greenhouse emissions. This Plan has since been updated to reflect Council's progress and is available on Council's website.

Energy Smart Homes

The Energy Smart Homes program allowed Ku-ring-gai residents the opportunity to audit their own homes online using the Energy Smart Rating Tool or have a qualified energy auditor undertake an in-house audit. The Energy Smart Homes pilot was run in partnership with the Sustainable Energy Development Authority. Through the pilot period Council also ran seminars and workshops on energy efficiency around the home with participating

community members being in the draw to win one of three energy efficient washing machines.

Sustainable Demonstration Home

With the assistance of funding from the Department of Environment and Conservation, Council created a functional sustainable demonstration home, which features new technologies from a solar powered hot water system and solar ventilation, to rainwater guttering that captures and recycles rainwater for flushing toilets and roof insulation. In February 2006, Council held a Community Open Day at the site featuring sustainability workshops, tours of the building by industry experts and an opportunity for residents to responsibly dispose of their unwanted electronic waste (including computers, televisions and mobile phones) at the event's free 'e-waste' recycling facility.

Energy Efficient Schools Program

The Energy Efficient Schools Program was conducted on a regional basis between Hornsby, Ku-ring-gai, Manly and Mosman Councils. The program funded by the Australian Greenhouse Office through the Community Abatement Assistance Grants. The program incorporated the recruitment of eight schools across the four local government areas to participate in the program, the engagement of consultants to conduct energy audits within each of the schools and to provide the schools with an audit report recommending actions that could be taken to become more energy efficient, and an education component which involved both students and staff in facilitating ideas on how to reduce energy use within the school to improve the school environment.

Street lighting

In March 2006 the Street Lighting Improvement (SLI) Program which includes Ku-ring-gai council and 28 others was successful in a \$4.2 million grant offer under the NSW Energy Savings Fund to install energy saving street lighting. The grant involves the replacement of street lights on main roads and residential roads with more energy efficient models by June 2009. Council currently produces over 4,700 tonnes of CO₂ per annum from the operation of streetlights and it is the biggest producer of greenhouse gases of all Council facilities and services.

Renewable energy and alternate fuels

Council has installed photovoltaic cells on the roof of the Ku-ring-gai Wildflower Garden visitors' centre with the assistance of a grant from the Australian Greenhouse Office. The cells produce around one third of the power required to run the visitors' centre.

Council has installed solar park lights in Bicentennial Park, West Pymble and Wahroonga Park, Wahroonga. The lights operate from around six to twelve hours per night and provide security lighting and amenity to the parks without creating additional greenhouse emissions.

Council sources 25% of the power required to operate the administration building, Gordon, operations depot, Pymble, Ku-ring-gai Library and St Ives Showground from renewable sources. This reduces Council's corporate greenhouse emissions by 460 tonnes of CO₂ per annum.

As part of the upgrades to West Pymble pool, the water heaters have been upgraded to more efficient gas heaters allowing the pool to be better heated without creating significant additional greenhouse emissions.

Fleet

Council introduced four cylinder passenger vehicles to the fleet to replace less efficient six cylinder vehicles and has also trialed LPG fuelled vehicles as an alternative to unleaded fuelled vehicles. This has led to a decrease in the overall consumption of fuel for Council's passenger fleet, and as further six cylinder vehicles are replaced, this consumption should decrease even further.

The Australian Greenhouse Office funded a Compressed Natural Gas (CNG) feasibility study for Council. The results showed that there is the potential to reduce fuel costs through using CNG, however the implementation and set up costs reduced the feasibility of the project.

At Council's golf courses, diesel maintenance vehicles have been replaced with more efficient electric vehicles which not only reduce greenhouse emissions but also reduce noise impacts on the courses.

Sustainability Demonstration Home

Ku-ring-gai Council has developed a functional demonstration home located at Cameron Park, on the corner of Gilroy and Eastern Roads, Turramurra, which features new technologies to reduce greenhouse emissions in a residential context - from a solar powered hot water system and solar ventilation, to rainwater guttering that captures and recycles rainwater for flushing toilets and roof insulation.

Attachment 2:

Case studies

Fees for Car Impact - North Sydney Council

North Sydney Council charges different fees for its resident parking permits, based on the environmental impact of the Vehicle. Thus, smaller low-fuel consumption vehicles are charged a lower fee for resident parking permits and larger vehicles with higher consumption are charged more. The project was initiated in line with Council policies to encourage residents to think about the environmental impacts of their actions and to minimise the impact of cars. The database of residential vehicle types was examined and a survey of vehicles in the LGA was undertaken to determine the current situation and its environmental impact.

There has been little in terms of infrastructure change involved although signage and permits have had to be changed. The main outcome has been in terms of awareness raising both locally and state and country wide and a raising of the profile of North Sydney Council as an environmental leader. It is too early as yet to measure an impact on greenhouse gases as this scheme needs to be part of a wider program involving state government and an attitudinal shift nation wide. The scheme has been recognised as ICLEI initiative of the Month and as part of our KAB Sustainable Cities Award.

Source: http://www.lgsa-plus.net.au/resources/documents/CCAP_northsydney_fees_for_car_impact_220807.pdf

Zero Emissions Fleet - City of Sydney Council

The City of Sydney is operating a carbon neutral fleet. This has been achieved by reducing the number of vehicles, reducing the size of vehicles, using hybrid vehicles, low emission biodiesel, and tree plantings accredited under the NSW Greenhouse Gas Reduction Scheme.

The City of Sydney has taken various actions to reduce the greenhouse gas emissions from its vehicle fleet. Residual emissions have been offset incrementally each year since 2004/05 using tree planting programs and Green Power. The fleet is now carbon neutral. The City has significantly reduced the environmental impacts of its fleet and now operates a carbon neutral fleet. These initiatives were instigated and implemented by the fleet management unit and it is a great example of innovation and initiative coming from staff within an organisation.

Source: http://www.lgsa-plus.net.au/resources/documents/CCAP_sydney_zero_emissions_fleet_300807.pdf

ClimateCam® - Newcastle City Council

ClimateCam® is the overarching parent program for the family of ClimateCam® projects. The ClimateCam® website measures and reports the greenhouse gas emissions of the City of Newcastle and commenced 2001. The NSW Environment Trust helped to rebuild the website so that it now provides live updates of electricity consumption for the City broken down into 15 zones. This information is sent to the enormous electronic ClimateCam® billboard that is mounted in the City Square and was showcased in New York in May 07

along with other world leading Public Private Partnerships in Berlin, Chicago, Copenhagen, France, London, NY and Ontario.

Source: http://www.lgsa-plus.net.au/resources/documents/CCAP_newcastle_climate_cam_270807.pdf

Carbon Neutral - City of Sydney Council

The City of Sydney acknowledges that climate change may prove to be the most important management issue in the 21st century affecting almost every aspect of social, built, natural and economic fabric. There are likely to be impacts associated with changes in regulations, market and weather patterns such as current and future risks associated with a warmer, more unstable climate.

In responding to these issues, the City of Sydney has endorsed the Kyoto Protocol's principles and is committed to become Australia's first carbon neutral council. This is to be achieved by following recognised principles of the Greenhouse Gas Protocol developed by the World Business Council for Sustainable Development to first measure, reduce, and ultimately offset emissions.

Source: http://www.lgsa-plus.net.au/resources/documents/CCAP_sydney_carbon_neutral_300807.pdf

Campbelltown City Council (AGO)

This community is located in the Adelaide metropolitan council and possesses significant cultural diversity. The focus for the project was neighbourhoods of traditional houses on standard blocks - the most common housing type in the area. A partnership with the SA Government's Water Conservation Partnership Project allowed a combined energy and water focus for the neighbourhood level activities. Education and awareness raising activities included publicity through council newsletters and displays, items in local media, direct mail, information sessions (on such topics as solar energy, composting and others) and open days in energy efficient homes.

The distribution of retrofit technologies and rebates as incentives to install more energy efficient technologies was a central strategy for abatement. These included energy efficient globes, AAA-rated shower heads, subsidised compost bins, home energy audits, lagging for water pipes and interest-free loans for the installation of solar hot water systems, incentive vouchers for the purchase of energy efficient appliances including front loading washers, retro fitting of thermostat controls for electric storage water heaters and subsidised ceiling insulation.

Source: <http://www.greenhouse.gov.au/local/about/casestudies.html>

Efficient Brisbane - Household Rebates and Vouchers (AGO)

Efficient Brisbane was a household energy and resource efficiency education campaign conducted by Brisbane City Council in 2000/2001. The Council distributed a voucher book to 360 000 households, which contained incentives for products and services in the areas of energy efficiency, water conservation, waste minimisation and transport. The vouchers appealed to self interest and environmental conscience, mixing information with enticements.

The overall goal of the project was to increase public awareness, understanding and use of energy and resource-efficient products and services, and in the process, reduce greenhouse gas emissions.

Source: <http://www.greenhouse.gov.au/local/about/casestudies.html>

Climate Change and Flood Management - England

The government and the devolved administrations have already started to respond to the threat of climate change by building adaptation into many of their policies. Some examples include: * Allowances for sea level rise in Flood & Coastal Defence Project Appraisal Guidance (FCDPAG3); * Sensitivity test for increases in river flows due to climate change in Flood & Coastal Defence Project Appraisal Guidance (FCDPAG4); * Inclusion of climate change allowances in Planning Policy Guidance (PPG25); * Defra Flood Management Division have developed practical guidelines for flood risk management taking account of climate change allowances; and * Defra Water Resources Division have developed a framework within which water companies are required to produce 25-year plans that take account of the impacts of climate change.

Source: http://www.ukcip.org.uk/resources/tools/details.asp?adapt_ref=15

Melbourne City Council

The City of Melbourne has set strong targets for the city corporation's use of renewable energy, with a goal of increasing use to 50% of projected demand by 2010. The city currently purchases 23% of its power from renewable sources, including wind, landfill/bio gas generation, and pulp and paper biomass co-generation. Much of this power is currently used for street lighting.

Melbourne further increased the profile of renewable energy in the city through the development of leadership projects. The most prominent of these involved the installation of 1,350 solar panels on the roof of Queen Victoria Market (QVM). This project is the largest grid-connected solar installation in any Australian city, and has the capacity to generate 252,000 kWh each year. The solar panels at QVM are expected to reduce the market's annual electricity needs by 40% and reduce emissions by more than 250 tonnes of CO₂e each year. The funds for the project came from the City of Melbourne and the Howard Government's Renewable Energy Commercialisation Project. "Queen Victoria Market offers an excellent opportunity to promote renewable energy technology, as it hosts nearly half a million tourists and eight million visitors every year," says Dr. David Kemp, Commonwealth Minister for the Environment and Heritage.

The city of Melbourne is also seeking to increase the amount of renewable energy used by the community by 22% on 1996 levels. This is being achieved through a range of measures: exploring fuel cell and solar hot water heater demonstration projects; investigating requirements for the city's suppliers to purchase 10% of power from renewables (Green Tick programme); and the promotion of Community Power, a bulk electricity purchasing programme for households that helps reduce costs and increase access to green power.

Source: http://theclimategroup.org/index.php/reducing_emissions/case_study/melbourne/

Climate Change Policy

Consultation Report

Introduction

Council is investigating the potential effects of climate change on Ku-ring-gai and determining the social and political response to this. To assist in determining this, Council undertook extensive consultation involving community representatives, Council staff, elected Council and scientific peers.

This report details the results from the consultation undertaken to date.

Climate Change Workshop

A Climate Change workshop was undertaken on 13 December 2007 to provide a more intensive and interactive forum for addressing climate change. Professor Andrew Pitman (IPCC & UNSW) spoke about the latest developments in the science of climate change followed by discussion on current initiatives and planning for climate change in Ku-ring-gai

The second part of the session was an interactive workshop developed around four key questions. The following provides the results from the questions ranked in order of importance by participants:

How can Ku-ring-gai most effectively contribute to climate change mitigation?

- Remove developers from the planning table
- educate communities – use volunteers
- positive awareness raising by going into homes and suggest change
- Lobby the government to reduce population
- Accept medium density
- Innovative transport solutions
- Work from home
- council fleet conversion to gas/hybrid
- disseminate Council programs through local groups
- sustainability rebates and information available on Council website
- promote local businesses who demonstrate sustainability
- help identify opportunities for schools, residents, homes
- rewarding/recognising efforts
- encourage local shopping
- more bike lanes
- promoting access to local native plants and supply of them
- bulk purchasing of solar panels, post-consumerist, recycled paper, rainwater tanks
- reward incentives – Council rebates or free solar panels
- promote wise product choice
- DCP 38 (single dwelling 60%) reducing footprint thus higher standards of open space
- Increase vegetation replacement
- review, implement Council assets
- become a leader among local government
- more water efficient gardens
- encourage bus companies to improve the service frequency
- training businesses to be sustainable

What can Ku-ring-gai do to reduce its vulnerability to climate change impacts?

- facilitate bicycle use and walking busses – better transport system
- risk and emergency planning
- manage vegetation to protect homes and natural events

- improve biolinkages
- improved urban design (eg. Public transport, housing)
- ensure design structure (construction standards/building code) includes recognition – legislative
- make it easier for people who want to do the right thing to DO the right
- strengthening the protection of social, natural heritage areas, biolinkages, for flora and fauna
- reviewing building standards – bush fire/storm prone areas
- increase maintenance of trees
- underground cabling
- permaculture. Values should be promoted
- native gardens – use of nursery
- stormwater/greywater recycling
- addressing consumption at all levels – education at individual level and government levels
- structures support these codes – retrofit
- continuous education – raising awareness and exchange of knowledge – BGHF awareness
- not having tiled roofs
- stormwater retention
- water recycling
- solar power
- small/medium business accountability
- improved tree management (private/public land)
- improved stormwater management
- *lobby to give local councils a voice in relation to stage government policy
- reduce social isolation

What do you believe are the threats to Ku-ring-gai from climate change?

- endangered habitat species
- social inertia
- increased density > less vegetation > climate effects > consumption of resources
- storm frequency, intensity
- bushfire risks
- increasing incidence and intensity of fires
- Loss of biodiversity (flora and fauna)
- increasing costs to cover Council's programs: ie. rates
- water shortages
- infrastructure damage \$, resources
- social/community/health impacts/equity
- changes to social/ cultural/ lifestyle environment
- legislative, planning law changes
- Population
- Health implications (heat stress...)
- Roads/rail disruption
- Political interference
- resistance to change - apathy
- Erosion
- Sea level rising
- Air quality
- Power loss
- Storm water infrastructure unable to cope
- Availability and price of food
- Traffic accidents
- Loss of communication
- weeds – new species
- increased stormwater – land erosion
- heat waves
- secondary threat – urban consolidation

- disempowerment and despair

What are the opportunities from climate change for Ku-ring-gai?

- local community knowledge and information, education
- Education framing it in positive terms
- Create a sustainable culture
- Set the standard – be a leading council through policy
- To continue human life and ecosystems
- better infrastructure (alternative design...)
- increased pedestrians/public transport
- More efficient use of resources
- opportunity for reducing consumption
- demonstration area – construction – legislation and policy
- Provide infrastructure suited to withstand climate change
- increased water recycling
- business opportunities – council subsidies
- community involvement
- consumer awareness
- vegetated open space in urban squares, community meeting places & activities and celebration
- stronger communities through adversity
- business opportunities \$\$
- Become a more ethical community locally and overseas
- Knowledge of climate change can bring better changes
- Bring people back to their local community through education on local issues – build community cohesion
- Better design of homes/cars/household items
- upgrading community facilities
- reduction in traffic
- looking at indigenous gardens
- leadership potential in managing change
- greenhouse action groups using existing models
- SEIFA benefits (wealth, education)
- More sustainable lifestyle
- Monitor bushland's progress
- Lobbying for positive change
- Incentives
- Better quality of life
- Planning for adaptation and mitigation (eg LEP DCP)

Development of Climate Change Discussion Paper

The following Council staff members were involved in the development of the *Discussion Paper*:

- Sustainability Officer
- Sustainability Program Leader
- Manager Planning & Sustainability
- Trainee Sustainability Officer
- Technical Officer – Fire
- Technical Officer – Water

In addition to this, the final draft was submitted to the Australian Greenhouse Office for review. The response was very positive, with particular mention of Council's comprehensive approach to climate change. External peer review was also provided by two representatives listed below:

Professor Andrew Pitman reviewed the draft *Discussion Paper*. Professor Pitman holds a chair at UNSW and is the co-director of the new Climate Change Research Centre. He was a lead author on the recent Intergovernmental Panel on Climate Change report, he is on the Prime Minister's Science, Engineering and Innovation Council's task force on regional climate change and adaptation, and he is chair of the World Climate Research Program's committee on terrestrial processes. His comments are provided below:

"In 2007, the International Panel of Climate Change (IPCC) report established climate change firmly. The Prime Minister's Science, Engineering and Innovation Council (PMSEIC) report 'nationalised' this. The CSIRO report - 2007 - confirmed this and added detail. The PM accepted it. I think the "but we did not know" or "things were not clear" was just valid in 2005, 2006 but decisions made now cannot use this.

Our inability to know precisely what will happen locally is not an excuse. My judgement is we will not know accurately for DECADES. Yet we know there will be changes - so reducing vulnerability to known hazards has to make sense.

Overall I can merely be impressed. This seems to me to be a really thorough evaluation of ways forward.

But as an academic, I have to identify weaknesses:

- 1. There is no real discussion of opportunities. Are there opportunities - by leading here, to get investment from industry?*
- 2. Are there opportunities to buy carbon credits for carbon sinks obtained by removal of pruning?*
- 3. could Ku-ring-gai Council encourage the uptake of solar via buying bulk?*
- 4. Could you lead by offering free commuter parking for hybrids - or buy only hybrids for your fleet?*

I am not good at these, there may be more.

Broadly though,

- 1. Science is good*
- 2. Overly pointing to negative - not identifying positive*
- 3. sell on basis of opportunities for Council - There is money to be made here*
- 4. How to engage the community??*

The *Discussion Paper* was also reviewed by Professor Ann Henderson-Sellers who holds an Australian Research Council Professorial Fellowship at Macquarie University. She is currently based in Geneva in the headquarters of the World Meteorological Organisation undertaking the role of Director in charge of the World Climate Research Programme (WCRP).

Professor Ann Henderson-Sellers is a leader in many areas of Earth Systems Science including predicting the influence of land-cover and land-use change on climate and human systems. She has been Convening Lead Author for the Second IPCC Assessment Report, she chaired the Australian National Committee for Climate and Atmospheric Sciences and has been a member of Australia's Science and Technology Council, its Greenhouse Science Advisory Committee and various Academy of Sciences' National Committees. Her comments are as follows:

Thank you so much for letting me have your draft discussion paper on "Climate Change: Mitigation and Adaptation in the Ku-ring-gai Local Government Area" First of all, please let me say how impressed I was by this discussion paper. I find it to be eminently sensible and very far-sighted in comparison with other similar pieces I have seen from around the world over the last few years. The following comments are not intended to indicate criticism but may be of interest or help to you as you further develop Ku-ring-gai's climate change action plan.

Major comments and suggestions

1. I very much like the emboldened statements. I believe them to correctly state the present understanding of science and appropriately direct discussion for a community such as Ku-ring-gai.
2. I am impressed by the invocation of the quadruple bottom line risk analysis method. Triple bottom lining is well known but, as your paper points out, it inevitably misses the governance issues. I wonder whether, for your purposes, you might want to rearrange the four elements, perhaps placing governance first – just a thought. Of course you, yourself, recognize the difficulties of applying this methodology but I agree with your view that introducing it will prompt useful discussion. I wonder if a simplified version of the tabular outline (e.g. Table 6) should be brought up into the Executive Summary.
3. Your paper correctly recognises the need for both mitigation and adaptation and, importantly, differentiates between the well-known and now internationally agreed global consequences of the greenhouse gas burden (which prompts the need for mitigation) as opposed to the much more difficult to predict local consequences (which prompt individual localities' adaptation strategies). I understand well why you refer to CSIRO and to the work of Hennessy et al. 2004 (although this is rather dated now...). Whilst I have no immediate improvements to propose on these works, I do suggest that Ku-ring-gai might wish to become more proactive in working on improved predictive skill for regional adaptation.

Minor comments (in page order)

1. Page 3, first paragraph, second sentence. English degenerates from "However, there are ..."
2. Page 16 Might be worth mentioning that high winds may also result from increased intensity of storms, which are predicted by most models
3. Page 17 You could update the reference to University of California, 2006 by reference to the IPCC AR4 Working Group II report – the latter may have more persuasive power.
4. Page 18 I think that following publication of AR4, you could increase the emphasis of the likelihood of increased bushfire risk and increased erosion. My personal view is that both are virtually inevitable.
5. Page 19 The same is true for hailstorms
6. Page 21 The same is true for downbursts. (I remember the 1991 event very clearly. In fact, I debated with the Bureau of Meteorology for some time as to whether this was in fact a tornado – I still think it was, having watched a spiral funnel destroy four banana trees in my back garden.)
7. Page 22/23 I believe you need to say very much more about the detrimental health effects. Again, you could easily make reference to AR4 Working Group II. Also, the work of Paul Beggs of Macquarie and Tony McMichael at ANU (I can make introductions to you if you wish). In fact, in my opinion, listing the health effects last in your secondary effects is to rank them far below their importance to the community.
8. Page 30 I like the boxed case study of the 1991 storm and the cost:benefit numbers. However, I believe you need to cite your source for the dollar values and be more specific about the 120% number i.e. 120% of what?
9. Page 36, second paragraph "intangibles" are called "externalities" by economists. You may wish to use their term.
10. Page 36, paragraph 4, last sentence. This is a terrifically incredibly important point. I would recommend emboldening it and being prepared to expand on and explain it. It is the basis of the international argument between the economists of the Sir Nicholas Stern school as compared with those of the Nordhaus school.

The National Climate Change Adaptation Research Facility announced by the Howard Government and followed through by Prime Minister Rudd includes many of us at Macquarie University. It is my hope that one of the activities in which we shall engage is to build partnerships with proactive local government areas such as Ku-ring-gai and, with them, jointly participate in the global developments being led by mayors/townships of many forward-looking countries (e.g. the 'governator' in California and towns in Europe especially in Holland and Austria). While leading the World Climate Research Programme I was fully persuaded that it is primarily through activities joining needed research to desired community outcomes in which a hopeful future lies. I hope to be working with my friend and colleague Ros Taplin on this from March this year.

The comments from both Professor Pitman and Professor Henderson-Sellers have been incorporated into the Discussion Paper where appropriate. More general comments will be considered throughout the climate change planning process.

Disseminating findings of Discussion Paper & Risk assessment format

Staff Seminar - 24 October 2007 & Sustainability Reference Team presentation – 8 October 2007

These two seminars provided an opportunity to disseminate the findings of the *Discussion Paper* to Council staff within all departments. A presentation was provided by the Sustainability Program Leader and Sustainability Officer detailing the CSIRO modelling and potential risk assessment processes based on the principles of quadruple bottom line assessment. The overall response from these two seminars was a view of concern for these effects on Ku-ring-gai and an urgency to reduce our vulnerability to these effects.

Bushland Reference Group presentation - 19 November 2007

Council's Sustainability Officer and Sustainability Program Leader gave a presentation to the Reference Group regarding Council's Climate Change Strategy. This included details of the latest CSIRO modelling and how this may influence climate in Ku-ring-gai. The presentation also covered current mitigation and adaptation strategies and used information collected from the damage caused by the 1991 storm to infer approximate costs and impacts.

Planning Committee presentation – 18 September 2007

Presentation from staff on a Climate Change Discussion Paper. This presented options for including mitigation and adaptation as strategies to address this issue. The Planning committee agreed that further discussion on this matter was required with staff to organise workshops for councillors, staff and the community.

Sustainability Visioning Exercise

The visioning exercise involved the participation of 264 residents aged from 9 to 99 years of age which allowed them to express their concerns and aspirations for the future of Ku-ring-gai from social, environmental, economic and governance perspectives. Unprompted, climate change directly and indirectly dominated the main key findings of the exercise. Our residents:

- Highly value the region's natural environment and sense of space
- Are highly concerned about the social and environmental impacts of local medium density residential developments
- Feel a strong sense of belonging attributed to their social and environmental connections which they plan to conserve for future generations
- Aim to minimise threats to their local and global environments such as the effects of climate change
- Acknowledge that current consumption patterns regarding all resources, such as water and energy need to change

- Highlighted the need for private and public agencies to work in partnership with citizens to address sustainability challenges.

Within each of the age groups interviewed, responses to climate change differed considerably:

9-12Yr olds:

Young people focused their responses on the natural environment, climate change, technology and governance. Of particular concern was the lack of decision making power they have with regard to sustainability and young people are deeply frightened by concepts such as 'climate change' and 'global warming'. They are concerned that they are inheriting a world which is doomed and feel powerless to make a difference in reversing this trend on personal, local or global levels. They consider their parents to be role models and believe that it is now the responsibility of everyone to act.

Much of the children's discussions concerning technology centred on addressing environmental problems. They want technologies that would reduce greenhouse gas emissions, create cleaner industries and save energy. They believe people can reduce fuel and energy consumption by walking, riding bicycles or catching public transport.

15-17Yr olds:

They constantly described being 'bummed out' by the negative aspects of sustainability issues such as climate change. They advocated for less 'heavy' hype and more positive solutions and an approach which they can engage in.

18-24Yr olds:

This age group referred to reactions towards climate change as moving from initial unawareness, followed by overwhelmed and only now is action beginning to take place with reductions in energy outputs.

This group particularly felt that commercial and industrial sectors need to play a bigger role in reducing energy consumption and emissions. These young participants had a positive outlook on the future, believing that solutions will be found for areas such as climate change. They appeared to be more optimistic and less overwhelmed than the two younger groups.

29-35Yr olds:

They identified a need to retro fit components such as water tanks, solar panels and insulation into existing dwellings and to further expand upon design and construction requirements such as BASIX, for new buildings and renovations.

40-59Yr olds:

These participants felt that people, on a whole, would only respond to changes if they were offered sufficient incentives such as energy and water saving and through public transport initiatives. They advocated the need to select appropriate architecture for the environment in order to reduce the amount of energy used and maintain the character of Ku-ring-gai.

60-79Yr olds:

The key issues for the 60-79 year olds involved the Council's and Government's role in creating better and more sustainable communities. They believe Council need to be setting a clear example for best sustainability practices such as through their emissions and energy use. They felt that Council need to rigorously plan, educate and offer incentives to residents to encourage them to make changes in their personal lives.

Conclusion

The information contained in this report was used to develop the draft *Climate Change Policy*. Further consultation will be undertaken as preparation for addressing climate change in Ku-ring-gai.

THE SWAIN GARDENS LANDSCAPE MASTERPLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council adoption of the landscape masterplan for The Swain Gardens.

BACKGROUND:

In October 2007 Council resolved to place The Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to final reporting to Council.

COMMENTS:

No comments regarding the draft landscape master plan were received during the public exhibition period.

RECOMMENDATION:

That Council adopt the Swain Gardens Landscape Masterplan without amendment.

PURPOSE OF REPORT

To seek Council adoption of the landscape masterplan for The Swain Gardens.

BACKGROUND

Council considered a report on 14 August 2007 seeking approval to place the Swain Gardens draft Landscape Masterplan on public exhibition. At this meeting Council resolved to defer consideration of the draft Plan pending a site inspection. The site inspection was conducted on Wednesday 12 September 2007 and the Inspection Committee Minutes (**Attachment 1**) were received and noted by Council on 16 October 2007.

Following consideration of a report at the ordinary meeting of Council of 30 October, 2007 it was resolved:

- A. *That Council place The Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to final reporting to Council.*
- B. *That Council make amendments to the draft Landscape Masterplan prior to it being placed on public exhibition to reflect the minutes of the Inspection Committee, as discussed in this report.*
- C. *That Council include the following objective in the draft Landscape Masterplan prior to it being placed on public exhibition:*

Within the existing framework and values of the Gardens, seek to improve accessibility throughout the Gardens to meet AS 1428 Design for Access and Mobility.
- D. *That Council apply to the Geographical Names Board to finalise naming of 'The Swain Gardens'.*

COMMENTS

Site inspection – changes to draft Landscape Masterplan

At the site inspection held on Wednesday 12 September 2007 (see **Attachment 1** Inspection Committee Minutes) Councillors made a number of requests and suggestions for changes to the draft Landscape Masterplan. As a result of the site inspection a number of amendments were made to the draft Landscape Masterplan before it was placed on public exhibition, as follows:

- Stormwater harvesting project – planting around the proposed stormwater storage tank as a screening measure.
- Old tennis courts area – a lightweight roofed structure to be constructed over the ground level flat stage and electricity supply to be provided to the BBQ area and performance space for events.
- Toilet block adjacent to old tennis court area – baby change table, widened doorway, improved accessibility around toilet block, grip rails beside toilet.

Item 11

S05919
22 January 2008

- Access pathways – check whether existing stone lip on the edge of pathway leading to old tennis court and width and grade meets relevant standards or whether a railing is required.
- Garden entry from Stanhope Road – consideration to be given to the inclusion of steps from Stanhope Road to the Gardens.
- Community Room - encourage and promote a wider variety of community activities in the community room, supplemented by BBQ facilities and a coffee cart for events and functions.
- Any future modifications to the community room should be sensitive, interpretive, and sympathetic to the cultural significance of the building.
- Council-owned leased house at 77 Stanhope Road – community-based use to be considered in the long term, including uses complementary to weddings.

The suggestions regarding the access pathways and steps from Stanhope Road require further investigations. Initial investigations indicate that to meet AS 1428, a 1:14 access ramp from the disabled parking bays down to the toilet block and old tennis court area would require 85 metres of pathway with curbed ramps and handrails and 1m² landings at 9 metre intervals.

A further objective was included in the draft Landscape Masterplan prior to it being placed on public exhibition:

Within the existing framework and values of the Gardens, seek to improve accessibility throughout the Gardens to meet AS 1428 Design for Access and Mobility.

The National Trust of NSW transferred the site to Council with a set of covenants and Council agreed to accept the Terms and Conditions, including Item 1 which specifies the name of the site as follows:

1. *The Ku-ring-gai Council, for itself, its successors and assigns hereby covenants with the National Trust:*
 - a) *The area to be dedicated to The Ku-ring-gai Council other than Lot 11, Deposited Plan 601545 shall be named by The Ku-ring-gai Council as 'The Swain Gardens' and are hereinafter so named.*
 - c) *The Ku-ring-gai Council shall cause the name of the late A. N. Swain to be permanently and prominently recorded with the National Trust as the public benefactor of The Swain Gardens in a position in The Swain Gardens open to easy view by the public.*

Naming of The Swain Gardens

During the development of draft Landscape Masterplan it was discovered that the matter of the naming of The Swain Gardens has not been finalised, therefore it is recommended that Council make application to the Geographical Names Board to enable its finalisation.

Public Exhibition

Following the amendments to the draft Landscape Masterplan, the Plan was placed on public exhibition. All persons who provided input to the development of the draft Landscape Masterplan

Item 11

S05919
22 January 2008

were notified of the public exhibition and it was advertised in the 'Council Column' of the North Shore Times and on Council's website.

The Swain Gardens Draft landscape Masterplan was publicly exhibited from Friday 9 November, 2007 for a period of four weeks, with a further 14 days for comments to be received

No submissions or comments were received during the public exhibition period.

CONSULTATION

Invitations to an information session held on Saturday 16 June 2007 from 10.00am-11.30am at the Garden Room within The Swain Gardens were mailed to residents in streets surrounding the Gardens and the Friends of Swain Gardens. Information panels and a draft Landscape Masterplan were provided to generate discussion. The ten local residents who attended the information session were unanimously supportive of the draft Landscape Masterplan.

Councillors were briefed on the development of the draft Landscape Masterplan and were invited to a site inspection held on 12 September 2007.

All persons who provided input to the development of the draft Landscape Masterplan were notified of the public exhibition and it was advertised in the 'Council Column' of the North Shore Times and on Council's website.

The Swain Gardens Draft landscape Masterplan was publicly exhibited from Friday 9 November, 2007 for a period of four weeks, with a further 14 days for comments to be received. During the exhibition period a copy of the draft Plan was displayed at Council's customer service area, Council's four libraries, Council's website and at Swain Gardens.

No submissions or comments were received during the public exhibition period.

A copy of the Landscape Masterplan can be found on Council's website Business Paper 30 October, 2007, GB 7 or by clicking on the following link <http://www.kmc.nsw.gov.au/www/html/103-view-council-meeting.asp?numPageNo=2&numTypeID=2&numResID=1122&numYearNo=2007>

FINANCIAL CONSIDERATIONS

The Swain Gardens Landscape Masterplan provides Council with a long term view on the management of the gardens which can be prioritised to assist in future financial planning. Some works are of an operational nature and can be completed within existing recurrent budgets while others would be subject to future capital works and/or grant proposals.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Strategy Department, Operations Department and Community Department have been consulted in the development of the draft Landscape Masterplan.

SUMMARY

The draft Landscape Masterplan for The Swain Gardens provides for the protection and enhancement of The Swain Gardens and The Swain Reserve. During the public exhibition period no comments were received. The draft Plan is therefore considered ready for adoption by Council. As there were no comments received during the public exhibition, and no amendments have been made to the exhibited Landscape Masterplan, a copy of the plan has not been attached to this report. A copy of the Landscape Masterplan can be found on Council's website Business Paper 30 October, 2007, GB 7.

RECOMMENDATION

- A. That Council adopt The Swain Gardens Landscape Masterplan without amendment.
- B. That Council apply to the Geographical Names Board to finalise naming of "The Swain Gardens".

Jenny Cronan
Landscape Project Officer

Roger Faulkner
**Sport and Recreation
Planner**

Peter Davies
**Manager Corporate Planning
and Sustainability**

Attachments: Inspection Committee Minutes - 832415

Inspection Committee Minutes
Inspection of Swain Gardens for Draft Landscape Masterplan
Wednesday 12 September 2007 at 4pm

Present: Ctrs Anderson, Shelley, Malicki, Lane,
Staff: Steven Head, Jay Jonasson, Jenny Cronan, Roger Faulkner

Apologies: Mayor Ebbeck, Ctrs Ryan, Bennett, Hall, Andrew, Cross

Stormwater harvesting project - Councillors requested planting around the proposed tank as a screening measure, as the tank will be unsightly.

Old tennis court area – It was suggested by Councillors that a lightweight roofed structure to be constructed over the flat stage, electricity to the BBQ, and electricity to the performance space for events.

Toilet block adjacent to old tennis court area - Councillors suggested a baby change table, widened doorway to toilet block, improved accessibility around the toilet block and grip rails next to the toilet.

Access pathways – It was requested by Councillors that a check be carried out to confirm whether existing stone 'lip' on the edge of the pathway leading to the old tennis court and the width and grade meets relevant standards or whether a railing is required.

Garden Entry from Stanhope Road - Cr Shelley said she would like to see consideration given to include steps from Stanhope Road to the Gardens.

Community Room - Councillors suggested that art classes in the room and Gardens could be encouraged and promoted, eg Roseville Art Centre classes. Cr Shelley said she would like to see the room used for a wider variety of community purposes, supplemented with BBQ facilities and a coffee cart for events and functions, with the local scout group to profit. It was also suggested that wording in the plan about usage be expanded to encourage wider community use of the room and adjacent areas. Cr Anderson said that any modifications should be sensitive, interpretive and sympathetic to the cultural significance of the building.

Leased house at 77 Stanhope Road - Councillors would like more community-based use to be considered in the long term, with accompanying comments about possible uses, such as in conjunction with weddings.

Disabled parking – It was requested by Councillors that two car spots to be clearly marked for disabled parking.

NORTH SUB-REGIONAL STRATEGY - FINAL SUBMISSION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The Draft North Regional Strategy, which provides a more detailed level of planning than the Metropolitan Strategy, was released by the Department of Planning (DOP) on 31 October 2007, and is on public exhibition until 8 February 2008. A draft submission was initially presented to Council on 11 December 2007.

BACKGROUND:

The Draft North Subregional Strategy, which provides a more detailed level of planning than the Metropolitan Strategy, was released by the Department of Planning on 31 October 2007, and is on public exhibition until 8 February 2008. A draft Submission was initially presented to Council on 11 December 2007.

COMMENTS:

Council staff have finalised the submission for the draft North Subregional Strategy which identifies which identifies many issues and recommends a number of amendments to be made to the draft strategy before finalisation by the Department of Planning.

RECOMMENDATION:

That the draft submission on the North Subregional Strategy be endorsed by Council and be submitted to the Department of Planning by 8 February 2008 and a copy of the final submission be placed on Council's website for the information of the community.

PURPOSE OF REPORT

The Draft North Regional Strategy, which provides a more detailed level of planning than the Metropolitan Strategy, was released by the Department of Planning (DOP) on 31 October 2007, and is on public exhibition until 8 February 2008. A draft submission was initially presented to Council on 11 December 2007.

BACKGROUND

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 released by the Department of Planning on 31 October 2007, and is on exhibition for public comment until 8 February 2008.

The Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level. The Subregional Strategy will be used to guide the preparation of the Ku-ring-gai Principal Local Environmental Plan (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 key directions for the North Subregion identified in the strategy are:

1. Better access to a variety of housing choice
2. Strengthen the major centre
3. Enhance the subregions local centres
4. Improve public transport access to, from and within the subregion
5. Manage rural and resource lands

The Subregional Strategy will be used to guide the preparation of the Ku-ring-gai principal local environmental plan (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.

Council staff undertook an initial review of the draft subregional strategy and presented an initial draft submission to Council on 11 December 2007. Council resolved:

A. That the draft submission on the North Subregional Strategy be endorsed by Council and placed on Council's website for the information of residents.

B. That the final submission be reported back to Council on 5 February 2008 prior to being submitted to the Department of Planning.

The initial draft submission was placed on Council's website so that members of the community could access the information to aid the preparation of their own submissions.

COMMENTS

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 have continued to review the draft subregional strategy and refine Council's submission. A copy of the proposed final submission is included as **Attachment 1** to this report.

Although supportive of the overall direction of the Draft NSS, the submission identifies a number of specific areas consider to be shortcomings or errors in the draft strategy. The major concerns relate to the strategy's failure to detail plans or even commit state government to the provision of the necessary transport and other infrastructure to cater for the required growth to 2031.

The key issues with the subregional strategy that have been identified by staff are outlined below under the relevant sub strategy headings. A more detailed commentary on these issues is included in the submission contained in **Attachment 1**.

General Issues

- Council supports the development of the Draft North Subregional Strategy (NSS) and is generally supportive of the key directions and actions contained in it.
- Council has a major concern over the strategy's failure to detail plans or even commit state government to the provision of the necessary transport and other key infrastructure to cater for the required growth to 2031.
- The Draft NSS is largely silent on the provision of social infrastructure, services and facilities to meet the needs of existing and future population growth.

Employment and economy

- It is premature for the NSS to distribute the additional jobs across the subregion before the completion of the joint subregional employment study currently being undertaken by Ku-ring-gai and Hornsby Councils and DoP. The DoP have provided the Council a planning reform grant of \$40,000 toward this project. The subregional employment study will provide a more detailed framework in which to provide for such a distribution.
- The significant role of education in employment within the subregion should be encouraged and built on. The strategy should provide specific mechanisms that will be used and that might be available to Council to identify opportunities to strengthen/provide linkages and to

Item 12

S04554
24 January 2008

develop and promote “a learning city”. The UTS Lindfield campus is a significant regional knowledge asset within this subregion and should be retained under its current use.

- Improved and equitable transport provision and the development of community and cultural facilities are critical to increasing employment diversity within the subregion.

Centres and Corridors

- Council generally supports the centres policy adopted under the Metropolitan Strategy and key actions identified in the Draft NSS.
- While the proposed hierarchy for Ku-ring-gai’s centres contained in the Draft NSS is generally consistent with Council’s previously stated intention for each centre and as planned within the draft Ku-ring-gai Town Centres LEP 2006, there are four centres which have been allocated an incorrect classification. Council requests that the following errors be corrected in the final version of the North Subregional Strategy.

Centre	Classification in Draft Strategy	Proposed Council classification for final Strategy.
Warrawee	Small Village	No Centre
Lindfield	Small Village	Village
West Pymble	Small Village	Neighbourhood
North Turramurra	Small Village	Neighbourhood

A detailed justification for these changes in certain classifications is contained in the body of Council’s submission.

Housing

- The dwelling targets contained in the Draft NSS are consistent with those already agreed to by both Councils. In the case of Ku-ring-gai, the target is 10,000 additional dwellings to be provided between 2004 and 2031. There should be no amendments to this target in finalising the NSS.
- Council supports the Draft NSS provision for 5 yearly monitoring of principal LEPs to review housing delivery. It should be the role of the 5 yearly review of housing delivery to be the mechanism to determine whether or not further amendments to the Principal LEP are required to deliver the required housing by 2031 rather than rezoning excess capacity from the outset.
- Council supports the objective to provide a greater housing mix to balance the existing supply of detached housing in the north subregion. To ensure that appropriate housing mix is achieved, the NSS should include housing mix targets, not only total housing delivery targets.
- Council strongly supports the principal of the increased provision of affordable housing. However, the State and Federal governments need to establish (not just “consider”)

Item 12

S04554
24 January 2008

comprehensive affordable housing policy and funding programs to facilitate direct provision, supported by local planning provisions.

Transport

- The plan has a general lack of clarity, detail and future direction in relation to location and treatment of the severe capacity constraints in road and transport networks, Strategic Bus corridor treatments, and bicycle networks.
- While the NSS commits Councils to the delivery of increased housing and employment growth, there is nothing in the strategy that commits the state government to delivery of the crucial transport infrastructure to cater for such growth. Consideration should be given to implementation of a metro-style mass transit system as suggested in the *Urban Transport Statement* or preferably implementing the Sydney Integrated Transport Strategy (SITS) proposed by Christopher Stapleton Consulting. Cross-regional transport links need expanding/strengthening.
- Timeframes for public transport projects are lengthy, and should be significantly reduced. Ideally, public transport improvement projects should precede intensification of development.
- A single Sydney transport authority should be implemented to coordinate and integrate all modes of transport, so as to avoid each mode being planned and operated "in its own sphere".

Environment, Heritage and Resources

- The proposed action of "managing environmental impacts" is too weak a term for the standard required in Ku-ring-gai and the subregion. Environmental assets in the area tend to be in poor condition overall. Consequently, 'protecting' biodiversity is inadequate particularly for 'critically endangered' habitats; the actions contained in the Draft NSS need to move to 'recovery' as the minimum standard.
- The list of key challenges does not comprehensively account for climate change.
- There is no mention of water quality as an issue, nor is there provision for methods to mitigate any adverse effect on waterways.
- While the incorporation of planning strategies in Principal LEPs to protect Aboriginal heritage values is supported, the location of Aboriginal cultural sites must not be included in an LEP
- The suggested increased involvement and support by the Heritage Office to local Councils to facilitate heritage planning at the local level needs to be matched by financial and non-financial support.

Parks, Public Places and Culture

- Generally the draft strategy is repetitive of existing strategies or projects. There are no new strategies or potential funding programs identified, nor commitments in the Draft NSS.

Item 12

S04554
24 January 2008

- One of the key open space issues facing Ku-ring-gai is the capacity constraints of local playing fields, which is not adequately addressed.
- The NSS should provide detail as to how the State Government will provide financial and non-financial support to local Councils, including identification of rate pegging implications on the funding of open space management and upgrades.
- The Draft NSS makes no mention of the cultural and linguistic diversity of the region and how this would influence cultural planning and development on a subregional basis. State government agencies need to provide greater leadership in relation to cultural planning, facilities and events.

Implementation and Governance

- The final NSS should incorporate an implementation plan which provides for State Government accountability and strategies for the provision of infrastructure and services.

CONSULTATION

The Draft North Subregional Strategy was released by the Department of Planning on 30 October 2007, and is on exhibition for public comment until 8 February 2008. Details of the Draft strategy are available on the Department's website and at Council's customer service centre.

The Department conducted a drop in session at Hornsby TAFE on 22 November 2007 between 5.30pm and 8.30pm. The session was advertised in local newspapers, the Sydney Morning Herald and Daily Telegraph. The session was attended by two (2) members of the public. Representatives from the DOP also provided a briefing for Councillors from Ku-ring-gai and Hornsby Councils on 29 November 2007.

A range of planning matters of regional significance have been discussed with staff from Hornsby Council

Councillors have been provided with a full copy of the Draft North Subregional Strategy and the matter was discussed at the Planning Forum on 27 November 2007.

A copy of the draft submission on the North Subregional Strategy endorsed by Council on 11 December 2007 was placed on Council's website for the information of residents.

FINANCIAL CONSIDERATIONS

The financial implication of the draft North Subregional Strategy for Ku-ring-gai Council is unknown at this stage. The cost of preparing this report is covered by the Urban Planning, Strategy Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The draft submission on the draft North Subregional Strategy has been prepared with an integrated planning approach including staff across all relevant sections of Council.

SUMMARY

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, which covers Ku-ring-gai and Hornsby LGAs was released by the Department of Planning on 31 October 2007, and is on exhibition for public comment until 8 February 2008.

The Subregional Strategy will be used to guide the preparation of the Ku-ring-gai Principal Local Environmental Plan (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.

Council staff have reviewed the draft subregional strategy and prepared a detailed submission which identifies key issues. A copy of the proposed final submission is included as **Attachment 1** to this report.

Although supportive of the overall direction of the Draft NSS, the submission identifies a number of specific areas consider to be shortcomings or errors in the draft strategy. The major concerns relate to the strategy's failure to detail plans or even commit the State Government to the provision of the necessary transport and other infrastructure to cater for the required growth to 2031.

RECOMMENDATION

- A. That the draft submission on the North Subregional Strategy be endorsed by Council and be submitted to the Department of Planning by 8 February 2008.
- B. That a copy of the final submission be placed on Council's website for the information of the community.

Craige Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban Planning

Attachments: Proposed Council submission on Draft North Sub-Regional Strategy - 883280



Ku-ring-gai Council

Submission in response to

North Subregion

Draft Subregional Strategy

Ku-ring-gai Council Submission on Draft North Subregional Strategy

EXECUTIVE SUMMARY	3
INTRODUCTION	6
GENERAL ISSUES	6
ECONOMY AND EMPLOYMENT	7
CENTRES AND CORRIDORS	10
HOUSING	12
TRANSPORT	14
ENVIRONMENT, HERITAGE AND RESOURCES	17
PARKS, PUBLIC PLACES AND CULTURE	20
IMPLEMENTATION AND GOVERNANCE	23

Ku-ring-gai Council Submission

North Subregion Draft Subregional Strategy:

Executive Summary

General Issues

- Council supports the development of the Draft North Subregional Strategy (NSS) and is generally supportive of the key directions and actions contained in it.
- Council has a major concern over the strategy's failure to detail plans or even commit state government to the provision of the necessary transport and other key infrastructure to cater for the required growth to 2031.
- The Draft NSS is largely silent on the provision of social infrastructure, services and facilities to meet the needs of existing and future population growth.

Employment and economy

- It is premature for the NSS to distribute the additional jobs across the subregion before the completion of the joint subregional employment study currently being undertaken by Ku-ring-gai and Hornsby Councils and DoP. The subregional employment study will provide a more detailed framework in which to provide for such a distribution.
- The significant role of education in employment within the subregion should be encouraged and built on. The strategy should provide specific mechanisms that will be used and that might be available to Council to identify opportunities to strengthen/provide linkages and to develop and promote "a learning city". The UTS Lindfield campus is a significant regional knowledge asset within this subregion and should be retained under its current use.
- Improved and equitable transport provision and the development of community and cultural facilities are critical to increasing employment diversity within the subregion.

Centres and Corridors

- Council generally supports the centres policy adopted under the Metropolitan Strategy and key actions identified in the Draft NSS.
- While the proposed hierarchy for Ku-ring-gai's centres contained in the Draft NSS is generally consistent with Council's previously stated intention for each centre and as planned within the draft Ku-ring-gai Town Centres LEP, there are four centres which have been allocated an incorrect classification. Council requests that these following errors be corrected in the final version of the North Subregional Strategy.

Centre	Classification in Draft Strategy	Proposed Council classification for final Strategy.
Warrawee	Small Village	No Centre
Lindfield	Small Village	Village
West Pymble	Small Village	Neighbourhood
North Turramurra	Small Village	Neighbourhood

Housing

- The dwelling targets contained in the Draft NSS are consistent with those already agreed to by both Councils. In the case of Ku-ring-gai, the target is 10,000 additional dwellings to be provided between 2004 and 2031. There should be no amendments to this target in finalising the NSS.
- Council supports the Draft NSS provision for 5 yearly monitoring of principal LEPs to review housing delivery. It should be the role of the 5 yearly review of housing delivery to be the mechanism to determine whether or not further amendments to the Principal LEP are required to deliver the required housing by 2031 rather than rezoning excess capacity from the outset.
- Council supports the objective to provide a greater housing mix to balance the existing supply of detached housing in the north subregion. To ensure that appropriate housing mix is achieved, the NSS should include housing mix targets, not only total housing delivery targets.
- Council strongly supports the principal of the increased provision of affordable housing. However, the state and federal governments need to establish (not just “consider”) comprehensive affordable housing policy and funding programs to facilitate direct provision, supported by local planning provisions.

Transport

- The plan has a general lack of clarity, detail and future direction in relation to location and treatment of the severe capacity constraints in road and transport networks, Strategic Bus corridor treatments, and bicycle networks.
- While the NSS commits Councils to the delivery of increased housing and employment growth, there is nothing in the strategy that commits the state government to delivery of the crucial transport infrastructure to cater for such growth. Consideration should be given to implementation of a metro-style mass transit system as suggested in the *Urban Transport Statement* or preferably implementing the Sydney Integrated Transport Strategy (SITS) proposed by Christopher Stapleton Consulting. Cross-regional transport links need expanding/strengthening.
- Timeframes for public transport projects are lengthy, and should be significantly reduced. Ideally, public transport improvement projects should precede intensification of development.

- A single Sydney transport authority should be implemented to coordinate and integrate all modes of transport, so as to avoid each mode being planned and operated “in its own sphere”.

Environment, Heritage and Resources

- The proposed action of “managing environmental impacts” is too weak a term for the standard required in Ku-ring-gai and the subregion. Environmental assets in the area tend to be in poor condition overall. Consequently, ‘protecting’ biodiversity is inadequate particularly for ‘critically endangered’ habitats; the actions contained in the Draft NSS need to move to ‘recovery’ as the minimum standard.
- The list of key challenges does not comprehensively account for climate change.
- There is no mention of water quality as an issue, nor is there provision for methods to mitigate any adverse effect on waterways.
- While the incorporation of planning strategies in Principal LEPs to protect Aboriginal heritage values is supported, the location of Aboriginal cultural sites must not be included in an LEP
- The suggested increased involvement and support by the Heritage Office to local Councils to facilitate heritage planning at the local level needs to be matched by financial and non-financial support.

Parks, Public Places and Culture

- Generally the draft strategy is repetitive of existing strategies or projects. There are no new strategies or potential funding programs identified, nor commitments in the Draft NSS.
- One of the key open space issues facing Ku-ring-gai is the capacity constraints of local playing fields. This key local issue is not adequately addressed.
- The NSS should provide detail as to how the State Government will provide financial and non-financial support to local Councils, including identification of rate pegging implications on the funding of open space management and upgrades.
- The Draft NSS makes no mention of the cultural and linguistic diversity of the region and how this would influence cultural planning and development on a subregional basis. State government agencies need to provide greater leadership in relation to cultural planning, facilities and events.

Implementation and Governance

- The final NSS should incorporate an implementation plan which provides for State Government accountability and strategies for the provision of infrastructure and services.

Ku-ring-gai Council Submission

in response to

North Draft Subregional Strategy

Introduction

The following submission sets out Ku-ring-gai Council's position in relation to the exhibited Draft North Subregional Strategy.

Council supports the development of the Draft North Subregional Strategy (NSS) and is generally supportive of the key directions and actions contained in it. The strategy largely acknowledges the planning Council has undertaken to date on its town centres and provides a broad framework for the development of the remainder of Council's Principal LEP.

Although supportive of the overall direction of the Draft NSS, the following submission identifies a number of specific areas where Council considers there to be shortcomings or errors in the draft strategy. Council's major concerns relate to the strategy's failure to detail plans or even commit state government to the provision of the necessary transport and other key infrastructure to cater for the required growth to 2031.

General Issues

The Draft NSS is largely silent on infrastructure provision other than that already identified within the State Infrastructure Strategy (SIS) released in May 2006. The main concern with the SIS is that it does not provide the finer grain of infrastructure projects that are required at a more local region to ensure sustainable growth. The SIS does not detail all utility requirements (specifically stormwater and sewerage management) which would be required to accommodate the proposed future population growth within the region.

There is little or no discussion in the Draft NSS regarding the provision of social infrastructure, services and facilities to meet the needs of existing and future population growth. The NSS identifies significant population growth for the Ku-ring-gai area over the next 25 years and major changes to the composition of the population. The State Government Departments responsible for provision of social infrastructure eg Health, Education, Community Services, Sport and Recreation, Police etc should outline their plans for rolling out sub-regional services and facilities to cater for the growth identified in the NSS in cooperation with local government authorities.

Economy and Employment

General

Capacity Targets

The Draft NSS indicates that the employment capacity target was formulated using a Metropolitan-wide forecasting tool and that the capacity target will need to undergo further refinement when the full 2006 Census and Journey to Work data is available. A Subregional Employment Study, a joint study between Hornsby and Ku-ring-gai Councils and the Department of Planning, is currently underway. The Department of Planning have provided Council with a Planning Reform funding grant of \$40,000 towards this project. The MOU between the Councils and the Department, and the resultant study brief, included the following aims:

- *To ensure local employment lands strategies facilitate opportunities for an additional 8,000 jobs to be provided within the Subregion by the year 2031 as required by the Metropolitan Strategy*
- *To ensure that the distribution of additional jobs supports existing centres in Ku-ring-gai and Hornsby and provide additional opportunities in these and other centres in the subregion.*

It is understood that the target has been raised to 13,500 additional jobs (based on 2001 figures). The target for Ku-ring-gai is to facilitate an additional 4500 jobs, while the target for Hornsby is 9000 jobs, 3000 of which are to be within the Hornsby major centre.

Council seeks clarification on how these amended figures have been ascertained to assist in understanding future employment trends. Council also seeks clarification on how of these targets will be monitored.

Given the joint subregional employment study is incomplete, it is premature for the NSS to distribute the additional jobs across the subregion. The subregional employment study will provide a more detailed framework in which to provide for such a distribution.

Employment Lands

It is noted that the definition of employment lands includes development for business and technology parks. The potential for Pymble Business Park to become a Business Development Zone should be included within the strategy, due to its strategic location

- close to Gordon, which is proposed under the Draft Town Centres LEP to become the largest town centre within the Ku-ring-gai LGA
- walking distance to Gordon station, and strategic bus corridor 36
- at the intersection of two major roads
- with the potential to link with subregional research assets such as UTS Lindfield, the CSIRO and the National Measurement Institute site.

This will be investigated as part of the Subregional Employment Study.

The recognition that further development for employment lands is limited because of environmental constraints is supported.

Employment Diversity

The recognition of the emerging trend for employment in the subregion for home based businesses is acknowledged. This trend should be supported and linked to more detailed actions that support start-up businesses.

Due to the significant role of education in employment within the subregion, with a university, TAFE as well as public and numerous private schools, the employment of the region is distinctly different than that of other areas. This difference should be encouraged and built on, as it adds to the diversity of employment types within Sydney. In addition, the potential need for an additional TAFE in the subregion should be investigated, to support more diverse skills development in the area.

Ku-ring-gai has provided for mixed use development within its six main centres. While this will increase the potential for the development of retail close to housing, there is still a significant lack in the provision of infrastructure to access these facilities, from a significant portion of the LGA. Improved and equitable transport provision and the development of community and cultural facilities are critical to increasing employment diversity within the subregion.

The potential for tourism development within Ku-ring-gai has not been explored, but given the extent of natural bushland areas and cultural and heritage assets, this should be investigated. Again, transport links will be critical.

Specific Issues

A1.4 - Contain the rezoning of employment lands to residential

The Draft NSS seeks to contain the rezoning of employment lands to residential. While educational facilities are not technically included within the definition of "employment lands" the Draft NSS acknowledges that education and health are key industries within Ku-ring-gai. Figures 9 and 10 show the existing employment lands include the UTS campus at Lindfield. This large unfragmented site is also included in the list of key assets and key industries as it provides significant employment in the region. Figure 25 also shows the link between the Pacific Highway and the UTS site as an area for the encouragement of counter peak traffic flows. This would only be possible if residential density is not increased in this area at the expense of employment generating uses.

A1.6 Essential infrastructure and services

The Draft NSS seeks to improve planning and delivery of employment lands through the identification of infrastructure and service needs. The suspension of Section 94 planning erodes the ability to provide for such services within the subregion. Detailed infrastructure and service proposals and commitment are critical to the success of the Subregional Plan and should be an integral part of it. The proposals and commitment should extend for the period 2007 to 2031, rather than just for the next ten years.

A2.3. - Industry/Innovation Clustering

No magnet infrastructure has been identified within the subregion, however, opportunities for links to CSIRO, the National Measurement Institute, hospitals, TAFE and University should be explored. The strategy should provide specific mechanisms that will be used and that might be available to Council to identify opportunities to strengthen/provide linkages and to develop and promote “a learning city”. Such investigations should include innovative methods of providing transport links between institutions.

A2.4 - Utilise local assets to encourage learning and innovation.

The Draft NSS seeks to utilise local assets to encourage learning and innovation, however, no measures to achieve this are outlined. Similarly A2.1 seeks to support innovation. For the North Subregion this would involve innovation around knowledge activities, where the region has particular strengths. A2.5 seeks to promote learning City initiatives in selected centres, and identifies the potential to support existing clusters of knowledge assets in the subregion, and the potential for integration of TAFE and university courses among other measures. A2.2 seeks to strengthen industry clusters, and for the subregion, highlights the existing infrastructure and skills base related to education and health. The UTS campus is a significant regional knowledge asset within this subregion and should be included as a vital link in such initiatives.

Council supports the above actions in relation to the UTS campus, and recommends that the current Part 3A application for rezoning the site to general residential uses be reviewed in the light of the NSS to ensure that the above actions will not be compromised.

The Seventh Day Adventist Hospital site is also listed within the key industries within the subregion. It is listed as a “health institution” rather than a major hospital. Figures for Hornsby hospital are included (1,500 staff), however, no figures are included for the “SAN”. The site includes a variety of uses, including the hospital, and employs up to 2,700 people. The hospital draws clients and staff from well outside the subregion.

Figure 10 on page 33 of the draft NSS shows a significant educational institution to the south of the Pacific Highway near Turramurra. It is unclear what this institution is meant to represent. In addition, existing main retail areas are shown in Hornsby LGA, but not in Ku-ring-gai LGA. St Ives and Gordon currently provide a reasonable level of such services.

The development of Hornsby as the major employment centre in the subregion is supported. However, for a significant portion of Ku-ring-gai, the closest centres are Macquarie Park and Chatswood, rather than Hornsby. The attraction of the city as an employer is also likely to remain in the long term. Catchments for these centres need to be carefully considered in the development of the transport infrastructure to 2031.

A3.2 - Integration of employment and housing markets

It is likely that housing affordability is starting to have an impact on the provision of local skills to support subregional employment. A consistent approach at the state (and federal) levels is required for any significant improvements to be made in this area.

There are a number of actions that provide no details or guidance for local Councils for instance in A3.3 "encouragement of emerging business". The strategy should identify the State Government's role in establishing start-up businesses including any financial or non-financial support.

NSROC economic and employment study will also provide further direction and should be included in the final version of the strategy.

Centres and Corridors

General

The Draft NSS seeks to establish a clear centres hierarchy across the subregion consistent with the objectives and descriptions of centres under the Metropolitan Strategy. Council supports the centres policy adopted under the Metropolitan Strategy and has undertaken the planning for the six centres covered by the draft Ku-ring-gai Town Centres LEP consistent with the hierarchy established under this policy, a process it will continue to pursue in the completion of the Principal LEP.

The proposed hierarchy for Ku-ring-gai's centres contained in the Draft NSS are generally consistent with Council's previously stated intention for each centre and as planned within the draft Ku-ring-gai Town Centres LEP. There are, however, four centres where the Draft NSS does contain an incorrect classification. These are outlined in the table below.

Centre	Classification in Draft Strategy	Proposed Council classification
Warrawee	Small Village	No Centre
Lindfield	Small Village	Village
West Pymble	Small Village	Neighbourhood
North Turramurra	Small Village	Neighbourhood

Council's rationale for its proposed classification for these centres in the NSS is outlined below. Council is willing to provide further evidence to the Department of Planning in support of these proposed classifications prior to finalising the NSS.

Warrawee

While Warrawee may have a railway station, there is currently no centre of any scale adjacent to this station, nor even a neighbourhood shop within the vicinity.

Historically, there has never been any intention to establish a commercial centre in this location and land has never been zoned for such a purpose. The area is readily accessible to both Turramurra and Wahroonga centres. Council's Retail Centres Study undertaken in 2005 confirms that these existing centres adequately service Warrawee.

The railway station at Warrawee serves the Knox Grammar School (with approximately 1800 students) and the surrounding residential areas. The residential areas consist of high quality and extremely highly capitalised single dwelling stock, a substantial number of which are listed heritage items under the Ku-ring-gai Planning Scheme Ordinance.

Given the established urban structure and form around Warrawee Station, Council considers that potential to establish even a neighbourhood centre, (let alone a small village) is extremely unlikely and highly undesirable. Its identification as a centre of any scale should be removed from the NSS.

Lindfield

The Draft Ku-ring-gai Town Centres LEP has been prepared on the basis of the Lindfield centre developing as a "village" in the future rather than a "small village" as identified in the Draft NSS. The extent of future retail and commercial provision and unit development within 600m of Lindfield station provided for under the Draft LEP is consistent with the "village" typology identified in the Metropolitan Strategy.

West Pymble

West Pymble currently satisfies the criteria for the "neighbourhood centre" typology as described in the Metropolitan Strategy.

The 2005 Ku-ring-gai Retail Centres Study identified the future role of West Pymble as a neighbourhood centre, with a primary role to provide local convenience retail for the immediate residential area. The proposed expansion of the centre under the Draft NSS to a small village to service an expanded population within a 400m radius is greatly limited by the fact that there is considerable category 1 and category 2 bushfire prone land within 400m of the existing centres and a lack of services and infrastructure in the area.

In addition, Council has already catered for residential density increases under LEP 194/200 and the Draft Town Centres LEP to more than adequately cater for the 10,000 dwelling increase required under the Draft NSS. Consequently, the expansion of any of the existing neighbourhood centres outside the Pacific Highway/rail corridor and St Ives to accommodate future residential development to achieve dwelling targets under the NSS is unjustified.

Council is of the firm opinion that West Pymble should remain as a neighbourhood centre under the NSS.

North Turramurra

North Turramurra currently satisfies the criteria for the "neighbourhood centre" typology as described in the Metropolitan Strategy. The ability to expand this centre

to a “small village” as proposed by the Draft NSS is constrained by bushfire threat and bushfire evacuation risk issues as well as the limited availability of public transport.

The North Turramurra peninsula is identified as a bushfire evacuation risk area under both SEPP Seniors Living and SEPP 53. Both these state policies prevent any further increases in residential density in these areas due to the potential threat to lives resulting from evacuation limitations in the event of a bushfire. The proposed increase in the scale of centre typology for this centre under the Draft NSS to facilitate increased residential densities in surrounding areas is not appropriate and is inconsistent with the existing state planning policies.

In addition to this, the area is poorly serviced by public transport and does not fall within one of the proposed Strategic Bus Corridors.

Council is of the firm opinion that North Turramurra should remain as a neighbourhood centre under the NSS.

Housing

General

Council acknowledges that the dwelling targets are consistent with those already agreed to by both Councils. In the case of Ku-ring-gai, the target is 10,000 additional dwellings to be provided between 2004 and 2031.

The note accompanying the dwelling targets on p52 of the draft NSS indicates that these targets are yet to be endorsed by Council and may be subject to further review during the exhibition of the Draft NSS. This statement is not correct. Ku-ring-gai Council formally adopted its target of 10,000 additional dwellings on 8 August 2006 and this resolution has been conveyed to the Department of Planning. There should be no amendments to this target in finalising the NSS.

Specific Issues

C1.3 Plan for increased housing capacity targets in existing areas

C1.3.2: Council supports the Draft NSS provision for 5 yearly monitoring of principal LEPs to review housing delivery. This support is premised on the fact that Council has already been required by the Department of Planning to demonstrate the delivery of all 10,000 additional dwellings under LEP 194/200 and the draft Town Centres LEP. This is prior to developing the Principal LEP for the whole LGA. Consequently, the initial version of the Principal LEP in 2011 should not be required to deliver any additional housing outside that which has been already provided for in LEP 194 /200 and the draft Town Centres LEP. It should be the role of the subsequent 5 yearly review of housing delivery to be the mechanism to determine whether or not further amendments to the Principal LEP are required to deliver the required housing by 2031.

C.2.1 Focus Residential development Around Centres

C2.2.1: The Draft NSS places an emphasis on housing in centres i.e. 80% of new housing to be in centres. Ku-ring-gai Council has been required to provide 100 % of the additional 10,000 dwellings within the centre catchments of the main centres along the Pacific Highway/rail corridor and St Ives. Consequently, the expansion of any of the existing neighbourhood centres outside of the Pacific Highway/rail corridor and St Ives to accommodate future residential development to achieve dwelling targets under the NSS is unjustified.

C2.2 Provide self care housing for seniors and people with a disability

C2.2.1 The Draft NSS correctly identifies the future challenges the north subregion faces in appropriately accommodating an aging population. While it is acknowledged that the recent amendments to the Seniors Living SEPP help to ensure that seniors housing is located on appropriate sites, there still remains significant incentives to develop housing under the SEPP in out of centre locations.

The aim of the NSS should be to appropriately accommodate seniors and people with a disability within centre catchments where they will have better access to services and facilities. The most effective and direct way to achieve the supply of housing needed is to require all Principal LEP to set minimum housing adaptability and accessibility requirements for all new medium and high density housing developments within centre catchments.

C2.3 Provide a housing mix

Council supports the objective to provide a greater housing mix to balance the existing supply of detached housing in the north subregion.

To date, the push from the Department of Planning has been for Ku-ring-gai Council to plan for the required additional 10,000 dwellings in the form of residential flat building or shop top housing. There has been very little scope for Council to plan for the provision of alternative forms of housing such as town houses and villas, despite Council's 2002 Housing Needs Study indicating that there will be significant demand for this form of housing in the future.

To ensure that appropriate housing mix is achieved, the NSS should include housing mix targets, not only total housing delivery targets.

C4.1 Improve the affordability of housing

Council strongly supports the principal of the increased provision of affordable housing.

The main focus of housing affordability actions in the Metropolitan Strategy is on reducing supply side costs to the development industry. Such mechanisms do not work in high value housing markets such as the north subregion where the market ensures any such savings to the developer are not passed on to housing purchasers.

The most appropriate methods in areas of high land and housing values such as the north subregion is either through direct provision of housing stock through the not

for profit housing sector or through the implementation of planning mechanisms in Principal LEPs requiring specified proportions of new housing being provided as affordable housing. To this end, the state and federal governments need to establish (not just “consider”) comprehensive affordable housing policy and funding programs to facilitate direct provision and the Standard LEP template needs to incorporate affordable housing provisions.

Transport

General

The plan has a general lack of clarity, detail and future direction in relation to location of capacity constraints in road and transport networks and Strategic Bus corridor treatments. Capacity on the North Shore rail line is also not adequately addressed.

While the NSS commits Councils to the delivery of increased housing and employment growth, there is nothing in the strategy that commits the state government to the delivery of crucial transport infrastructure to cater for such growth

Timeframes for public transport projects are extensive, and should be significantly reduced. Ideally, public transport projects should precede intensification of development.

A single Sydney transport authority should be implemented to coordinate and integrate all modes of transport, so as to avoid each mode being planned and operated “in its own sphere”.

Consideration should be given to implementation of a metro-style mass transit system as suggested in the *Urban Transport Statement* or preferably implementing the *Sydney Integrated Transport Strategy* (SITS) proposed by Christopher Stapleton Consulting. This could deliver attractive, all-day ready access to a network of heavy rail, metro-style rail, buses, freight, ferries, cycleways and pedestrian links within realistic timeframes and budgets. For this sub-region, SITS indicates improvements to bus, cycle, freight and road network, while providing good proximity and access to metro-rail.

Specific Issues

D1.1 Extend the Rail and Bus Networks to Connect Centres

D1.1.2: Figure 26 (Transport Actions for the North Subregion) shows Strategic Bus Corridor route 36 not connecting with Gordon railway station. This is inconsistent with the map from the *Ministerial Review of Bus Services in NSW* (Unsworth Review). Council’s transport planning in the Gordon centre relies on and has made provision for route 36 connecting from Mona Vale Road/Ryde Road to Gordon railway station.

New integrated bus networks that link to strategic bus corridors should provide east-west linkages, as the proposed strategic bus corridor routes through and around the Ku-ring-gai LGA primarily have a north-south orientation between Chatswood and

Hornsby. The NSS should therefore incorporate actions that would reinforce these cross-regional links

D1.1.3: While bus priority improvements are generally supported, it is considered that they will make little improvements to travel times along sections of Route 8, 7, 14 and 36. In particular, peak hour congestion on Burns Road/Eastern Road/Junction Road, Lady Game Drive, the Comenarra Parkway and Ryde Road/Lane Cove Road would require alternative solutions in order to deliver the target bus speeds. Furthermore, the RTA's 2005 traffic volume figures indicate up to 5%pa traffic volume growth on the Burns Road/Eastern Road/Junction Road route since 2002. Some sections of these routes may require dedicated road space in order for the services to be efficient and therefore attractive to users. The plan proposes measures, but does not detail what measures would be implemented where.

D1.1.4: The electronic bus priority systems are supported, however it is understood that PTIPS is less likely to influence traffic signal timing at major arterial road intersections. Therefore, this action should be extended to include influence over signal timing at major arterial road intersections, so that further tangible benefits to bus travel times can be achieved, which will only serve to make buses more attractive to users

D1.2 Extend Transport Networks To Serve Growth

D1.2.1: There is a lack of clarity as to what the pinch points are on the Pacific Highway between Chatswood and Pymble. Ku-ring-gai Council's recent work in planning for residential and retail/commercial growth in the 6 town centres highlights that a significant number of intersections along the Pacific Highway are currently operating unsatisfactorily, and are also impacting on local access.

Furthermore, the *Traffic and Transport Base Study* of the Ku-ring-gai road network (GHD, 2000) found significant deficiencies (Level of Service E or F) at key signalised intersections on Pacific Highway and Mona Vale Road/Ryde Road during peak times. These include the Pacific Highway at its intersection with Boundary Street, Balfour Street, St Johns Avenue, Livingstone Avenue and Fox Valley Road. The study also found that most of the Pacific Highway and Ryde Road routes were operating at a Level of Service E, which indicates additional capacity is already required. Other roads such as Burns Road and Archbold Road are effectively operating at capacity during peak hours.

The study also found that additional development along the North Shore railway corridor (and St Ives) would exacerbate these deficiencies, and that capacity improvements would be required. Future treatments planned by Council (to accommodate the mixed use development and retail/commercial growth directed by the Minister for Planning) seek to improve performance or maintain existing performance to cater for that growth. However, these treatments ultimately impact on local access. Therefore, pinch point treatments should give consideration to improving local access as well.

Consideration should be given to include widening of the railway bridge at Pymble as one of the critical pinch point treatments, as this is a significant impediment to peak period traffic flows through the area.

D1.3 Connect Regions and Economic Gateways within the Greater Metropolitan Region

D1.3.1: While the route of the connection under Pennant Hills Road is preferred, there is concern that the un-tolled “purple” connection option of the F3 Freeway and the M2 Motorway will not provide appreciable relief to traffic volumes and heavy vehicle volumes on Pacific Highway and only marginal relief to traffic volumes on Ryde Road (as indicated in the *F3 To Sydney Orbital Link Study - Main Report* - April 2004, by SKM). To exacerbate this, the proposed “purple option” indicates a southbound unloading ramp at Pacific Highway expanded from 2 lanes to 3 lanes, indicating that the Pacific Highway will become a significant exit point for southbound traffic on the F3.

D1.3.2: The additional (“Type C”) connection of the F3 Freeway with the M7 Motorway would be required beyond 2021, when capacity on the F3 Freeway is expected to be reached. Furthermore, the recent Pearlman review recommends that planning for this connection commence immediately. This additional connection should be encouraged to be the main heavy vehicle route, so as to reduce heavy vehicle volumes on Pacific Highway through the subregion.

D2.1 Complete Major Transport Infrastructure Projects Underway

D2.1.1: NSW Government should fast track the North West/harbour/South West Rail link and complete the Parramatta to Chatswood Rail link, as well as bring forward plans for a metro-style rail service in response to the substantial growth in the global economic corridor, which borders the North Subregion to the south-west. This will give greater travel mode choice to/from the global economic corridor, and would reduce demand for road-based commuting.

D2.2 Improve Reliability and Increase Capacity of Rail Services

D2.2.1: Although the Rail Clearways program is generally supported, there is uncertainty about the effectiveness of separating freight trains from passenger services as proposed in the area between Hornsby and the Central Coast. More clarity is required, as a significant working population commutes from the Central Coast to/through the North Subregion to access employment and is dependent on a fast and reliable rail service.

D2.3 Improve the Integration of Public Transport

D2.3.1: The cancelling of the contract for the integrated ticketing scheme will have impacts on the uptake of public transport in the region. A simpler fare system is needed, which would reduce complexity for both operators and passengers. More certainty, clarity and simplicity is required urgently.

D2.3.3: The scoping studies for interchanges should be extended to incorporate Gordon railway station, as it is a significant interchange between Strategic Bus corridor services/local bus services and rail services. There is also significant pedestrian access to the station.

In surveys undertaken by ARUP transport consultants for Ku-ring-gai Council in 2007, Turrumurra railway station was found to account for the highest percentage of

commuter access by bus to a railway station (within the LGA). Therefore, consideration should be given also to including at least Turramurra interchange in the scoping studies, as well as the other interchanges along the North Shore railway line, so as to encourage and promote the use of public transport and the transfer between bus and rail.

2.4 Improve Operational Management of Existing Transport Networks

Refer to comments on D1.2.1

D3.1 Improve Local and Regional Walking and Cycling Networks

D3.1.1: The Draft NSS makes no mention of a number of Regional Bike Routes which were proposed as part of the State Government's BikePlan 2010. eg the Rail trail from Chatswood to Turramurra (proposed for completion in 2010). This would serve as a dedicated alternative and safe route to the congested Pacific Highway.

The strategy should make reference to the provision of cycle parking adjacent to major transport interchanges, to encourage inter modal trips.

D3.2 Implement a Metropolitan Parking Policy

D3.2.1: There are no details available yet regarding the Metropolitan Parking Policy, which is overdue. However, if reduced parking rates compared to current practice are being contemplated, this needs to be complemented with a commensurate improvement to the quality of public transport.

Consideration should be given to encourage parking of other vehicles such as motorcycles or scooters, as well as car share vehicles.

D4.1 Improve Transport Planning

A single Sydney transport authority should be implemented to coordinate and integrate all modes of transport, so as to avoid each mode being planned and operated "in it's own sphere". It is uncertain whether the new Centre for Transport Planning and Product Development, which is housed within the Ministry of Transport, would be able to achieve fully integrated transport planning across all modes.

Environment, Heritage and Resources

General

The 2031 Vision for the North (detailed on page 4 of the draft NSS) and the objectives of the State Plan (detailed on page 13) do not include any reference to sustainability (economic, environmental or social).

The list of key challenges for the North Subregion (page 76) does not comprehensively account for climate change. Also, the background information on the Environment (page 78) excludes both air quality and climate change. Transport is a key environmental issue and is not mentioned on page 76 of the draft NSS, nor under the actions for the environment section, where there is no reference to the

effect of transport on greenhouse emissions. Council carries a significant amount of commuter traffic emitting greenhouse emissions throughout the LGA.

There is no mention of water quality as an issue, nor is there provision for methods to mitigate any adverse effect on waterways as part of implementing this strategy. It seems that issues with water quality are encompassed within the Catchment Management Authority actions and a yet to be developed direction from DECC (E2.1.1). This direction must include water quality and flow targets. The Draft NSS should include specific action encouraging development to include improvements for water quality, similar to what is included for air (E2.3.1).

In regards to heritage, Figure 28 on page 81 has failed to identify the following additional state heritage items in Ku-ring-gai.

- Gordon Railway Station Group
- St Johns Uniting Church, Wahroonga
- Wahroonga Railway Station Group
- Wahroonga Reservoir

Specific Issues

The specific issues Council would like to raise in the Environment, Heritage and Resources section are as follows:

E1 Establishing growth targets for sustainable growth

The actions contained in the draft NSS which rely on Metropolitan Strategy actions in 'establishing environmental targets' (E1.1) and 'integrating targets into decision making' (E1.2) do not give adequate consideration to critical aspects of sustainability.

E2.1 Improve health of Waterways, Coasts and Estuaries

The Catchment Action Plan includes a number of management targets that relate to sub-regional strategies that have not been incorporated within the North Subregional Strategy. For instance, Management Target B3.1 – Corridors & Planning Instruments requires that:

By 2008, all the major identified vegetation habitat corridors are recognised in the Sub-regional Strategies.

These corridors should be identified within the plan. The work currently being undertaken by Hornsby and Ku-ring-gai Councils should be used to update the final NSS.

The environmental targets are identified as applying to the metropolitan scale. While this may be true, details of responsibilities, progress and relevance to the region, need to be included in the subregional strategy. It is understood that the Department will be responsible for the Regional Conservation Plan for Sydney. This should be included, with guidance as to the relationship between the overall plan and Council planning. Timing is critical if it is to guide the Principal LEPs

E2.2 Protect Sydney's Unique Diversity of Plants and Animals

E2.2.1: The proposed action of 'protecting' biodiversity is inadequate particularly for 'critically endangered' habitats, Managing environmental impacts is too weak a term for the standard required in Ku-ring-gai and the north subregion. Environmental assets in the area are overall in poor condition and require at least recovery. Biodiversity actions should now be moving towards 'recovery' as the minimum standard.

E2.2.2: The Draft NSS lists Endangered Ecological Communities in the Region and only lists Blue Gum High and Duffy's Forest. Sydney Turpentine Ironbark Forest should also be on this list. Also, Blue Gum High is now listed as a Critically Endangered Ecological Community which should be addressed in the strategy.

The tension between the Threatened Species legislation and planning rules and regulations fails to be addressed.

E2.3: Improve Sydney's Air Quality

E2.3.1: While the action requiring Councils to ensure new developments encourage walking and cycling is desirable in terms of both air quality and greenhouse gas emissions, a truly sustainable action should address and balance these outcomes with the needs of the aged and less mobile populations such as Ku-ring-gai's.

E2.4 – Protect Aboriginal Cultural Heritage

E2.4.1: The location of Aboriginal cultural sites must not be included in an LEP. The DECC itself also states that sites should not explicitly be shown in any public documents. The reasons for this are obvious; vandalism and/or unintended damage from the curious, plus respect for these sites to be managed by the current custodians.

There are approximately 90 sites recorded within Ku-ring-gai however, it is thought that there are many more that have not yet been recorded. The sandstone landscape throughout Ku-ring-gai has many areas that potentially contain Aboriginal sites. It is important that management for future surveying of landscapes which are likely aboriginal heritage sites be included in the LEP to ensure that unrecorded sites are not lost through future development.

E2.4.2: The Draft NSS states that most of the remaining Aboriginal Sites in Ku-ring-gai are in bushland. However, the Ku-ring-gai GIS layer of Aboriginal Heritage sites identifies a reasonable number of sites are within the urban matrix i.e. located in streets, backyards and urban parks or in bushland very close to streets. Additionally many sites are located on or near bushland tracks that get a large amount of traffic. The strategy needs to consider management and planning in regard to Aboriginal Heritage sites that are located in streets etc. not just those in the 'bush'.

E3.1: Contain Sydney's urban footprint

While this is a metropolitan scale issue it needs to relate not only to the geographic footprint but the intensity of that footprint within the existing urbanised area. This is not addressed and yet is one of the issues of greatest concern. The question of

sustainable capacity needs to be addressed from the local level (first), with state and national policies adapting rather than the reverse, which is the current scenario.

E5: Adapting to Climate Change

There is no mention of storms as a key threat, considering the significant number of canopy trees located in close proximity to buildings, roads, power lines and other infrastructure within the North Subregion

E6 - Conserve Sydney's Cultural Heritage

The Draft NSS does provide a number of areas of responsibility for the Heritage Office to help facilitate heritage planning at the local level. However, this needs to be matched by financial and non-financial support to local Councils in the preparation of heritage studies and also in the preparation of nominations for heritage listings. This should be combined with a commitment to support the overall process to finalisation.

Parks, Public Places and Culture

General

Much of the discussion and actions relating to parks and open space contained in the Draft NSS relates to existing strategies or projects being undertaken by Ku-ring-gai and Hornsby Councils or existing state programs e.g. Metropolitan Greenspace Program. There are no new strategies or potential funding programs identified, nor commitments in the Draft NSS.

One of the key open space issues facing Ku-ring-gai is the capacity constraints of local playing fields. This issue is not adequately addressed in the NSS. Council strongly supports the recommendations contained in the *Parliamentary Inquiry into Sportsground Management in NSW* November 2006. Where possible, Council is implementing the recommendations, such as improved partnership with the Department of Education and access to school sports fields, and reduced playing seasons. Other recommendations from the inquiry of critical importance for the state government to address include increased state funding, land acquisition policies, greenfields planning policies, and assisting Councils to obtain increased federal funding.

Council believes that the NSS needs to give greater attention to the provision of a diversity of park types and embellishment of existing open space and park areas to cater for population growth and demographic changes in the LGA. The NSS should provide detail as to how the State Government will provide financial and non-financial support to local Councils, including identification of rate pegging implications and the proposed changes to the developer contributions system on the funding of open space management and upgrades.

Generally the document is repetitive of strategies already adopted by Ku-ring-gai Council.

Specific Issues

The specific issues Council would like to raise in the Parks, Public Places and Culture section are as follows:

F1.2 Improve the quality of regional open space

Council strongly supports this objective and the actions within it, particularly the expansion of regional facilities through the continuation of the Metropolitan Greenspace Program.

F2.1 Improve the quality of local open space

Council strongly supports this objective and the actions within it, however, due to rate pegging and very limited grant funding available for this purpose from the state government, Council has very limited resources available to achieve the objective and actions. This is likely to be exacerbated by proposed changes to the developer contributions system.

The Draft NSS places considerable responsibility for the provision of additional open space and embellishment of existing local open spaces on local government authorities. Council is of the view that the State Government should take a more active role in providing financial support and assistance so that Councils can provide a comprehensive and appropriate local open space network. Council requests that the State Government provide greater funding assistance through existing grant funding schemes, review existing rate pegging policies and implications on the funding of open space management and upgrades. Council also requests that the State Government not consider changes to the current S.94 developer contributions policy which will reduce Council's capacity to collect contributions to be used for acquisition and embellishment of land for open space.

The Draft NSS proposes that Councils should continue to maintain or enhance the provision of local open space, however it does not recognise that in the Ku-ring-gai LGA there are few opportunities to provide for additional open spaces due to the lack of available land. Council is of the view that embellishment and enhancement of existing open spaces and bushland areas is imperative if Council is to cater for population growth in the LGA. Therefore Council seeks financial and non-financial support from the State Government in the provision of enhanced public open spaces and recreational facilities.

Recommendations 5 and 6 contained in the *Parliamentary Inquiry into Sportsground Management in NSW* November 2006 further support Council's request. For instance, Recommendation 5 Increased State Funding states:

"The Committee does not consider current levels of funding provided by the Department of Sport and Recreation under the Capital Assistance and Regional Sports Facilities Programs to be adequate for meeting the programs' objectives. For this reason, the Committee recommends that funding for the Capital Assistance Program be increased to \$8M per annum over the next 2 years and that funding for the Regional Sports Facilities Program be increased to reach \$16M per annum over the next 4 years."

Recommendation 6 Increased Federal funding states:

“The committee recommends that the Federal Government make available annual funding of \$150m, based on a maximum of \$1m per Federal electorate, for sporting facilities applications to develop new grounds or to improve existing facilities for groups and organisations to meet unmet needs.”

Given the Federal Government has the primary role in provision of health and healthy lifestyles, it is appropriate that Federal funds be applied to provide a holistic solution to facilitate a physically active community. Providing additional and improved recreation facilities will reduce the long term pressures that an aging population will place on national Health expenditure. Council believes that it is the role of the State Government to assist Councils to obtain increased federal funding.

The State Government should also more fully investigate the asset management and cost recovery implications relating to open space and recreational facilities and work with Councils to provide for a sustainable framework in this regard.

In addition, the State Government should prepare guidelines for the coordination of open space networks including the utilisation of land currently in the ownership of government agencies in order to provide for continuous open space and recreation links throughout the subregion.

Finally, the *Department of Planning’s Outdoor Recreation and Open Space Planning Guidelines for Local Government* (1992) is a valuable resource which is now quite outdated therefore Council is pleased to see the Department updating this document.

F2.2 Investigate Future Options for Open Space Provision and Management

Council strongly supports this objective and the actions within it, however due to rate pegging and very limited grant funding available for this purpose from the state government, Council has very limited resources available to achieve the objective and actions.

Council therefore requests that the state government not consider changes to current S.94 developer contributions policy which will reduce Council’s capacity to collect contributions to be used for acquisition and embellishment of land for open space, and that the state government implement Recommendations 11 and 12 contained in the *Parliamentary Inquiry into Sportsground Management in NSW* November 2006, which are Land Acquisition Policies and Greenfields Planning Policies respectively. Recommendation 11 states:

The Committee recommends that the Department of Planning examine the feasibility of purchasing and allocating land for redevelopment for the exclusive use of community sportsgrounds, in areas where there is a documented shortage of such grounds. Such land should provide sufficient space for two playing fields and should take precedence over the development of smaller parcels of land adding to the currently fragmented supply of pocket parks in local neighbourhood areas.

Council recommends that when the NSW Government disposes of surplus land, through the Government Asset Management Advisory Committee (GMAC) process, that lands suitable for active recreation be retained and dedicated for that purpose.

The examples of opportunities for open space provision and management used in this part of the NSS are projects and opportunities which Council is currently actively pursuing, however once again no funding opportunities are identified in respect of any of the actions.

F3 Improve Sydney's Major Sporting and Cultural Events Facilities

This objective identifies West Pymble Pool as having a subregional role for sporting and cultural events. Council recommends that due to the limited parking capacity of Bicentennial Park and competing needs for parking due to other activities in the park, this objective should be deleted unless the State Government is prepared to expand the car parking on site by funding an underground car park.

F3.1 Recognise and build upon Sydney's cultural life

Ku-ring-gai Council has already prepared a cultural plan that is being implemented progressively to meet the future needs of the community. This is not acknowledged in the Draft NSS.

The Draft NSS makes no mention of the cultural and linguistic diversity of the region and how this would influence cultural planning and development on a subregional basis.

State government agencies need to provide greater leadership in relation to cultural planning, facilities and events. It is also considered that the NSW Department of Planning is in a far better position to provide a coordinated and sustainable approach to sub-regional cultural facilities in cooperation with local Councils. This is particularly necessary if cultural planning is to be integrated into the economic, environmental and sustainability aims proposed in the NSS.

Implementation and Governance

General

The Draft NSS includes several actions which state that the Department of Planning and other Government agencies will provide support for local councils to assist in the preparation of principal LEPs. However, no time frame has been provided by the Department as to when this support is to be provided.

The final NSS should incorporate an implementation plan which provides State Government accountability and strategies for the provision of infrastructure and services.

COUNCIL SUBMISSION ON IMPROVING NSW PLANNING SYSTEM DISCUSSION PAPER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide a submission in response to the "Improving NSW Planning System Discussion Paper" for Council consideration.

BACKGROUND:

Planning Minister Frank Sartor released the "Improving the NSW Planning System" discussion paper in November 2007. The paper investigates the incentives for change and identifies options for making the system better. Council has prepared a summary of the paper and a draft submission to the Department of Planning outlining the main issues and recommendations. The closing date for the submissions is 8 February 2008.

COMMENTS:

The discussion paper identifies a number of issues with the current planning system that have been of concern to Councils, the industry and the community for some time. A number of reforms are suggested to fundamental aspects of the planning system mainly aimed at improving the efficiency of the system. Many of the individual suggestions are supported, but it is considered that the overall direction of the reforms will result in poor outcomes in terms of place-making, sustainability and accountability.

RECOMMENDATION:

That Council make a submission as attached to this report.

PURPOSE OF REPORT

To provide a submission in response to the "Improving NSW Planning System Discussion Paper" for Council consideration.

BACKGROUND

Planning Minister Frank Sartor released the "Improving the NSW Planning System" discussion paper in November 2007. The paper investigates the incentives for change and identifies options for making the system better.

The government's view is that the current planning process is lengthy, complex and confusing for many users of the system, particularly at the local level. The 'one size fits all' approach fails to reflect the importance and level of complexity of different plan-making and development assessment processes, often leading to long delays in local government development application processing. As such, although residential development applications accounted for almost 70% of all reported development applications, the average processing time for most local government applications during 2006-07 was 75 days.

The proposed reforms seek to change the development assessment system to become more responsive and better tailored to the complexity and significance of the proposal.

Another perceived shortfall of the current planning system is that it is not consistent across the State. Since each council is required to develop individual planning controls for their area, it has led to a variety of different approaches to development control and assessment. Due to the lack of consistency, the current system lacks predictability and certainty.

Historically, councils had the sole control of certification, which was seen as slow and inflexible. In 1998 the NSW Government introduced the private certification system which improved timeframes and flexibility, and provided greater choice for persons seeking sign-off for building, subdivision and minor works. However these reforms left the system vulnerable to allegations of a lack of integrity and uncertainty over responsibilities.

Following are the key reforms proposed in the Discussion Paper:

Plan-making

- Require Councils to provide greater justification for making the plan upfront against set criteria. This would also include identifying the level of community involvement. The Minister or delegate would then determine whether or not the making of the plan could proceed any further (described as the "gateway");
- Stream of LEPs according to their State or local significance with the possibility that Ministerial approval may not ultimately be required for LEPs consistent with the proposal agreed at the 'gateway stage'
- Introduce mandatory timeframes for various steps in the plan-making process;

Item 13

S04554
24 January 2008

- Stalled/delayed rezoning proposals would be referred to a Regional Panel or a new Planning Assessment Commission (PAC).

Development Assessment

- Tailor the appropriate level of assessment to the size and complexity of the development, to reduce development assessment processing times;
- Establish a hierarchy of decision-making bodies. Applications of State significance, other than critical infrastructure, would be determined by a new body, the Planning Assessment Commission (PAC) consisting of 3 members. Applications of regional significance would be determined by a Joint Regional Planning Panel (JRPP), modelled on the central Sydney Planning Committee established for the City of Sydney by legislation, and comprising three independent State appointees and two council appointees. Applications at the local level would continue to be determined by local councils, upon advice from Independent Hearing and Assessment Panels (IHAP) where necessary.
- Tailor requirements for lodgement of DAs to the scale and complexity of the development and the likely impacts on the environment.
- "Minor applications" (single dwellings, alterations and additions, all other development with a capital investment value of less than \$1 million) would be determined by Council staff or Council, but appeals, S82A reviews and deemed refusals would in the first instance be heard by 'planning arbitrators' and not the Court. This would be a non-legal informal review conducted within 21 days on site, with the arbitrator required to make a determination within 14 days thereafter. Appeals to the Court would not be allowed until the planning arbitrator's review has occurred.
- The introduction of 'statutory assessment' periods. The following are suggested:
 - 20 days for DAs not requiring exhibition
 - 40 days for small scale development
 - 60 days for medium scale development and
 - 90 days for development equivalent to designated development
- The formulation of standardised conditions of consent to be used across the State.

Exempt and complying development

- Increase the scope of exempt and complying developments so that residential and other minor or routine developments are included. Under this system, around half of all development proposals would be determined within 10 days.
- Focus the reforms to provide for new single and two storey homes to be complying development.

Item 13

S04554
24 January 2008

- Adopt a mandatory default code of exempt and complying development standards so that there is consistency across local government areas. The aim is to achieve 50% complying and exempt development within four years, with the mandatory default code to be adopted Statewide by 1 July 2008. Councils could make their own provisions through a system of accreditation. Such provisions would have to be justified by the Council.
- Allow for exempt and complying development on environmentally sensitive areas.

The Court system

- Introduce compulsory mediation or conciliation for “all but the most complex cases”;
- Limit the power of the Court to allow amendments to a proposal during an appeal. In the case of ‘significant or substantial’ amendments this could be done either by requiring the amended plans to be referred to the original decision-maker as a new application, or by dismissing the initial appeal and awarding costs to the consent authority.

Certification

- Minimise potential for conflicts of interest through restricting the number of certificates that can be issued to any one client by an accredited certifier in a calendar year. For large or complex projects, a certifier would be allocated by the Building Professionals Board;
- Introduce corporate accreditation for certifiers, and require councils and council officers to become accredited.

E Planning

- Enable objections to be lodged online;
- Provide for tracking of development activity (including government agencies);
- A government “planning channel” where all planning information relative to a site is available;
- Consider funding needs to support the introduction of ePlanning;
- The Department of Planning would establish an ePlanning Experts Panel (EPEP) to advise on the appropriate directions for ePlanning, and to assess the readiness of and current competencies in relation to ePlanning. The EPEP would also develop a road map with targets for State and local government achievements and would explore the possibilities of using ePlanning in:
 - community consultation at a level commensurate with the type and complexity of the LEP;
 - exempt and complying codes;
 - access to s149 certificates;
 - tracking LEPs.

Item 13

S04554
24 January 2008

Little detail is contained in the discussion paper in relation to these proposed changes to the appeal process.

COMMENTS

A detailed submission on behalf of Council on the "Improving the NSW Planning System Discussion Paper" is included as **Attachment 1** to this report. The submission raises issues with many of the proposed reforms, but also acknowledges those areas of the proposed reforms which should be supported.

The key issues with the proposed reforms that have been identified by staff are outlined below under the relevant discussion paper headings. A more detailed commentary on these issues is included in the submission contained in **Attachment 1**.

General comments

While identifying a broad range of issues in the current planning system, the main thrust of the reforms is "efficiency". The reforms include a set of measurable outcomes, which relate only to timing and process, rather than planning outcomes. The current reforms will lead to a process of risk management, rather than effective planning.

The proposed reforms reduce Councils' role in plan making and assessment while increasing Councils' roles in compliance. More of the strategic and larger scale assessment work (with greater impacts on the local community) will be decided by new bodies that do not represent the community, duplicate existing systems and are likely to increase costs. These strategies will simply exacerbate existing problems, rather than solve them and increasingly act to reduce the community's input into decision-making.

The timeline for introducing the changes is too tight. While some of the proposals have significant merit, considerable detailed work, testing and ongoing consultation with Councils, government agencies the community and industry are still required.

Land use and Plan Making

The proposal to tailor the LEP process to the scale, risk and complexity of the land use change using a gateway screening system is supported. However, the streaming pathways and screening/evaluation criteria should be developed with input from local and state government agencies.

Mandatory timeframes should apply to all state agencies, including at the gateway stage, and also apply to Parliamentary Counsel advice.

While the proposal to provide a legal drafting service has merit, Councils should have an ability to review LEPs following legal drafting to ensure that the original intent is maintained.

The proposal that the Department dictate the "content" of DCPs is not supported other than to ensure consistency with an LEP or State instrument. Moreover, the status of DCPs needs to be raised to give them greater authority to complement the statutory instrument.

Item 13

S04554
24 January 2008

Development Assessment and Review

The introduction of the Planning Assessment Commission (PAC) and Joint Regional Planning Panel (JRPP) would be adding another and different level of bureaucracy, which may not have the knowledge of the critical issues for the Council area.

It is difficult to see how the implementation of Independent Hearing and Assessment Panels (IHAPs) would simplify, streamline and speed up the DA assessment process, as it would be adding yet another costly and time and resource consuming layer to that process which is only consultative in nature.

The proposed use of "planning arbitrators" to simplify the appeals process is unlikely to achieve the objectives of reduce delays, costs and litigation if it will take 38 days for an arbitrator to make a determination and it will still be open to the Court to allow appeals after considering the arbitrator's determination.

The Discussion Paper makes no mention of how it is proposed to improve/streamline the appeal process for development applications exceeding \$1,000,000 in value.

The proposed simplifying of the DA lodgement requirements and the streamlining integrated referrals and concurrences is supported.

The proposed changes to the statutory deemed refusal periods, based on the value or complexity of development proposals is supported. However, there are no definitions are provided for 4 of the 5 categories (not requiring exhibition/small scale/medium scale and development equivalent to designated development).

The DA notification role should remain with local Council's and not be transferred to applicants.

Exempt and complying development

While it is agreed that there needs to be an increase in the amount of development that can be exempt or assessed as complying development, a 50% target is too large and ignores the complexities of achieving good planning outcomes.

A default code is not supported. It is recommended that instead, a set of model provisions covering a variety of circumstances and regional conditions be prepared for Councils to use as the basis for their own controls.

Exempt and complying development should retain their black and white nature. The inclusion of performance based measures in complying development codes is not supported as it would complicate the approval system and not provide certainty to an applicant lodging an application with Council or a PCA.

The issuing of "Provisional Complying Development Certificates" is not supported, as it would be misleading, open to abuse, and puts undue pressure on Councils to do a merit assessment (similar to a DA) within 7 days. An application should fall into only one category.

Item 13

S04554
24 January 2008

Timeframe for implementation of standardised exempt and complying development codes is unrealistic and does not give Council adequate opportunity to develop its own code to be accepted by the panel, considerable detailed work and consultation is required.

e.Planning

While the e.planning reforms are supported the system should evolve around individual Councils having their own policies and plans on their website, with links to broader government policies and plans rather than a single "Planning Channel".

All Councils will need significant funding to implement e-Planning.

Building and subdivision certification

Building certification

Council supports the government's efforts to increase accountability in certification. However the proposed reforms demonstrate a failure to understand the on-ground impacts of the identified issues, and will reduce the accountability of private certifiers rather than increase it.

Limiting the number of Construction Certificates issued by individual companies to any one builder/developer appears to be an unfair trade restriction and would no doubt foster cartels to operate within the developer/ certifier field.

Having the Building Professional Board (BPB) allocate the accredited certifier for large or complex buildings appears to be unnecessary bureaucracy and is not supported.

No objection is raised to the proposed BPB audits; however, the development of guidelines that clearly specify the areas that will be audited is required.

The mandatory accreditation of Council officers in a similar manner to private certifiers is considered unworkable. Officers employed as Building Inspectors for Council must hold appropriate tertiary level qualifications, together with relevant practical experience. However, no objection is raised to the continuing development of the officers' skills.

The suggestion that Council is to be responsible to enforce all development consents whether or not it is the principal certifying authority and that penalties could be imposed against Councils that do not act is strongly opposed. PCAs should manage all of the development regulatory functions for jobs they are associated with.

The suggested range of penalties to increase Councils' powers for enforcement for unauthorised work is unnecessary as the Council's powers of enforcement are adequate now. The problem is insufficient resources to deal with the increasing level of work.

The introduction of mandatory compliance bonds on all development consents is supported. This may go some way to support the current load on Councils.

The proposal to increase fees for building certificates to avoid retrospective approvals for unauthorised works is supported. A two stream fee should be applied with a lower fee for straight forward applications, higher fee for premises containing unauthorised development.

Item 13

S04554
24 January 2008

No objection is raised to the proposed expanded and streamlined powers of the BPB to fine or suspend accredited certifiers.

The proposal to provide education materials to assist in identifying roles and responsibilities is supported.

Subdivision certification

The "Provisional Subdivision Certificate" process is not supported for major land subdivisions particularly those involving public infrastructure.

The provisional subdivision certificate process would become a check the checker, double handling the task at hand. This could result in additional time and cost to the client and potential confusion. It may be appropriate for accredited certifiers to issue provisional subdivision certificates for minor land subdivisions. However such subdivision should be for no more than three lots and not involve any major works within Councils road reserve (i.e. drainage works, footpaths and public road works).

Complying Developing Certificates for larger strata or land subdivision applications should not be issued by private certifiers because of the risk of error. A development application for these large developments is a necessity.

The proposals for increased auditing of PCAs are supported. If the audits occur and other measures identified in this reform process are met then a similar 50% rate should happen in a shorter period.

Miscellaneous Amendments

The propose recommendations regarding to the process the implementation have little practical implications. Again they appear to be a measure that is designed for speed rather than good governance.

The recommendation regarding the compulsory mediation in the Land and Environment Court is supported in principle; however, there may be any given number of matters even of a minor nature that may not be appropriate for mediation.

Council is strongly apposed to the extension of the Ministers' power to appoint a planning panel to make or amend development control plans or developer contributions plans.

CONSULTATION

The Planning Reforms discussion paper was released by the DoP in November 2007. The Discussion Paper and supporting information was published on the Department's website. Submissions will be accepted up to 8 February 2008.

Senior Council staff and the Mayor attended a forum on the Planning reforms hosted by the Minister for Planning on 3 December 2007. Councillors were provided with an overview of the reforms at a Councillor Briefing session held on 11 December 2007.

FINANCIAL CONSIDERATIONS

The submission is covered under the budget of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The submission is based on comments from the Strategy and Development and Regulation Departments.

SUMMARY

The general principles behind the scheme are supported in that it seeks to address a range of issues within the current planning system. Notwithstanding this, there are a number of specific areas where it is considered that the proposed reforms will not provide the desired on-ground planning outcomes. It is recommended that these be sent to the Department of Planning as a formal submission as invited by the NSW Government.

RECOMMENDATION

- A. That the attached submission on "Improving the NSW Planning System Discussion Paper" be endorsed by Council and submitted to the department of Planning by 8 February 2008.
- B. That copy of the submission be placed on Council's website for the information of the Community.

Terri Southwell
Urban Planner

Craig Wyse
**Team Leader
Urban Planning**

Antony Fabbro
Manager Urban Planning

Michael Miocic
**Director
Development and Regulation**

Attachments: Submission on Improving NSW Planning System Discussion Paper - circulated separately



Ku-ring-gai Council

Submission in response to

Planning Reforms

Discussion Paper

Submission on Planning Reforms Discussion Paper

Executive Summary

The Department has identified a good range of issues in the Planning Reforms Discussion Paper across a broad range of planning areas that have been the subject of Council and community concern for some time. The need to address these issues is at a critical stage. However, the reforms seek to address the individual issues in a piecemeal manner. What is needed is an overhaul of the Environmental Planning and Assessment Act, to address the current planning environment in a more integrated manner.

While identifying a range of issues in the current planning system, the main thrust of the reforms is “efficiency”. The reforms include a set of measurable outcomes, which relate only to timing and process, rather than planning outcomes. The emphasis on speed and quantity, rather than transparency, accountability and quality outcomes, will inevitably lead to a reduction in the quality of our living spaces and governance. The measurable outcomes should include on-ground planning outcomes. In our increasingly complex society, it must be accepted that planning that aims for sustainability, place making, adaptation to climate change, transparency, community involvement and accountability requires time and detailed consideration to produce effective outcomes. This is not to say that increased efficiency is not supported, but not at the expense of good planning outcomes. The current reforms will lead to a process of risk management, rather than effective planning.

The proposed reforms seek to increase efficiency through a “one size fits all” process, albeit with differing requirements (templates, default codes, DA submission requirements, exempt and complying types, statutory timeframes) for a small range of circumstances. This ignores the fact that planning is not simply about land use, but requires consideration of social, environmental, economic and governance parameters that interrelate in a complex and varied manner, that differs (as it should) from one locality and circumstance to another.

The proposed reforms provide for a number of panels to substitute for, or advise, councils or the Department in its decision making. The panels are to include experts, and in some cases, some councillors. As councils currently employ experts in a number of areas, this is an unnecessary duplication. Further, the current planning system provides for both the expert assessment and the political role, both to minimise the potential for corruption and to ensure that people have a say about their own community. Such panels would reduce the effectiveness of these roles.

The proposed reforms reduce councils’ role in plan making and assessment while increasing councils’ roles in compliance. More of the strategic and larger scale assessment work (with greater impacts on the local community) will be decided by new bodies that do not represent the community, duplicate existing systems and are likely to increase costs. More of the smaller applications will be done by private certifiers, while the accountability of private certifiers to oversee and follow up on issues in the construction process will be decreased. These strategies will simply

exacerbate existing problems, rather than solve them and increasingly act to reduce the community's input into decision-making.

The recommendations also reduce the input of government agencies in the assessment of development applications and LEPs. Government agencies have significant expertise in their sector, which is not always available within councils. While generic requirements for LEPs can be addressed through Section 117 directions, the agencies should be supported to provide an early, active and effective role on site specific issues and LEPs.

There are a number of instances, where the proposed reforms demonstrate a failure to clearly understand the on-ground impact of the issues raised. For instance, reforms proposed to address concern about the accountability of certifiers demonstrate a failure to understand market forces, word-of mouth within the building industry, the unwillingness of most owners to get involved in decision-making about certifiers, or the need to oversee conditions of consent that are not considered by PCAs to be within their role.

The timeline for introducing the changes is too tight. While some of the proposals have significant merit, considerable detailed work, testing and ongoing consultation with councils, government agencies the community and industry are still required. It is important to ensure that we are not simply swapping one set of problems for another. Extra time now will reduce the need for further changes in the not-too-distant future.

Specific comments

Land use and plan making

P1 New system of plan-making

The proposal to tailor the LEP process to the scale, risk and complexity of the land use change using a gateway screening system is supported.

The streaming pathways and screening/evaluation criteria should be developed with input from local and state government agencies. The gateway criteria must be clear and provide certainty and cover all factors, such as the social cost of LEPs, not just economic or environmental factors and should consider alternatives, including the "no change" scenario.

However, the gateway does not seem to be a significant change from the existing system, rather it incorporates Sections 54 to 64 of the Act, prior to the Gateway. No significant benefit in the overall time required for making an LEP appears to be gained through the formalisation of the "gateway".

P5 Referral to and consultation with State agencies

Government agencies should codify their requirements for LEPs according to various levels of complexity and these requirements should be included in S.117 Directions. Our experience has been that many agencies, upon referral, provide generic advice that is irrelevant to the specific LEP issue

or that they have a flawed understanding of the role of LEPs, (e.g. requesting signage requirements for fire brigade access to be included in an LEP).

P6.1 System of accountability for LEPs

Mandatory timeframes should apply to all state agencies, including at the gateway stage, and should also apply to Parliamentary Counsel advice. Where comments specific to the LEP are required, it is critical that these are received early in the process. In the past, comments have sometimes taken several months, with one instance where the comment has been received only after being sent to the Department for processing for gazettal.

A mandatory timeframe prior to the gateway is not supported. While there may be some argument for mandatory timeframes after the gateway process, there needs to be flexibility in this to allow for the different nature of each type of LEP. The controversial nature of some LEPs will significantly increase the time required to process and address issues raised during the exhibition period, sometimes requiring re-exhibition. These processes need to be allowed for.

P6.3 State to directly amend LEPs

State amendment of an LEP should only occur following consultation with the relevant council and/or agency.

P7 Gateway and streamline process - responsibilities of parties

The proposal to provide a legal drafting service appears, on the surface, to have merit. However, in order for councils to clearly state the intent, wording will still be required to be carefully considered, in the same way as the current process of council drafting the instrument. There is also the danger that the drafting process may not support the original intent, especially if the ongoing participation of councils does not eventuate, as in the existing process with the LEP panels. Council's should retain an ability to review LEPs following legal drafting to ensure that council's intent of the LEP is retained and to avoid any errors.

The cost of the drafting service and frequent consultation would also result in overall costs increasing.

P 8 Streamlining and reduction of REPs and SEPPs

The Act should be amended to give statutory recognition to the making and implementation of Regional Strategies and Sub Regional Plans as well as Department endorsed local strategies under the Sub-Regional Plan. Planning strategies are not just land use controls and instruments should include broader social, economic, sustainability, environmental (natural resource management and biodiversity) goals and mechanisms for change.

P9 DoP guidelines for different levels of LEPs and DCPs

Council does not support the proposal that the Department dictate the "content" of DCPs other than to ensure consistency with an LEP or State instrument. It may be worthwhile, however, for the structure of LGA-wide, DCPs to be standardised. A 'place-based' DCP structure will enable better Geographical Information System (GIS) access to property parcel linked enquiries and help infrequent users of the system. A better option, however, may be a model DCP template that may be used by all councils.

Defining the level of detail in a DCP is inappropriate. Different areas, even within a single LGA, may require differing levels of detail. Town Centres may require site specific controls to ensure sustainable building design and location, increased density and economic viability, while dwelling controls on large lots may require fewer detailed controls.

The status of DCPs needs to be raised to give them greater authority to complement the statutory instrument.

P10 Recommendations for measurable outcomes

The outcomes relate only to timing and process issues. It is important that planning outcomes are also included to assess what impact the process changes are having on on-ground outcomes.

Development assessment and review

A1-5 New Hierarchy of decision making

Planning Assessment Commission (PAC) for State Significant DAs, Joint Regional Planning Panel (JRPP) for DAs of Regional Significance, Local Councils for local level DAs.

There is no clear definition provided as to what constitutes State Significant, Regionally Significant and Local Level DAs. The cost of a DA is not necessarily a good guide as to its complexity, potential impacts, or time required to assess it.

The introduction of the PAC and JRPP would be adding another and different level of bureaucracy, which may not have the knowledge of the critical issues for the council area. This is critical if the responsibilities of the PAC and JRPP encompass a great number/ type of applications, which would normally be determined by council.

The discussion paper provides no indication as to who will pay for the Joint Regional Planning Panels. Will the DOP divert the considerable amount of money that councils continue to pay for the failed "Plan First" project to funding these Panels or will local government be additionally burdened with this cost as is already the case with the Wagga Wagga and Burwood Planning Panels? Also, who would pay for LEC appeals (class 1 and 4) against decisions made by the PAC and JRPP?

**A6 &
A8**

(IHAP), Advisory Panels roles in local level DA assessment

The discussion Paper refers to Independent Hearing and Assessment Panel (IHAPs) being involved in a consultative capacity "where necessary" in local level DA assessment and determination. However, it is unclear as to whether this would be mandatory or not. Moreover, if the objective of the planning reforms is to simplify, streamline and speed up the DA assessment process, it is difficult to see how this would be achieved by adding yet another costly, time and resource consuming layer to a process which is only consultative in nature.

**A7 &
A11**

Simplifying the appeals process

The proposal to require class 1 appeals and S82a Reviews relating to development valued at less than \$1,000,000 to first be heard by "planning arbitrators" is not necessarily largely different from the current LEC practice of on-site s34 conferences for simpler matters.

Again, if the objective is to reduce delays, costs and litigation, it is not clear as to how this will be achieved, if it will take 38 days for an arbitrator to make a determination. Furthermore, it appears that an arbitrator will not necessarily have the final say in such matters, as it will still be open to the Court to allow appeals after considering the arbitrator's determination. If this is the case and the arbitrator's determination is not binding, it is questionable as to whether this will make the current appeals process faster, simpler and more efficient.

Moreover, Recommendation A7 states that planning arbitrators will be the consent authority for all S82A reviews, if this is the case then such arbitrators will have their hands full just dealing with S82A reviews, let alone being able to also cope with simpler appeal matters. This is illustrated by the fact that if each Council in the Greater Sydney area alone were to receive only a dozen S82A reviews each per annum, the workload for the planning arbitrators, in greater Sydney alone would be in the order of 600 reviews each year. It is also not clear as to who will foot the bill for these arbitrators.

The Discussion Paper makes no mention of how it is proposed to improve/streamline the appeal process for development applications exceeding \$1,000,000 in value.

**A9 &
A10**

Simplifying DA lodgement requirements

Whilst this is welcomed, particularly for less complex DA's, the discussion paper does not explain how this will be achieved. Much of the complexity involved in assessing even simple applications is attributable to the myriad of considerations that are required to be addressed under S79c of the EP&A Act, SEPPS, SREPS, concurrences and referrals. Will this part of the proposed reforms suspend these requirements and considerations for less complex applications?

A10 E-planning

This recommendation is strongly supported. Ku-ring-gai Council will introduce on line DA tracking by March 2008, with on line LEP and DCP tracking and lodgement capabilities to follow thereafter.

A12 Streamlining integrated referrals and concurrences

This is also, albeit cautiously, welcomed. Again, it is not clear from the discussion paper as to how the requirements of integrated referral and concurrence bodies could or would be incorporated into conditions of consent, nor is it clear as to how referral turn-around times from such bodies are to be reduced

A13 Standardised conditions of consent

Whilst this will hopefully provide for greater consistency and certainty to applicants, there is insufficient clarity in terms of what/which type of conditions will be mandated as standard and whether this will mandate preclusion of any other non-standard conditions. Councils must retain the ability to impose non-standard conditions.

A14 Reforms to Section 96 modifications

The introduction of greater flexibility for minor errors has merit. The proposed terms of applying SEPP 1 to s96 modifications are unclear. The benefits of limiting the number of s96 modifications is dubious given that, the substantially the same development test in s96 at present prevents transmutation of proposals by successive modifications given that it requires a comparison of the original consent and the most recent proposed modification. In addition, if the objective of this recommendation is to reduce the number of applications/modifications this can easily be bypassed through the lodgement of a new DA once a consent has exceeded its maximum S96 modification quota.

It is suggested that a far more useful and urgently needed reform is to provide far greater clarity and consistency in the definition and application of the term "substantially the same development". In the absence of a clear and consistent set of mandated guidelines, the considerable variability evident in the interpretation and application of this term, among planners, solicitors and also the Land and Environment Court, will continue.

A15 Changes to deemed refusal/deemed to comply periods

The proposed changes to the statutory deemed refusal periods, based on the value or complexity of development proposals is more realistic than the current blanket 40 day period for Local Development and 60 day period for integrated development. However, there are no definitions provided for 4 of the 5 categories (not requiring exhibition/small scale/medium scale and development equivalent to designated development).

There is also a conflict between with Recommendations A15 and A7 in respect of appeals concerning Complying Development. A15 states the deemed refusal period as 10 days, yet A7 states that no appeals would be allowed in respect of Complying Development.

A16 Review of DA fees

This recommendation is strongly supported.

A17 Standardised notification procedures

This needs to be approached with considerable caution as a "one size fits all" approach, particularly for mandated non-notification may not be appropriate or reasonable in all cases. The DA notification role should remain with Local councils and not be transferred to applicants.

Exempt and complying development

C1-2. Development of Mandatory guidelines for Exempt development

It is agreed that there needs to be an increase in the amount of development that can be exempt or assessed as complying development.

C4/5 Development of Mandatory guidelines for Complying development

A default code is not supported. It is recommended that instead, a set of model provisions covering a variety of circumstances and regional conditions be prepared for councils to use as the basis for their own controls.

A default code becomes more difficult for residential development, in denser areas (ie urban areas). Provisions for complying development that are suitable for a two storey dwelling house in a rural zone will not be suitable for a dwelling in metropolitan Sydney, or vice versa. If planning is about place making, even within a region, provisions must be different. A certifier is a professional person who has worked in this field for a number of years or even architects preparing documentation for clients are required to review SEPP's LEP's DCP's and policies before finalising their documentation. It is not unreasonable to require these people to consider local CDC criteria that is pertinent to the character of the area.

The inclusion of performance based measures in complying development codes is not supported as it would complicate the approval system and leaves it open to abuse. The proposal does not provide certainty to an applicant lodging an application with Council or a PCA where they have deviated from the guidelines and requires a merit assessment.

The detailed provisions for exempt and complying development should be within a DCP so that an LEP review is not required every time a change is required. In addition, a single default code, attempting to cover all

circumstances, will be more difficult for the average mum and dad to understand than a set of DCP controls, specific to the LGA.

C7 Increase the levels of Complying development

While it is agreed that there needs to be an increase in the amount of development that can be exempt or assessed as complying development, a 50% target is too large and ignores the complexities of achieving good planning outcomes. A more moderate target needs to be set, and reviewed in the light of the on ground planning outcomes (including community satisfaction) achieved. Further, the achievement of a specific target must allow for flexibility. For instance, in some areas people are more willing to comply with requirements, where in others, people usually seek development that is outside the controls. Complying development has less appeal in these areas. Monitoring of councils' performance in substantially increasing complying developments, must allow for such differences in communities and locality.

C8-10 Determination of development where a complying code applies

Exempt and complying development should retain their black and white nature. Either a development is/ or is not exempt or complying. Flexibility is only appropriate for merit assessment of the entire proposal, ie a DA.

C8.2 Performance assessments by council officers on non-compliant Complying Development applications would be potentially fraught with difficulty and imprecision as who would determine whether the non-compliance was minor and on what basis?

The issuing of "Provisional Complying development Certificates" is not supported, as it would be misleading, open to abuse, and would place undue pressure on councils to do a merit assessment (similar to a DA) within 7 days. An application should fall into only one category.

C8.4 The recommendation that a Private Certifier could ensure that a CDC application was made compliant by conditions of consent also has potential difficulties, as often such conditions may require not-insubstantial modifications. Furthermore, this could not apply if the non-compliant area breached a development standard, even to a very minor extent, as a SEPP 1 objection would be required and breaches of development standards cannot be legally remedied by conditions of consent.

C11 Environmental sensitivities still present major problems. For instance, in bushfire prone areas is it not sufficient to require the development to meet the requirements of Planning for Bushfire Protection. This document allows performance measures, rather than specific standards, some of which are not simply about materials, but include location and design criteria. Again the flexibility of the provisions make this unsuitable for complying development. Further, the provisions are determined through the assessment of a set of criteria such as vegetation type, fuel load, aspect and slope. Many applicants will be unable to carry out such assessments

accurately resulting in the need to employ a consultant. It would be cheaper and faster, to lodge a DA.

Nevertheless it is agreed that minor non-habitable works may be exempt within a bushfire prone area, provided provisions relating to appropriate design, location and materials are mandatory. Swimming pools (though not decks) and steel fencing may also be permitted under the provisions. Again, councils need to be able to determine the detailed provisions for such works. For instance, certain areas may not wish to encourage colourbond fences, for place making, wildlife movement or water flow reasons.

While it is recognised that some environmentally sensitive areas are protected through zoning, zoning is a blunt instrument that is not suited to the smaller scale environmental sensitivities that may occur within a site. For instance, in Ku-ring-gai, Blue Gum High Forest exists on development zoned for residential purposes. Even minor works can result in damage to such ecosystems. Any future provisions need to take this into account.

While mapping may help to overcome this issue to some extent:

- Few areas have completed accurate mapping of sensitive areas at a site or even locality scale;
- Maps will always have some inaccuracies at the site scale, and assessment of environmental sensitivity will be required. This is not possible within Exempt or Complying Development.

Some Exempt Development should be permissible within heritage areas and conservation areas. A set of model provisions would provide guidance on how councils could allow for such developments.

C12 A courtesy letter will not be sent in most cases, unless legislated. A letter informing neighbours that a CDC has been issued, with plans attached, is preferred. This will minimise unnecessary calls to council asking whether the neighbour has approval for works commenced.

C13 The keeping of databases by councils is supported provided the process (audits) ensures the certifier meets their responsibility by providing the detail within legislative time frames.

The timeframe for implementation is unrealistic.

C18.1 These figures will only occur if the public at large embrace the restrictions associated with this type of approval. The measurable outcomes should also include a reduction in the number of unauthorised works.

**C18.2/
C16** The timeframe for implementation is unrealistic. Considerable detailed work and consultation is required. Further, this is forcing councils to adopt the default code and not giving councils adequate opportunity to develop their own code to be accepted by the panel.

e.Planning

E2-4 Individual councils should have their own policies and plans on their website, with links to broader government policies and plans. A single "Planning Channel" is more likely to have problems, than the smaller individual sites. If such a site (requiring massive storage and constant updating) "goes down" (especially given likely brown-outs, or blackouts due to increased storm activity in the coming years) the local sites will still be available.

Equity issues also need to be addressed, as not all applicants will be able to use the internet.

E 8 All councils will need significant funding to implement e-Planning.

Building and subdivision certification

Building certification

Firstly, unlike the statistics quoted in the paper, it should be noted that Ku-ring-gai Council is the Principal Certifying Authority (PCA) responsible for just 24% of developments within the local government area, the remainder have chosen to employ the services of Private PCAs. This is in direct conflict with the state average, which, as per the quote in the back ground paper reads *"at present 30% of these certificates (as a total) were issued by accredited certifiers and 70% issued by councils undertaking the certification role."*

Council supports the government's efforts to increase accountability in certification. However, the proposed reforms demonstrate a failure to understand the on-ground impacts of the identified issues, and will reduce the accountability of private certifiers rather than increase it.

B1.1 Limiting the number of Construction Certificates issued by individual companies to any one builder/developer appears to be an unfair trade restriction and would no doubt foster cartels to operate within the developer/ certifier field.

B1.2 Having only the landowner being able to appoint a certifier to issue a construction certificate is impractical. The property owner generally does not understand the implications nor does he/she want to be involved with such detail. They leave such decisions in the hands of their builder developer or at the least take advice from same.

As for education campaigns, Ku-ring-gai Council has made representations to Building Professional Board on three separate occasions asking for the development of specialty education programs to assist the community and all concerned in the development world. No such program has been forthcoming. (See **attached** documents).

B2.1 As per B1.1, Limiting the number of projects to which an accredited certifier could be appointed as principal certifier (PCA) seems to be an unfair trade

restriction and would no doubt foster cartels to operate within the developer/ certifier field.

B3. Having the BPB allocate the accredited certifier for large or complex buildings appears to be overly bureaucratic and a restriction on free trade. This is not supported. What would be the BPB liability be and what would they do to follow up on inappropriate selection, other than to hand on the problem to local government? The BPB should not need to directly appoint a certifier if their stringent checks on the accreditation processes and the appropriate actions are taken by the certifiers doing work within the scope of their accreditation are managed properly.

B4 The action to develop a model set of contractual arrangements that clearly specify the responsibilities of certifier and developer is supported.

B5 No objection is raised to the proposed BPB audits, however, as requested previously, Council would appreciate the development of guidelines that clearly specify the areas that will be audited.

B6 The action of broadening accreditation to include companies is supported.

B7 In regard to the mandatory accreditation of council officers, officers employed as Building Inspectors by Ku-ring-gai Council must hold a degree or associate diploma in an appropriate building or engineering discipline, together with relevant practical experience. No objection is raised to the continuing development of the officers' skills, however, to accredit them in a similar manner to private certifiers is considered unworkable.

Further, the suggestion to mandate an A3 level accreditation in the first instance is inappropriate. What would be the incentive for them to apply for A1 or A2 level accreditation? If such is done, who in council could administer the complaints against large developments? Surely if council officers are deemed only A3 accredited, then they cannot investigate the larger more complex sites! Most persons employed by local government have received on the job training in developments of all sizes. Local government is still a traditional training ground for officers, who then leave and become private certifiers. All officers currently employed by Ku-ring-gai Council have practical experience in the supervision of buildings class 1 – 10.

B8 The requirement for other building professionals to be appropriately accredited is supported, especially requiring appropriate checks on persons supplying and installing critical building systems certificates like fire engineering, air handling, etc.

B9 The suggestion that councils are to be responsible for enforcing all development consents, whether or not they are the principal certifying authority and that penalties could be imposed against councils that do not act, is strongly opposed.

PCAs should be made more accountable for the sites under their control. At present there is considerable debate over what exactly are the roles and

responsibilities of a PCA. This needs to be clearly established. If the PCA is in "control" of a construction project, many need to be far more accountable in their actions. The powers of the Building Professionals Board to penalise and discipline rogue PCAs and certifiers need to be increased if their role as regulator of PCAs is to be effective.

In addition, council should also have the power to fine (PIN) PCAs and certifiers who do not act to remedy breaches of conditions of consent or who do not fulfil their statutory responsibilities. This would serve to make PCAs more pro-active in ensuring compliance with conditions of consent and lessen the burden on council officers who often have to intervene on privately certified construction sites, due to the reluctance of the PCA to maintain order and compliance with conditions of consent.

Currently, Ku-ring-gai Council is the PCA for just 24% of developments within its area, the remainder are under the control of private PCAs. Council does not have the resources to respond to all sites, nor is it able to easily attract staff to take on the compliance role. Building inspectors and development compliance officers are in short supply in the market place. Councils are further disadvantaged by the large salaries offered by private enterprise. Further, if personnel can obtain employment in the private sector in an environment with no conflict because of compliance work, the ability to attract staff to the local government arena will be further eroded.

The suggestion that penalties would be imposed against councils that do not act on compliance matters is vehemently opposed. Councils, by way of their nature, need to maintain their independence. The decision to act on a compliance matter should be in accord with their individual compliance & regulatory policies. Individual councils should maintain their right to decide if action is warranted or not. If penalties are proposed, who is it intended they be issued against, in what form and with what consequences?

PCAs should be required to improve their standard of Notices of Intention (NOI). Quite often the PCAs issue a NOI that cannot be utilised as there are insufficient reasons in the Notice. They should be required to follow through more thoroughly where there are non-compliance issues. This could be improved by introducing a standard template for all PCAs to use, and also a requirement for PCAs to provide evidence supporting the issuing of a NOI. Councils often receive an inadequate NOI with no supporting documentation, but to the PCA its 'off their desk'.

- B10** A range of penalties is suggested to increase councils' powers for enforcement of unauthorised work; i.e. one for small scale works and one for large, with differing amounts for individuals, home owners, developers, companies etc. The problem is insufficient resources to deal with the increasing level of work. The system has drained Council of appropriately trained staff to deal with many issues.

Perhaps other mechanisms should also be introduced, not just SEINS and court penalties. Administration fees, that are not able to be appealed, similar to those issued under the Protection of Environment Operations Act are also suggested.

The power of councils to issue non-appealable "stop work" work orders in respect of problematic construction sites should be introduced. This should apply in instances where there are serious breaches such as failure to obtain a construction certificate, sites that are the subject of continual breaches etc.

The introduction of mandatory compliance bonds on all development consents is supported. This may go some way to support the current load on councils. The bond should be incremental, dependent on the proposed cost of the work and location in respect of local environment sensitivities.

Financing the compliance works of councils is a drain on resources at present. Ku-ring-gai's previous attempts to solicit money from PCAs when required to take over jobs and serve Orders have been met with a "slap over the wrist" from the Builders Professional Board. On 15 September 2005, Council was forced to defend its actions. It should be realised, that as the majority of development construction work is undertaken by the private sector in Ku-ring-gai (76%), Council now employs just three building inspectors to manage its own commissioned work load and a greatly diminished administrative team.

Notwithstanding, Council is also required to intervene on privately certified sites when requested by the certifier or where certifiers are found to be neglecting their responsibilities. Council is also required to record and archive documents relating to construction. Council is also required to make available documents and development files to many surrounding neighbors who regularly enquire on individual jobs. As may be appreciated this work comes at considerable cost.

The fees for archiving of PCA documentation should also be reviewed. Current fees do not cover actual costs in registration, archiving and retrieval of information for enquirers.

- B11** The proposal to increase fees for building certificates to avoid retrospective approvals for unauthorised works is supported. PCAs tend to over use building certificates as an easy way of dealing with unauthorised work instead of trying to have the matter rectified in accordance with consents or issuing a Notice of Intention. A two stream fee should be applied. A lower fee for straight forward applications and a higher fee for premises containing unauthorised development.
- B12** No objection is raised to the proposed expanded and streamlined powers of the BPB to fine or suspend accredited certifiers.
- B13** The proposal to provide education materials to assist in identifying roles and responsibilities is supported. Ku-ring -gai Council has formally called for this on three previous occasions.

Subdivision certification

B14 The “provisional subdivision certificate” process is not supported for major land subdivisions, particularly involving public infrastructure. Different processing times for councils to deal with applications need to be adopted based on scale and complexity.

B14.1 Should a system whereby a developer could only appoint a certifier from a list of five certifiers identified by council be implemented, there would need to be a clear and transparent process for councils in appointing certifiers to their short list to avoid conflicts of interest and constraint of trade issues.

B14.2 The provisional certificate process becomes a check the checker and double handling of the task at hand. This could result in additional time and cost to the client and potential confusion over whether a ‘provisional’ certificate is ‘final’ or not. Due to work loads/resources within Council and complexity of the subdivision, the 14 days could elapse without determination by Council and a defective ‘provisional’ certificate becomes a ‘final’ certificate.

It may be appropriate for accredited certifiers to issue provisional subdivision certificates for minor land subdivisions. However, such subdivision should be for no more than three lots and not involve any major works within councils road reserves (i.e. drainage works, footpaths and public road works).

With the registration of the subdivision plans, concern is raised as to who will issue the allocated Lot Number and Certificate Number. At present Council Geographical Information System officers (GIS) provide this service.

B14.3 While no objection is raised to a service fee for councils to review plans, this proposal does not stream line the process or make it cost effective for the end user.

B15 Complying Developing Certificates for strata subdivision of retail or commercial buildings, car parking spaces in residential flat building and common property in strata plans are types of subdivision that should not be issued by private certifiers because of the risk of error (particularly fire egress requirements) or abuse (sale of visitor parking spaces in breach of a consent) or failing to properly consider the planning implications of separated free-hold title that can be created by a privately certified strata plan. Even a land subdivision can have significant urban design implications for future housing layouts and for access.

A development application for such subdivisions should be required.

Miscellaneous amendments

B16.1 The mandatory training of certifiers regarding policies for complying development is strongly supported.

B16.2 The mandatory reporting of complaints is supported. As a courtesy, Ku-ring-gai Council already undertakes this practice to give the PCA a chance to have the issues rectified before regulatory action is necessary.

- B16.3** It is not clear as to what is being said here. Do they mean the level of uncertainty of the CC plans being generally in accordance or absolutely in accordance with the DA plans?
- B16.4** Nit is not clear as to how this would occur but it appears relevant on the surface.
- B16.5** This is appropriate where details on plans or specifications do not cover specific matters.
- B16.6** A Class 1 & 10 building has 7 Mandatory inspections whereby the following classes that require specific fire safety measures a Class 2, 3 & 4 has 4 and Class 5,6 7, 8 & 9 only has 3 Mandatory inspections is ridiculous. The developments where more unrelated persons are residing or visiting require a greater level of scrutiny in terms of structural stability, fire measures and habitable amenity. There needs to be more mandatory inspections and accountability on these developments from the designer of specific systems to the certifier.

Monitoring the performance of the reforms

- B17** The proposals for increased auditing of PCAs are supported. If the audits occur and other measures identified in this reform process are met then a similar 50% rate should happen in a shorter period.

Further reforms for building certification.

Ku-ring-gai Council recommends that the following reforms also be made to the building certification system:

- The value of fines or Penalty Infringement Notices (PIN) needs to be reviewed upwards. These have not been increased since they were introduced almost a decade ago.
- The value of a PIN should be relative to the size and value of construction work. For instance a \$660 PIN is a mere drop in the ocean for a large construction company, with many owners/developers/builders factoring these in as a component of their overall project costs. There should also be far higher PINS/fines for serious and or continual breaches of say up to \$10,000. Councils at present have two punitive remedial measures at their disposal, \$660 - \$1,500 PINs or prosecution which is extremely time consuming and costly. The above proposal would go some way in addressing this problem.
- Perhaps PCA's should be given the power to issue actual Orders as opposed to only Notices of Proposed Orders. This would increase their accountability.
- The erstwhile Final Completion Certificate (pre 1998 reforms) should be reintroduced. This would address the current problem with Occupation Certificates which only certify that a building is fit to occupy and do not provide any finality in terms of certification that all works have been completed in accordance with all conditions of development consent and in

accordance with the Building Code of Australia. The Final Completion Certificate should be introduced as an additional Part 4A certificate which is to be issued by the PCA after the issue of an Occupation Certificate.

Miscellaneous amendments

- M1** Reform of the provisions for lapsing development consents is supported.
- M 3.1** The amendment of Section 65 Certificates is supported.
- M3.3** As the standard LEP instrument is significantly different to existing LEPs, it is unlikely that a conversion will not result in changes that are significant, for instance in permissibility in land use zones. Again this appears to be a measure that is designed for speed rather than good governance.
- M3.4** Allowing minor amendments of existing LEPs that are inconsistent with the standard template is supported. However, for ease of conversion, the standard template should be used where possible.
- M5** The recommendation regarding the compulsory mediation in the Land and Environment Court is supported in principle, however, there may be any given number of matters even of a minor nature that may not be appropriate for mediation.
- M6.2** The recommendation discouraging amendments to matters on appeal is a step in the right direction, subject to an additional requirement that prohibits multiple amendments in the course of an appeal. However, there is also an argument for not permitting any amendments during the course of an appeal as the practice of doing so encourages certain applicants to speculate by providing amendments only during appeal proceedings which should have been provided to council officers during the assessment of the application, potentially saving time and money otherwise spent on needless litigation.
- M7** Mandatory requirement for submission of Statement of Environmental Effects (SEEs) is fully supported.
- M8** The recommendation of trial (time limited) consents may be appropriate in some instances, however, it would only be useful or effective if the consent were to lapse should the terms specified in the trial period condition not be met.
- M9** Council is strongly apposed to the extension of the Ministers' power to appoint a planning panel to make or amend development control plans or developer contributions plans. Then Minister and Department of Planning currently have powers to influence content of DCPs and contribution plans through existing statutory requirements which ensure consistency with an LEP or State instruments. Such a further level of intervention in local planning is unnecessary and erodes community input.

- M12.2** The recommendation for S96 Modifications of development consent will provide for greater flexibility in deferred commencement consents.
- M12.3** The recommendation regarding S82A review of determination will provide clarity and flexibility in the application of S82A and is not opposed

APPENDIX A SUMMARY OF PROPOSED RECOMMENDATIONS

Changing Land Use and Plan Making

- P1. It is proposed to introduce a new system of plan-making that is better tailored to the scale, risk, and complexity of land use changes, and allows most LEPs to be finalised more quickly. For smaller LEPs, the system is expected to reduce average time of processing time by at least 50 per cent.
- P2. A gateway screening system for land use changes would be introduced. This would be carried out prior to any rezoning or LEP being commenced. A rezoning, or LEP, would not proceed if it did not meet certain specified criteria. The criteria would vary according to the risks and scale associated with a rezoning or development proposal, and would apply whether initiated by a council, State agency, or private proponent. Gateway evaluations for large scale proposals would require a whole of government approach, while smaller proposals, or LEP amendments, would be progressively delegated to other authorities. The gateway evaluation could also look at whether a temporary or permanent rezoning was appropriate.
- P3. When land use changes have been agreed to in principle, the making or amendment of a rezoning or LEP would also be authorised. The LEP (or relevant plan) would then be streamed into different pathways for processing and determination commensurate with risk, scale and sensitivity. For minor land use issues, consideration could be given to expanding those matters that can be dealt with under Section 73A.
- P4. Where land use or plan changes are initiated by a private proponent, an appropriate fee for service would be chargeable to compensate the relevant council or agency for resources required in both gateway reviews and plan-making.
- P5. Referral to and consultation with State agencies would be required at gateway stage before a plan or LEP is commenced. In areas approved for release, where infrastructure and environmental issues have been addressed, no further referrals should be required. The referral and consultation process for all Plans would be subject to time limits to allow for efficient processing.
- P6. A system of accountability for LEPs would be introduced which might include:
- P6.1 Mandatory timeframes for different stages of the process.
 - P6.2 The ability to refer an outstanding LEP or land use issue to the proposed PAC, or a JRPP, where timeframes are not being met or finalisation of an LEP has stalled.
 - P6.3 Extending the existing power in the EP&A Act (Section 74) to allow the State to directly amend an LEP where there are issues of State or regional significance.
- P7. To support the gateway and streaming process the responsibilities of different parties in the plan making process would be better defined to streamline the mechanical elements of plan making, in

particular legal drafting. This would include a one stop shop model to operate once a council has exhibited and adopted a policy/land use change for incorporation into an LEP.

- P8. The Department of Planning should continue to streamline and reduce the number of REPs and SEPPs by:
 - P8.1 Preparing and implementing the regional and subregional strategies.
 - P8.2 Enabling SEPPs to be prepared for issues of regional significance.
 - P8.3 Further consolidation of SEPPs.
 - P8.4 The possible removal of REPs from the plan-making system.
- P9. The Department of Planning would issue guidelines for different levels of LEPs and DCPs to support a new system that would identify the appropriate content and timeframes of these Plans and non compliance with State policies such as SEPP 65 would be prevented.
- P10. The following measurable outcomes are recommended for the changes to plan-making:
 - P10.1 Reduce processing time for LEPs by 50 per cent.
 - P10.2 Reduce the number of SEPPs/REPs by 50 per cent

Development Assessment and Review

- A1. A hierarchy of decision making bodies would be established to reflect the differing levels of assessment for State significant, regionally significant, local, minor and complying developments (including reviews) and the degree of the environmental impacts.
- A2. Currently under Part 3A the Minister for Planning cannot delegate determinations to another body. Under this revised scheme, the Minister would delegate the majority of ministerial-level determinations to a new PAC, excluding applications for critical infrastructure and other key projects of State significance.
- A3. The new PAC would determine most projects of State significance. The PAC would also be able to conduct public hearings, provide advice to the Minister, and undertake other planning functions as directed by the Minister from time to time, such as a review of outstanding LEPs.
- A4. The PAC would determine regionally significant projects where the host council does not have the resources to support a JRPP.
- A5. At a regional level, JRPPs would be established to determine applications of regional significance. These could include applications by State agencies, and other developments exceeding \$50 million in value. JRPPs would be modelled on the current Central Sydney Planning Committee (CSPC) for the City of Sydney, and would comprise three State appointees and two council appointees. These would only be established where Councils have sufficient planning resources to provide proper assessment advice on major applications.
- A6. At the local level, Councils could be directed to establish an Independent Hearing and Assessment Panel (IHAP) to deal with certain developments, such as applications seeking a major SEPP 1 variation beyond the existing LEP controls. However, such IHAPs would be advisory only and would be appointed by Councils from an accredited register.

- A7. For small applications, such as single dwellings and matters worth less than \$1 million in CIV, it is proposed to establish a system of planning arbitrators. These would deal with all Section 82A reviews and deemed refusals for small matters. Planning arbitrators would be appointed by a council from a register accredited by the PAC, or the State. Senior council staff from adjacent or nearby councils may serve as planning arbitrators.
- A8. The role of IHAPs, design review panels and independent advisory panels should be rationalised to remove duplication and ensure consistent and expeditious advice to elected councils. One possibility is to ensure IHAPs contain appropriate design skills.
- A9. The nature and extent of information required for different types of development applications could be mandated. Councils would prepare appropriate guidelines to outline the minimum requirements for plans, reports and studies. The period for councils to reject DAs on the basis of inadequacy could also be increased from seven to 14 days.
- A10. ePlanning will provide the basis for improved DA lodgement and tracking and would be strongly encouraged. See Chapter 6.
- A11. Appeals to the Court would generally be allowed, as is presently the case. However, the need for appeals when the PAC has held public hearings should be reviewed. Small applications subject to local independent review should only proceed to the Court after the matter has been considered and determined by a planning arbitrator. Stricter accountability measures for complying development would be introduced (see Chapter 5), but no appeals would be allowed.
- A12. The NSW Government would continue its review of agency referral requirements with a view to reducing unnecessary referrals. Where referral matters have been determined during plan-making, they would generally not be referred again at the development assessment stage. Concurrence and DA referral guidelines would be prepared to streamline the referral process.
- A13. Conditions of development approval would be standardised. One option is to require councils to prepare and publish standard development consent conditions consistent with State guidelines.
- A14. The current system of development modifications would also be improved. Changes to be considered would include:
- A14.1 Reducing the number of Section 96 modifications that can be approved for a development.
 - A14.2 Allowing councils greater flexibility to re-issue consents under Section 96 if an error is made.
 - A14.3 Ensuring that Section 96 modifications are subject to SEPP 1 where relevant.
- A15. To strengthen assessment accountability it is proposed to introduce a range of 'deemed to comply' periods to better reflect realistic determination times for developments. A scale of the following magnitude has been suggested:
- A15.1 Ten days for complying development.
 - A15.2 Twenty days for DAs not requiring exhibition.
 - A15.3 Forty days for small scale development.
 - A15.4 Sixty days for medium scale development.
 - A15.5 Ninety days for development equivalent to designated development.

- A16. The current DA fee regime would be reviewed to enable councils to match fees for service.
- A17. The Department of Planning would issue consultation guidelines, which incorporate community consultation principles and standardised notification procedures. Councils will be able to require applicants to address issues raised during community consultation, as is currently the case with major project applications under Part 3A.
- A18. The following measurable outcomes are recommended for changes to the development assessment process:
 - A18.1 Reduce overall time frames for local government DA processing from 68 days (current State average) to 48 days.
 - A18.2 Reduce the number of Section 96 applications by a third.
 - A18.3 Improve DA processing time frames and facilitate better regional planning by:
 - A18.4 Establishing a Planning Assessment Commission – to deal with about 80 per cent of State significant projects.
 - A18.5 Establishing Joint Regional Planning Panels - to deal with about 80 per cent of regionally significant projects.
 - A18.6 Reduce the need for legal appeals to the Court by 20 per cent. Achieve this by establishing planning arbitrators to double the number of minor appeals reviewed under Section 82.

Exempt and Complying Development

- C1. The Department would extend the ambit of exempt development and develop mandatory guidelines for such development, to ensure, for example, that they have minimal impact upon the environment.
- C2. The Department would extend the ambit of complying development and develop mandatory guidelines for such development, to ensure, for example, that they have minimal impact upon the environment.
- C3. The Department would establish a Complying Development Experts Panel (CDEP) to advise on complying codes policy, and the acceptability of complying development codes. The Panel would include experts working within local government.
- C4. The Department would develop, with the assistance of the CDEP, a series of Statewide complying development codes for common minor development categories such as single dwellings, alterations and additions, industrial sheds, and commercial fitouts. Such codes would define acceptable standards for community amenity, and would be subject to public exhibition and stakeholder consultation prior to adoption.
- C5. The Statewide complying development codes would be made mandatory default codes, to apply to all relevant development categories unless an alternative local code has been accredited. Complying development codes will provide for numeric based 'deemed to comply standards', which will provide for both certainty in terms of the standards to be complied with; and flexibility to accommodate innovative design and matters such as different lot sizes and densities and minor non compliances. Performance based measures may be incorporated into the code.

- C6. Councils would be permitted to develop alternative complying development codes, which must be generally consistent with the State codes. These would be accredited by the Department on the advice of the CDEP and must achieve at least the same level of complying development as the State codes.
- C7. The achievement of increased levels of complying development should be reported annually through the *Local Development Performance Monitoring Report* issued by the Department, with an expectation that the level of complying development will increase from 11 per cent to 30 per cent within two years of implementation, and to 50 per cent within four years.
- C8. The following procedures would be adopted for determining development where a complying code applies:
- C8.1 Where a development proposal is fully compliant with an applicable code, a certifier (private or council), may approve the development and lodge the complying development certificate with the local council.
- C8.2 Where a development proposal has minor non compliances that in the opinion of the certifier (private or council) would not generate an impact on neighbours or set a planning precedent in the neighbourhood, the certifier would be required to lodge a provisional complying development certificate with the local council. This would become effective after seven days unless challenged by council. If however, the council did not consider the non compliances to be minor then a DA would need to be formally lodged and processed in the normal manner.
- C8.3 Where a development proposal has minor non compliances, which require a performance assessment by the council, only that aspect of the proposal will require council approval.
- C8.4 A certifier could also be empowered to condition an application that has minor variations so that it becomes compliant.
- C9. Where an accredited certifier issues a complying development certificate with minor non compliances endorsed by council, the council would be entitled to a fee for the service.
- C10. Where a development does not comply with the relevant codes (and non-conformities are not minor or trivial), then a development application to Council would be required.
- C11. The mandatory default code would include appropriate complying development standards for developments in environmentally sensitive or heritage areas. These codes will be informed by better mapping of environmentally sensitive areas.
- C12. The certifier (whether council or private) would have an obligation to provide a courtesy notice to immediate neighbours advising of the request for a complying development certificate, noting works found to be complying development would be automatically approved.
- C13. The local council would be required to keep an electronic database of all complying development details (certificates issued, construction values etc) for public and annual reporting purposes.
- C14. Statewide procedures and guidelines governing the complying development certification process and for public reporting purposes would be required.
- C15. Changes to existing arrangements would be made to strengthen the accountability of private certifiers (see Chapter 7).
- C16. The implementation of the first mandatory complying code would be targeted for 1 July 2008.

- C17. The NSW Government, in conjunction with local government and industry representatives, would conduct a public education campaign on the system as it is implemented.
- C18. The following measurable outcomes are recommended for the changes to exempt and complying development administration:
 - C18.1 Increase the number of exempt & complying development certificate from 11 per cent (currently) to:
 - C18.1.1 30 per cent within two years.
 - C18.1.2 50 per cent within four years.
 - C18.2 Mandatory default code to be adopted by 100 per cent of Councils across the State by July 2008.

ePlanning Initiatives

- E1. The NSW Government, in conjunction with local Councils, should assess the readiness and current competencies of local government and relevant NSW Government agencies in the areas of ePlanning.
- E2. The SiX Viewer should be implemented as the platform for e-planning to collate, integrate, manage and display planning information from councils and relevant NSW Government agencies to facilitate and accelerate the adoption of ePlanning initiatives.
- E3. The Department of Lands and Department of Planning should implement a number of regional and local council pilot programs utilising the SiX system within the existing Statewide framework to demonstrate the benefits of early adoption of ePlanning and to build on the work already undertaken in a number of sectors.
- E4. Protocols should be developed to ensure standard approaches to the exchange and the organisation of planning information.
- E5. More effective delivery of the planning system using ePlanning should be explored in:
 - E5.1 e-DAs.
 - E5.2 Exempt and complying codes.
 - E5.3 Access to Section 149 certificates.
 - E5.4 The tracking of LEPs.
- E6. The Department would establish an ePlanning experts panel (EPEP) to advise on appropriate directions for ePlanning that are practical and work with existing systems. The EPEP would include experts working within local government. Its detailed terms of reference would be determined prior to its establishment.
- E7. That the collection and development of assessment information be expanded to include construction details.
- E8. An implementation plan would be developed over the next three years by the EPEP with targets for State and local government achievements. The plan would also include potential funding to reach these targets and an ePlanning training and communications strategy.

- E9. The following measurable outcomes are recommended for the implementation of ePlanning:
 - E9.1 Implementation plan with targets adopted by State and local government within three years.
 - E9.2 Adoption of ePlanning platforms in local councils:
 - E9.2.1 Within two years 80 per cent of councils are to provide online DA tracking.
 - E9.2.2 Within two years 100 per cent of exempt and complying codes will be available on line (State provided) and 50 per cent of Council codes (as accredited by the State).
 - E9.2.3 Within three years 50 per cent to provide online Section 149 planning certificates.
 - E9.2.3 Within three years 50 per cent are to have LEP tracking systems.

Building and Subdivision Certification

- B1. For small developments (defined under the BCA as any building not requiring a fire isolated exit) a number of measures have been suggested:
 - B1.1 The number of construction or complying development certificates that can be issued to any one client or involving any one builder or developer by an accredited certifier to be limited in any one calendar year. The BPB will be given powers to exempt certifiers in rural areas from this limitation if alternatives are not available.
 - B1.2 Only the landowner would be allowed to appoint a certifier to issue a construction certificate or complying development certificate. An education campaign will be undertaken to inform landowners of this change.
- B2. For small developments (defined under the BCA as any building not requiring a fire isolated exit) a number of measures have been suggested:
 - B2.1 The number of projects to which an accredited certifier could be appointed as the principal certifying authority by any one client or involving any one builder or developer be limited in any one calendar year. The BPB will be given powers to exempt certifiers in rural areas from this limitation if alternatives are not available.
- B3. For large or complex projects, (defined under the BCA as any building requiring a fire isolated exit), staff of the BPB would allocate the accredited certifier to issue construction certificates and act as the PCA for the project subject to the right of developers to reject the first two certifiers allocated.
- B4. The BPB would develop a model set of contractual arrangements that will clearly specify the responsibilities of the certifier and the builder/developer.
- B5. The BPB would undertake targeted audits focussing on:
 - B5.1 Those certifiers whose income from any one client or income derived from developments involving any one builder or developer exceeds a significant proportion of their total income for the year.
 - B5.2 Those certifiers who work on larger projects.

Broadening accreditation

- B6. The proposed changes would expand the accreditation system from individuals to include companies, provided the company employs at least three accredited certifiers. Under this system, at least one director of the company would be a certifying authority, and an appropriately accredited person must sign all certificates.
- B7. Under these revised rules, Councils would also seek corporate accreditation. All individuals in Council who are required to sign certificates or conduct mandatory inspections will be deemed to be accredited at A3 level of accreditation. These deemed accredited certifiers will only be allowed to certify certain types of development. All other developments will need to be certified by appropriately accredited certifiers, either from Council or the private sector.
- B8. The NSW Government would investigate whether certain categories of building design professionals, particularly those involved in designing critical building systems, need to be accredited.

Clarifying responsibilities and sanctions

- B9. Councils' responsibility to enforce development consents, whether or not the principal certifying authority is an accredited certifier, would be mandated. Penalties could be imposed against councils where they are made aware of an issue and do not act.
- B10. Councils' powers of enforcement for unauthorised work would be increased.
- B11. Consideration would be given to increasing fees for building certificates to avoid these certificates from being used as retrospective approvals for unauthorised building works.
- B12. The BPB's powers to fine or suspend an accredited certifier or attach conditions on their accreditation would be expanded and streamlined.
- B13. The respective roles and responsibilities of certifiers, Councils and landowners, should be clarified through the development of guidance/education material as well as possible legislative changes.

Certification of land subdivisions

- B14. Consideration be given to allowing private certification of subdivisions (both land subdivision and strata subdivision), but with the following controls:
 - B14.1 A developer could only be able to appoint a certifier from a list of five certifiers identified by the local council.
 - B14.2 The certifier would be required to lodge a provisional subdivision certificate with the local Council, which would become effective after fourteen days unless challenged by council.
 - B14.3 The local council would be entitled to a fee for the service of reviewing the certificate.
- B15. Consideration will be given to enabling greater ranges of strata subdivision development proposals as complying development as one of the complying development codes outlined in Chapter 5.

Miscellaneous amendments

- B16. Consider miscellaneous amendments to improve the certification system including:
 - B16.1 Mandatory training for accredited certifiers regarding policies for complying development.

- B16.2 Mandatory reporting of complaints about developments to both council or the certifier (depending on who has received the complaint).
- B16.3 Provide powers to the Minister to define the level of consistency with respect to the relationship of construction certificates to development consents.
- B16.4 Review the role of occupation and interim occupation certificates including their relationship with the development consent.
- B16.5 Allow for conditioning of construction certificates in relation to BCA matters only.
- B16.6 Additional mandatory inspections for fire separating construction and acoustic insulation in BCA class 2–9 buildings as well as new inspections before the issue of strata certificates; construction certificates and complying development certificates.
- B16.7 Amend liability provisions for certifiers under the EP&A Act to make consistent with the insurance requirements under the BPB Act.

Monitoring the performance of the reforms

- B17. The following measurable outcomes are recommended for changes to certification:
 - B17.1 Private certifiers undertaking the role of the principal certifying authority to be audited at least every two years.
 - B17.2 BPB to undertake at least 100 audits per annum within the first two years of the changes, and to increase this number over time.
 - B17.3 Number of complaints to the BPB relating to enforcement of development consents by private certifiers to reduce by 50 per cent in the first four years of the reforms.

Strata management Reform

It is proposed to amend the legislation to:

- S1. Require candidates for election to the executive committee to disclose any connections they have with the developer, builder or building caretaker/manager.
- S2. Clarify that a person who acts as a building manager is covered by the provisions, regardless of whether they are called a caretaker, building manager or some other title.
- S3. Remove the exemption for decisions about the exclusivity of car parking so that they can only be made by the owner's corporation after the expiry of the initial period.

It is proposed to consider amending the legislation to:

- S4. Restrict the number of proxies able to be held by any one person. For example, in a scheme of 20 or more lots, a person must not hold proxies greater in number than 5 per cent of the lots. For smaller schemes, each person may hold only one proxy.
- S5. Prevent a building developer, original owner or related party from exercising voting rights (greater than what they presently own) through contractual arrangements with subsequent purchasers.
- S6. Create a statutory right for a Fair Trading inspector to enter common property on the invitation of individual owners.
- S7. Reflect these changes in the Community Land Management Act.

It is proposed to examine:

- S8. The options for an education campaign to increase owner's awareness of their rights under Fair Trading Schemes.

Resolving Paper Subdivisions

- PA1. Across NSW there are a number of local precincts with multiple landowners holding 'paper subdivisions' largely incapable of development. In order to facilitate the development of these precincts, and provide the necessary infrastructure, it is proposed to introduce a new power to mandate a scheme of arrangement, in order to resolve a way forward. Under such a scheme, land could be exchanged or traded for other land or infrastructure, sold or compulsorily acquired.
- PA2. Legislation would be required to deal with circumstances where unanimous agreement between landholders cannot be achieved. This would provide for:
 - PA2.1 The identification of preconditions to be met before a precinct could be declared an area suitable for the land-trading model.
 - PA2.2 The nomination of a State agency, or a local council, to implement the scheme.
- PA3. To protect the interests of owners, a precondition for such a scheme to be declared could include a requirement that it be supported by at least 60 per cent of landholders, owning at least 60 per cent of land holdings by area.

Miscellaneous Reforms

- M1. Lapsing of development consents
- M2. Public authorities responsible for providing services usually provided by local government – share of council rates
- M3. Standard instruments
 - M3.1 Issue of Section 65 certificates for LEPs
 - M3.2 Exhibition of draft LEPs prepared in accordance with the standard instrument
 - M3.3 Conversion into standard LEPs
 - M3.4 Provision for savings and transitions in preparation of non-standard LEPs
- M4. Exhibition and amendment of planning agreements
- M5. Compulsory mediation in the Land and Environment Court
- M6. Amendment of proposals on appeal to the Land and Environment Court
 - M6.1 Limiting amendments to matters currently on appeal
 - M6.2 Discouraging amendments to matters on appeal
- M7. Mandatory requirement for submission of statement of environmental effects
- M8. Review of conditions of development consents
- M9. Planning panels
 - M9.1 Allowing panels to deal with development control plans under Part 3
 - M9.2 Clarifying the appointment of planning panels
- M10. Ensure planning outcomes are achieved
- M11. Ensure appropriate tailored assessment in Part 3A
- M12. Minor amendments
 - M12.1 Power to delegate functions under Part 3A
 - M12.2 Section 96 modifications of development consent
 - M12.3 Section 82A review of determination

HAVE YOUR SAY

We want to know your views on the proposals in this paper

This document and summary booklet can be downloaded from
www.planning.nsw.gov.au/planning_reforms

This document can also be viewed at Department of Planning offices and local councils across NSW.

Send your comments via:

Online

www.planning.nsw.gov.au/planning_reforms

Email

planningreform@planning.nsw.gov.au

Mail

Planning Reforms, Department of Planning, GPO Box 39, Sydney NSW 2001

Telephone

If you have a questions about the reforms please call the Department of Planning on 1300 305 695

Closing date

The closing date for comments is Friday 8 February 2008.

AMENDMENT TO SPORTS GROUNDS GENERIC PLAN OF MANAGEMENT - SATURDAY EVENING SPORT AT HASSELL PARK, ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council adoption of the Amended Sports Grounds Generic Plan of Management to enable Saturday evening competition sport at Hassell Park, St Ives on up to nine Saturdays per year.

BACKGROUND:

At the Ordinary Meeting of Council on 4 December 2007, Council resolved to place the draft amendments to the Sports Grounds Generic Plan of Management on public exhibition to enable Saturday evening competition sport at Hassell Park and to consider the results of the public exhibition at the February 2008 Meeting.

COMMENTS:

The draft amendment was publicly exhibited for a period of 42 days, with the exhibition closing on Friday 25 January 2008. No comments were received.

RECOMMENDATION:

That Council adopt the amended Sports Grounds Generic Plan of Management and that existing parking restriction signs in surrounding streets be amended to reflect the additional Saturday use of Hassell Park.

PURPOSE OF REPORT

To seek Council adoption of the Amended Sports Grounds Generic Plan of Management to enable Saturday evening competition sport at Hassell Park, St Ives on up to nine Saturdays per year.

BACKGROUND

Council's Sports Grounds Generic Plan of Management sets out the operating hours for organised activities, sports and games at sports grounds. It does this to balance the use of the facilities whilst minimising the adverse impact on surrounding residents. The Sports Grounds Generic Plan of Management currently permits sports grounds to be booked for organised activities, sports and games during the following operating hours:

- Monday through to Friday 8.00am to 9.30pm (Development Application conditions dependant)
- Saturday 8.00am to 6.00pm
- Sunday 9.00am to 6.00pm

The Sports Grounds Generic Plan of Management would need to be amended to permit Saturday evening competition sport at Hassell Park.

Council resolved on 25 September 2007 that draft amendments be made to the Sportsgrounds Plan of Management that facilitate the use of Hassell Park for early evening games on up to nine Saturdays per year. At the meeting Council also resolved that draft amendments to the plan of management be reported to Council prior to exhibition and that all surrounding residents and neighbours be informed of this proposal by mail within 3 days and submissions invited to be considered in the development of amendments to the draft plan and by Council.

In accordance with the resolution, residents in Palm St, Hassell St, Monterey St, Ashlar St, Mawson St, Edgecombe Rd, Calder Pl, Staddon Cl, Wembury Rd, and Mona Vale Rd were sent letters informing them of the proposal and invited to make submissions. Five submissions were received, four against the proposal and one in support. Details of these submissions were reported to the Ordinary Meeting of Council on 4 December 2007. Two of the recommendations as resolved by Council reflected the submissions, one being that the site must be vacated by 9.00pm after any Saturday night game and the other being the requirement for the existing parking restriction signs in surrounding streets to be amended.

At the Ordinary Meeting of Council on 4 December 2007, Council resolved:

- A. That section 3.18 of the Sports Grounds Generic Plan of Management be amended to allow early evening competition sport to be played at Hassell Park, St Ives on Saturdays from 8.00am to 7.30pm on up to nine Saturdays per season, with all players and supporters to vacate the facility by 9.00pm.
- B. That the draft amendments be placed on public exhibition for a period of 42 days.

Item 14

S02285
29 January 2008

- C. That the results of the public exhibition be reported back to Council in February 2008 for Council to consider adoption of the amended Sports Grounds Generic Plan of Management.
- D. That, if the draft amendments are adopted, parking restriction signs in surrounding streets be amended to reflect the additional Saturday use of Hassell Park.

The public exhibition commenced on 11 December 2007 and ended on 25 January 2008.

Concurrent with the proposed amendment to the Plan of Management, the St Ives Rugby Club will need to apply for a section 96 approval pursuant to the Environmental Planning and Assessment Act 1979 to enable the field to be lit if competition sport is to occur outside of daylight savings hours, as proposed. This follows their existing approval for between Monday and Friday until 9.30pm, with no use to occur on Saturday, Sunday or public holidays.

COMMENTS

The relevant amendment to the Sports Grounds Generic Plan of Management (in italics) is as follows:

3.18 Operating Hours for Organised Activities, Sports and Games

Issues

Adverse impact on surrounding resident's amenity by unauthorised organised use at hours outside open space booking procedures. Sports grounds can be booked for organised activities, sports and games during the following operating hours:

- Monday through to Friday 8.00am to 9.30pm (Development Application conditions dependant)
- Saturday 8.00am to 6.00pm
- *Saturday 8.00am to 7.30pm – only at Hassell Park, St Ives on up to nine (9) Saturdays per season, with all players and supporters to vacate the facility by 9.00pm*
- Sunday 9.00am to 6.00pm

The draft amendment to the Sports Grounds Generic Plan of Management was publicly exhibited for a period of 42 days, with the exhibition period closing on Friday 25 January 2008. No comments were received during the public exhibition period, therefore the amended Plan of Management is considered ready for Council adoption.

CONSULTATION

The public exhibition of the draft amendments was advertised at Council Chambers, on Council's website, at Hassell Park, and at Council's four libraries. Two notices were also placed in the

Item 14

S02285
29 January 2008

North Shore Times at the commencement of the exhibition. The public exhibition commenced on 11 December 2007 and ended on 25 January 2008.

As there were no comments received during the public exhibition and no amendments have been made to the exhibited Plan of Management, a copy of the Plan has not been attached to this report. A copy of the Plan of Management can be found on Council's website, "*Public Exhibition: Sportsgrounds General Plan of Management: Hassell Park, St Ives*" or at the following link:- <http://www.kmc.nsw.gov.au/resources/documents/attomc4Dec2007GB.09-01.pdf>

FINANCIAL CONSIDERATIONS

There is no cost to Council associated with the amendment to the Plan of Management. The additional costs of running the floodlights on the Saturday evenings when they are activated will be charged to St Ives Rugby Club in accordance with Council's Fees and Charges policy.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Strategy and Community, specifically the bookings area, have been consulted in the preparation of this report.

SUMMARY

The draft amendment to the Sports Grounds Generic Plan of Management was publicly exhibited for a period of 42 days, with the exhibition closing on Friday 25 January 2008. No comments were received during the public exhibition. It is recommended that the use of Hassell Park for Saturday evening competition sport on up to nine occasions per year be approved and the Plan of Management be amended accordingly.

RECOMMENDATION

- A. That Council adopt the amended Sports Grounds Generic Plan of Management.
- B. That existing parking restriction signs in surrounding streets be amended to reflect the additional Saturday use of Hassell Park.
- C. That St Ives Rugby Club be advised to submit a Section 96 application to modify DA consent in accordance with the amended Sports Grounds Generic Plan of Management.

Roger Faulkner
Sport and Recreation Planner

Peter Davies
Manager Corporate Planning and Sustainability

**10 TO 16 MARIAN STREET, KILLARA -
TO EXTINGUISH EXISTING DRAINAGE EASEMENT &
CREATE A NEW EASEMENT OVER NEWLY
CONSTRUCTED STORMWATER PIPELINE**

Ward: Gordon

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider granting approval to extinguish the existing drainage easement and create a new easement over the new stormwater pipeline traversing the development site of No.10 to 16 Marian Street, Killara.

BACKGROUND:

On 14 June 2005 Council approved the Development application DA1388/04. The proposal involved relocating existing Council's stormwater pipeline traversing the site. The construction and the relocation of the pipeline have been completed. It is necessary to extinguish the existing drainage easement, and create a new easement over the newly constructed pipeline. The applicant is to obtain a resolution from Council for the extinguishment and creation of a new easement.

COMMENTS:

The newly constructed pipeline traversing the site has been completed pending final inspection. It is of mutual benefit to Council and the developer to create new easement over the constructed pipeline.

RECOMMENDATION:

That Council grants approval to extinguish the existing easement and create a new easement over the new pipeline subject to conditions A to C in recommendation of this report.

PURPOSE OF REPORT

For Council to consider granting approval to extinguish the existing drainage easement and create a new easement over the new stormwater pipeline traversing the development site of No.10 to 16 Marian Street, Killara.

BACKGROUND

Development Application DA1388/04 was approved by Council on 14 June 2005 for the applicant, Mirvac Ltd to demolish existing dwellings and then construct five(5) residential flat buildings providing 60 units, including basement car parking, landscaping and strata subdivision.

Council's stormwater pipeline traverses the development site. A major length of the pipeline was relocated to accommodate the layout of the new buildings. The relocation was approved and the construction has been completed pending final inspection. It is necessary to formalise the new easement over the newly constructed pipeline. This would involve extinguishing the existing drainage easement, and creating a new easement over the newly constructed pipeline. The applicant is to obtain a resolution from Council for the extinguishment of the existing easement and creation of a new easement.

COMMENTS

Extinguishment of existing easement and creation of new easement to drain water.

The site is burdened by an existing easement 3.05m wide traversing the site. A section of the pipeline has no easement over as shown in the drainage layout plan as Attachment 1. The plan also shows the location of the new proposed easement 2.2, 3.05 m wide and variable over the new pipeline.

Of mutual benefit to Council and the applicant is a requirement to extinguish the existing easement and create a new easement pursuant to Section 88B of the Conveyancing Act 1919 which requires a 2.2, 3.05m wide and variable easement over the new stormwater pipeline and pits.

CONSULTATION

The matter was previously deferred by Council at the request of the adjoining owner Mr Inglis as he advised that he was pursuing class 4 action in the Land and Environment Court and the matter was still unresolved. The developer, Mirvac Pty Ltd submitted a new development application for the development and this matter has now been resolved and determined in the Land and Environment Court. Mr Inglis withdrew his class 4 action.

FINANCIAL CONSIDERATIONS

All costs associated with legal matters for the extinguishment of the existing easement and creation of the new easement are to be borne by the applicant, Mirvac Ltd. benefiting from this work.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Operations Department has consulted with the Engineering Assessment Unit in the Development and Regulatory Department in matters relating to the relocation of easements.

SUMMARY

Council's stormwater pipeline traversing the development site was relocated to accommodate the layout of the new buildings. The relocation was approved and the construction has been completed pending final inspection. It is necessary to formalise the new easement over the newly constructed pipeline, which would involve extinguishing the existing drainage easement, and creating a new easement over the newly constructed pipeline. The applicant is to obtain a resolution from Council for the extinguishment and creation of a new easement.

RECOMMENDATION

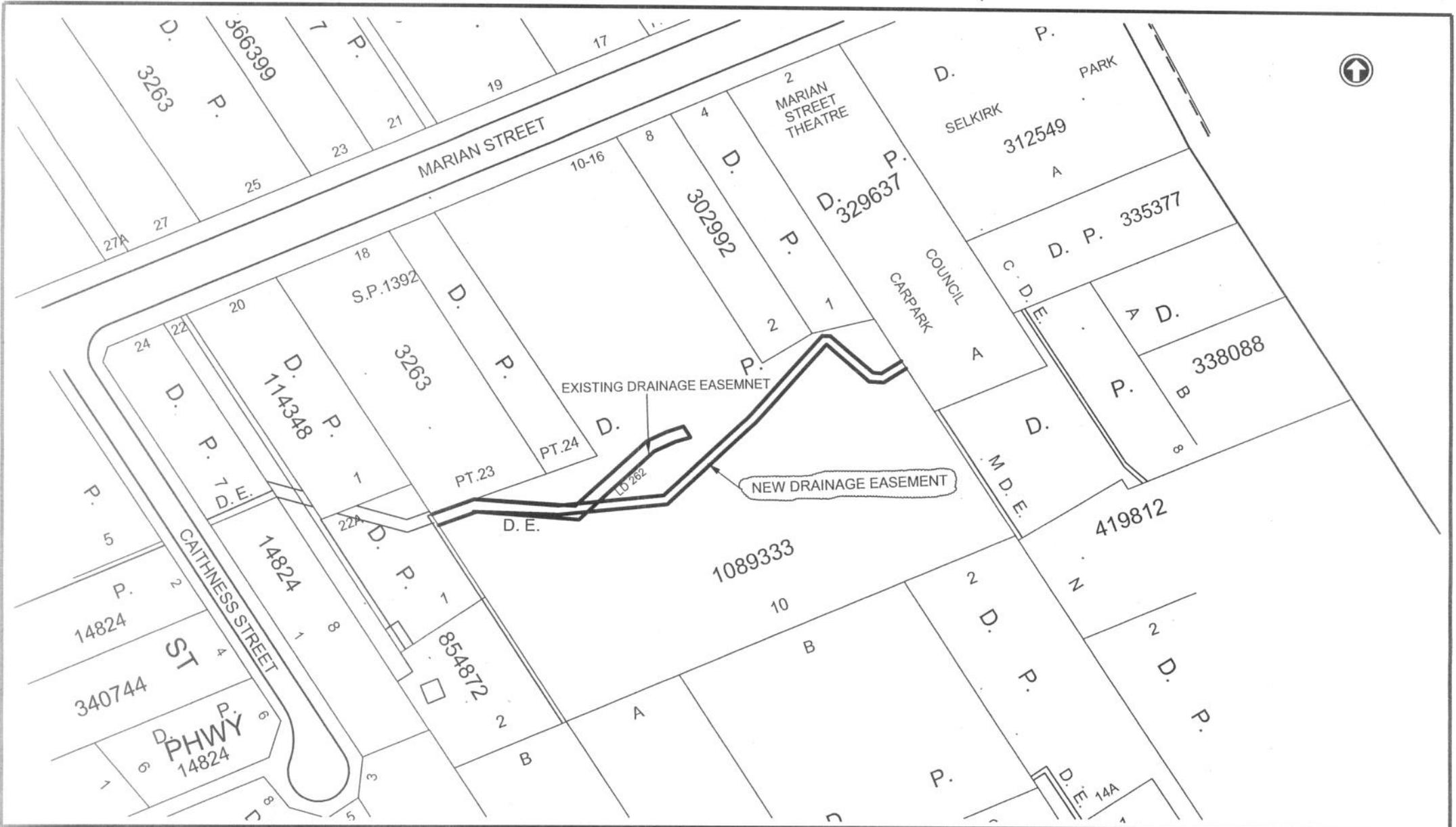
- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 2.2, 3.05 m wide and variable over the new pipeline as shown on the attached sketch.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of the new easement.
- C. That the full cost of altering the terms of the extinguishment and Creation of the Easement for Drainage, including Council's legal costs and disbursements, be borne by the applicant.

Eng Tan
Drainage Assets Engineer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Operations

Attachments: **Location plan for existing drainage easement and new easement - 812900**



SKETCH PLAN No.	Marian Street
SHEET No:	1 of 1
SCALE:	NTS
DRAWN:	JS
DATE:	09/08/2007
FILE No:	DA 1388/04

**10-16 MARIAN STREET, KILLARA
 LOACTION PLAN FOR EXISTING DRAINAGE EASEMENT
 AND NEW EASEMENT**

PLAYGROUND REPLACEMENT IN ROSEVILLE PARK DUE TO TREE DAMAGE

Ward: Roseville

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To request funding for reconstruction of the existing playground at Roseville Park that was damaged by falling overhead branches.

BACKGROUND:

The proposed upgrade to the Roseville Park playground was scheduled for 2008/09 as indicated in the attachment to the report of 28 August 2007.

COMMENTS:

The report seeks Council's support for the installation of a new playground in Roseville Park following damage caused to the existing equipment by a branch drop. The upgrade to the playground was proposed for 2008/09 and upgrade to the playground is considered to be urgently required as the existing playground is closed due to safety concerns.

RECOMMENDATION:

That approval be given to bring forward the reconstruction of the new playground in Roseville Park and that funding be provided from the pre 1993 Section 94 plan and the Playgrounds Reserve in a total amount of \$75,000.

PURPOSE OF REPORT

To request funding for reconstruction of the existing playground at Roseville Park that was damaged by falling overhead branches.

BACKGROUND

At Council's meeting of 28 August 2007, Council resolved to adopt the proposed playground upgrades for 2007 to 2009.

Council allocates approximately \$150,000 indexed per annum for the replacement and embellishment of playgrounds based on the adopted priority ranking system.

The proposed upgrade to the Roseville Park playground was scheduled for 2008/09 as indicated in the attachment to the report of 28 August 2007.

For the 2007/08 program, playground upgrade works are progressing at both Killara Park and Yarrabung Oval and the playground at Hicks Avenue reserve is scheduled for late February 2008 construction. Reconstruction of the playgrounds at Dukes Green and at St Ives Showground picnic area 4 are currently being designed for quotations and construction in April/May 2008.

Roseville Park playground was previously upgraded in 1996. The existing park is located in a heavily treed area of the park where there is a stand of remnant Bluegum trees. The trees have grown and aged since 1996 and are subject to tree limb drop which has occurred three (3) times over the last year.

COMMENTS

In December 2007, a large branch fell on the existing playground causing damage to play equipment, fences and the sandpit area as shown in the attached photographs. Fortunately the playground was not in use at the time of the branch fall. However, the potential for a serious injury is considered to be high and the current playground has been closed until a tree assessment has been completed and the area is regarded as safe for use. Given that the trees are significant to the park and are critically endangered species, it is considered preferable to relocate the playground to a safer area of the park rather than carry out major works to the trees.

The playground is considered to be popular and frequently used and Roseville Park is classified as a District Park because of its size and range of recreation opportunities and facilities.

Early photographs of Firs Estate Cottage (1919) show the playground at the front of the cottage and the trees as saplings.

The playground in the current location requires significant repairs or replacement to make it operational. Council's current insurance policy has an excess of \$10,000 so it is not considered that the replacement of these items at the current location would be suitable given the high excess insurance costs and the current inappropriate location of the equipment.

Item 16

S02621
9 January 2008

Given the current location of the playground is considered to be at risk with the tree canopy, the existing playground will remain closed until the area is considered to be safe. However, it is preferred that a new playground be installed at another safer location adjacent in the Park. Consequently, it is considered preferable to install a new playground as soon as practical. Therefore, additional funding is required for the installation of a new playground including softfall and fencing.

The relocation of the playground will also provide an opportunity to improve access and install a facility that will be more user friendly in terms of use by children with special needs.

CONSULTATION

Following allocation of funding, a concept plan will be prepared and the plans will be consulted with local residents, user groups and operators of the Firs Estate Cottage.

FINANCIAL CONSIDERATIONS

The likely cost for a new playground to be installed in the park and the removal of the old playground is estimated to be approximately \$75,000. This is based on other similar playground installations but detailed costs are not fully known until a concept plan is prepared. A preliminary estimate for the works indicates the cost of play equipment and its associated fencing, softfall, and seating is likely to be \$75,000.

Funding for this work can be made available from the pre 1993 Section 94 plan where \$23,778 is currently available and the use of these funds will clear all the balance in this plan for playground works. Also, there is \$50,462 currently available in the internally restricted Playground Reserves and therefore it is proposed to use these funding sources for the work.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Development Contributions Planner has advised that the pre 1993 Section 94 plan is the only plan that can be used for this purpose as it is a new installation and the 2004 Section 94 plan can only be used for embellishment works. Also, the 2004 plan funding has been identified for other open space projects.

Staff from the Corporate Directorate have been consulted with regard to possible funding sources for this work.

SUMMARY

The report seeks Council's support for the installation of a new playground in Roseville Park following damage caused to the existing equipment, fencing and sandpit by a branch drop. The upgrade to the playground was proposed for 2008/09 and upgrade to the playground is considered to be urgently required as the existing playground is closed due to safety concerns.

Item 16

S02621
9 January 2008

Funding for the new playground and demolition of the existing playground is estimated to be approximately \$75,000 and funding for this work can be provided from the pre 1993 Section 94 plan and the internally restricted playground reserve.

RECOMMENDATION

That approval be given to bring forward the reconstruction of the new playground in Roseville Park and that funding be provided from the pre 1993 Section 94 plan and the Playgrounds Reserve in a total amount of \$75,000.

Alison Walker
Principal Landscape Architect

Greg Piconi
Director Operations

David Morris
Manager Open Space Projects

Attachments: Photographs - 877858



Children's Peace Day Procession, Roseville [1919] [photograph]
Cazneaux, Harold, 1878-1953, photographer

Photos from Council's collection show the playground in 1919 in front of the Firs Cottage amongst gum trees.



Recent damage caused by branch drop to equipment, fencing and sandpit area.



WEST PYMBLE POOL STAGE 5 - PREFERRED TENDERER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To recommend the appointment of a contractor to undertake Stage 5 renovations of 50m swimming pool at West Pymble Pool.

BACKGROUND:

In accordance with Council's Capital Work's Program 07/08 an open tender process has been undertaken for Stage 5 Renovation of Outdoor 50m Swimming Pool at West Pymble Pool. Three conforming tender submissions and one non conforming alternative tender submission were received by the due date.

COMMENTS:

A tender evaluation committee, including a specialist consultant, has recommended a preferred tenderer for the works. The report also considers funding and timing for the works.

RECOMMENDATION:

That Crystal Pools Pty Ltd be approved as the preferred tenderer for Stage 5 works at West Pymble Pool and that the Mayor and General Manager be delegated authority to sign the contract documentation and affix the seal of Council.

PURPOSE OF REPORT

To recommend the appointment of a contractor to undertake Stage 5 renovations of 50m swimming pool at West Pymble Pool.

BACKGROUND

In February 2002, consultants were commissioned to undertake a facility condition audit and develop a long term asset maintenance program for the pool.

The audit outlined the following recommendations and priorities in order to comply with NSW Public Health Guidelines and to ensure longevity of the asset. These recommendations include:

- A. Separation of the 50 metre pool from the remaining pools, in terms of pool water reticulation, filtration, water treatment and heating.
- B. Provision of reticulation, filtration, water treatment and heating systems for leisure pools and a new common balance tank for the leisure pools.
- C. Provision of new filtration systems for 50 metre pool and upgrade of the balance tank.
- D. Upgrade of gutter and return to pool system for leisure pools.
- E. Upgrade of gutter and return to pool system for the 50 metre pool.
- F. Surface treatment for 50 metre pool (tiles).
- G. Surface treatment for leisure pools (tiles)
- H. Provision of new backwash tank.

On 19 November 2002, Council considered a report on all asset classes and appropriate funding strategies for their long term management and maintenance of the West Pymble pool. The report considered staging of works over a five year period, with priority works focusing on filtration and reticulation associated with the leisure pools (babies, toddlers and learners) in Stage 1.

The capital works allocation as adopted by Council on 19 November 2002, is \$300,000 per year over the next five years, totalling \$1.5 million.

In June 2003, consultants were engaged to prepare documentation assessment and project management of Stage 1 works. Stage 1 works were undertaken by Swimplex Constructions Pty Ltd, commencing at the end of 2003/2004 swimming season.

Stage 1 works included:

- A. Separation of the 50 metre pool and leisure pools in terms of water reticulation, filtration and heating.
- B. Provision of reticulation, filtration, water treatment and heating systems for leisure pools and a new common balance tank for leisure pools.
- C. Upgrade of gutter and return to pool system for leisure pools.
- D. Upgrade of electrical infrastructure for new leisure pools plant room.

In November 2003, consultants were engaged to prepare designs, tender documentation and project manage Stage 2 works.

Item 17

S05442
25 January 2008

Identified Stage 2 works included:

- A. 50 metre pool balance tank upgrade.
- B. A new backwash tank.

These works were carried out by Swimplex Constructions Pty Ltd and commenced in July 2004 and were completed in August 2004, prior to the 2004/2005 swimming season.

In December 2004, Paul Stevenson and Associates Pty Ltd., Aquatic Engineering Consultants, were appointed to review the program and budget estimates, prepare tender documentation, evaluate tenders and project manage Stage 3, 4 and 5 works. Following that review, the remaining works to complete the program were identified:-

- A. Upgrade 50 metre plant room and provision of water treatment plant.
- B. Upgrade 50 metre pool water distribution system, surface finishes and furniture.
- C. Provision of new 50m pool heating system.

Stage 3 works included:

Replacement of the existing gas heating for the 50m pool.

These works were carried out by Accent Water and Energy Pty Ltd in August 2005 and completed prior to the opening of the pool for the 2005/2006 swimming season.

Stage 4 works included:

Upgrade the 50 metre pool plant room and provide new water treatment and filtration plant for 50 metre pool.

The works were divided into two separable portions. The water treatment and filtration works were carried out by Swimplex Projects Pty Ltd and the Building works were carried out by Zadro Constructions Pty Ltd.

The works commenced in May 2006 and were completed prior to the opening of the pool for the 2006/2007 swimming season.

Stage 5 works are identified as follows:

Renovation of the 50m swimming pool including the water distribution system, pool joints, surface finishes (tiles) and pool furniture (pool blanket, rollers and lane ropes).

Stage 5 is the final stage of the 5 year program that was adopted by Council on 19 November 2002.

The Stage 5 tender was advertised on 20 and 24 November 2007 in the Local Government tenders section of the Sydney Morning Herald. The closing date for tenders was the 11 December 2007.

On 11 December 2007, three conforming tender submissions were received and one contractor also submitted a non conforming alternative tender submission. The tender submissions were received from the following contractors:

Item 17

S05442
25 January 2008

1. Crystal Pools Pty Ltd.
2. Wright Pools Pty Ltd.
3. Swimplex Projects Pty Ltd.

COMMENTS

In assessing tenders, the following weighted criteria were used:-

Price	25%
Experience	30%
Reliability	10%
Product quality	35%

Tenders were assessed by the Tender Evaluation Committee, including Council’s specialist aquatic consultant against the four criteria set out in the tender documents. The result of the tender evaluation by the Committee is identified in the Tender Evaluation (**Attachments 2 and 3**). The weighting of the criteria was determined prior to reviewing submitted tenders. The Tender Evaluation Committee has recommended that Council appoint Crystal Pools Pty Ltd as the preferred tenderer to undertake Stage 5 works at the pool. This company has extensive experience in the pool manufacture industry and is capable of undertaking the work required under the specification.

Project Management will be carried out by Stevenson & Associates Pty Ltd., who were appointed to assist Council staff and project manage the works for Stages 3, 4 and 5.

TIMING OF WORKS

It is proposed that Stage 5 works will commence on 14 April 2008 to allow sufficient time for the work to be completed prior to the commencement of the 2008/09 swimming season in September.

The pool will need to be closed on Saturday 12 April 2008 instead of Sunday 27 April 2008 to allow sufficient time for the pool to be emptied and work to commence. The timing of the works has been discussed with the Lessee of the pool who is supportive of the works program.

CONSULTATION

The Lessee at the facility and the Ku-ring-gai Amateur Swimming Club (KASC) have been consulted and involved in the process since initial work started in 2002 when the facility condition maintenance and depreciation audit was undertaken. The Lessee and the KASC have indicated support for the staged works program which is designed to minimise disruption to users and ensure continuity of service to users of the facility.

Development of the design and tender documentation involved the specialist aquatic project manager, the pool Lessee and Council staff.

FINANCIAL CONSIDERATIONS

Costing and timing associated with the works program have been included in Stage 5 Program and Budget Estimates (**Attachment 1**). Funds to manage and deliver Stage 5 of the project will be available within the current funds in 2007/2008 and forecast budgets in the 2008/2009 Management Plans. Funding set aside for these works in 2007/08 and 2008/09. Based on the tenders received, an additional amount of \$144,000 will be required to complete the works in 2008/09. Further specific financial details are contained in **Attachment 4**.

There is currently \$78,000 available in the internally restricted swimming pool reserve and \$30,000 has been allocated in the building maintenance program for works that are included in the tender such as the pool blankets. Hence, the balance of funding can be made available from the internally restricted reserve and \$30,000 from the building maintenance program for 2007/08 and \$36,000 for 2008/09 subject to contingency funds being required.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Council's Corporate department have been consulted in the development of this report, particularly with regard to the financial implications and in the evaluation of the tender submissions.

SUMMARY

On the basis of the facility condition audit and asset maintenance program, a five year pool refurbishment program totalling \$1.5 million (\$300,000 per year) was endorsed by Council in November 2002. These funds are specifically allocated for the implementation of the required stage works, as identified in the long term asset management plan for the facility.

Stage 1 and Stage 2 works were undertaken and completed between May 2004 and August 2004.

In December 2004, a consultant was engaged to assist Council officers with the development of the design and tender documentation, tender evaluation and project management of the implementation of Stage 3, 4 and 5 of the works program.

Stage 3 works were undertaken and completed between May and August 2005.

Stage 4 works were undertaken between May and August 2006.

Stage 5 works are the final stage of the Pool Refurbishment program endorsed by Council in 2002.

The tender for Stage 5 was advertised in November 2007 with three (3) conforming tender submissions and one non conforming tender submission received by the due date on 11 December 2007.

The tender evaluation committee have recommended the Council appoint Crystal Pools Pty Ltd as the preferred tenderer (refer to Tender Evaluation Report, **Attachments 2 and 3**).

Item 17

S05442
25 January 2008

The Stage 5 works have been identified as the renovation of 50m Swimming Pool including the water distribution system, pool joints, surface finishes and pool furniture.

The works are proposed to be completed between April 2008 and August 2008 and this will require the pool to close on the 12 April 2008 instead of the end of 27 April 2008.

Based on the tenders received, an increase in funding in the 2008/09 Pool Refurbishment Program up to \$144,000 is required to allow Stage 5 works to be carried out. Provisions for this additional funding can be made available from Council's internally restricted reserves for the Swimming Pool and from the building maintenance program for 2007/08 and 2008/09.

The works are not in conflict with the future proposals for the West Pymble Aquatic Centre and the current 50 metre pool is experiencing water leaking through the joints and this work is designed to overcome this problem.

RECOMMENDATION

- A. That Council accepts the tender from Crystal Pools Pty Ltd for the Stage 5 works at West Pymble pool.
- B. That additional funding of \$78,000 be transferred from the internally restricted reserves for the work to be completed in 2008/09 and that the balance of funding is made available from the 2007/08 and 2008/09 building maintenance programs.
- C. That the Mayor and General Manager be delegated authority to execute all necessary documents relating to the contract.
- D. That the Seal of Council be affixed to all necessary documents relating to the contract.
- E. That the pool be closed on 12 April 2008 to allow sufficient time for the works to be completed prior to the commencement of the 2008/09 swimming season.
- F. That the tenderers be advised of Council's decision

Warwick Brown
Open Space Projects Officer

David Morris
Manager Open Space Projects

Greg Piconi
Director Operations

- Attachments:**
- 1. Stage 5 program budget estimates - Confidential
 - 2. Stage 5 tender evaluation - Confidential
 - 3. Consultants tender evaluation - Confidential
 - 4. Financial considerations - Confidential

NOTICE OF MOTION

STATE GOVERNMENT PLANNING POWERS

Notice of Motion from Councillor E Malicki dated 25 January 2008.

I move:

- "A. That Council hold a poll of electors of Ku-ring-gai at the next Local Government Elections in September, to determine the views of our community on whether or not the State Government and the Minister should have the power to become involved in local planning and, to withdraw planning powers of a democratically elected Council. The question(s) should make particular reference to the appointment of Planning Panels and the Minister's powers under Section 3A of the Act.
- B. That the wording for the poll be set at the next Policy Forum.
- C. That Council approach NSROC for support, and also approach the Local Government Association asking them to approach other councils to follow our lead in conducting a poll at the September elections. This would enable the residents of Council areas throughout Sydney and possibly NSW as a whole to democratically express their views on the interference by the State Government and the Minister in the local planning process"..

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward