



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 10 JUNE 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 27 May 2008

Minutes numbered 155 to 177

MINUTES FROM THE MAYOR

MM.1 Graffiti in Business Centres

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File: S04840

Whilst I understand that arrangements have been made to undertake a trial for the removal of graffiti from private property in the Turramurra Business Centres, I am concerned about the amount of graffiti in other centres.

Council previously undertook to get submissions for the removal of graffiti from the business centre areas and it may take some time before the matter is properly addressed.

PETITIONS

GENERAL BUSINESS

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

GB.1 Mayor and Councillor Fees 2008 to 2009

2

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File: S03779

To determine the Mayor and Councillor fees payable from 1 July 2008.

Recommendation:

That, from 1 July 2008, the Councillor fee be set at \$15,120 and the Mayor's fee be set at \$33,010.

GB.2 Sponsorship Proposal - North Shore Times 2008 Truelocal Business Awards

5

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File: S02091

To advise Council of a sponsorship proposal request from the North Shore Times for the 2008 Truelocal Business Awards.

Recommendation:

That Council support the proposal from Cumberland Newspapers for a Bronze Sponsorship Package, value \$5,000 to sponsor the North Shore Times 2008 Truelocal Business Awards.

GB.3 Avondale Horse and Pony Club Inc. Licence - Surgeon White Reserve 43

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File: S02714

That Council, as Reserve Trust Manager of Surgeon White Reserve, consider granting a 5 year licence agreement to Avondale Horse and Pony Club Inc. for the part of the reserve in accordance with the Crown Lands Act 1989.

Recommendation:

That Council adopt recommendations A-C as printed in this report.

GB.4 191 Warrimoo Avenue, St Ives - Section 68 Application - Local Government Act 1993 51

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File: P62434

To respond to issues raised at the Council site inspection and to seek Council's determination of the Section 68 application.

Recommendation:

That Council grant a staged approval to the continuance of the use of the moveable dwelling on land 191 Warrimoo Ave, St Ives, subject to conditions.

GB.5 Education Seminar - Responsible Cat Ownership 67

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File: S02452

To provide Council with additional information in respect of a proposed educational seminar to be hosted by NSW Animal Welfare League on the topic of responsible cat ownership. This report was called for at Council's meeting of 13 May 2008.

Recommendation:

That Council support NSW Animal Welfare League by hosting an educational seminar for resident cat owners, focussing on responsible cat ownership, including housing, wildlife protection, registration, identification, cat care and training.

GB.6 Telstra Low Impact Telecommunications Installation - Proposed Deed of Access to Use a Portion of Road Reserve adjacent to 750 to 754 Pacific Highway, Gordon 71

.
File: 88/05901/01

For Council to grant a Deed of Access to Telstra to use a portion of the road reserve for its telecommunications network.

Recommendation:

That Council grant a Deed of Access to Telstra for the use of a portion of road reserve adjacent to 750 to 754 Pacific Highway, Gordon for the installation of a low impact telecommunication facility.

GB.7 Strategic Review of BMX Facilities 91

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File: S06425

To report to Council the results of the investigation process to select a suitable site for a BMX facility.

Recommendation:

That the Landscape Masterplan for St Ives Village Green incorporates combined BMX and skate facilities as part of a broader youth precinct; that a concept design for the facility be undertaken in the 2008/09 financial year to be funded from the Parks Development capital works program; and that, subject to Council adoption of the St Ives Village Green Landscape Masterplan, construction follow, with funding to be allocated from a combination of adopted section 94 Contributions Plan 2004-2009 funding and 2009/10 Parks Development capital works program.

GB.8 Sustainability Reference Group - Minutes of Meeting held 12 May 2008 105

.
File: S05396

To bring to the attention of Council the proceedings from the Sustainability Reference Group Meeting held on Monday, 12 May 2008.

Recommendation:

That the Minutes of the Sustainability Reference Group meeting held on Monday, 12 May 2008 be received and noted.

GB.9 Policy on Public Use of Road Reserves

111

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File: S03467

For Council to consider the draft policy for the private use of road reserves.

Recommendation:

That Council adopt the draft policy for the private use of road reserves and place the draft policy on public exhibition.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Retention of Blue Gum High Forest in Ku-ring-gai

124

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File: S04601

Notice of Motion from Councillor E Malicki dated 2 June 2008

To allow Council to reaffirm its commitment to protecting Blue Gum High Forest throughout Ku-ring-gai.

I move that:

"Council, as a matter of Policy, resolves not to sell or otherwise dispose of any park or any land zoned for Open Space which is identified as Blue Gum High Forest."

NM.2 Submission to Sydney Airports Corporation Limited regarding Increased Aircraft Noise Exposure to Residents of Ku-ring-gai

125

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File: S02342

Notice of Motion from Councillor E Malicki dated 29 May 2008

The East West Runway at Sydney Airport will close from October 2008 for nearly twenty months to allow the runway to be extended to provide what is known as a runway end safety area. While the need to do this important work to improve airport safety is acknowledged, the impact on the residents of Ku-ring-gai is unreasonable. For areas to the north of the airport, overflights are expected to increase from an average of 104 to 117 per day. All these additional overflights will impact on our residents. The bulk of these flights are expected to be in the evening or at weekends when our residents rare trying to enjoy the peace and quiet of their homes.

I move:

"That Council makes a submission to Sydney Airports Corporation Limited requesting a more equitable redistribution of overflights arising from the temporary closure of the East-West Runway at Sydney Airport or a shorter construction period to minimise the impacts on the residents of Ku-ring-gai."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

MAYORAL MINUTE

GRAFFITI IN BUSINESS CENTRES

Whilst I understand that arrangements have been made to undertake a trial for the removal of graffiti from private property in the Turrumurra Business Centres, I am concerned about the amount of graffiti in other centres.

Council previously undertook to get submissions for the removal of graffiti from the business centre areas and it may take some time before the matter is properly addressed.

RECOMMENDATION

Consequently, I recommend that a report be brought back to Council in June 2008 on what options are available for Council to undertake the removal of graffiti from all property in each of the business centres, with the exception of Turrumurra. Also the report is to identify what possible funding sources are available to undertake this program.

Cr Nick Ebbeck
Mayor

MAYORAL MINUTE

QUEEN'S BIRTHDAY HONOURS 2008

I am pleased to inform you that thirteen [13] Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2008 Queen's Birthday Honours.

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

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

Richard Hamilton **Lane**, Pymble

For service to the arts as the author of screenplays, radio and television scripts, and histories of Australian radio drama

Warwick John **Vaughan**, Gordon

For service to education through the Primary English Teaching Association, contributions to curriculum development and public administration.

Ian Crawford **Murray**, Lindfield

For service to business, particularly international trade, through executive roles with a range of export-related organisations, and to professional education.

John Philip **Rasmussen**, Pymble

For service to heritage conservation, particularly through the New South Wales Branch of the national Trust of Australia, and to the arts.

Andrew Gabor **Lang**, Pymble

For service to the law, particularly in the field of property and conveyancing law, as an author and educator, and to the community

Penelope Alice **Seidler**, Killara

For service to the preservation of cultural heritage, particularly through the Australiana Fund, to visual arts organisations, and to architecture.

Joanna Marie **Knott**, Roseville

For service to the community through leadership roles in organisations supporting research into the treatment of spinal cord injury and other conditions.

John Kendall **Knight**, Warrawee

For service to engineering through leadership and innovation in major infrastructure development projects in Australia and internationally, to professional education, and to the community.

Item 2

S02767
10 June 2008

Leslie John **Schirato**, Turramurra

For service to the community through philanthropic contributions to health, youth, church and social welfare organisations, and to business.

Katherine Anne **Smith**, Turramurra

For service to the community through fostering peaceful conflict resolution and the promotion of interfaith understanding.

Malcolm Richard **Smith**, Turramurra

For service to the community through fostering peaceful conflict resolution and the promotion of interfaith understanding.

Robyn Elizabeth **Kerr**, St Ives

For service to the Liberal Party of Australia through executive, administrative and fundraising roles.

Kevin Alexander **Meyer**, St Ives

For service to the community through a range of roles in welfare, charitable, sporting and service organisations, and to the banking industry.

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

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

RECOMMENDATION

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

Cr Nick Ebbeck
Mayor

PETITION

PETITION REGARDING STANDARD OF FACILITIES AT NORTH TURRAMURRA GOLF COURSE - (FIFTY-NINE [59] SIGNATURES)

"We the undersigned golfers and Gordon Golf Club Category C members who pay and play regularly are disappointed with the standard of some facilities currently offered at Turramurra Golf Course.

The summer climate has been kind and the course is in good condition, but we are certain that Council could aim to improve some aspects and repair or replace some of the facilities, such as the practice nets, the practice putting green, and the large fallen tree on the 5th hole. Patrons pay considerable fees for their golf at Turramurra, and can expect a little better.

Many of us have spent thousands of dollars playing competitions there over the last few years. We are aware that the number of persons playing on Saturday mornings has steadily declined and are conscious that this will have led to a decrease in revenue. We consider that some modest proactive marketing could reverse this trend to the benefit of both the Council and Gordon Golf Club. However, to be successful, we consider that the decline in the standard of the facilities will first have to be rectified."

RECOMMENDATION

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

MAYOR AND COUNCILLOR FEES 2008 TO 2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To determine the Mayor and Councillor fees payable from 1 July 2008.

BACKGROUND:

Pursuant to Sections 239 and 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has made its determination regarding categories for Councils and Mayoral and Councillor fees for 2008/09.

COMMENTS:

The Tribunal has determined that Mayor and Councillor fees be increase by 4%.

RECOMMENDATION:

That, from 1 July 2008, the Councillor fee be set at \$15,120 and the Mayor's fee be set at \$33,010.

PURPOSE OF REPORT

To determine the Mayor and Councillor fees payable from 1 July 2008.

BACKGROUND

Pursuant to Section 239 and 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has made its determination regarding categories for Councils and Mayoral and Councillor fees for 2008/09.

COMMENTS

The Tribunal has determined that Mayor and Councillor fees be increased by 4%.

Ku-ring-gai Council is classified as a Category 2 Council. Pursuant to section 241 of the Local Government Act 1993, the annual fees to be paid in each of the categories determined under Section 239 to Councillors, Mayors, members and chairpersons of County Councils during the period 1 July 2007 to 30 June 2008 are determined as follows:

	Councillor/Member		Mayor/Chairperson*	
	Minimum \$	Maximum \$	Minimum \$	Maximum \$
Category 4	6,870	9,060	7,300	19,790
Category 3	6,870	15,120	14,610	33,010
Category 2	6,870	15,120	14,610	33,010
Category 1	10,300	19,250	21,910	51,130
Category 1A	13,740	22,680	29,210	66,100
S4	1,370	7,560	2,930	12,420
S3	1,370	4,530	2,930	8,250
S2	13,740	22,680	29,210	66,100
S1	20,620	30,240	126,160	166,000

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Sections 248 and 249 of the Local Government Act, 1993 require Council to fix the annual fees paid to the Mayor and Councillors. As Council is at the upper end of its category in terms of size it is recommended that the fees continue to be set at the maximum.

CONSULTATION

None required or undertaken.

FINANCIAL CONSIDERATIONS

There will be a 4% increase in expenditure on Mayor and Councillor fees. Overall this will require an additional \$9,600 in the 2008/09 budget which can be adjusted for the first quarterly review for 2008/09.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None required or undertaken.

SUMMARY

The Local Government Remuneration Tribunal has determined that Mayor and Councillor fees be increased by 4% from 1 July 2008.

RECOMMENDATION

That, from 1 July 2008, the Councillor fee be set at \$15,120 and the Mayor's fee be set at \$33,010.

John Clark
Director Corporate

SPONSORSHIP PROPOSAL - NORTH SHORE TIMES 2008 TRUELOCAL BUSINESS AWARDS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of a sponsorship proposal request from the North Shore Times for the 2008 Truelocal Business Awards.

BACKGROUND:

In 2004 and 2006 Council sponsored both the Precedent Productions, Sydney Weekly Courier "North Shore Business Awards" and the Cumberland Newspaper Group, Upper North Shore Advocate and North Shore Times "Community Business Awards", and in 2006 and 2007 Council sponsored the "Business Achiever Awards" as a Bronze Sponsor.

COMMENTS:

Council has supported small business awards since 2004. As a sponsor Council receives promotional and editorial coverage throughout the awards period.

RECOMMENDATION:

That Council support the proposal from Cumberland Newspapers for a Bronze Sponsorship Package, value \$5,000 to sponsor the North Shore Times 2008 Truelocal Business Awards.

PURPOSE OF REPORT

To advise Council of a sponsorship proposal request from the North Shore Times for the 2008 Truelocal Business Awards.

BACKGROUND

In 2004 and 2006 Council sponsored both the Precedent Productions, Sydney Weekly Courier "North Shore Business Awards" and the Cumberland Newspaper Group, Upper North Shore Advocate and North Shore Times "Community Business Awards", and in 2006 and 2007 Council sponsored the "Business Achiever Awards" as a Bronze Sponsor.

The Small Business Awards program has been running on the North Shore for 20 years. Council has been a supporter of the Business Awards, in various forms, since 2004.

COMMENTS

A proposal has been received from North Shore Times to sponsor the 2008 Truelocal Business Awards. There are 3 options for sponsorship (Attachment 1).

- Local Gold Sponsorship \$13,000
- Local Silver sponsorship \$ 9,000
- Local Bronze Sponsorship \$ 5,000

In 2005 Council sponsored the Precedent Productions, Sydney Weekly Courier "North Shore Business Awards" for \$3,850 and the Cumberland Newspaper Group, "Community Business Awards" for \$3,000 (Total sponsorship \$6,850).

In 2006 and 2007 Council sponsored the Cumberland Newspapers "Business Achiever Awards", as a Bronze Sponsor, for \$4,500 each year.

Council has supported small business awards for a number of years. Small business awards acknowledge local businesses, facilitate networking opportunities and bring together businesses in a diverse range of industries. As a sponsor, Council will receive promotional and editorial coverage throughout the awards period.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The proposal for sponsorship for the Cumberland Newspapers "Business Achiever Awards" provides 3 options for sponsorship, Gold - \$13,000, Silver - \$9,000 and Bronze - \$5,000.

There are sufficient funds in the 2008-2009 Community budget for a Bronze Sponsorship package.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Corporate Department has been consulted during the writing of this report.

SUMMARY

Council has been approached by the North Shore Times to sponsor the 2008 Truelocal Business Awards. There are 3 options for sponsorship ranging from \$5,000 to \$13,000.

RECOMMENDATION

That Council support the proposal from the North Shore Times to sponsor the 2008 Truelocal Business Awards Bronze proposal for \$5,000 and that the funding for the sponsorship be taken from the 2008-2009 Community budget.

Janice Bevan
Director Community

Attachments: North Shore Times 2008 Truelocal Business Awards Sponsorship Proposals - 924734

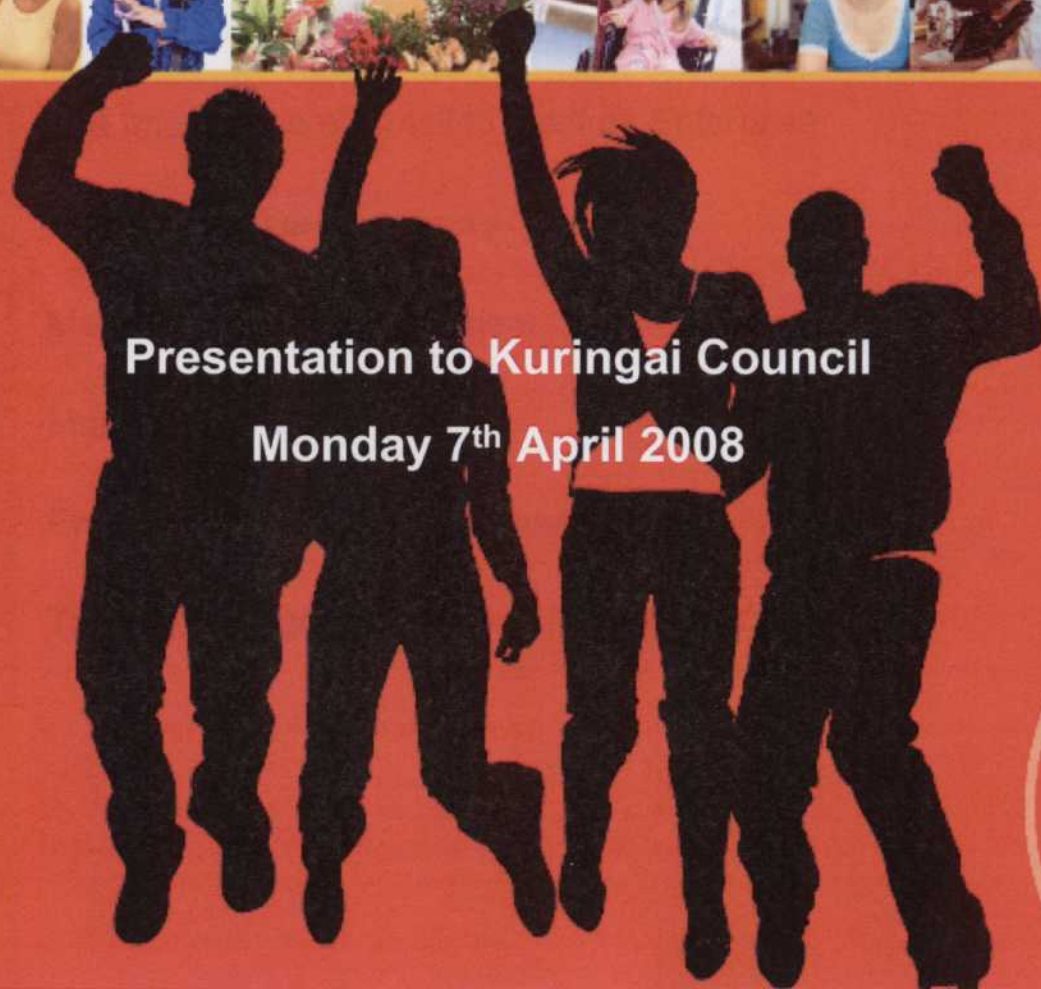
North Shore Times

celebrating

local business



Presentation to Kuringai Council
Monday 7th April 2008



2008
truelocal
/com.au
**BUSINESS
AWARDS**

Document No:	924734
File Number:	502091
File Location:	

Forward

Truelocal Business Awards Credentials

Introducing the **North Shore Times Truelocal Business Awards** program

The Importance of Small to Medium Enterprise

Delivering value to partners

Maximum Impact for Partners

Market coverage

Engagement with the SME market

Targeted categories including Apprentice Of The Year



Truelocal Business Awards Credentials

The business awards program offers an integrated marketing and promotions campaign.

- In 2006 over 5000 people attended the awards dinners across Sydney.
- In 2007 over XXXX people attended the awards dinners across Sydney.
- In 2007, the program ran across 16 publications (which reach over 1.6 million* readers each week), through the newspapers.
- In 2008 we will be extending the program across 19 newspapers^

The Program's reach –

- In 2006 there were almost 25,000 registered voters in who made close to 40,000 nominations.
- In 2007 we grew this to almost 40,000 registered voters who made close to 70,000 nominations.

Source: Roy Morgan Readership Survey, March 2007
Filter: 16 Cumberland Newspapers running 2007 Truelocal Business Awards program.

^ as a minimum – it may extend to run across 21



Truelocal Business Awards Credentials

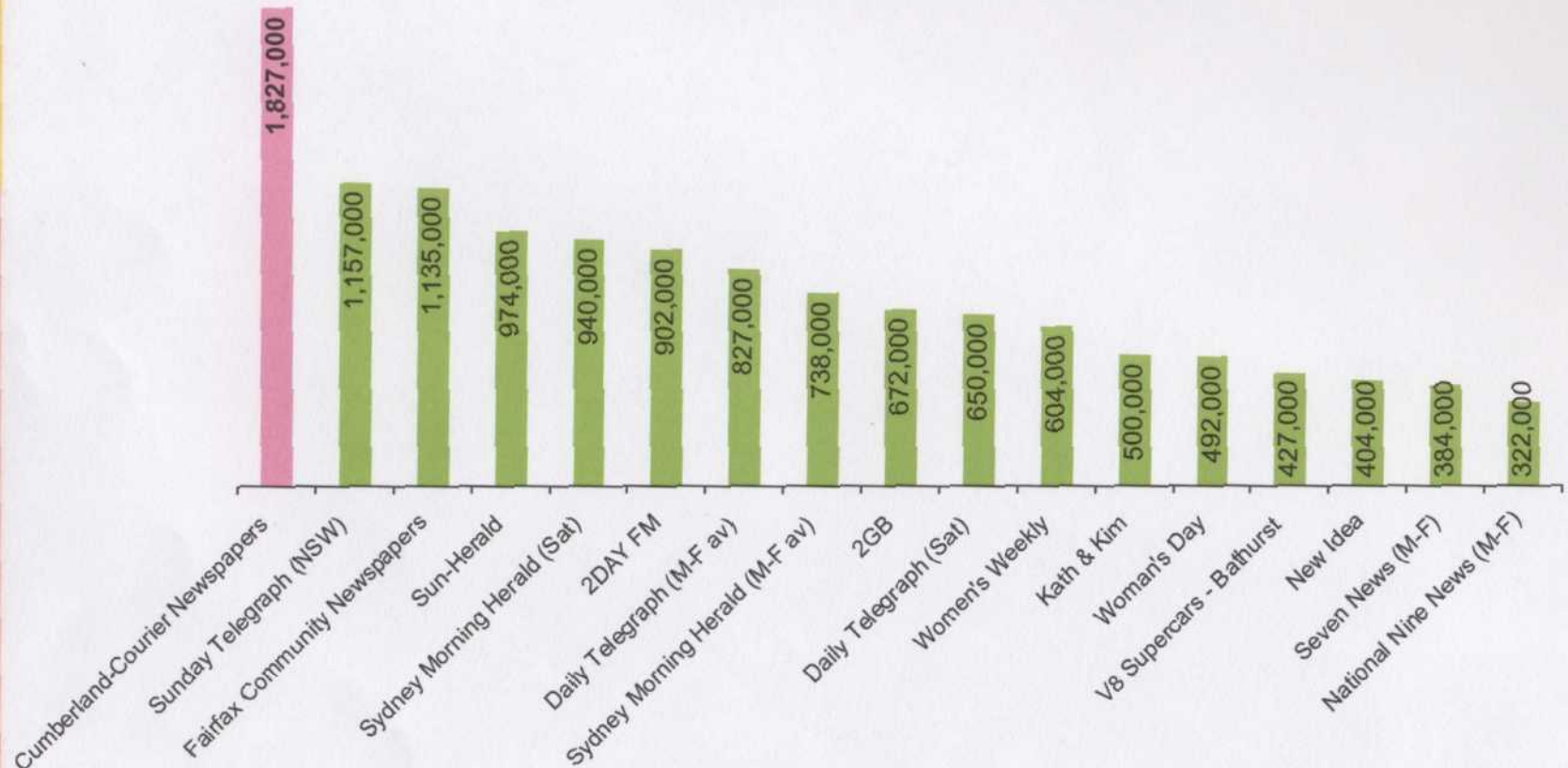
The business awards program audience penetration includes:

- Consumers/Readers across the Greater Sydney & Central Coast
- Small and medium sized business owners, operators and employees
- Management, employees and apprentices of these businesses
- Major government officials, representatives and decision makers including the Minister for Small Business and local mayors
- In addition to the in-paper component, the program has extended reach through radio, online, direct mail, point of sale and the awards event
- A direct mail campaign to database of 65,450 small and medium businesses
- In 2006 over 5,000 people attended the awards dinners.



Clear market leader

We reach 52% of the greater Sydney market, in any given week



Sources: Roy Morgan Readership Survey, March 2007. Filter: Sydney. Cumberland and Courier Newspaper figures include publications participating in the 2008 Business Awards program. Figures do not include readership Rouse Hill Times, North Side Courier, or Inner West Courier. Based on Wednesday's Manly Daily, Central Coast Express Advocate and North Shore Times, and Tuesday edition of Penrith Press. Sydney Radio Ratings Survey #6, Nielsen Media Research, October 2007 - figures based on cumulative reach Mon-Sun. OzTam TV ratings survey, Week 41, October 7 - 13, 2007 - figures based on Sydney reach.

Truelocal Business Awards Credentials

By partnering with leading newspaper publisher in NSW you can connect and engage with audience across a diverse geographical area.

Cumberland & Courier Newspapers home deliver to over 1.2 million* households across Central and Eastern Sydney, the Greater West, Northern Sydney, North West, the Central Coast and Lake Macquarie. **Reaching 1,884,000 readers in any given week!^**

The program targets all major CBDs in the Greater Sydney area.

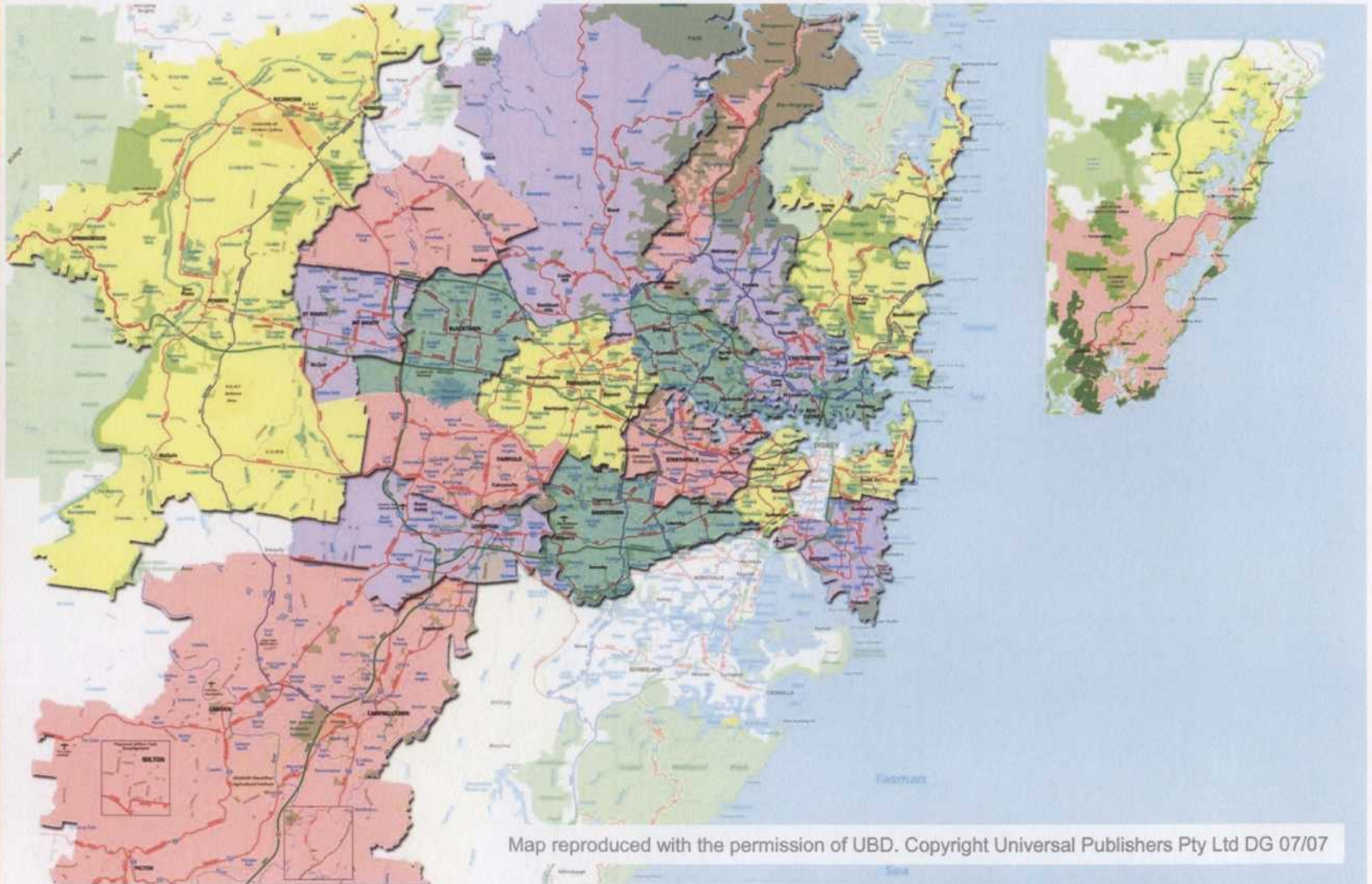
- 19 localised brands
- Over 1.2 million copies delivered free, every week, to residents and businesses
- 1.8 million readers every week* – more than any other newspaper group in NSW

(See Map – next slide)

Source Roy Morgan Readership Survey, April 2004 – March 2006



Truelocal Business Awards Credentials; Offering coverage across diverse markets



Map reproduced with the permission of UBD. Copyright Universal Publishers Pty Ltd DG 07/07



Truelocal Business Awards Credentials;

Local newspapers are important to communities

Local newspapers have a special relationship with readers because they deliver the most relevant news and information about issues that are close to home, making them the most useful medium to engage your audience. Results of our recent reader survey indicate the power of Cumberland Newspapers:

- 96% of our readers agree that their local Cumberland Newspaper is a good source of information
- 95% say it keeps them in touch with their local community
- 83% believe their local Cumberland Newspaper tells them all they need to know about their local area
- 63% will often respond to ads that appear in their local Cumberland Newspaper



Truelocal Business Awards Credentials; Cumberland-Courier Newspapers – Creating interest and converting into action



“I read the North Shore Times because it is a great compact newspaper that gives me all the local content the other newspapers don’t!”

Female reader, Pymble

How do our readers engage with their local Cumberland Newspaper?

- 95% of readers agree that their local Cumberland Newspaper “keeps me in touch with my local community”
- 96% of readers say their local Cumberland Newspaper is a good source of information
- 83% say “It tells me all I need to know about my local area”
- 76% find the advertising useful and informative
- 63% of readers use the ads as a reference point when shopping

In fact, 79% of our readers have purchased products or services after seeing them appear in their local Cumberland Newspaper.



Introducing the North Shore Times Truelocal Business Awards



The North Shore Times Program's reach –

- In 2006 there were almost 916 registered voters in who made close to 1,655 nominations.
- In 2007 we grew this to almost 2,320 registered voters who made close to 4,073 nominations.

	Votes 06	Votes 07	Event Attendance 06	Event Attendance 07	Readership	Circulation
North Shore Times	1655	4073	253	289	117,000	72,636

Source: Roy Morgan Readership Survey, March 2007

Filter: 16 Cumberland Newspapers running 2007 Truelocal Business Awards program.

^ as a minimum – it may extend to run across 21



Delivering Value to Sponsors

Participate in a grass roots program that goes beyond business to business marketing

Increase brand awareness through interacting with the Cumberland & Courier readers and the Small-To-Medium enterprise market.

Delivering a program that will aid sponsors in customer acquisition and retention.

Demonstrate your commitment and connection with the local community and SME businesses to strengthen loyalty in a highly competitive market

- Strengthen profile of your brand image by supporting and celebrating the local business community.
- Build loyalty with strong product positioning
- Product offering and promotion establishing a point of difference in competitive and/or new market places



North Shore Times reader insights, purchasing habits and power.



- 91% of North Shore Times readers travel less than 5km when buying groceries*
- 2 in 3 readers buy home improvement products/services within 10km of their home*
- North Shore Times readers have spent an average of \$122 on clothing in the past month^
- 1 in 4 readers have purchased something over the internet in the last 3 months^
- 80% of readers believe quality is more important than price, with 61% agreeing they “try to look stylish”**
- Readers are 13% more likely than the Sydney average to buy their favourite brands regardless of the price**

*^The New Communities Research, Colmar Brunton, November 2004.
Filter: Mainly read the North Shore Times (W/F av)

^Roy Morgan Readership Survey, March 2007. Filter: Sydney

** Roy Morgan Readership Survey, March 2007. Filter: Sydney



Market Coverage



North Shore Times

WEDNESDAY, JUNE 23, 2007

YOUR LOCAL CHAMBERLAND NEWSPAPER

PH 9434 3400 61.29 PM A5.57



Tell us your favourite business and win a holiday.



JAMES BALETTI

THE North Shore Times 2007 TrueLocal Business Awards competition which kicks off this week, is calling for readers nominations for businesses like this family-run Chinese medicine clinic in Chateau.

The prize-winning awards give the winners a chance to receive a holiday.

Dr Andy Chang, who is a family Chinese medicine clinic owner (see page 28), said:

"We like to be best for customers like family."

To vote see page 28 or go to www.truelocal.com.au for more information.

More news pages 28-30



Dr Andy Chang of Kungfu Chinese Medicine Clinic wants his customers to be healthy.

We salute you

Honours for our quiet achievers



WHENEVER

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SAVE UP TO 50% DURING OUR ANNUAL CLEARANCE SALE - ON NOW!

ITALIAN GLAZED PORCELAIN ROOFS up to 50% off	PREFINISHED BATHROOM FITTING PACKAGES 50% off	20x20x10mm BATHROOM ROOF TILES from \$15 ⁰⁰ m ²
SELECTED GLAZED & CERAMIC ROOFS up to 25% off	SELECTED MARBLE MOSAIC 200x300 SHEET \$19 ⁰⁰	TILE & STONE DEALERS & CULINERS 20% off

SEE IN STORE FOR FURTHER PRICE REDUCTIONS

TileSmart
16 STANLEY STREET ST. ILES
PH 9144 6000
OPEN 7 DAYS



Engagement with SME's.....Event Opportunities

Be exposed and participate in the Awards Evenings allowing you to promote your brand and products...

- Over 290 people attend the North Shore Times awards dinner in 2007
- Awards are presented by a professional MC.
- The emotions expressed by the local businesses at this event are electrifying. They are passionate about the awards and the success of their business. This is most apparent at the awards dinner.
- The live entertainment creates a celebratory and fun atmosphere.



Targeted SME Categories

- Employee Excellence
- Apprentice of the year
- Community Contribution Of The Year
- Beauty Services
- Café/Coffee Shop
- Casual Dining/Takeaway
- Community Service/Not-for-profit
- Delicatessen/Gourmet Food
- Formal Dining
- Fresh Food and Beverage Retail
- Fashion - Accessories
- Fashion - Clothing
- Florist
- Fitness/Sport
- Readers Choice
- Local Business Of The Year
- New Business Of The Year
- Hairdresser
- Health Services
- Home & Garden Retail
- Hotel/Clubs/Venue
- Motor Services
- Motor Vehicle Dealer
- Pharmacy
- Post Office/ Newsagent
- Real Estate
- Trades & Services
- Travel/ Tourism

Cumberland-Courier Marketing in conjunction with the North Shore Times team customise the categories for the awards so that they are most appropriate for this marketplace.



Credibility of the Program

Local businesses are vital in sustaining the local economy; they play a critical role in providing jobs and fostering community spirit.

For the past 14 years Cumberland Newspapers have proudly celebrated the achievements of local business through our business awards program. In 2007 the aim has been to make this bigger, brighter and stronger.

The three phased judging process (assisted by the Department of State and Regional Development) ensures The Truelocal Business Awards is the most credible program in the market.

These steps include;

- Newspaper, online and in store nominations (Appendix 1)
- Small Business Questionnaire and reviewed by a panel of judges (Appendix 2 & 3)
- AC Nielsen Mystery Shop Report (Appendix 4)



How We Developed The Program in 2007

While building on the foundations of our success in 2006, strategies in 2007 were focus on growth, with our goal to:

- Raising the profile and awareness of the program in the community
- both readers and businesses
- Increase overall participation in the program (number of voters, nominations, finalists and winners), building a stronger database for acquisition and retention
- Increase engagement among SME owners + operators through providing a more detailed Finalist Questionnaire Kit and all participating Finalists were Mystery Shopped. The Mystery Shoppers Reports are made available to the Businesses.
- Increase the number of people attending events, raising the profile of the program in the community



We Made The Program More Accessible and User Friendly to our Readers and Small Businesses



Sometimes it's the small things that can go a long way. With a new Program Team in control we made a few tweaks – which allowed us to deliver some great results.....

- Promote My Business – we created this tool to encourage the Small Businesses to run their own marketing campaigns to drive as many votes for their business in the 2007 Truelocal Business Awards!
 - Print off the official coupon found below and place on your front desk
 - Direct your customers to vote online or via the in-paper coupon
 - SMS message, direct mail or e-mail your client and customer database
 - Print off our official poster for your shop front
 - Promote it:
 - in your email signature
 - in your newsletter
 - promotional flyers and merchandise
 - Put details up on your website



We Made The Program More Accessible and User Friendly to our Readers and Small Businesses



- We accepted photocopies of the in-paper nomination coupon
- Created Definitions for each category – allowing businesses to work out which category/s they qualified to participate in
- Downloadable coupon & Posters to allow businesses to print off and have in their stores
- Created a detailed set of Guidelines and Summary Form for the finalist kit
- More time to complete finalist kit
- Buy your tickets campaign



Online

Truelocal Business Awards Online

In 2007 we gave the online portal the re-vamp it needed.

Developments included....

- Access to all the information about the Truelocal Business Awards, including judging procedures, online nominations, booking tickets for the presentation dinner, how the program works, and frequently asked questions.
- online voting allow immediate access to program information via www.truelocalbusinessawards.com.au

Major sponsors benefit from branding as well as links to their own websites.





Media Partner

In 2007, 2GB delivered a higher investment into the program than ever before. They committed a minimum of \$210,000 worth of airtime through:

Taking Care Of Business Radio Show

- Fortnightly radio show targeted at SME co-hosted by small business expert Peter Switzer
- Inclusive of interview with key co-presenting client and/or local editors
- Content suggestions/input from Cumberland & Courier Newspapers

Promotional and Advertising Campaign

- Live reads with Alan Jones, Luke Bona & Murray Wilton
- Live reads and recorded commercials throughout the Taking Care Of Business show
- Cumberland & 2GB 'presents' promotional spots

Already, 2GB have indicated they want to grow this partnership in 2008!!!



More Radio

Above and beyond the Media Partnership with 2GB. Cumberland & Courier Newspapers also invests money with paid & contra ad schedules through out other radio stations. In 2007:

2WS:

- We ran 2 creative's with the Call-To-Action to consumers and businesses to participate in the 2007 Truelocal Business Awards
- From May through until August we had 453, 30 second commercials run on 2WS for the 2007 Truelocal Business Awards
- Additional commercials were run on C91.3 Western Sydney and on Central Coast Radio

PR on Radio:

- In addition to the paid radio schedules, the 2007 Truelocal Business Awards received much attention from the Greater Sydney & Central Coast – community, local and metro stations through news stories and announcer live ravs.



2008 Program Developments

With the great success we achieved with the 2007 Program – we will be working hard to not only maintain this growth, but work to grow and improve the program even more.....

- Continue to improve the design and functionality of the website and content management systems, allowing for more targeted outbound communications
- Provide additional value to high-value sponsors (branding, links and content)
- Improved data management, for targeted promotional campaigns
- Improve the depth and content of our editorial coverage, to attract and retain businesses.
- The addition of a 'Women In Business' category
- Develop the Apprentice of the Year and Employee Excellence categories



Conclusion



The North Shore Times and Truelocal Business Awards Program Team look forward to working with you as a sponsor/partner with us in 2008.

The program can your Business/Products/Brand with an integrated marketing strategy to target small to medium enterprise.

We've set some great benchmarks in 2007 and looking forward to raising the bar again in 2008!!!

THANK YOU



Appendix 1

How the Program Works

Consumers are invited to nominate their favourite businesses:

- In-paper coupon – four weeks for each of the 19 markets covered
 - Coupons and posters also available for download online
- On line – www.truelocalbusinessawards.com.au
- In store – point of sale material driving consumers to vote online

Nominations are used to create a shortlist (top six) of finalists who all receive a 'Small Business Kit'. This includes information on the program, the awards night, and the important SME Questionnaire which is used in the second phase of judging.



Appendix 2

SME Questionnaire

The SME questionnaire is created in collaboration with the Department of State and Regional Development.

Asks finalist businesses to provide information on their

- Mission Statement
- Competitive advantage
- Business Plan
- Marketing Strategies
- Bench Marking
- Innovation
- Business Networking
- Staff Management
- Nominations for Employee and Apprentice of the Year



Appendix 3

SME Questionnaire Judging

A minimum of three business, community, and council identities volunteer their time to assist in the judging of the questionnaires.

A member of the Department of State and Regional Developments Business Advisory Service sits as a judge on the panel.

All businesses are judged objectively, based on the judges knowledge of the local business community.

Judges review the SME questionnaire and score each question according to the judging guidelines which indicate a specific score for each question.

The scores for each of the finalists is then added and the top three finalists for each category move on to the next stage.



Appendix 4



AC Nielsen Mystery Shop Report

The finalists in each category are then 'mystery shopped' by AC Nielsen.

All businesses that reach this phase are mystery shopped either through their retail outlet, venue or via phone.

AC Nielsen rates each business based on

- Outlet and Staff Appearance
- Service
- Product

The total scores of the phases of judging are tallied and the finalists with the highest points is awarded the winner of their category.

The business that receives the most points overall is awarded the True Local Business Achiever of the Year Award.



Appendix 5



Determining the winners...

The diligent judging process for the Truelocal Business Awards program ensures the highest standards.

Thousands of the papers readers vote for their favourite local businesses, and in each category the Finalists are the businesses most favoured by these readers.

These finalists are then subject to a gruelling judging process consisting of:

- a business questionnaire, judged by representatives of the NSW Department of State and Regional Development and other reputable figures in the community, and
- an independent Mystery Shopper audit by AC Nielsen.

These scores are combined with equal weighting give us our Winners!!



North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
.com.au
**BUSINESS
AWARDS**

Local Gold Sponsor

In-Paper Presence -

Voting Coupon - In Paper...

- Logo inclusion on the 8MW Voting Coupon – used by readers to vote for their favourite local businesses. This Voting Coupon appears in paper a minimum of once a week for 4 weeks.

Editorial...

- Recognition as a Local Gold Sponsor in all editorial mentions.
- Opportunity to submit Press Releases for editorial consideration.

Advertising Component...

- Two 8M and Four 1M advertisements in paper during the course of the program.

Database Access -

Access to the 2008 Truelocal Business Awards local database including:

- Nominators
- Finalist businesses (approx 150)
- Winner businesses (approx 25)

Promotional and Marketing Component

Direct Mail

Sent to a database of thousands of local businesses.

- Will include a special reference to our sponsors and their partnership in the program – ie: 'Local Gold Sponsor'
- Logo inclusion with priority placement

Logo inclusion with priority placement on **In-Store Posters** -

- Point Of Sale / Outdoor Poster – Printed -

A2 size poster professionally printed and distributed through out the local business community, designed to raise awareness of the awards and generate votes for that business

- Point of Sale / Outdoor poster – Downloadable -

Available for local businesses to download from www.truelocalbusinessawards.com.au and print off to display in their shop front to assist them in generating votes

Voting -

- Voting Coupon – Downloadable -

Logo inclusion on voting coupon. Available for local businesses to download from and print off to encourage their clients and customers to vote for them while in-store. This will be available throughout the full voting period (approx 4 weeks)

Online – at www.truelocalbusinessawards.com.au

Logo placement on the papers's page in the program website including active click through to your website

North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
.com.au
**BUSINESS
AWARDS**

Online Voting Portal/Pages -

- Placement where sponsors logos appear

PR – Announcements, Media Releases –

Special reference to our sponsors and their partnership – ie: Local Gold Sponsor

- Launch Announcement Press Release – with the call to action – votes are now open.

Logo Inclusions -

- Save This Date Press Release
- Buy Your Tickets Now Press Release (media)
- Buy Your Tickets Now email broadcast to Finalists – encouraging attendance at the awards evening
- Winners List / Announcement

Finalist Kit –

Opportunity to sample and insert promotional material for 150 Finalist Kits

Logo inclusion with priority placement:

- Finalists Invitation to the Awards Night
- Finalists Reservation Form – for booking tickets to the Awards Night

Invitations –

Logo inclusion with priority placement:

- Local Sponsors Launch invitation
- Save This Date invitation to VIPs and Special Guests
- Sponsors Invitation to the Awards Night

On The Night - at the Awards Dinner event –

- Four complimentary VIP tickets to the awards dinner
- Opportunity to present three category awards

Logo inclusion with priority placement on:

- Logo Loop
- Event Program

Opportunity to sample and insert promotional material for gift bags – distributed to all attendees on the night

Opportunity for you to have promotional staff and activity onsite – host an interactive station for a captivated audience to experience your product and/or service.

Further Benefits -

Opportunity to attend networking functions with other sponsors, representatives from Cumberland & Courier Newspapers and local government bodies.

Financial Contribution from Sponsor - \$13,000 per annum

North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
.com.au
**BUSINESS
AWARDS**

Local Silver Sponsor

In-Paper Presence -

Voting Coupon - In Paper...

- Logo inclusion on the 8MW Voting Coupon – used by readers to vote for their favourite local businesses. This Voting Coupon appears in paper a minimum of once a week for 4 weeks.

Editorial...

- Recognition as a Local Silver Sponsor in all editorial mentions.
- Opportunity to submit Press Releases for editorial consideration.

Advertising Component...

- Two 4M and Four 1M advertisements in paper during the course of the program.

Database Access -

Access to the 2008 Truelocal Business Awards local database including:

- Finalist businesses (approx 150)
- Winner businesses (approx 25)

Promotional and Marketing Component

Direct Mail

Sent to a database of thousands of local businesses.

- Will include a special reference to our sponsors and their partnership in the program – ie: 'Local Silver Sponsor'
- Logo inclusion

Logo inclusion on In-Store Posters -

- Point Of Sale / Outdoor Poster – Printed -

A2 size poster professionally printed and distributed through out the local business community, designed to raise awareness of the awards and generate votes for that business

- Point of Sale / Outdoor poster – Downloadable -

Available for local businesses to download from www.truelocalbusinessawards.com.au and print off to display in their shop front to assist them in generating votes

Voting -

- Voting Coupon – Downloadable -

Logo inclusion on voting coupon. Available for local businesses to download from and print off to encourage their clients and customers to vote for them while in-store. This will be available throughout the voting period (approx 4 weeks)

Online – at www.truelocalbusinessawards.com.au

Logo on the paper's page in the program website including active click through to your website

Online Voting Portal/Pages -

- Placement where sponsors logos appear

North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
com.au
**BUSINESS
AWARDS**

PR – Announcements, Media Releases –

Special reference to our sponsors and their partnership – ie: Local Gold Sponsor

- 'Launch Announcement' Press Release – with the call to action – votes are now open.

Logo Inclusions

- 'Save This Date' Press Release
- 'Buy Your Tickets Now' Press Release (media)
- 'Buy Your Tickets Now' email broadcast to Finalists – encouraging attendance at the awards evening
- 'Winners List / Announcement'

Finalist Kit –

Opportunity to sample and insert promotional material for 150 Finalist Kits

Logo inclusion on

- Finalists Invitation to the Awards Night
- Finalists Reservation Form – for booking tickets to the Awards Night

Invitations –

Logo inclusion on:

- Local Sponsors Launch invitation
- Save This Date invitation to VIPs and Special Guests
- Sponsors Invitation to the Awards Night

On The Night - at the Awards Dinner event –

- Four complimentary VIP tickets to the awards dinner
- Opportunity to present two category awards

Logo inclusion on:

- Logo Loop
- Event Program

Opportunity to sample and insert promotional material for gift bags – distributed to all attendees on the night

Further Benefits -

Opportunity to attend networking functions with other sponsors, representatives from Cumberland & Courier Newspapers and local government bodies.

Financial Contribution from Sponsor - \$9,000 per annum

North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
.com.au
**BUSINESS
AWARDS**

Local Bronze Sponsor

In-Paper Presence -

Voting Coupon - In Paper...

- Logo inclusion on the 8MW Voting Coupon – used by readers to vote for their favourite local businesses. This Voting Coupon appears in paper a minimum of once a week for 4 weeks.

Editorial...

- Recognition as a Local Bronze Sponsor in all editorial mentions.

Advertising Component...

- Two 2M and Four 1M advertisements in paper during the course of the program.

Promotional and Marketing Component

Direct Mail

Sent to a database of thousands of local businesses.

- Will include a special reference to our sponsors and their partnership in the program – ie: 'Local Bronze Sponsor'

Voting -

- Voting Coupon – Downloadable -

Logo inclusion on voting coupon - available for local businesses to download from www.truelocalbusinessawards.com.au, and print off to encourage their clients and customers to vote for them while in-store. This will be available for download throughout the voting period (approx 4 weeks)

Online – at www.truelocalbusinessawards.com.au

Logo placement on the papers's page in the program website

Online Voting Portal/Pages -

- Placement where sponsors logos appear

PR – Announcements, Media Releases –

Special reference to our sponsors and their partnership – ie: Local Bronze Sponsor

- 'Launch Announcement' Press Release – with the call to action – votes are now open.

Logo Inclusions -

- 'Save This Date' Press Release
- 'Buy Your Tickets Now' Press Release (media)
- 'Buy Your Tickets Now' email broadcast to Finalists – encouraging attendance at the awards evening
- 'Winners List / Announcement'

Finalist Kit –

Logo inclusion on:

- Finalists Invitation to the Awards Night
- Finalists Reservation Form – for booking tickets to the Awards Night

North Shore Times 2008 Truelocal Business Awards Local Sponsorship Packages

2008
truelocal
.com.au
**BUSINESS
AWARDS**

Invitations –

Logo inclusion on:

- Local Sponsors Launch invitation
- Save This Date invitation to VIPs and Special Guests
- Sponsors Invitation to the Awards Night

On The Night - at the Awards Dinner event –

- Two complimentary VIP tickets to the awards dinner
- Opportunity to present one category awards

Logo inclusion on:

- Logo Loop
- Event Program

Opportunity to sample and insert promotional material for gift bags – distributed to all attendees on the night

Further Benefits -

Opportunity to attend networking functions with other sponsors, representatives from Cumberland & Courier Newspapers and local government bodies.

Financial Contribution from Sponsor - \$5,000 per annum

AVONDALE HORSE AND PONY CLUB INC. LICENCE - SURGEON WHITE RESERVE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

That Council, as Reserve Trust Manager of Surgeon White Reserve, consider granting a 5 year licence agreement to Avondale Horse and Pony Club Inc. for the part of the reserve in accordance with the Crown Lands Act 1989.

BACKGROUND:

In 2002 Council granted a 5 year licence which expired in June 2007. The Club has been holding over under the existing terms, since the expiry of the previous licence.

COMMENTS:

The Club have maintained the site in good order, and conduct regular working days with their members. The Club has also made a contribution to the surrounding bushland areas by developing and implementing a bushland and weed management plan with Council.

RECOMMENDATION:

That Council adopt recommendations A-C as printed in this report.

PURPOSE OF REPORT

That Council, as Reserve Trust Manager of Surgeon White Reserve, consider granting a 5 year licence agreement to Avondale Horse and Pony Club Inc. for the part of the reserve in accordance with the Crown Lands Act 1989.

BACKGROUND

Council is the appointed Trustee of the Reserve on behalf of the Minister for the Department of Land and Water Conservation (DLWC) responsible for the administration of the Crown Lands Act 1989.

The approximate subject area encompasses the level grassed section of the Reserve, including the access way which is estimated to be approximately 3 hectares. It also includes a strip of bushland (Crown Land) adjoining the right of way which is used only 3 – 4 times per year for cross country events.

To ensure the area is continued to be maintained in accordance with both the Bushland Plan of Management and the Recreation in Bushland Policy, the club will continue to maintain and treat weeds in accordance with Council's Bushland Weed Eradication Guidelines, which was implemented as a term of their previous licence agreement.

The Club will continue to use the Reserve, generally on the first and third Sunday of each month, and the area is available for members to access out of these hours for training purposes, in accordance with the club membership conditions.

All other previous terms and conditions of the licence agreement are to be implemented.

COMMENTS

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

1. Commencement date being the date following the expiration of the Public Notice.
2. The total rent payable by the Club in the first year will be \$8,004.68 as shown in Financial Considerations table.
3. The rental amount has been determined by increasing the final year's rent of the expired licence, by the agreed amount of 5%.
4. The Department of Lands PRMF levy is included and charged at 15% annually, exclusive of GST.
5. Rent reviews – rent to be increased by 5% or CPI annually, which ever is higher.
6. Rental rebate level – 80% of gross rent as is to remain for the proposed 5 years.
7. An additional clause to be inserted should relocation or joint use options be determined by Council at a later date. Given such options have not been determined to date, it is recommended that a 5 year licence agreement is a suitable ongoing term for this Club. The Club has also supported a 5 year agreement with relevant clauses.

Item 3

S02714
2 June 2008**CONSULTATION**

Council staff has consulted with the Club President since early 2007 and have reached agreement on the Heads of Agreement in May 2008 (Attachment 1).

A letter of support from the Avondale Horse and Pony Club Inc. regarding agreement to a 5 year licence is included (Attachment 2).

FINANCIAL CONSIDERATIONS

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

The fee for a 5 year licence agreement is calculated and summarised below:

Avondale Horse and Pony Club							
	Review date	Market Rent	Rebate	Annual Rebate	Annual Rent ex GST	PRMF levy to Lands	Total payable by Club Inc.
Year 1	1st July 2008	\$ 32,018.70	80%	\$ 25,614.96	\$ 6,403.74	\$ 960.56	\$ 8,004.68
Year 2	July 2009	\$ 33,619.64	80%	\$ 26,895.71	\$ 6,723.93	\$ 1,008.59	\$ 8,404.91
Year 3	July 2010	\$ 35,300.62	80%	\$ 28,240.49	\$ 7,060.12	\$ 1,059.02	\$ 8,825.15
Year 4	July 2011	\$ 37,065.65	80%	\$ 29,652.52	\$ 7,413.13	\$ 1,111.97	\$ 9,266.41
Year 5	July 2012	\$ 38,918.93	80%	\$ 31,135.14	\$ 7,783.79	\$ 1,167.57	\$ 9,729.73

*based on increases of 5%

*total amount payable by Club annually includes GST

The PRMF fund is collected by Council as the Reserve Trust and currently this remains at 15%. Costs associated with the proposed grant of licence (including stamp duty, legal costs) will be borne by the Avondale Horse and Pony Club.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In the preparation of this report, Community Recreation Property has consulted with Strategy, namely the Open Space Planner and Environment staff to ensure the licence addresses all Council requirements.

SUMMARY

It is proposed that Council, as Trustee of the Surgeon White Reserve, enter into another licence arrangement with Avondale Horse and Pony Club Inc. for a period of 5 years, subject to the terms and conditions outlined in this report and in accordance with the Crown Lands Act 1989.

The terms and conditions are as before, with an additional relocation clause, inserted into the agreement as a precaution to accommodate any decisions proposed by the Sport and Recreation Reference Group – resolution C iv.

RECOMMENDATION

- A. That Council approve the granting of a new 5 year licence to the Avondale Horse and Pony Club Inc. for the use of the site for horse and pony activities in accordance with the Crown lands Act 1989, and subject to the Minister's consent, in the terms outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all documentation.
- C. That the Seal of Council be affixed to all necessary documents.

Mark Taylor
Manager Community Recreation Property

Janice Bevan
Director Community

Attachments:

- 1. Head of Agreement - 935585**
- 2. Acceptance letter 7 May 2008 from President, Avondale Horse & Pony Club - 932582**

HEADS OF AGREEMENT

Licensee Name	Avondale Horse and Pony Club
Inc Number	
Licensor Name	Surgeon White Reserve Trust - Ku-ring-gai Council as Trust Manager
Licensed Area	Part of Surgeon White Reserve
TERM	
Duration	5 years
Commencing	Council's adoption of the report, subject to the consent of the Minister administering the Crown lands Act 1989.
USAGE	
Specified Activity	Horse and pony club, horse riding and related equestrian activities
Trading Days	First and Third Sunday of each month. Notify Council Property Officer of additional Events. Access to club outside trading hours available to members only in accordance with club membership conditions. Club membership conditions to be provided to council.
Conditions of Use	As contained in the special conditions as outlined in the weed and bush management plan. Attached to Licence.
No alcohol	No alcohol is to be sold during the event.
Assignment	Licensee is not to assign the rights of the licence. The licence is not transferable.
Sub leasing arrangements	There will be no subleasing arrangements
Holding over provision	Monthly holding over provisions apply
Cleaning	Licensee is responsible for cleaning the licensed area and grounds. Licensed area to be kept clean, tidy, hygienic and safe manner.
Reporting of damages	Licensee to ensure it reports to Council's Open Space Department immediately regarding any damage to the licensed area.
Consideration	Licensee to ensure that the surrounding residents have quiet enjoyment.
FINANCIAL	
Licence Fee	As per financial rental spreadsheet
Public Reserve Management Fund	The PRMF is calculated as a percentage (15%) of the pre GST income to Licensor. This levy is only applicable if the rental payable to the Licensor is greater than \$2,000 per annum. The percentage of the levy is subject to the Minister's direction and can change.
Payment Frequency	Yearly payment in advance

Car parking Fee	Car parking fee is not applicable. The Licensee is to ensure all cars are parked in the agreed areas and ensure full traffic management at each event.
Utility payments	Licensee pays for water and gas. There is currently no electricity at the site.
Rubbish removals	Licensee is responsible for all rubbish removal. Licensee pays for removal of recyclable materials (paper and aluminium cans) and trade wastes

Repair of Damage	Licensee to pay to Licensor upon demand, for repair for damage caused to the licensed area used for the specified activity, including area surfaces, environmental qualities and infrastructure.
General repairs & maintenance	Licensee's responsibility for all maintenance associated with this licensed area.
Structural repairs	Licensee's responsibility for all structural repairs to all existing buildings or structures within the licensed area.
Ownership	Any building or improvements on the land (existing or constructed during the licence period), reverts to the ownership of the Reserve Trust at the end of the licence period.
Access & keys to the facility	Licensee to provide copies of keys to licensed area. If the Licensee installs its own security alarm system within any building(s), it is required to notify Licensor in writing and all costs associated with the installation, maintenance and repair or replacement of the system is born by the Licensee.
Multi use & sharing arrangements	Licensee to allow multi-use of building when available. If there are no conflicts of use and concurrence is obtained from the Licensee, Licensor is able to hire out the facility to other users.
Annual Reports	Licensee's responsibility to provide annual copy of financial year or calendar year reports detailing club's financial statements.
Committee contacts	Licensee's responsibility to provide annual details of committee names and contact numbers.
Constitution & rules	Licensee to provide Licensor with its Club constitution and rules and should the constitution or rules change, it will be subject to Council approval. Should the constitution change substantially such as objects of the constitution, the Licensee will be required to provide Licensor with a summary of the constitutional /rule changes to Licensor.

COMPLIANCE	
1. Working with Children	1. Licensee to ensure it complies with Working with Children Check in accordance with Child Protection (Prohibited Employment) Act 1998.
2. Health and Food handling	2. Licensee to ensure it complies with Council's health and food handling procedures. E.g. Attend Council run Food Handling course.
3. Council's policies, Plans of Management.	3. To comply and be familiar with relevant Council policies, plans of management.
4. Building, Fire & Safety	4. Licensor is responsible for building structure and licensee is responsible for provision of fire extinguishers/blankets, exit signage, and evacuation plans.
5. Disability access or plan	5. If Licensee undertakes major improvement to the facility, disable access will be a requirement.
6. Banner, advertising and temporary structures.	6. To comply and be familiar with relevant Council policies / guidelines.
7. Environmental, noise, pollution	7. Ensure members, users and spectators take into account surrounding residents' enjoyment and ensure all machines are operated with Australian Standards.
8. Injury Management System.	8. To have in place an injury management procedure and reporting system and a first aid emergency procedure and practice.
9. Occupation Health & Safety Act.	9. To comply and be familiar with relevant legislation.
Breaches of Essential terms	Use & hours of operation Payment of licence fee Utility charges and costs Neighbour quiet enjoyment / surrounds.
Costs	Licensee to bear the legal costs (50%) associated with the preparation and finalisation of the licence. This is to include the Department of Land & Water Conservation's notification fees (if required). Licensor to pay for 100% of valuation costs Licence is prepared in accordance with the "guide for preparation of Lease or licence over reserves in respect of which consent is to be sought under section 102 Crown Lands Act 1989."
NOTIFICATION	
Notice to be delivered to	Licensee to provide the address for formal service of notice for breaches of conditions of licence.

INSURANCE & INDEMNITY	
Level & Type of Cover	<p>Licensee is to provide a copy of the certificate of currency at commencement of the licence for \$10 million public risk insurance policy.</p> <p>Licensee may wish to take appropriate level of cover for content insurance. However, should the Licensee elect not to insure the club's contents – then the Club will need to provide a letter to Licensor outlining that the Club takes full responsibility for the replacement of any items due to theft, fire or damage.</p> <p>Licensor is not liable for the Club's contents – goods and chattels. E.g. Club photos, equipment, trophies and memorabilia.</p> <p>Licensee is to indemnify Licensor and the minister against all claims arising out of the use of the licensed area or the specified activity.</p> <p>Licensor will not take any responsibility for any loss or damage to the licensed area.</p> <p>Licensor's responsibility to insure the building.</p>
RELOCATION CLAUSE	<p>Standard inclusion to all Community and Club Licences. If the land or property subject to this agreement is required by Council for planning, rezoning or any other purposes during the term of this agreement, Council shall be entitled to relocate the club, at Council's expense, to a similar location fit for the purposes of the club's activities. Six (6) months notice in writing is to be given to the club and all relocation expenses to be paid for by Council.</p>

Working with Children – We site address: www.kids.nsw.gov.au

Local Government Act 1993 & Crown Lands Act 1989 – Web site address: www.austlii.edu.au

Food Handling Procedures – contact David Mitchell, Council's Environmental Healthy

Officer – 9424 0773.

Avondale Horse and Pony Club Inc

Catherine Street, St Ives, NSW, 2075

Correspondence to:
P O Box 209, St Ives, NSW, 2075

7 May 2008

Ms Michelle Makler
Lease and Licence Officer
Ku-Ring-Gai Council
Locked Bag 1056
Pymble NSW 2073

RE: DEED OF LICENCE

Dear Michelle

The Committee of Avondale Horse and Pony Club Inc is pleased to advise unanimous agreement with the revised Heads of Agreement sent to me by email on 18 April 2008. We look forward to finalising arrangements and signing a new Deed of Licence soon.

I will send you a signed copy of this letter together with the other documents you requested (2007 Annual Report, Insurance details, Committee contacts, Calendar and Membership Terms and Conditions).

Please advise if there is anything else we need to do at this time.

Regards

Brenda Tripp
President, Avondale Horse and Pony Club
Mobile: 0419 378 542
Email: brenda@tripp.com.au

191 WARRIMOO AVENUE, ST IVES - SECTION 68 APPLICATION - LOCAL GOVERNMENT ACT 1993

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to issues raised at the Council site inspection and to seek Council's determination of the Section 68 application.

BACKGROUND:

Initial Section 68 Approval issued 2 February 2003 for a period of 2 years.

Second application lodged February 2006.
Council considered a report at its meeting on 9 April 2008.

Consideration pending site inspection which took place on 1 May 2008.

COMMENTS:

The issues raised at the site inspection are addressed in this report.

RECOMMENDATION:

That Council grant a staged approval to the continuance of the use of the moveable dwelling on land 191 Warrimoo Ave, St Ives, subject to conditions.

PURPOSE OF REPORT

To respond to issues raised at the Council site inspection and to seek Council's determination of the Section 68 application.

BACKGROUND

- initial Section 68 approval issued 2 February 2003 for a period of 2 years
- second application lodged February 2006
- Council considered a report at its meeting on 9 April 2008
- consideration pending site inspection which took place on 1 May 2008

ISSUES RAISED BY NEIGHBOURS AT SITE INSPECTION

- location of the caravan upon the site
- privacy
- weed growth upon site and infiltration to neighbouring properties
- failure of applicant to commence building works to replace home, as was the intent when the first approval was granted in 2003

ISSUES RAISED BY COUNCILLORS AT SITE INSPECTION

- feasibility of moving the caravan to another location on the site
- stability of the caravan in regard to its current location
- possibility of a staged approval

COMMENTS

1. Location of caravan

The caravan is currently located in accordance with the original approval, set back a minimum of 3.0 metres from western boundary, with a vegetative screen established between the caravan and the property boundary to reduce the visual impact to the adjoining residential property. The screen consists of a trellis supporting a "potato vine".

The current position of the caravan is considered the most appropriate location on the site as it allows free access to the remainder of the site, so as not to hinder the proposed building process.

It is acknowledged that the most affected property is 193 Warrimoo Ave, as the caravan is currently located just 3 metres from its rear boundary.

If the caravan was to be relocated nearer to the centre of the site, greater visual impact would be apparent to all neighbours.

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2. Privacy

The caravan has minimal windows affording direct line of sight to the nearest affected property, 193 Warrimoo Ave. The now established vegetative screen assists in minimising any direct impact.

As the site is a battleaxe block, surrounded by up to eight separate parcels of land, all of which have benefit of views over the subject land to Ku-ring-gai National Park reserves to the north, the privacy of the applicant is perhaps more of an issue than that of the neighbours.

The question of privacy is no greater whether a caravan is proposed or a permanent residential home. In fact, the caravan has a lesser privacy impact than a new dwelling house on the site.

3. Weed growth infiltrating adjoining properties

Limited amounts of *Tradescantia albiflora* and morning glory were noted upon common property boundaries, however, efforts to control these infestations were also acknowledged. The mere presence of noxious weeds upon the site should not prejudice the assessment of this application.

4. Failure of applicant to demonstrate goodwill and rebuild permanent home

Despite a preliminary approach to Council in November 2005 where the applicant tabled proposed development plans for the site, the applicant has not progressed any formal development application for the site. There is concern as to whether the applicant will pursue rebuilding of a permanent home in the near future.

5. Feasibility of relocating the caravan upon the site

The caravan can be relocated, it still has wheels and can be towed to another location, in fact the caravan was repositioned on site by a local neighbour, Mr Laxton in September 2005, following a Compliance Order issued by Council in respect of the original incorrect positioning of the caravan – too close to the boundary with 193 Warrimoo Road. Repositioning of the caravan would require the associated re-plumbing of the sewage service pipes, water supply and electrical services.

The comments made above in points 1 and 2 also apply.

6. Stability of the caravan in its current location

The caravan has been continuously occupied on its current fixtures since September 2005. At the time of the site inspection, it was noted that the caravan hoists are propped and levelled using various masonry materials. However, there was no indication that the caravan was moving due to inadequate support. If Council is of the mind to impose a safeguard condition to address any concern with the structural adequacy of the caravan it may wish to consider imposing the following condition,

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"The caravan shall be inspected by a practising structural engineer so as to provide a report on the structural adequacy of the existing supports for stability of the caravan. Should the existing supports prove to be inadequate the applicant shall undertake remediation work as specified by the structural engineer before continuation of the use of the caravan. "

7. Staged approval

Section 96 of the Local Government Act, 1993 allows for Council to issue a staged approval if such an approval is granted subject to a condition that the activity or the specified part or aspect of the activity, or anything associated with the activity or the carrying out of the activity, must be subject to:

- a) a further approval, or
- b) a consent, approval or permission under another Act.

Accordingly, it is suggested that if Council is of the mind to grant approval to this application that it be staged, conditional on the applicant demonstrating real commitment in progressing the objective to build a permanent replacement home upon the site.

8. Other matters

The site inspection by Council afforded Council officers entry to the site, the first available entry for over 17 months. It was noted that the land owner had installed two substantial garden sheds in the intervening period, plus other temporary shelters.

Laundry facilities were being operated in open areas, with temporary plumbing supply and inadequate outdoor electrical supply.

The installation of these additional structures lend themselves to the permanency of the current arrangements

CONCLUSION

The proposed continuance of use of the caravan dwelling is an activity that is permissible under Section 68, Local Government Act 1993.

However, given that the applicant has not followed her stated intentions of rebuilding a permanent home on the land in the period since approval was first granted, it is considered appropriate that Council only grant a staged approval for this second application.

RECOMMENDATION

That in accordance with Section 96 of the Local Government Act, 1993, Council grant a staged approval for a moveable dwelling on land at 191 Warrimoo Avenue, St Ives for a maximum duration of 2 years in accordance with the application and plans attached to a section 68 application, made by Ms Servart Demirjian:

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- (a) Part one, of the approval being for 12 months duration, during which time the applicant Ms Servart Demirjian, must demonstrate tangible progress in pursuing the rebuilding of her permanent home. Such progress is to include the submission within 8 months of the date of this approval, of a development application detailing the new home and demonstrating full understanding of Council's development controls. Failure to comply with this Part one will result in the approval lapsing on 11 June 2009.
- (b) Part two of the approval, being for a further period of 12 months, such period however is to be subject to compliance with part one of this staged approval.

Conditions

- (1) The applicant is to maintain and enhance a dense vegetative screen of appropriate species between the moveable dwelling and the property's western and northern boundaries so as to reduce the visual and privacy impacts of the caravan upon the adjoining property. Details of the required enhanced screening are to be provided by the applicant to the satisfaction of Council's Landscape Assessment Officer within 1 month of this approval and planting is to occur within 1 month of the Landscape Assessment Officer's approval of the planting scheme.
- (2) No further temporary structures, shelters, garden sheds or the like shall be added to the site.
- (3) This approval shall lapse on 11 June 2010 unless it lapses earlier due to non-compliance with the terms of Part One (a) above.

Anne Seaton
Manager Regulation & Compliance

Michael Miocic
Director Development & Regulation

Attachments: Report to Council held 8 April 2008 - 943163

SECTION 68 APPLICATION – LOCAL GOVERNMENT ACT 1993

SUMMARY SHEET

REPORT TITLE:	191 WARRIMOO AVENUE, ST IVES - RETENTION OF CARAVAN
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	Not applicable
SUBJECT LAND:	191 Warrimoo Avenue, St Ives
APPLICANT:	Ms S Demirjian
OWNER:	Mr/S Demirjian
DESIGNER:	Not applicable
PRESENT USE:	Vacant residential land
ZONING:	Residential 2C
HERITAGE:	No
PERMISSIBLE UNDER:	Local Government Act 1993 Section 68
COUNCIL'S POLICIES APPLICABLE:	Nil
COMPLIANCE WITH CODES/POLICIES:	Not applicable
GOVERNMENT POLICIES APPLICABLE:	Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation and Local Government Act (Approvals) Regulation 2005
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	20 January 2006
PROPOSAL:	Retention of caravan
RECOMMENDATION:	That Council grant approval to the continuance of the use of the moveable dwelling on land 191 Warrimoo Avenue, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to conditions.

SECTION 68 APPLICATION N^o

PREMISES:

PROPOSAL:

APPLICANT:

OWNER:

DESIGNER

NOT APPLICABLE

191 WARRIMOO AVENUE, ST IVES

RETENTION OF CARAVAN

MS S DEMIRJIAN

MR S DEMIRJIAN

NOT APPLICABLE

PURPOSE FOR REPORT

To determine an application under Section 68 of the Local Government Act 1993 for retention of a caravan on the subject site to be used as a place of residence whilst the owner seeks development consent & subsequently builds a new dwelling upon the land

EXECUTIVE SUMMARY

Issues: Visual intrusion and privacy.

Submissions Owners of the eight neighbouring properties immediately adjoining the site were advised of the application and invited to comment. Two submissions were received.

HISTORY

1991-1998 The property was damaged in a severe storm that affected the area and the owner vacated the premises. Shortly after the property was further damaged by fire. In 1998 Council found it necessary to arrange the carrying out of works to rid the land of overgrown vegetation and demolish the burnt out dwelling. The costs incurred for these works were claimed as a debt against the property. (This debt remains outstanding, with a judgement supporting Council's actions)

30 July 2002 Council received a development application for the placement of a caravan on the site as temporary living accommodation while the owner prepared documentation and obtained quotes for the rebuilding of the dwelling. Upon approval of the development application for the dwelling, the caravan would be used as a site office.

5 August 2002 Council notified the five immediate neighbours of the development application. Five letters of objection were received. At this time it was realised the application could not be dealt with as a development application and Ms Demirjian was advised. By letter dated 29 January 2003 Ms Demirjian made application under Section 68 of the Local Government Act 1993 for the installation of the caravan.

1 February 2003 Section 68 approval for the caravan was issued, subject to conditions, with the approval expiring on 2 February 2005.

6 May 2003 Council officers received a complaint from a neighbour concerning a breach of one of the conditions of approval. An inspection of the site confirmed that the setback of the caravan from the western boundary was 1.5m which was contrary to the condition requiring a 3 metres setback.

12 May 2003 Ms Demirjian was issued with a Notice of Intention to serve an order requiring the caravan be relocated so as to be in accordance with the Section 68 approval.

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- 28 May 2003 An order under Section 121 of the Environmental Planning and Assessment Act was served on the owner, requiring the caravan be relocated to 3 metres from the western boundary in accordance with the approval.
- 26 August 2003 The matter was referred to Council's lawyers given the breach of an order.
- 14 Nov 2003 Following legal advice, it was decided not to rely on the Order issued on 28 May 2003.
- December 2003 Council officers seek permission to enter the site and check compliance with conditions of approval.
- 16 Dec 2003 A new order is issued under Section 124 of Local Government Act.
- January 2004 Council sends letter to the owner requesting the removal of rhizomatous bamboo.
- 6 February 2004 Owner claims not to have received the order even though they had been addressed as listed on Council's records. A new mailing address was provided.
- 7 February 2004 A new order is served on the owner to relocate the caravan and provide privacy screening to the western boundary. Owner does not comply.
- 31 August 2004 A meeting took place between Council officers and the owner to discuss the outstanding debt to Council and issues relating to non-compliance with the Section 68 approval. The owner was also advised that the approval would expire on 2 February 2005 and that she should make arrangements to lodge a fresh application should she need to extend the period of use of the caravan.
- 8 Dec 2004 Council officers serve order on the owner to remove bamboo from the site.
- 3 May 2005 Council officers instruct Council's lawyers to commence action requiring removal of the caravan.
- 20 May 2005 The matter concerning the debt to Council for unpaid rates and clean up costs was heard in Hornsby Court. The owner, Ms Demirjian, did not attend.
- 1 June 2005 Warrant for arrest of Ms Demirjian issued by Hornsby Court for non-attendance at the 20 May local court hearing.
- 24 June 2005 Council's lawyers write to Ms Demirjian and ask her to meet with Council officers to discuss her now unauthorised occupation of the caravan.
- 12 August 2005 An agent hired by Council's lawyers serves a letter on Ms Demirjian advising her that Council will commence action in the local court to have the caravan removed.
- 31 August 2005 Ms Demirjian comes to Council Chambers to discuss means of gaining an extension of time to keep the caravan on site, stating that she is now preparing for her DA and wishes to build a replacement home.

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- September 2005 Mr Laxton, an associate of Ms Demirjian, approaches Council via letter to Councillors alleging that Council officers are harassing Ms Demirjian and asks for reconsideration of the matter.
- 20 Sept 2005 Mr Laxton relocates the caravan and organises for the screen planting to be in place in accordance the Section 68 approval. Mr Laxton also commences a regular program of assisting Ms Demirjian with mowing the property and some bamboo removal.
- 27 Sept 2005 Mr Laxton advises Council officers that Ms Demirjian will now lodge a new Section 68 application so as to continue living on site until her new house is built and ready for occupation. Mr Laxton requests Council officers to delay legal proceedings on the proviso that he will assist her in making a fresh Section 68 application and a DA for the proposed new dwelling. This is agreed to in principle and confirmed in a letter from Council's lawyers on the proviso the applications are submitted and the vegetation screens are established without delay.
- 4 Nov 2005 Ms Demirjian attends Council and presents plans for her intended house at a pre-DA meeting. Mrs Demirjian is advised that she needs to reconsider the proposal in line with Council's DCP 38. Ms Demirjian was also reminded of the need to lodge a fresh section 68 application.
- 16 Jan 2006 Ms Demirjian lodges Section 68 application devoid of the required fee.
- 24 Jan 2006 Ms Demirjian is contacted by Council officers and reminded that the fee for the Section 68 application is still outstanding.
- 10 Feb 2006 Council officers again request Ms Demirjian to pay the fee to allow consideration of Section 68 application.
- 3 May 2006 Council officers send letter to Ms Demirjian, advising that the Section 68 application will be refused unless the fee is paid and legal action will be commenced to have the caravan removed.
- 27 Aug 2006 Council receives a fax copy of a deposit slip, dated February 2006, with bank stamp as proof of payment of the Section 68 fee.
- 26 Oct 2006 An initial site inspection is undertaken as part of consideration of Section 68 application.
- Nov 2006 – May 2007 Consideration of the Section 68 application suspended, pending evidence that a development application for a new dwelling house will be lodged.
- August 2007 As no development application has been forthcoming, Council officers resume consideration of the Section 68 application.
- 4 Sept 2007 Owners of surrounding properties were given notice of the Section 68 application.

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THE SITE

Zoning:	Residential Residential 2C
Visual Character Study Category:	N/A
Lot Number:	4
DP Number:	225765
Area:	1789 m ²
Side of Street:	Eastern
Cross Fall:	West to east
Stormwater Drainage:	On-site disposal
Heritage Affected:	No
Required Setback:	Nil, Battleaxe site
Integrated Development:	No
Bush Fire Prone Land:	Bushfire Prone Vegetation Buffer Zone
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The subject site is located on the eastern side of Warrimoo Avenue, St Ives. The site is of battleaxe configuration and is not readily visible from the street. From the end of the access handle, the site falls gently to the east for approximately two thirds of the site's length and then slopes steeply to the eastern (rear) boundary.

The site is mainly covered with grass, with some incidental garden and vegetable beds and shrubs scattered around the boundaries.

The subject caravan is located in the north-western corner of the site.

The surrounding lots contain single dwelling houses.

THE PROPOSAL

The application is for the retention of a caravan on the site. The caravan is utilised as the principle place of residence for the owner/ occupier.

The applicant wishes to continue living in the caravan whilst preparing documentation for submission of a development application and the subsequent construction of a new dwelling upon the site.

The applicant has indicated that the caravan would be used as a residence until an interim occupation certificate could be issued on the new dwelling house. At that time, the applicant would transfer residency to the partially completed dwelling.

The caravan consists of a sleeping compartment, a small lounge/dining area, kitchen and bathroom.

CONSULTATION - COMMUNITY

Under the Local Government Act 1993 (LGA), Section 68 applications do not require resident notification. Further, Council's Notification DCP makes no provision for applications under Section 68 of the LGA.

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Notwithstanding the above given the history of this matter, a notification letter was sent to all owners and occupiers of neighbouring properties, advising them that an application is at hand and seeking their comment on the proposal.

Notification letters were sent to 2, 4, 6 and 8 Tomah Street, St Ives, 6 Snowden Place St Ives, 193, 195 and 197 Warrimoo Ave, St Ives on 4 September 2007.

In response, two submissions were received from the following:

Mr Colin Ash : 193 Warrimoo Ave St Ives.

Mr Harry and Mrs Annette Jaches: : 2 Tomah Street, St Ives

Both submissions raised the following issues:

- **Concern with the continued use of the caravan as a place of residency**

Nearby residents are concerned that the occupier of the caravan and owner of the land has occupied the caravan since February 2003 and a further extension of 2 years would not be in the best interests of the local neighbourhood.

- **The lack of commitment by the owner to construct a new house on the allotment**

The applicant made preliminary approaches to Council in November 2005 to discuss development proposals for a new house on the site. Since that time, no further submissions or formal development applications have been received.

- **The caravan is unsightly when viewed from the adjoining properties**

This is particularly so when viewed from 193 Warrimoo Avenue. The Screen planting required in the original consent conditions, not having established to full potential. The ability to overlook the rear of premises at 193 Warrimoo Avenue when standing inside the caravan is also of concern.

- **Location of the caravan**

The location of the caravan, set back 3 metres from the common boundary with 193 Warrimoo Road, has been raised as an item of concern. This location was originally chosen to allow unencumbered access to the remainder of the site to allow for construction of the new dwelling.

COMMENT

Notwithstanding the best endeavours of Council officers, the applicant has not met her previous intentions to lodge a development application for a permanent dwelling upon the site. This is despite considerable encouragement over an extended period of time by Council Officers to Mrs Demirjian to lodge the required application.

At a pre-DA meeting held in late 2005 with Council's Team leader, Assessment, Ms Demirjian presented preliminary plans that had no regard for Council's controls in terms of height, setback or design. Ms Demirjian was advised to further consider the controls in DCP 38, amend her plans and

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make a fresh appointment for a pre-DA conference. To date, Ms Demirjian has not acted on this advice.

At the time of the pre-DA meeting Ms Demirjian, was reminded that her current Section 68 approval for residing in a caravan had lapsed. It is this reminder that appears to have prompted Ms Demirjian to make this second application.

In respect of the appearance of the caravan, it is noted that the caravan is not visible from the street and is generally well shielded from most properties by boundary plantings, both within the subject side and on adjoining sites, with the exception of 193 Warrimoo Ave, St Ives.

The intrusion of the caravan upon the privacy of 193 Warrimoo Road was recognised in 2003 at the time of the original Section 68 application. In this regard, the Section 68 approval required screen planting to be undertaken. A vegetative screen, consisting of "potato vine" upon a trellis was erected in September 2005. However, this immature planting only partially obscures the caravan at this time.

The caravan has one window to its western elevation that services a small lounge area and is located at a height that enables the occupier to view the rear open space of 193 Warrimoo Avenue.

CONSULTATION - WITHIN COUNCIL

Consultation with other departments of Council was not considered necessary. However, Council's Corporate Lawyer was asked to review the matter, particularly in respect of the provisions of Clause 121G of the Environmental Planning and Assessment Act, 1979 which deals with the service of Orders that are likely to make residents homeless. This issue is considered under "other relevant matters" below.

PROVISIONS OF RELEVANT LEGISLATION

1. Environmental Planning Instruments

This application is not a Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act, as moveable dwellings are not classed as development under the Act.

Whilst Table 23 of the Ku-ring gai Planning Scheme Ordinance does not permit caravans as exempt development, as a moveable dwelling it is not classified as development or a building under the Environmental Planning and Assessment Act and therefore the Ku-ring-gai Planning Scheme Ordinance is not applicable.

2. The Local Government Act

The use of a caravan as a moveable dwelling is an activity that requires approval under Section 68 of the Local Government Act 1993.

In determining such applications, the Local Government Act 1993 requires the following considerations to be made:

(1) In determining an application, Council:

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- (a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and*
 - (b) must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and*
 - (c) must take into consideration the principles of ecologically sustainable development.*
- (2) If no requirements are prescribed for the purposes of subsection (1) (a), and no criteria are adopted for the purposes of subsection (1) (b), the council in determining an application:*
 - (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and*
 - (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.*
- (3) Without limiting subsection (2), in considering the public interest the matters the council is to consider include:*
 - (a) protection of the environment, and*
 - (b) protection of public health, safety and convenience, and*
 - (c) any items of cultural and heritage significance which might be affected.*

COMMENT

In relation to 1(a) and (b) the application does not contravene any regulations of the Environmental Planning and Assessment Act 1979 or the Ku-ring gai Planning Scheme Ordinance. The proposed activity is permissible under the Local Government Act 1993.

In relation to 1 (c) the proposal is a pre-fabricated structure and, upon the use terminating, it can be moved to another location for a similar use without the need for materials to be discarded or additional materials being required.

The relatively small size of the moveable dwelling will not require large levels of power to sustain living standards.

In relation to 2 (a) and (b), the proposal affords practical low cost temporary accommodation for the applicant on her own land. Whilst living on site, the applicant can better maintain the site to an acceptable level whereby if the applicant was off site there would be a greater likelihood of neglect.

The proposed activity also provides a level of security to adjoining properties in that the access to the land is closed and the land is not left vacant which could possibly attract vandalism of the this or adjoining sites.

Issues such as privacy can be addressed by the provision of effective screen planting. There have already been measures put in place to address these issues.

In relation to 3 (a), (b) and (c) the moveable dwelling is located on a relatively level section of land where the unit can be safely and securely sited.

The caravan has been connected to public utilities for the period it has been in place and there have been no public health or environmental issues arising from these connections.

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The subject site is not located within a conservation area nor is the subject site or adjoining properties listed as items of heritage significance.

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation

Division 3 of the Regulation "Installation of moveable dwellings elsewhere than in caravan parks or camping ground" sets out criteria that apply to the assessment of this application and refers to conditions for design, construction and installation in accordance with Part 4 of the Regulation.

COMMENT

The installation generally complies with these provisions. The checking of hold downs and compliance plates is also required.

3. Likely impacts

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not within a wilderness area nor in an area of critical habit.

The area of the site around the caravan can be adequately landscaped to address visual impact and privacy by way of conditions of approval. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

4. Suitability of the site

The site is suitable for the proposed activity.

5. Any submissions

The two submissions received have been addressed.

6. Public interest

The proposal is not considered to be contrary to the public interest.

OTHER RELEVANT MATTERS

Should Council determine to refuse this application, it may become appropriate to issue orders requiring the applicant to cease residing within the caravan and have the caravan removed from the site.

However, in the taking of such action it would be necessary for Council to give consideration to the provisions of Clause 121G of the Environmental Planning and Assessment Act 1979 as follows;

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121G Orders that make or are likely to make residents homeless

- (1) If an order will or is likely to have the effect of making a resident homeless, the person who gives the order must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality.
- (2) If the resident is not able to arrange satisfactory alternative accommodation in the locality, the person who gives the order must provide the resident with:
 - (a) information as to the availability of satisfactory alternative accommodation in the locality, and
 - (b) any other assistance that the person considers appropriate.

The operation of this clause can be somewhat onerous upon Council, in some circumstances, particularly having regard to the uncertainty as to what may be "satisfactory alternative accommodation".

CONCLUSION

The proposed continuation of the use of the moveable dwelling is an activity that is permissible under Section 68, Local Government Act 1993.

Subject to conditions, the activity satisfies the criteria required to be considered in the assessment process.

Whilst it is acknowledged that the continued occupation of the caravan has the most affect upon the privacy and amenity of residents of 193 Warrimoo Road, it is considered that the vegetative screen, as now partly established goes some way to address this concern. Moreover, a condition is recommended requiring further dense screening.

Subject to a further screening condition, there would be negligible impact on the amenity of adjoining properties, therefore the application is recommended for approval.

RECOMMENDATION

Pursuant to Section 94 (1) (a) of the Local Government Act 1993.

That the Council as the approval authority, grant approval to the continuation of the moveable dwelling on land 191 Warrimoo Avenue St Ives, for a period of two (2) years from the date of the Notice of Approval, subject to the following conditions.

GENERAL CONDITIONS

1. The activity shall be in accordance with the application and plans attached to a Section 68 application, made by Ms Servart Demirjian dated 16 January 2006.
2. That a dense vegetative screen of appropriate species provided between the moveable dwelling and the property's western and northern boundaries so as to reduce the visual and privacy impacts of the caravan upon the adjoining property. Details of the required enhanced screening are to be provided to the satisfaction of Council's Landscape Assessment officer.

T Cooper
Team Leader Compliance

A Seaton
**Manager
Regulation & Compliance**

M Miocic
**Director
Development & Regulation**

Attachments:
1: Notification Sketch - 913232
2: Photos of Caravan Site - 731094

EDUCATION SEMINAR - RESPONSIBLE CAT OWNERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Council with additional information in respect of a proposed educational seminar to be hosted by NSW Animal Welfare League on the topic of responsible cat ownership. This report was called for at Council's meeting of 13 May 2008.

BACKGROUND:

Council received correspondence on 7 April 2008 from NSW Animal Welfare League requesting both participation as a stall holder at Council's Dog Day Out picnic races, and also permission to present a two hour educational seminar to our residents focussed on responsible cat ownership. The proposed seminar was supported by Council's Companion Animals Advisory Committee at its meeting held on 24 April 2008.

COMMENTS:

Responsible cat ownership education seminars fit well with Council's adopted Companion Animals Management Plan which includes a specific task for "Council to host regular activities for pets and their owners to promote responsible pet ownership".

RECOMMENDATION:

That Council support NSW Animal Welfare League by hosting an educational seminar for resident cat owners, focussing on responsible cat ownership, including housing, wildlife protection, registration, identification, cat care and training.

PURPOSE OF REPORT

To provide Council with additional information in respect of a proposed educational seminar to be hosted by NSW Animal Welfare League on the topic of responsible cat ownership. This report was called for at Council's meeting of 13 May 2008.

BACKGROUND

Council received correspondence on 7 April 2008 from NSW Animal Welfare League requesting both participation as a stall holder at Council's Dog Day Out picnic races, and also permission to present a two hour educational seminar to our residents focussed on responsible cat ownership.

The letter of request was tabled before Council's Companion Animals Advisory Committee at its meeting of 24 April 2008. The Committee endorsed the proposed seminar as it was in line with Council's adopted Companion Animals Management Plan and made appropriate recommendation for Council's endorsement.

Council at its meeting of 13 May 2008, resolved "That Council be given the material from Ms Peggy Brown and make a decision following receipt of that material".

Accordingly, a copy of the correspondence from Ms Brown is attached for the information of Council.

COMMENTS

The seminar is expected to be two hours in duration. Topics to be covered include demonstration of training a cat to harness, a video on cat enclosures, studies on indoor living with cats, a video on birds in my garden and cat control, slides on cat care and general information on the need to register, desex and appropriately identify pet cats.

It is intended that the seminar be held in the Library meeting room. Enquiries of Council's Booking Officer suggest that the room is generally available on a Tuesday, Thursday or Friday evening. The potential loss of income to Council because of using the room for an in-house activity would be \$37 per hour.

Promotion of the event would be by way of a notice in Council's Mayoral newspaper column (\$240 per week) plus appropriate promotional posters, designed and printed in house. These posters could be displayed at local libraries, pet shops and veterinary surgeries. The cost of supply and design is absorbed as a direct in-house cost.

Staffing at the seminar would be by Council's Animal Management Officer, who in turn would be offered time in lieu. Council's Manager of Compliance & Regulation would officiate and welcome delegates.

CONSULTATION

Council's Companion Animals Advisory Committee has considered the proposal and endorses the proposed programme.

FINANCIAL CONSIDERATIONS

Other than in-house cost absorption for design and printing of promotional posters and the potential loss of \$74 income for room hire, some \$240 will be spent on advertising of the seminar within Council's Mayoral column in the local paper.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Both Council's Communications Department and Bookings Officer were consulted in the preparation of this report.

SUMMARY

The proposed programme fits well within Council's adopted Companion Animals Management Plan, education goals. The offer from a well regarded professional to conduct, at minimal cost to Council, a quality educational seminar on responsible cat ownership is considered an activity worthy of support.

RECOMMENDATION

- A. That Council accept the invitation of Ms Peggy Brown of NSW Animal Welfare League to conduct a two hour seminar presentation for local residents on the topic of responsible cat ownership.
- B. That Council host the presentation in the Gordon Library Meeting Room, on an evening when the room is not utilised by permanent hirer.
- C. That promotion of the event be via the in-house production of posters displayed at local libraries and animal service establishments in the local area, together with promotion on Council's website and within the Mayoral column of the local newspaper.

Anne Seaton
Manager Compliance & Regulation

Michael Miocic
Director Development & Regulation

Attachments: Letter from NSW Animal Welfare League, dated 7 April 2008 - 943127

AL WELFARE LEAGUE NSW
ABN 67 474 706 447

Manly Warringah/Pittwater Branch
Registered No. CFN 10416 Under the NSW Charitable Fundraising Act

Peggy Brown JP 119423
NSW Government Accredited Implanter
Animal Welfare Officer

Manager
Ingleside Volunteer Cattery
160 Mona Vale Road
Ingleside 2101

Ph or Fax (02) 9913 8731

L WELFARE LEAGUE NSW

ICN 000 533 086 ABN 67 474 706 447
N 10416 UNDER THE NSW CHARITABLE FUNDRAISING ACT

Warringah Pittwater Branch

PLEASE ADDRESS ALL CORRESPONDENCE TO:
160 MONA VALE RD.
INGLESIDE 2101
PHONE OR FAX 9913-8731

Attn Dr Paul Hopwood,
Ku Ring Gai Council

7/4/08

Please find enclosed info about our Branch,
Stall Holder Registration, & I suggest the
following for a 1/2 hour presentation for
your committee.

Explain to Committee 2 hrs presentation
& why do it.

Demonstration of Training cat to harness.

Program for 2 hrs Presentation on CD

Video Cat Enclosures

Slides on Indoor Living
1/4 hr Break tea & Coffee Video of Birds in my garden

Slides on Cat Care

How to train a cat to Harness.

Yours Sincerely

Peggy Brown
Animal Welfare Officer

P.S. If you
require a reference
call Lerrey Hills
Animal Hospital
on 9450 2020

TELSTRA LOW IMPACT TELECOMMUNICATIONS INSTALLATION - PROPOSED DEED OF ACCESS TO USE A PORTION OF ROAD RESERVE ADJACENT TO 750 TO 754 PACIFIC HIGHWAY, GORDON

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to grant a Deed of Access to Telstra to use a portion of the road reserve for its telecommunications network.

BACKGROUND:

On 25 October 2006, Telstra notified Council pursuant to the *Telecommunications Act 1997 (Commonwealth)* and the Code, of its intent to upgrade an existing low impact facility located on an Energy Australia light pole adjacent to 750-754 Pacific Highway, Gordon, to incorporate technology for its 3G network. As this is an existing facility, it is deemed maintenance under the *Telecommunications Act 1997*.

COMMENTS:

Council staff have negotiated an arrangement associated with compensation, which is consistent with similar Deeds of Access granted to other communications carriers within the local government area.

RECOMMENDATION:

That Council grant a Deed of Access to Telstra for the use of a portion of road reserve adjacent to 750 to 754 Pacific Highway, Gordon for the installation of a low impact telecommunication facility.

PURPOSE OF REPORT

For Council to grant a Deed of Access to Telstra to use a portion of the road reserve for its telecommunications network.

BACKGROUND

On 25 October 2006, Telstra notified Council pursuant to the *Telecommunications Act 1997 (Commonwealth)* and the Code, of its intent to upgrade an existing low impact facility located on an Energy Australia light pole adjacent to 750-754 Pacific Highway, Gordon, to incorporate technology for its 3G network. As this is an existing facility, it is deemed maintenance under the *Telecommunications Act 1997*.

As the installation is deemed low impact in accordance with the *Telecommunications Act 1997*, and the Telecommunications Code of Practice 1997, no formal development application approval is required from Council. The *Telecommunications Act 1997 (Commonwealth)* authorises licensed telecommunications carriers to carry out certain activities and undertake maintenance activities (Low Impact Facilities) upon lands without the need for specific approval of the land owner.

On 12 June 2007, Council was advised by Telstra's representatives of their proposal to relocate the same low impact facility located on an Energy Australia light pole to the nearby road reserve. The reason for relocating the facility from the light pole to the road reserve is due to the inadequate structural integrity of the light pole to support the load of the upgraded equipment box.

On 4 July 2007, Councillors were sent a memorandum advising of the proposed installation (**Attachment 1**).

As part of the negotiations, Telstra has offered to enter into a Deed of Access for the use of the road reserve to house the equipment cabinets. The use of the road reserve is subject to compensation and a Deed of Access pursuant to Section 138 of the *Roads Act 1993*. Council officers have negotiated with representatives of Telstra to establish terms and conditions acceptable to both parties (subject to Council approval) for an appropriate compensation amount and remediation costs.

Council staff liaised with representatives of Telstra throughout the notification period to ensure the best possible community outcome. As this is a co-location with an existing facility, and not a new installation, the consultation process only required advising the adjacent land owners [St Johns Church] and the placement of a public notice in the North Shore Times in October 2006, and a further notice in July 2007.

On 24 December 2007, Telstra issued Council with a Land Access Notice to proceed with the installation of the low impact facility (**Attachment 2: Notice of Activities, Part 1**).

COMMENTS

Given the significant privileges afforded to telecommunication providers under the *Telecommunication Act 1997*, there is little that Council can do to prevent the installation of facilities deemed Low Impact on Council owned or managed lands providing that Carriers comply with the provisions of the Act and in particular with the Australian Communications Industry Forum (ACIF) Deployment of Mobile Phone Network Infrastructure Code.

In regard to this facility, Telstra through their representatives, have followed the process as set out by the Act and Code.

Council officers have negotiated an arrangement associated with compensation (Deed of Access), siting of the installation, traffic management issues during the built stage and site remediation works.

Telstra intend to relocate their existing low impact installation which is currently located on an Energy Australia light pole. Due to the additional load incurred by the upgraded facility, Telstra's equipment cabinet will be installed on the road reserve adjacent to the light pole. The equipment cabinet is notably smaller than other equipment cabinets previously installed on road reserves in our local government area, and this is reflected in the commercial negotiations.

If Council elects not to receive compensation it will not deter Telstra to proceed with this installation, and may encourage them to install additional low impact facilities in our local government area without having to consider the appropriate site access fee and/or compensation.

CONSULTATION

Officers have requested that the Carrier's representative consult with the adjoining land owners (St Johns Church) regarding this proposal, to which the Carrier has complied. Additional public notification was undertaken through an advertisement in the North Shore Times in October 2006, and a further notice in July 2007.

Additionally, Council officers have undertaken onsite inspections with the Carriers to assess likely traffic and pedestrians impacts on immediate residents and the broader community, along with detailed assessment of all plans and technical drawings to assess the location of the equipment shelter.

Further, consultants acting on behalf of Carriers will be required to consult with the Roads & Traffic Authority and NSW Police in regards to the Traffic Management Plan (**Attachment 4**).

The proposed agreement will be prepared by Council's solicitors Matthews Folbigg Pty Ltd, which will be consistent with the terms and conditions of existing telecommunications documentation.

FINANCIAL CONSIDERATIONS

Financial considerations have been addressed in **Attachment 3: Confidential Heads of Agreement of Deed of Access**, road reserve adjacent to 750-754 Pacific Highway, Gordon.

Item 6

88/05901/01
28 May 2008

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*, in the opinion of the General Manager, this attachment is of a kind referred to in section 10(2) (d) [ii] of the Act, and should be dealt within a part of the meeting closed to the media and public.

Section 10(2) (d) (ii) of the Act permits the meeting to be closed to the public for business relating to:

Commercial information of a confidential nature that would confer a commercial advantage on a competitor of council.

The matter is classified as confidential because it contains financial information relating to a Deed and discussion in open meeting would, on balance, be contrary to the public interest.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Operations and Strategy Departments have been involved in discussions and negotiations in assessing and determining the impacts on the site.

Council's Strategy Department has negotiated the terms of the Heads of Agreement, and prepared this report.

SUMMARY

On 25 October 2006, Telstra formally notified Council pursuant to the *Telecommunications Act 1997 (Commonwealth)* and the Code, of its intent to co-locate a low impact telecommunications antenna on an Energy Australia light pole and associated equipment cabinet on the road reserve adjacent to 750-754 Pacific Highway, Gordon.

On 24 December 2007, Telstra issued Council with a Land Access Notice to proceed with the installation of the low impact facility (**Attachment 2: Notice of Activities, Part 1**).

As part of the negotiations, Telstra has offered to enter into a Deed of Access for the use of the road reserve to house the equipment cabinets. The use of the road reserve is subject to compensation and a Deed of Access pursuant to Section 138 of the Roads Act 1993. Council officers have negotiated with representatives of Telstra to establish terms and conditions acceptable to both parties (subject to Council approval) for an appropriate compensation amount and remediation costs.

Given the significant privileges afforded to telecommunication providers under the *Telecommunication Act 1997*, there is little that Council can do to prevent the installation of facilities deemed low impact on Council owned or managed lands providing that Carriers comply with the provisions of the Act and in particular with the Australian Communications Industry Forum (ACIF) Deployment of Mobile Phone Network Infrastructure Code.

In regard to this facility, Telstra through their representatives, have followed the process as set out by the Act and Code.

Item 6

88/05901/01
28 May 2008

If Council elects not to receive compensation it will not deter Telstra to proceed with this installation and may encourage them to install additional low impact facilities in our local government area without having to consider the appropriate licence/lease compensation or to allow for landscaping and site rehabilitation within their own cost base.

RECOMMENDATION

- A. That Council grant a Deed of Access to Telstra for the use of a portion of road reserve adjacent to 750-754 Pacific Highway, Gordon for the installation of a low impact telecommunications facility.
- B. That Council authorise the Mayor and General Manager to sign all documentation associated with the Deed.
- C. That the Council Seal be affixed to the agreement.

Deborah Silva
Manager Strategic Assets & Services

John Clark
Director Corporate

Attachments:

- 1. Memorandum regarding notice - 795273
- 2. Land Access Notice - 871458
- 3. Heads of Agreement of Deed of Access - Confidential
- 4. Traffic Management Plan - 941169



MEMORANDUM

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1056, Pymble NSW 2073
T 02 9424 0770 F 02 9424 0880 DX 8703 Gordon TTY 02 9424 0875
E kmc@kmc.nsw.gov.au W www.kmc.nsw.gov.au ABN 86 408 856 411

TO: MAYOR
COUNCILLORS

COPY TO: GENERAL MANAGER
DIRECTORS

FROM: COMMERCIAL SERVICES COORDINATOR

SUBJECT: **LOW IMPACT TELECOMMUNICATIONS FACILITY ON
ROAD RESERVE ADJACENT TO ST JOHNS CHURCH 750-
754 PACIFIC HIGHWAY GORDON**

In October 2006, Council received advice from representatives acting on behalf of Telstra of a proposal to upgrade an existing low impact facility located on an Energy Australia light pole to incorporate technology for its 3G network. As this is an existing facility, it is deemed maintenance under the Telecommunications Act 1997.

On 12 June 2007, Council was advised by Telstra's representatives of their proposal to relocate the same low impact facility located on an Energy Australia light pole to the nearby road reserve (refer to attached photomontage). The reason for relocating the facility from the light pole to the road reserve is due to the inadequate structural integrity of the light pole to support the load of the upgraded equipment box.

Council staff have requested that Telstra consults with St Johns Church (adjoining owners) throughout this process. Additionally, Telstra will ensure that a Public Notice of the proposal is advertised in the North Shore Times in accordance with ACIF requirements.

The relocation of the equipment box/shelter to the road reserve will require Telstra to enter into a Deed of Access with Council for the use of the road reserve. A report will be submitted to Council detailing negotiations in due course.

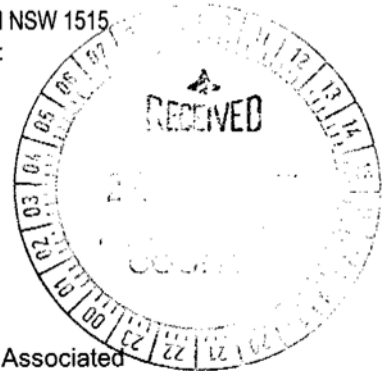
Deborah Silva

19 December 2007

Our Ref: 1900558/5630 Gordon, Church Hill Lane
Sequence No: 5630 Gordon, Church Hill Lane

Mrs Deborah Silva
Ku-ring-gai Council
818 Pacific Hwy
Gordon 2072

Ericsson Australia Pty Limited
NSW
C/- Daly International
P.O Box 5612
Chatswood NSW 1515
Telephone:
Facsimile:



**LAND ACCESS & ACTIVITY NOTICE
(MOU)**

Telstra Project: 5630 Gordon, Church Hill Lane -WCDMA 850 Installation and Associated Maintenance Activities

Dear Sir/Madam,

In meeting Telstra's commitment and obligations to provide modern and efficient telecommunication services to Australia, it is necessary to access your land and/or facilities, or public land under your care and management, and undertake the following activities during the timeframe specified. This notice is provided in accordance with the agreement between Ku-ring-gai Council and Telstra. There is no requirement that you be present during the course of our activities.

Project Activity:	Maintenance of facilities Installation of "low-impact" facilities.
Description of Work:	Ground work Installation of a Juni JF39-E800 repeater unit and filter equipment in new steel elliptical enclosure on Road Reserve Installation of conduits for electricity supply, optical fibre and antenna feeders cables in ground between the new equipment enclosure and the host pole Pole / Antenna work Decommission Telstra's existing installation on the Energy Australia steel light pole on the Road Reserve adjacent to 750-754 Pacific Highway, Gordon (opposite the corner of Church Hill Lane and Pacific Highway, Gordon) Install new fibreglass antenna mount on existing Energy Australia steel light pole Install one new omni-directional antenna (Argus CNX001U-3P)
Date(s) proposed to enter property to engage in activity and depart	Access Start Date: 14/01/2008 Access Finish Date: 31/03/2008
Project Location:	On Council road reserve adjacent to 750-754 Pacific Hwy

Further details of the proposed activities are included in any attachment/s to this notice.

Telstra's employees and contractors are authorised to carry out Telstra's activities under clause 43 of Schedule 3 to the Telecommunications Act 1997 (Cth). Ericsson Australia Pty Limited has been engaged on this project by Telstra to give notifications on its behalf and to conduct negotiations regarding Telstra's entry onto your land to install and maintain the facilities for the purposes of the above legislation. Other contractors may from time to time be engaged by Telstra to carry out other activities.

When carrying out these activities it may also be necessary to do one or more of the following for which you are a responsible authority:-

- Closing, diverting or narrowing a road or bridge.
- Installing a facility on, over or under a road or bridge.
- Altering the position of a water, sewerage or gas main or pipe.
- Altering the position of an electricity cable or wire.

We will treat current alignments and existing levels of land, roads, paths, etc. as permanent unless you specifically inform us otherwise.

In engaging in our activities, we are committed and obliged to take all reasonable steps to ensure that we cause as little detriment and inconvenience, and do as little damage, as is practicable. We will also take all reasonable steps to ensure that the site is restored to a condition similar to its condition before the activity began. Details of the likely impact on the site and the proposed measures to prevent or restore disturbance are as follows.

Anticipated Effect:	Minimal disturbance is anticipated.
Proposed Remediation:	<p>Assess any environmental issues arising out of site contamination and implement the recommendations of the assessment.</p> <p>Telstra's staff and contractors will follow all applicable industry standards in the installation of its facilities.</p> <p>Telstra will install facilities in such a way as to minimise environmental impacts.</p> <p>Care & appropriate precautions taken at all times to ensure public safety.</p> <p>Reinstatement of all road surfaces and pathways that have been cut to lay cables.</p> <p>The removal of any residue soil / rock from site caused by Telstra's installation.</p> <p>After installation all areas to be filled, graded and land surfaces levelled.</p>

We thank you for your assistance and co-operation. If you have any queries, please do not hesitate to contact Jackie Simmons on or at the above address. Any objections should be directed to this person.

Yours sincerely



Jackie Simmons
Ericsson Australia Pty Limited

Attachment/s
Plan / sketch of Telstra's proposed facilities

SCHEDULE 3 TO THE TELECOMMUNICATIONS ACT 1997 (CTH) TELECOMMUNICATIONS CODE OF PRACTICE 1997 (CTH)

1. Carrier Powers and Obligations

Telstra's employees and its authorised contractors are empowered to carry out Telstra's activities under the *Telecommunications Act 1991 (Cth)*. Contractors may be engaged on this project by Telstra to give statutory notifications or to carry out other activities such as maintenance and or installation. Telstra is required by law to give you at least 10 business days notice before engaging in activities on your land (or at least 2 business days if no part of the land is included in a "sensitive area" and the activity is only inspection and survey which will not involve any material disturbance to the land).

All laws providing for the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders will be complied with.

2. Compensation

If you suffer financial loss or damage in relation to property because of anything done by Telstra when engaging in the above activities, compensation may be payable under clause 42 of Schedule 3 to the Telecommunications Act. A right to compensation only arises where financial loss or damage is suffered as a result of carrier activities. Telstra is not in a position to agree on any amounts of compensation until after we have concluded our activities.

3. Objection Process

The *Telecommunications Code of Practice 1997 (Cth)* provides for a right of objection and how objections must be managed.

Under the Code you have a right to object about the exercise of power described in this notice only if its relates to one or more of the reasons listed below:

- (i) Using the objector's land to engage in the activity.
- (ii) The location of a facility on the objector's land.
- (iii) The date when we propose to start the activity, engage in it or stop it.
- (iv) The likely effect of the activity on the objector's land.
- (v) Our proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to the objector's land.

In order for any objection to be valid under the Code, your objection must be directed in writing to the address shown on this Notice within the time frames below, depending on the type of activities:

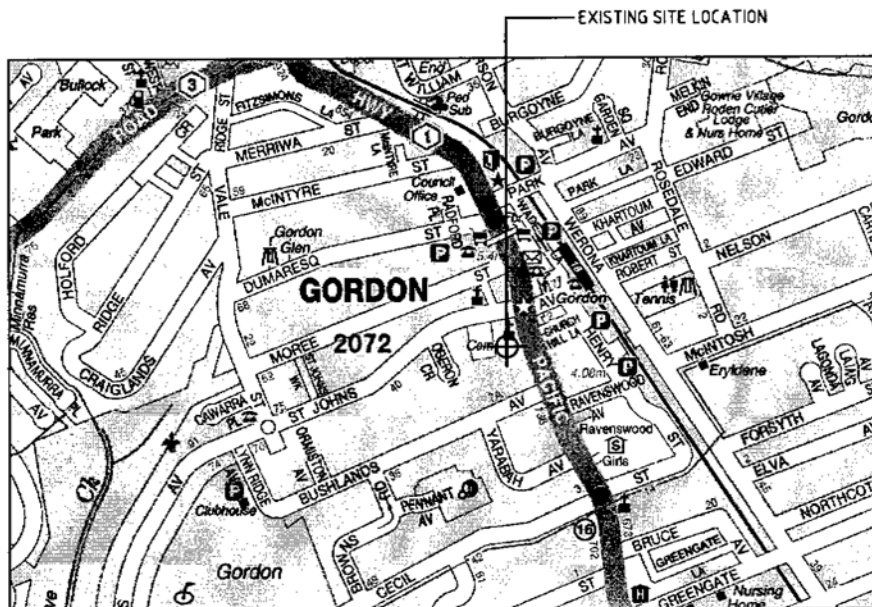
- (i) Inspection and survey - any objection must be given within 1 business day after the notice is received where no pad of the land is included in a "sensitive area" and the activity will not cause a material disturbance to the land. For all other inspection and survey activities any objection must be given within 9 business days after the notice is received; and
- (ii) For installation and maintenance activities - any objection must be given at least 5 business days before we propose to engage in the activities.

If you make an objection on one of the grounds above within the specified time frames, reasonable efforts will be made to contact you for the purposes of consultation within 5 business days after receiving your objection. Reasonable efforts will also be made to resolve the objection by agreement with you within 20 business days after receiving the objection. If your objection cannot be resolved by agreement within 25 business days after receiving the objection, a further notice will be provided to you advising whether:

- (i) Telstra proposes to change the activity and if so, how; or
- (ii) if Telstra does not propose to change the activity - why we will engage in the activity as originally proposed.

If your objection cannot be resolved by agreement, you are not satisfied with our response to your objection and the objection falls within the jurisdiction of the Telecommunications Industry Ombudsman (the "Ombudsman"), you may request in writing that your objection be referred to the Ombudsman. Time limitations for referral to the Ombudsman are also applicable, depending on the type of activities as follows:

- (i) inspection and survey - you must request referral within 9 business days after you receive a response to the objection; and
- (ii) for all other activities - you must request referral within 5 business days after you receive a response to the objection.



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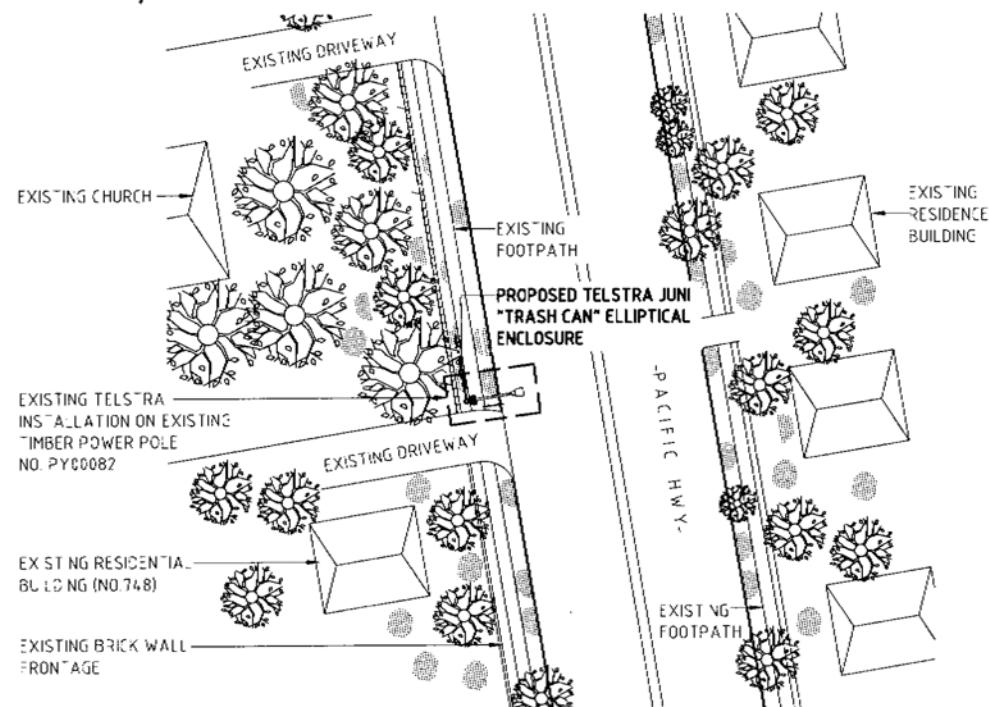
Locality Plan

NOT TO SCALE

UBD Australian City Streets
REF: 174-N8

LATITUDE: -33.75742

LONGITUDE: 151.15308



SITE PLAN

SCALE 1:500

PRELIMINARY ISSUE

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	LR	FL	PRELCP952232TSKG	AN	CG	11.10.06	1
-	LR	FL	DDECP952232TSKG	AN	CG	21.11.06	2
-	SK	FL	PRELCP952232TSKG	DOM	CT	13.04.07	3

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Telstra	
5630 - GORDON CHURCH HILL LN UBTS OPP CNR, CHURCH HILL LN & PACIFIC HWY GORDON, NSW 2072	
LOCALITY & SITE PLANS	
DWG No.	SHT No.
N20821	S1

A3 Original Size

50mm

A3



PROPOSED TELSTRA JUNI
"TRASH CAN" ELLIPTICAL
ENCLOSURE

EXISTING TELSTRA PIT

EXISTING MASONRY WALL
EXISTING FENCE

EXISTING STREET LIGHT
POLE (STEEL) NO. PY00082

FOOTPATH

EXISTING GRASS VERGE

EXISTING KERB

EXISTING MICROBOX RBS 2302
FIXED TO TIMBER POLE NO.
PY00082. UNIT TO BE REMOVED

EXISTING STREET SIGN

EXISTING TELSTRA RFI-CD1625
OMNI ANTENNA TO BE REMOVED

EXISTING RESIDENCE
DRIVEWAY

PACIFIC HWY

SITE SETOUT PLAN

SCALE 1:50

PRELIMINARY ISSUE

Telstra

5630 - GORDON CHURCH HILL LN UBTS
OPP CNR, CHURCH HILL LN & PACIFIC HWY
GORDON, NSW 2072
SITE SETOUT PLAN

DWG No. N20821

SHT No. S2

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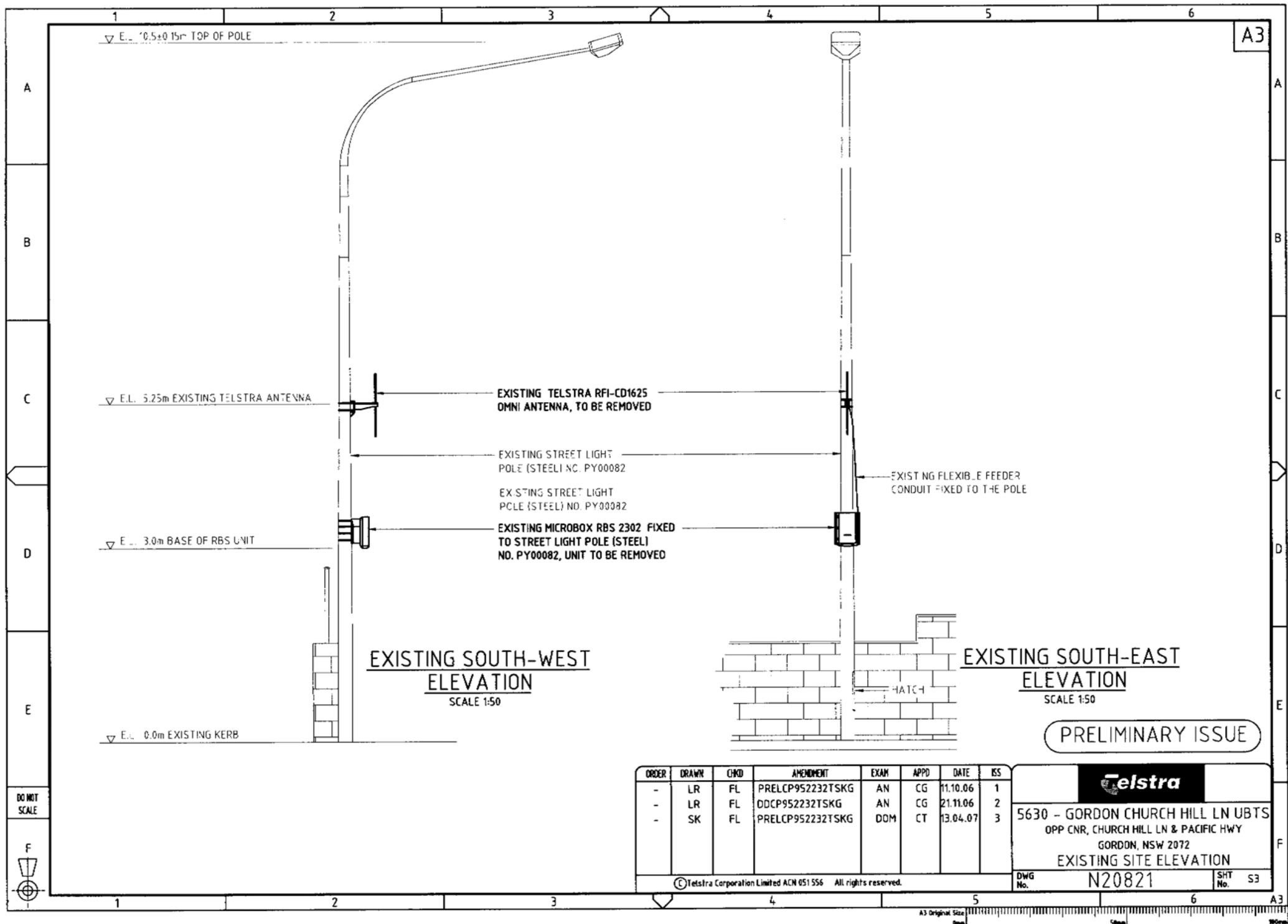
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	LR	FL	PRELCP952232TSKG	AN	CG	11.10.06	1
-	LR	FL	DDCP952232TSKG	AN	CG	21.11.06	2
-	SK	FL	PRELCP952232TSKG	DOM	CT	13.04.07	3

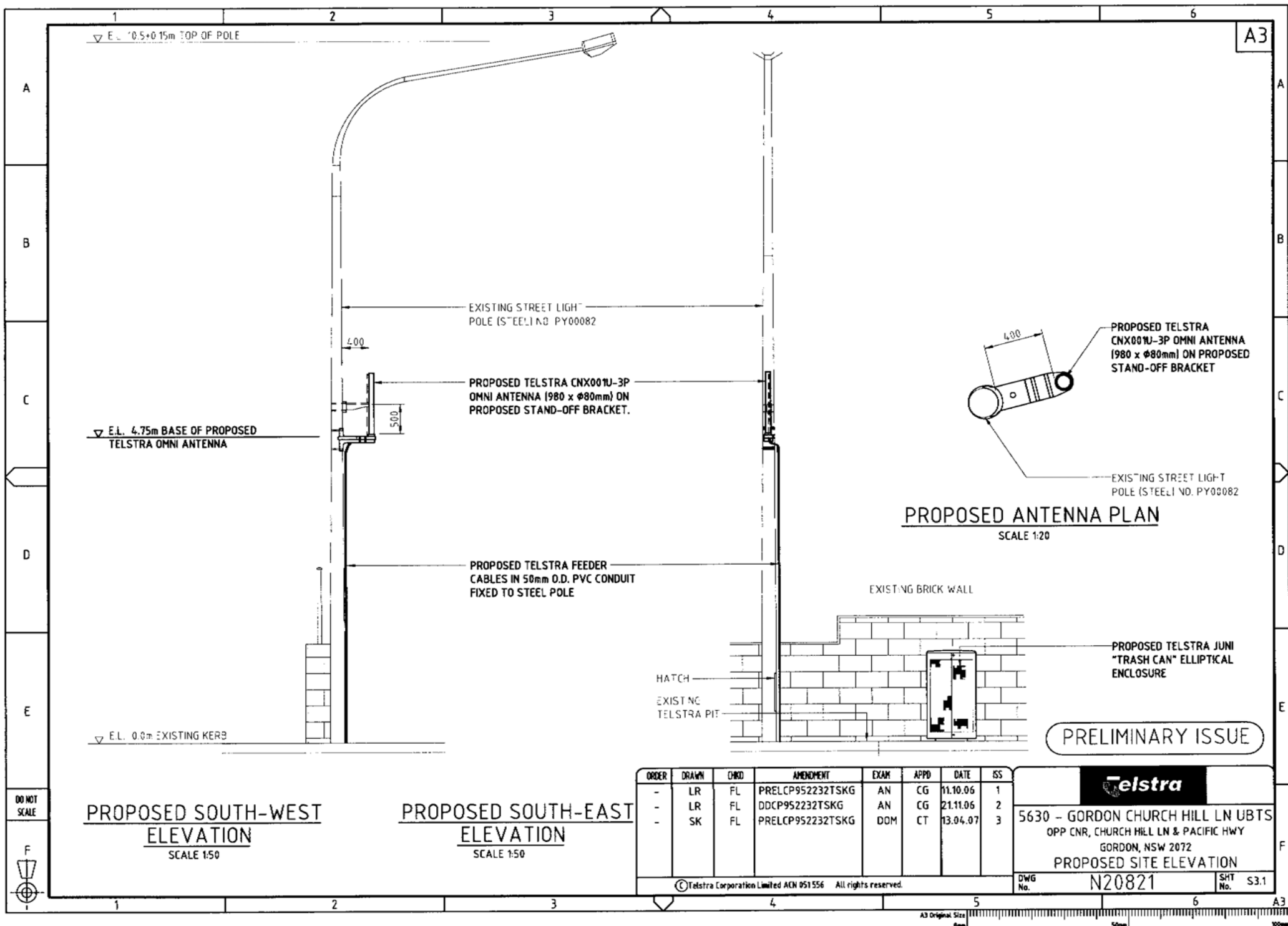
KEY:
-UT- UNDERGROUND TELSTRA FIBRE ROUTE
-UF- UNDERGROUND FEEDER ROUTE
(INDICATIVE ONLY)
-UE- UNDERGROUND ELECTRICAL SUPPLY
(INDICATIVE ONLY)

DO NOT
SCALE



A3 Original Size
50mm
100mm





A3



EXISTING SOUTH-WEST
ELEVATION



EXISTING SOUTH-EAST
ELEVATION



EXISTING NORTH-EAST
ELEVATION

PRELIMINARY ISSUE

DO NOT
SCALE



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
-	LR	FL	PRELCP952232TSKG	AN	CG	11.10.06	1
-	LR	FL	DDCP952232TSKG	AN	CG	21.11.06	2
-	SK	FL	PRELCP952232TSKG	DOM	CT	13.04.07	3

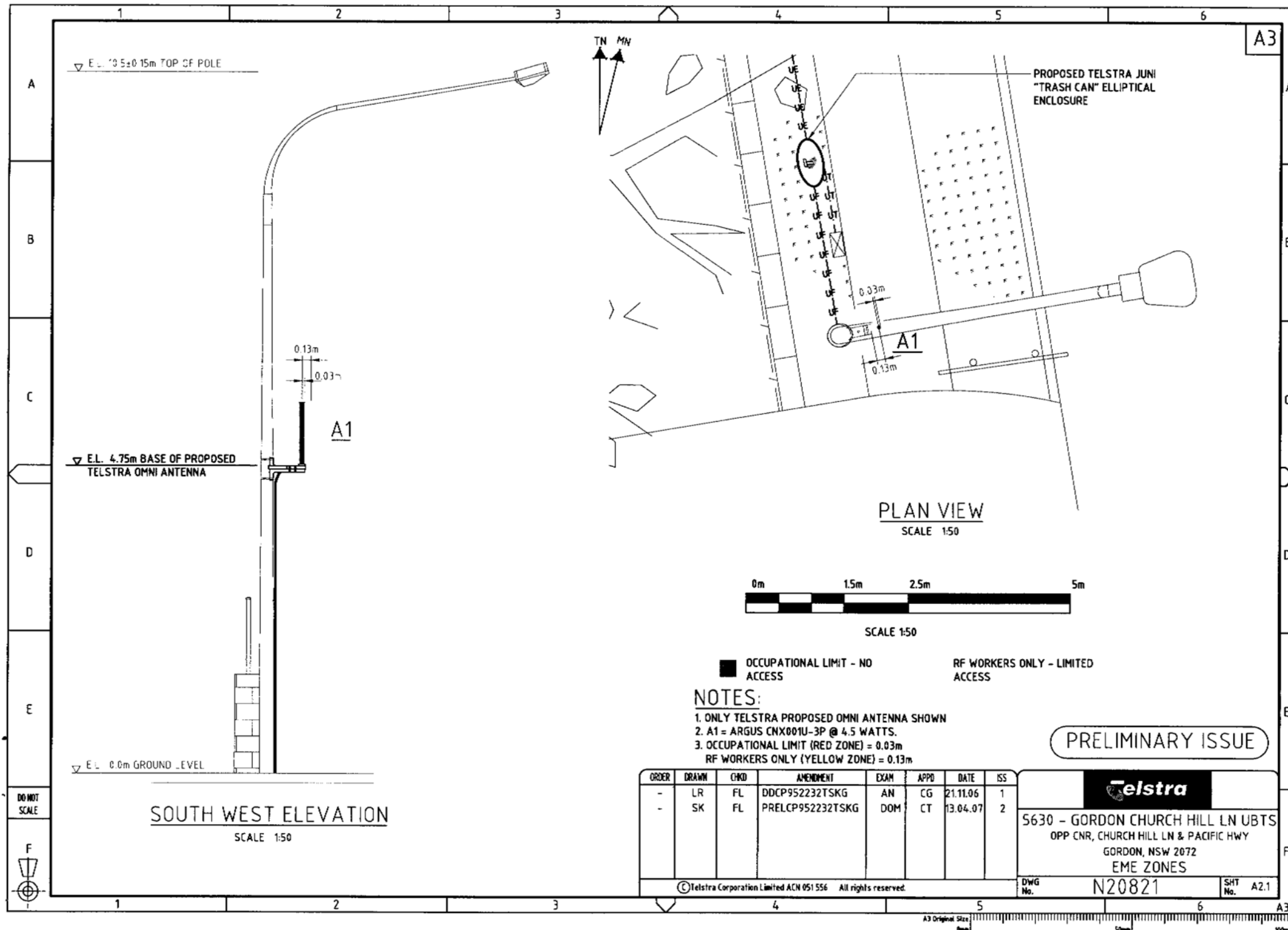
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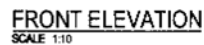
Telstra	
5630 - GORDON CHURCH HILL LN UBTS	
OPP CNR, CHURCH HILL LN & PACIFIC HWY	
GORDON, NSW 2072	
SITE PHOTOS	
DWG No.	SHT No.
N20821	S7

A3 Original Size
Dmm

50mm

100mm





- ALL SMALL WELDS SHALL BE 4mm CONTINUOUS WITH E41xx WELDING ELECTRODE TO AS 1554 PART 1 & 2 AS APPROPRIATE.
- BARE STEEL & WELDED AREAS SHALL BE CLEANED COATED WITH ZINCALATE 880 OR EQUIVALENT.
- ALL WORKMANSHIP & MATERIALS SHALL BE IN ACCORDANCE WITH AS4100 STEEL STRUCTURES.
- ALL BUTT WELDS SHALL BE FULL PENETRATION.
- UNLESS SPECIFIED OTHERWISE ALL FABRICATION TOLERANCES SHALL BE WITHIN $\pm 1.0\text{mm}$ AND ALL ANGULAR TOLERANCES $\pm 1.0\text{mm}$
- DO NOT SCALE USE WRITTEN DIMENSIONS
- ALL DIMENSIONS ARE IN MILLIMETRES.
- THE CONTRACTOR MUST CHECK & VERIFY ALL DIMENSIONS.
- ALL LOOSE BOLTS, NUTS, WASHERS ETC MUST BE FIXED TO THE APPROPRIATE COMPONENT BEFORE DELIVERY.
- ALL STAINLESS STEEL COMPONENTS SHALL BE GRADE 316 UNLESS OTHERWISE SPECIFIED.
- NON STAINLESS STEEL COMPONENTS SHALL BE HOT DIP GALVANISED

[illegible]

TELSTRA SERVICES
WIRELESS ACCESS SERVICES

**JUNI REPEATER
OUTDOOR ELLIPTICAL CABINET**

Design & Construction

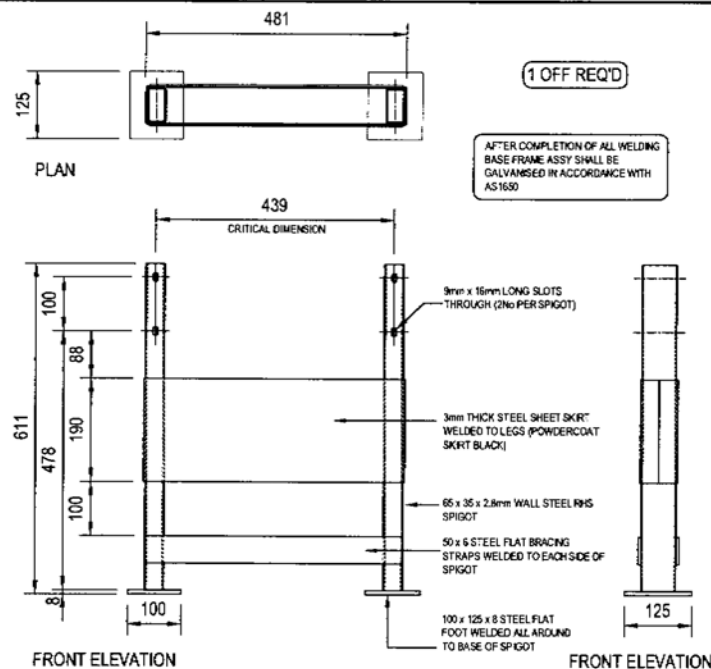


EXCOMM PTY LTD
2 / 25 KILPA RD MOORABBIN, VIC 3189
PO BOX 184 CHADSTONE CENTRE, VIC 3148
PH. 43 9555 7133 FAX. 03 9555 7442
EMAIL: office@excomm.org

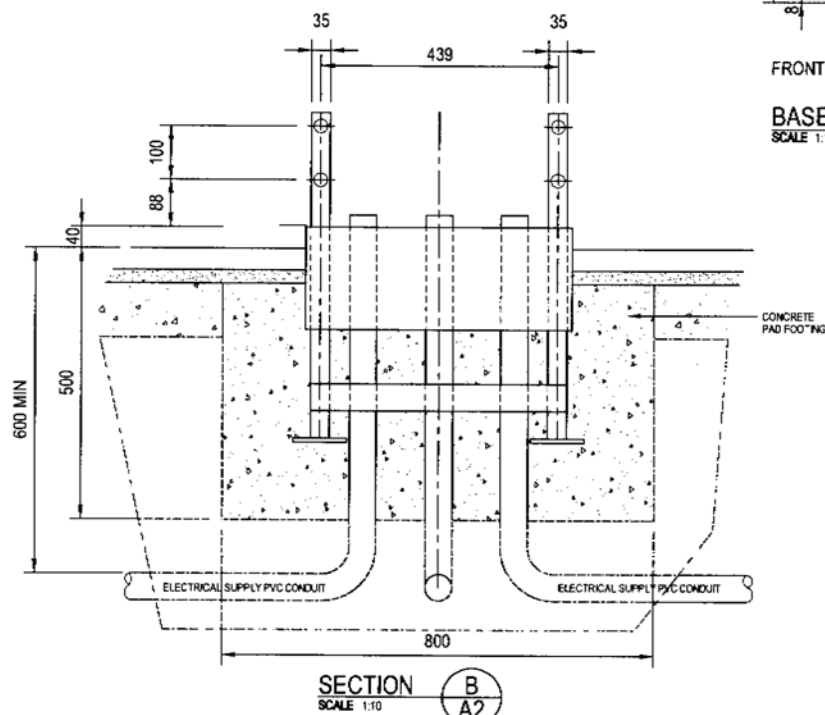
DRAWING TITLE:

JUNI REPEATER PLAN & ELEVATION

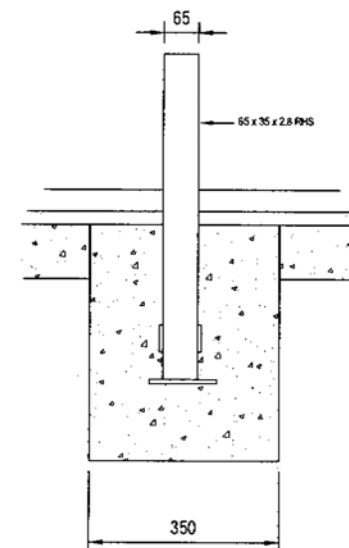
DESIGNED EXCOMM	DRAWN K.D.	APPROVED T.R.
SIZE A3	PLOT SCALE 1:1	
PLT5.D6 03.04.07	REVISION A	
DRAWING No. JUNI REPEATER -A2		



BASE FRAME - WELDED ASSY
SCALE 1:10



SECTION B-A2
SCALE 1:10



SECTION C-A2
SCALE 1:10

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DOCUMENT CONTROL STATUS

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A	03.04.97	ISSUED FOR INFORMATION	K.D.	T.R.	NAME:
REV	01.05.04		BY	APP	

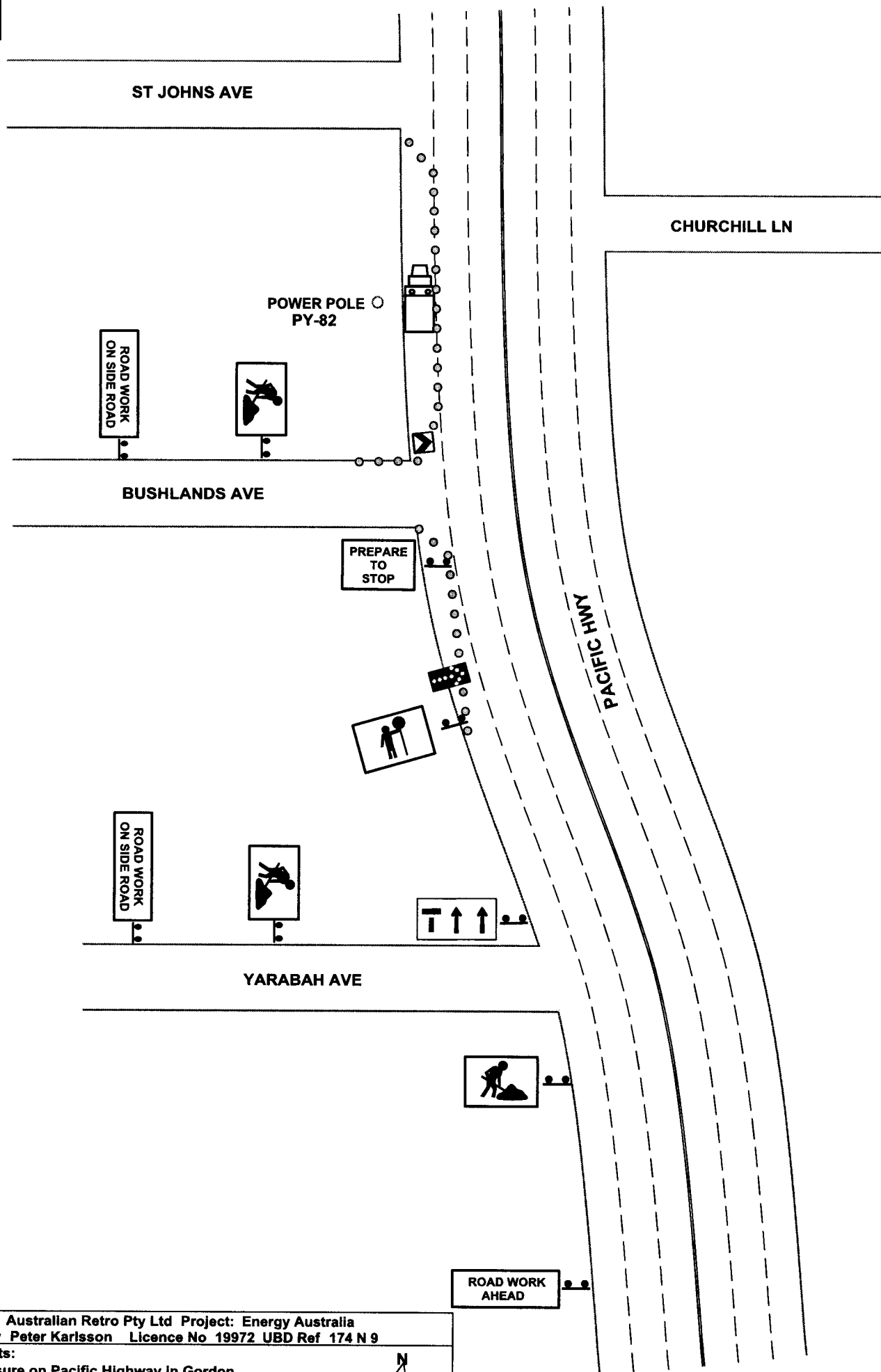
Telstra
TELSTRA SERVICES
WIRELESS ACCESS SERVICES
**JUNI REPEATER
OUTDOOR ELLIPTICAL CABINET**

Design & Construction
XCOMM
EXCOMM PTY LTD
2 / 25 KILPA RD MOORABBIN, VIC 3189
PO BOX 184 CHADSTONE CENTRE, VIC 3168
PH: 03 9555 7133 FAX: 03 9555 7442
EMAIL: office@excomm.org

DRAWING TITLE:
**JUNI REPEATER
FOUNDATION**

DESIGNED EXCOMM	DRAWN K.D.	APPROVED T.R.
SIZE A3	PLAT SCALE 1:1	REVISION A
0105.05 03.04.07		
DRAWING No.	JUNI REPEATER -A3	

Legend
 ○ ○ Bollards



AUSTRALIAN RETRO PTY LTD

Author: Australian Retro Pty Ltd Project: Energy Australia
 Drawn by Peter Karlsson Licence No 19972 UBD Ref 174 N 9

Comments:
 Lane closure on Pacific Highway in Gordon
 Plan No. AR 08/8275



STRATEGIC REVIEW OF BMX FACILITIES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council the results of the investigation process to select a suitable site for a BMX facility.

BACKGROUND:

On 25 September 2007, Council resolved to investigate and report on more appropriate areas for BMX bike riding. This followed a petition and representation by a number of people to overcome the limitations of the St Ives skate park facility.

COMMENTS:

A site analysis was carried out across 25 locations to investigate the merits of a new BMX facility. The analysis reviewed legal and site attributes, infrastructure and services, environmental and cultural impacts and safety and risk management. Consultation was also undertaken with key stakeholders regarding the analysis and recommendation in this report.

RECOMMENDATION:

That the Landscape Masterplan for St Ives Village Green incorporates combined BMX and skate facilities as part of a broader youth precinct; that a concept design for the facility be undertaken in the 2008/09 financial year to be funded from the Parks Development capital works program; and that, subject to Council adoption of the St Ives Village Green Landscape Masterplan, construction follow, with funding to be allocated from a combination of adopted section 94 Contributions Plan 2004-2009 funding and 2009/10 Parks Development capital works program.

PURPOSE OF REPORT

To report to Council the results of the investigation process to select a suitable site for a BMX facility.

BACKGROUND

At the ordinary meeting of Council 25 September 2007, the following motion was adopted:

That Council investigate and report back to Council more appropriate areas for BMX bike riding in a controlled environment within Ku-ring-gai LGA to lessen the current conflicts that skateboarders suffer with intrusive bike riders at the St Ives Skate Rink located at 6 Memorial Avenue, St Ives in the Village Green.

There are currently no formal facilities for BMX riding in the local government area. Riders presently use the skate park at St Ives Village Green as the primary site in lieu of a dedicated space, noting that this facility was not designed to accommodate these users.

The St Ives Village Green skate facility was opened on Sunday 31 August, 1997. A commitment to fund this facility followed a petition by young people in the early 1990's, similar to the process commenced by the BMX riders in recent times.

The facility itself was designed for skateboard riding, though the nature of this sport and BMX riding has meant that both sports have co-existed at the site since its operation. In the time the skate facility has been opened it has been used by Youth Services to engage local youth in a number of ways. An annual skateboarding competition is held which attracts competitor numbers of over 50 youth and spectator numbers approaching 400. Youth Services also run 'Night Skate' events where they put lights on the skate park on a Friday night which attracts up to 60 local youth, which provides a positive form of supervised recreation as well as helping build rapport between local youth and Council's youth workers. As noted through various youth events, there is a strong need for an expanded and/or new facility to enable the legitimate use by both sports.

The park is currently used by skateboarders, bike riders (against the facility rules), and roller bladers. In the last two years there has also been an increase in the amount of young children (4 – 10yrs) using the park with scooters.

The existing skate park is now over 10 years old and in urgent need of resurfacing. The flatter surfaces have been worn down and what was once a smooth concrete finish necessary for skating is now a rough and gravelly texture. The result of this is an elevated risk of injury, accelerated damage to equipment and diminished performance for users.

COMMENTS

In order to identify more appropriate areas for BMX riding, a site and suitability analysis was undertaken on 25 potential sites across the Ku-ring-gai local government area. A detailed set of

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criteria was used to conduct the analysis. The criteria were grouped within the following three categories:

A. Infrastructure and services

- Adequate size of the space – investigated whether there was room for the facility, toilets, shelter, seating and parking.
- Proximity to public transport – focused on rail and bus, noting earlier comments by users of a preference for closeness to the rail network, due to the obvious limitations with carrying bikes on buses.
- Suitability for facility lighting – this was included as it was a preference for users particularly in the winter months when day light hours would restrict use.
- Proximity or buffer from traffic noise.
- Connection to other sporting facilities.
- Proximity to shops for food and drink.
- Parking.

B. Environmental and cultural impact

- Landscape quality inconsistent with a BMX facility.
- Impact on vegetation, soil and hydrology.
- Conflict with provision of peaceful nearby town centre green spaces.
- Conflict with residential areas.

C. Safety and risk management

- Surveillance.
- Emergency access – in the event of accidents.
- Proximity to medical centres.

Attachment 1 provides a summary of the analysis across each of the 25 locations. This information was used to develop a semi quantitative analysis of the results for the purpose of rankings as contained in Table 1 below. This assessment process ranked the results between 0 and 2. A 'yes' in terms of its potential against the site analysis criteria was converted to a score of 2; a score of 1 was applied to areas where impacts were only potential, minimal or unknown; and a 'no' in terms of the suitability was converted to a score of 0. The scores were then added to give an overall 'suitability score' for each site - the higher the score, the more suitable the site is for a BMX Facility. The maximum possible score was 28.

From this assessment, St Ives Village Green was ranked as the highest in terms of its suitability for a BMX facility. The next tier of sites included Turramurra Village Park and Lindfield Community Centre tennis courts (behind Lindfield Library). Other locations lower in the ranking were: West Pymble Village Green; the proposed park at Dumaresq Street, Gordon; Gordon Glen in Dumaresq St; and Gordon Recreation Reserve.

From this suitability assessment, a site analysis was undertaken at the three top ranked sites. Table 2 below provides details of this analysis.

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Table 1. Suitability Assessment Ratings for BMX Facility Site Investigation Matrix

SITE	SCORE	SUITABILITY ASSESSMENT RATING
ST IVES VILLAGE GREEN	26	VERY HIGH
TURRAMURRA VILLAGE PARK (74)	21	HIGH
LINDFIELD COMMUNITY CENTRE TENNIS COURTS (LINDFIELD LIBRARY)	19	HIGH
WEST PYMBLE VILLAGE GREEN	18	POSSIBLE
9, 15, 17 DUMARESQ STREET, GORDON	18	POSSIBLE
GORDON GLEN	18	POSSIBLE
GORDON RECREATION RESERVE	17	POSSIBLE
THE GLADE OVAL COURTS	16	LOW
THE LOOKOUT	16	LOW
WAHROONGA PARK	15	LOW
TURRAMURRA MEMORIAL PARK (near Memorial Gates)	15	LOW
PRINCESS PARK	15	LOW
WARRIMOO OVAL	14	LOW
BICENTENNIAL PARK LOFBERG (L) AND NORMAN GRIFFITHS OVALS (NG)	14	LOW
ROSEVILLE MEMORIAL PARK	14	LOW
ST IVES SHOWGROUND	13	LOW
BANNOCKBURN OVAL	13	LOW
PRINCES PARK - PRIMULA OVAL	13	LOW
IBBITSON PARK	13	LOW
HASELL PARK	12	LOW
ROBERT PYMBLE PARK	12	LOW
SELKIRK PARK	12	LOW
ROSEVILLE PARK	12	LOW
BANCROFT PARK	12	LOW
CLAUDE CAMERON GROVE	9	LOW

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Table 2. Suitability analysis of three highest ranked sites for a BMX facility

	ST IVES VILLAGE GREEN	TURRAMURRA VILLAGE PARK	LINDFIELD COMMUNITY CENTRE (LINDFIELD LIBRARY)
Area for facility	4700m ²	875m ²	3920m ²
Grade	1:22 to the northeast	1:12	1:13 to the east
Positives	<ul style="list-style-type: none"> • Away from housing • Close to bus routes • Large site • Adjacent shops and facilities • Parking access • Appropriate setting with existing skate park • Doctor, police, fire and ambulance nearby • Site identified for upgrade as part of draft Town Centres Development Control Plan 	<ul style="list-style-type: none"> • Away from housing • Close to station • Opportunity to remove damaged trees to create space • Space is not currently well used • Site identified for upgrade as part of draft Town Centres Development Control Plan 	<ul style="list-style-type: none"> • Close to station, accessible by laneway • Facilities, amenities and youth centre on site • Site identified for upgrade as part of draft Town Centres Development Control Plan
Negatives	<ul style="list-style-type: none"> • Relative distance from train station – Pymble is 2km away 	<ul style="list-style-type: none"> • Relatively small site • Heritage sandstone walls and steps must be integrated into design • Loss of green space for Town Centre • Loss of some trees 	<ul style="list-style-type: none"> • Poor surveillance • History of under-age drinking on site • May put at risk alternative uses of site in future • Conflicts with neighbouring 'Arrunga' apartments

Key issues

As part of the suitability assessment and subsequent site analysis on the preferred locations a number of issues were raised with users of the facility through various meetings and in discussion with Council's Youth Services Coordinator at a consultation meeting on site. In terms of use, these issues relate to sharing of a facility, design options, proximity to public transport and relationship to and development of a larger youth precinct. Other matters considered included future park masterplans and associated capital works programs and demographic changes.

Shared facility – while it is desirable to have separate facilities for BMX and skateboard riding, the industry generally and users themselves, recognised that a shared facility is a more feasible outcome. This is reflected by the changing needs or challenges of the two sports and the need to accommodate various skill levels. As part of the discussions on this matter, any design would need to contain specific elements to suit both sports and a variety of levels within a combined facility. In arriving at this decision it was also recognised that if a dedicated facility was built it would be used by the other sports as well as rollerbladers and scooter riders, as presently occurs.

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Contemporary design – the nature of the design of skate facilities is changing. Contemporary skate parks (larger, district facilities) and skate spots (smaller, local facilities) around the world are taking much more of an urban form, with an emphasis on 'street skating' elements rather than the traditional bowls, quarter pipes and half-pipes that have been the dominant feature of so many skate facilities around Australia.

Urban street style skate facilities have many advantages over traditional skate facilities, including:

- they are safer and not as intimidating for beginning skaters and therefore encourage more people to take up the sport;
- they are more conducive to relaxing and socialising and become more of a youth hang space than a performance space;
- they are more aesthetically appealing to the general public and provide the opportunity for the inclusion of public art, trees and green areas within the space; and
- their design can be incorporated more successfully into site master plans that integrate passive and active recreation elements.

This trend is mirrored to some extent by BMX facilities though noting the design of BMX parks will have more bowls and ramps that are also used by more advanced skaters. Similarly, street BMX riders also use existing urban forms and street furniture depending on skill levels.

Access to rail station – this was a desirable element for the location of the facility. However current users of the St Ives facility have for many years cycled from Pymble Railway Station and have accepted this as a part of their recreational activity. Should an additional facility be built it should be located close to rail access.

In terms of existing bike paths, there are a small number of recognised routes within the vicinity of, and connecting with St Ives Village Green. These include the on-road path linking Gordon Station with St Ives along Rosedale Road, the shared footpath routes along Horace Street linking St Ives High School; and a partially completed link along Killeaton Street connecting to North Turramurra and Turramurra/Pymble via Bobbin Head Road.

Youth precinct – The St Ives Village Green is a site that is already very popular with young people. The skate park, proximity to shops and transport make it a desirable and enjoyable place for young people to be. There are also several high schools within walking distance (and buses from many other schools pass nearby) meaning that after school there can be a large and diverse number of young people in the area. The Council operated Fitz Youth Centre is also located on the Village Green, enabling Council's youth workers to maintain a good relationship with the youth of the area and continue to develop programs meeting community needs.

Master plan – The St Ives Village Green Landscape Masterplan is the next district park landscape masterplan to be undertaken. This follows completion of The Swain Gardens and Sir David Martin Reserve and the Turramurra Park and Karuah Park draft Landscape Masterplan (currently on public exhibition). It is expected that the St Ives Village Green masterplanning process will commence in July 2008 and will explore many issues including its relationship to the town centre, continuation of the site for competition sport, integration of existing facilities such as tennis courts, netball courts, playground and the future of the existing scout hall (no longer used by the scouts).

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or its site if it was to be demolished, as is indicated in the draft Town Centres DCP. Consultation associated with this masterplan will follow a similar extensive process to that used for Turrumurra Memorial Park and Karuah Park, as discussed in the consultation section of this report.

Demography – An analysis of the census data from 1991 to 2006 for each suburb for the 5 to 24 year age cohort is summarised in Table 3. For each year St Ives has had the highest number of people in this age bracket followed by Turrumurra.

Table 3. Total population of 5 to 24 year olds by suburb from 1991 to 2006

Suburb	1991	1996	2001	2006
St Ives	5738	5115	4972	4821
Turrumurra	4896	4599	4546	4694
Pymble	4675	4417	4451	4445
Wahroonga	4672	4247	4386	4022
Lindfield	3456	3326	3323	3337
Killara	3521	3347	3383	3077
Roseville	2441	2428	2381	2310
Gordon	1629	1652	1876	1535
Warrawee	938	907	737	873

(Reference: ABS Census data 1991 to 2006)

Within the town centres, the projected increase in population from 2006 to 2031 is estimated by SGS Economic Planning (April 2008) to be 18,500. In terms of trends there is expected to be an increase in elderly and decline in the proportion of those under 15 years. Between the ages of 5 to 24, the proportion is expected to change from a high of 25.9% in 2006 to 21.2% by 2031. Within each town centre there is expected to be a relative decline in this age cohort, although there will be an absolute increase across each centre, as summarised in Table 4.

Table 4. Percentage population changes and total population within the 5 – 24 age cohort within each of the town centres between 2006 and 2031

Suburb	2006		2031	
Roseville	24.5 %	3171	21.8	4469
Lindfield	26.2%	4051	21.1%	8112
Gordon	26.3%	4652	20.7%	9723
Pymble	27.2%	1889	22.7%	3078
Turrumurra	24.4%	3146	20.2%	6296
Wahroonga	27.6%	2420	26.1%	2846
St Ives	24.8%	728	18.7%	4046

(Reference: SGS 2008, Ku-ring-gai Development and Demographic Forecasts April 2008).

CONSULTATION

Council's Youth Services Co-ordinator reports that for many years Council's youth workers have been questioned by bike riders about a facility they could legally use. Often this communication

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happens informally and is particularly apparent whenever Youth Services use the facility for events. This is because bike riders are not permitted to use the park and Youth Services organise and run specialised events for skateboarders, but are unable to do so for bike riders. Youth Services have also been approached more formally by young bike riders (and their parents) who are keen to be involved in the decision making process for a BMX facility.

Council staff have met and discussed needs and ideas with various stakeholders on a number of occasions, including twice at Turramurra Memorial Park and once on site at St Ives Village Green skate facility. These meetings have included the two members of the community that addressed Council on 25 September 2007 and other young people through Council's networks via Council's Youth Services Co-ordinator. Throughout each meeting there has been a genuine effort to identify and work towards a workable solution to achieve a new BMX and/or shared BMX and skate facility.

In terms of the design and integration with the St Ives Village Green and surrounds, it is important that there is a comprehensive consultation process involving users of the proposed facility and others. The rationale for this is two fold. First, to ensure that if a facility is built, it meets the needs of the users and they have strong ownership of the site, which will encourage more use and a cleaner and better maintained facility. Second, at a local level, to make certain that any facility will be compatible with the overall site, and can be integrated successfully into any masterplan and future town centre redevelopment and minimise conflict with other users of the space.

To achieve these outcomes, the consultation process to progress the recommended option for citing a facility at St Ives Village Green will involve:

1. Youth involvement - Council would (not adopted yet) undertake community consultation in the form of focus groups and surveys to ascertain what elements would be most desirable in a multi-use upgraded park. This consultation process would include local bike riders and skateboarders and also other local youth to identify any other potential inclusions to the plan. The survey would be conducted online, in youth centres, at the site itself and also in local high schools. It is envisaged that this consultation process will result in a concept plan/s for incorporation in the site masterplan consultation as below.
2. Site master plan – this would entail a three stage process as used for the preparation of the Turramurra Memorial Park and Karuah Park draft Landscape Masterplan. Prior to Council considering exhibiting a draft landscape masterplan there will be two formal community consultation stages to identify issues, canvas options and generally discuss the site and its future. The two step consultation process, prior to the exhibition of the draft plan will enable an iterative approach to the refinement of options for the site, considering all users including the youth involvement as above. Once a draft landscape masterplan has been adopted by Council for exhibition, there will a further “formal” process of comment and consultation prior to adoption.

FINANCIAL CONSIDERATIONS

The cost of resurfacing the currently degraded skate surfaces to bring it up to a safe and sustainable standard is estimated at \$100,000 and the future cost of maintaining the facility is expected to increase rapidly the longer it is neglected. \$100,000 is available through the section 94 Contributions Plan 2004-2009 for St Ives Village Green, however, expenditure of section 94 funds

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on the skate facility would require significant modification to the design of the facility rather than just resurfacing the existing facility, as maintenance can not be funded through section 94 funds.

If Council chooses only to resurface the existing facility and not expand or modify the design of the facility, section 94 funds could not be used and funds would need to be allocated from general funds in 2009/10 or future years.

If, however, Council resolves to select St Ives Village Green as a location for a BMX facility, a concept design for a combined BMX and skate facility and the draft Landscape Masterplan for St Ives Village Green would need to be completed to inform restoration works, as part of a longer term reconfiguration of the site.

The 2008/09 draft capital works program has identified an allocation of \$20,000 within the Parks Development program to fund the concept design for a youth BMX and skate facility. This allocation was made in anticipation of a selection of a site for a new BMX facility as per this report. While this facility has been identified for St Ives Village Green in the draft capital works program, the final site selection would be informed by the resolution of Council in relation to this report. Should the site for the facility fall within a location that will have a landscape masterplan in the near future, this information (the facility design) would be integral to the formation of the plan and consultation.

The forward capital works program for 2009/10, as included in Councils draft 2008-2012 Management Plan, has identified \$223,000, funded through general funds, for the construction of youth skate and BMX facilities at St Ives Village Green, though not necessarily tied to a combined skate and BMX facility as recommended by this report. At this stage it should be noted that the funding for 2008/09 and 2009/10 could be consolidated, providing a total of \$323,000. In addition there is a further \$646,000 allocated in the Section 94 Contributions Plan 2004-2009 for St Ives Village Green for the implementation of new facilities to be identified in the landscape masterplan.

In terms of the cost of a final facility, this could fall within a range of \$300,000 to \$400,000, depending on the final design and relationship to other works tied to the landscape masterplan. Section 94 Plan funding is available to cover any additional cost, should the cost of the facility exceed \$323,000.

As part of a funding strategy for this facility, staff would also pursue a NSW Sport and Recreation regional sports facility grant. Given the regional nature of this project, being the only facility of its type in Ku-ring-gai, the chances of funding success should be high. In any case, the final design options should be flexible to benefit from additional funding if it becomes available, although the design should not be contingent upon it.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared in consultation with Operations . Corporate and Community departments.

SUMMARY

In response to a resolution of Council, a site analysis was undertaken across 25 locations to assess the suitability of a new BMX facility for Ku-ring-gai. This analysis identified St Ives Village Green as

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the best location, followed by Turrumurra Village Park and the tennis courts near the Lindfield Community Centre. Ongoing consultation on this matter has been occurring with users at the site who support the recommendation for an expanded youth precinct at St Ives Village Green to have a combined BMX and skate park. Ongoing consultation with users and other stakeholders is proposed as part of a Landscape Masterplan for the St Ives Village Green. Funding for a facility is possible through the consolidation of this year's section 94 allocation and future capital works and section 94 funding for the implementation of the St Ives Village Green Landscape Masterplan.

RECOMMENDATION

- A. That Council supports the proposal for a combined BMX and skate facility at St Ives Village Green as part of a broader youth precinct, subject to the outcomes of community consultation during preparation of the concept design for the facility and the Landscape Masterplan for St Ives Village Green in 2008/09.
- B. That a concept design for the facility be undertaken in 2008/09 to be funded from the Parks Development component of the capital works program.
- C. That, subject to community support of the facility as part of the St Ives Village Green Landscape Masterplan, construction follow Council adoption of the landscape masterplan, with funding to be allocated from a combination of adopted section 94 Contributions Plan 2004-2009 funding and the 2009/10 Parks Development capital works program.

Roger Faulkner
Sport and Recreation Planner

Peter Davies
**Manager Corporate Strategy
and Sustainability**

Andrew Watson
Director Strategy

Attachments: BMX Facility Site Investigation Matrix - 942424

BMX FACILITY
SITE INVESTIGATION MATRIX

SITE	ST IVES SHOWGROUND	HASELL PARK	WARRIMOO OVAL	ST IVES VILLAGE GREEN	ROBERT PYMBLE PARK	WAHROONGA PARK	CLAUDE CAMERON GROVE
ADDRESS	450 Mona Vale Rd, St Ives	352 Mona Vale Rd, St Ives	161 Warrimoo Ave, St Ives Chase	100 Killeaton Street (The Village Green is off Village Green Pde) St Ives	1 Park Crsc, Pymble	51 Coonanbarra Rd, Wahroonga	24 Westbrook Ave cnr Kintore St, Wahroonga
LEGAL AND ATTRIBUTES							
WARD	St Ives (Parish Broken Bay)	St Ives	St Ives	St Ives	St Ives	Wahroonga	Wahroonga
LMU	24	870	919	505	80	58	54
LOT AND DEPOSITED PLAN	Part Lot 18 DP 752017, Lot 438 DP 40911, Part Lot 19 DP 75017	Lot 7010 DP 93761	Lot 2 DP 505480	Part Lot 3, DP 219148	Lots 1 & 2 DP 455673, Lot 7 DP 965, Lot 8 DP 965 and 4 more		Lot 3 DP 401080 1,0076m2) and Part Lot 18 DP 241742 505.9m2
TOTAL SITE SIZE (M2)	18.66	4.222	3.5392	1.127			1.5135
LAND CLASSIFICATION	Crown Land Crown Land Consolidation Act Dedication	Crown and reservation	Community	Community	Community		Community
LAND ZONE	Recreation Existing 6 (a)	Recreation Existing 6 (a)	Recreation (6a)	Recreation (6a)	Recreation (6a)		Recreation Existing 6 (a)
LAND CATEGORY	reserve/urban park/showground	natural area, sports reserve, urban park	sports reserve, tennis courts	sports reserve, tennis courts, urban park	urban park, tennis courts	public garden	sports reserve
ADDITIONAL ATTRIBUTES	Bushfire prone land Cat 1 or Cat 1 & buffer		Bushfire prone land Cat 1 or Cat 1 & buffer				Lot 18 - reservation - county road widening (current)
(A) INFRASTRUCTURE AND SERVICES							
ADEQUATE SIZE (SPACE FOR TOILETS, SHELTER, SEATING, PARKING)	1	maybe - behind/replace playground	maybe -near scout hall	yes	maybe - near playground	corner Illoura St	near building to rear of site - partially on Lot 18
NEAR TRAIN STATION OR PUBLIC TRANSPORT	0	no	no	yes	yes	yes	no
SUITABLE TO FLOOD-LIGHT	yes	possible	possible	yes	no	no	no
BUFFERED FROM TRAFFIC	yes	yes	yes	yes	yes	yes	yes
CONNECTS WITH EXISTING SPORTS FACILITIES	yes	yes - sport	yes - sport	yes - youth centre and sport	yes	no	no
CLOSE TO SHOPS (FOOD/DRINK)	no	no	no	yes	yes	yes	no
ADEQUATE PARKING	yes	yes	yes	yes	no -severe shortage	no - severe shortage	yes
(B) ENVIRONMENTAL AND CULTURAL IMPACT							
LANDSCAPE QUALITY CONSISTENT WITH BMX FACILITY	no - heritage site	yes	yes	yes	maybe	no - historic - highly valued by the public for its traditional parkland quality	yes
MIN ENVIRONMENTAL IMPACT - VEGETATION, SOIL, HYDROLOGY	Duffy's Forest	Duffy's forest	yes	STIF	BGHF	yes	BGHF
MINIMAL CONFLICT WITH PROVISION OF PEACEFUL, GREEN SPACES NEAR TOWN CENTRES)	no	no	no	yes	no	no	no
MINIMAL CONFLICT WITH RESIDENTIAL AREA	yes	no	no	yes	no	no	no
(C) SAFETY RISK MANAGEMENT							
GOOD SURVEILLANCE	no (although resident caretaker)	no	no	yes	no	yes	no
EMERGENCY ACCESS TO SITE	yes	yes	yes	yes	one-way residential street	yes	yes
MEDICAL CENTRE/DOCTOR NEARBY	no	no	no	yes	yes	YES	no

BGHF - Blue Gum High Forest

STIF - Sydney Turpentine Ironbark Forest

BMX FACILITY
SITE INVESTIGATION MATRIX

SITE	THE GLADE OVAL COURTS	TURRAMURRA MEMORIAL PARK (near Memorial Gates)	BANNOCKBURN OVAL	TURRAMURRA VILLAGE PARK (74)	THE LOOKOUT	BICENTENNIAL PARK LOFBERG (L) AND NORMAN GRIFFITHS OVALS (NG)
ADDRESS	5 Koora Ave, Wahroonga	55 Eastern Rd, Turramurra	2 Birubi Ave, Pymble	1275 Pacific Hwy, (cnr William St.) Turramurra	1328 Pacific Highway, Turramurra	2 (L), 30 (NG) Lofberg Road, West Pymble
LEGAL AND ATTRIBUTES						
WARD	Comenarra	Wahroonga	Wahroonga	Comenarra	Comenarra	Comenarra
LMU	863	874	73	74		
LOT AND DEPOSITED PLAN	Lot 6 DP 21090 (of larger site) reserve 212, oval 211	Lot 1 DP 985043 (part of larger site below memorial gates)	Lot 64 DP 17108	Lot 1 DP 81994	Lot 1 DP 64313	(Lot 1 DP 521870 Lot 3 DP 554781 (L)) (Lots 7, 8, 9, 10 and 4 more DP 230332)
TOTAL SITE SIZE (M2)		1.0104	371.6	847.3	3420	(5.009, 929 (L) 252.9, 9.51, 211 (NG)
LAND CLASSIFICATION	Community	Community	Community	Community	Crown (owner)	Community
LAND ZONE	Recreation Existing 6 (a)	Recreation Existing 6 (c)	Recreation Existing 6 (c)	Recreation 6 (a) and part county road widening	Recreation Existing (6a)	Recreation Existing 6 (a)
LAND CATEGORY	natural area, sports reserve, tennis courts	sports reserve, natural area, urban park, tennis courts, public garden	sports reserve,urban park, natural area	public garden	public garden	sports reserve, urban park, natural area
ADDITIONAL ATTRIBUTES	Bush Fire Prone Land - Cat 1 or Cat 1 & buffer			Includes an area reserved for country road widening		Ku-ring-gai Heritage Conservation LEP No 1 (L) Bush Fire Prone Land - Cat 1 or Cat 1 & buffer (L & NG)
(A) INFRASTRUCTURE AND SERVICES						
ADEQUATE SIZE (SPACE FOR TOILETS, SHELTER, SEATING, PARKING)	tennis courts area	near memorial gates	playground space	3,500	3,300	Norman Griffith - tight space - compromise use of oval. Lofberg - near clubhouse
NEAR TRAIN STATION OR PUBLIC TRANSPORT	yes	yes	yes - not too far	yes	yes	no
SUITABLE TO FLOOD-LIGHT	maybe	yes	yes	yes	yes	possible
BUFFERED FROM TRAFFIC	yes	yes	yes	yes - potential	yes	yes
CONNECTS WITH EXISTING SPORTS FACILITIES	yes	yes	yes	no	no	yes
CLOSE TO SHOPS (FOOD/DRINK)	no	yes	no	yes	yes	maybe - W Pymble shops nearby
ADEQUATE PARKING	yes	yes	yes	yes - carpark nearby	no - restricted hours highway	yes
(B) ENVIRONMENTAL AND CULTURAL IMP						
LANDSCAPE QUALITY CONSISTENT WITH BMX FACILITY	yes	no - highly valued by the public for its traditional parkland quality	no	yes	yes	yes
MIN ENVIRONMENTAL IMPACT - VEGETATION, SOIL, HYDROLOGY	BGHF	BGHF	BGHF	BGHF	BGHF	STIF
MINIMAL CONFLICT WITH PROVISION OF PEACEFUL, GREEN SPACES NEAR TOWN CENTRES)	yes	no	no	no	no	no
MINIMAL CONFLICT WITH RESIDENTIAL AREA	no	no	no	no adjacent properties	no - one neighbour - 'Northhaven' senior living	no
(C) SAFETY RISK MANAGEMENT						
GOOD SURVEILLANCE	no	no	no	yes	no	no
EMERGENCY ACCESS TO SITE	yes	yes	yes	yes	yes - possible	yes
MEDICAL CENTRE/DOCTOR NEARBY	no	no	no	yes	yes	yes - W Pymble shops

BGHF - Blue Gum High Forest

STIF - Sydney Turpentine Ironbark Forest

BMX FACILITY
SITE INVESTIGATION MATRIX

SITE	WEST PYMBLE VILLAGE GREEN	9, 15, 17 DUMARESQ STREET	GORDON GLEN	GORDON RECREATION RESERVE	SELKIRK PARK	PRINCES PARK - PRIMULA OVAL	LINDFIELD COMMUNITY CENTRE TENNIS COURTS
ADDRESS	80Kendall St, West Pymble	Dumaresq Street, Gordon	57 Dumaresq Street, Gordon	63a Werona Ave through to Rosedale Rd, Gordon	2a Marian St, (Culworth) Killara	76A Highfield Rd, Lindfield	265-271 Pacific Highway, Lindfield
LEGAL AND ATTRIBUTES							
WARD	Comenarra	Gordon	Gordon	Gordon	Gordon	Gordon	Gordon
LMU	280		307	350	172	339	162
LOT AND DEPOSITED PLAN	Lot 3 DP 216305	LOT B DP 355615, Lot D DP 386283, Lot C DP 386283	Lots 3 & 4 DP 303309		Lot C DP 335377, Lot A DP 312594	Part Lot 3 DP 22603	Lot 8 DP 660564
TOTAL SITE SIZE (M2)	4730	1,575m2 (B) 1,008m2 (D) 1,015m2 (C)	1,153m2 (3) 1,157.9m2 (4)		Lot C 1,282, Lot A 3,532		3,646
LAND CLASSIFICATION	Community	Council Resolution Zoning Gordon	Community		Community	Community	Community
LAND ZONE	Recreation Existing 6 (a)		Recreation Existing 6 (a)		Recreation Existing 6 (a)	Recreation Existing 6 (a)	Special uses 5 (a) (Municipal purposes)
LAND CATEGORY	urban park	residential single dwelling	urban park, natural area	urban park, tennis courts	urban park	sports reserve, natural area	sports reserve, tennis courts
ADDITIONAL ATTRIBUTES						Bush Fire Prone Land - Cat 1 or Cat 1 & buffer	
(A) INFRASTRUCTURE AND SERVICES							
ADEQUATE SIZE (SPACE FOR TOILETS, SHELTER, SEATING, PARKING)	yes - large empty site	yes - 3, 200m2	yes - 2,100m2	Werona Avenue area	large site 4,900m2	relatively small 1000m ²	yes - replace courts
NEAR TRAIN STATION OR PUBLIC TRANSPORT	no - bus only	yes	yes	yes	yes	no	yes (and laneway access to station)
SUITABLE TO FLOOD-LIGHT	maybe	no	no	no	maybe	yes	yes
BUFFERED FROM TRAFFIC	yes	yes	yes	yes	yes	no	yes
CONNECTS WITH EXISTING SPORTS FACILITIES	no - although Bicentennial Park nearby	no	yes	yes	no	yes	no
CLOSE TO SHOPS (FOOD/DRINK)	yes	yes	yes	yes	no	no	yes
ADEQUATE PARKING	yes	yes - shopping centre parking nearby	yes	no - severe parking shortages	yes	yes	yes parking on site
(B) ENVIRONMENTAL AND CULTURAL IMP							
LANDSCAPE QUALITY CONSISTENT WITH BMX FACILITY	yes	yes	yes	no - highly valued by the public for its traditional parkland quality	no	yes	yes
MIN ENVIRONMENTAL IMPACT - VEGETATION, SOIL, HYDROLOGY	STIF	BGHF	STIF	yes	BGHF	BGHF	BGHF
MINIMAL CONFLICT WITH PROVISION OF PEACEFUL, GREEN SPACES NEAR TOWN CENTRES)	no	yes	no	no	no	no	no
MINIMAL CONFLICT WITH RESIDENTIAL AREA	minimal - three residents adjacent (church opposite)	no - apartments proposed	no	no	no	no	one adjacent neighbour - 'Arrunga' seniors housing
(C) SAFETY RISK MANAGEMENT							
GOOD SURVEILLANCE	yes	yes	no	yes	OK (1/2)	yes	yes - during library hours
EMERGENCY ACCESS TO SITE	yes	yes	yes	yes	yes	yes	yes
MEDICAL CENTRE/DOCTOR NEARBY	yes	no	yes	yes	no	no	yes

BGHF - Blue Gum High Forest

STIF - Sydney Turpentine Ironbark Forest

BMX FACILITY
SITE INVESTIGATION MATRIX

	ROSEVILLE PARK	PRINCES PARK	IBBITSON PARK	ROSEVILLE MEMORIAL PARK	BANCROFT PARK
SITE					
ADDRESS	60A Clanville Rd (cnr Cranbrook Ave) Roseville	1A Pleasant Avenue, East Lindfield	1 Wolseley Road, Lindfield	64 Pacific Hwy, (cnr MacLaurin Pde) Roseville	45 Bancroft Rd, Roseville
LEGAL AND ATTRIBUTES					
WARD	Gordon	Gordon	Gordon	Roseville	Roseville
LMU	871	178		336	208
LOT AND DEPOSITED PLAN	Lots 12 3 4 and 31 more DP 9475	Lot 21, DP 28233	Lot 65 and 65A DP6608	Lot 2 DP 202148	Lots 1, 9, 10 and 1 more DP 133073, Lot 1 DP 42095473
TOTAL SITE SIZE (M2)		2,485m2	1,012m2 (65), 910.5 (65A)	967.5	Lot 9 1,682m2
LAND CLASSIFICATION	Community	Community	Community	Community	Community (past)
LAND ZONE	Recreation Existing 6 (a)	Special uses 5 (a) (Municipal purposes)	Recreation Existing 6 (a)	Zones pt - Pt Bus 3(a) - (A2) - Rec. Ex. 6 (a) p cnty Rd widening (current)	
LAND CATEGORY	sports reserve, urban park, tennis courts	urban park	urban park	public garden	public garden
ADDITIONAL ATTRIBUTES	Ku-ring-gai Heritage Conservation LEP No 11 Draft Heritage Local Environmental Plan Council				
(A) INFRASTRUCTURE AND SERVICES					
ADEQUATE SIZE (SPACE FOR TOILETS, SHELTER, SEATING, PARKING)	eastern corner Clanville Rd	near buildings	empty site 1922.5m2	possibly not	yes - near Bancroft Road
NEAR TRAIN STATION OR PUBLIC TRANSPORT	not too far	no	yes	yes	yes
SUITABLE TO FLOOD-LIGHT	no	no	no	possible	no
BUFFERED FROM TRAFFIC	yes	yes	yes	possible	yes
CONNECTS WITH EXISTING SPORTS FACILITIES	yes	yes	no	no	no
CLOSE TO SHOPS (FOOD/DRINK)	no	no	no	yes	no
ADEQUATE PARKING	yes	yes	yes	maybe - carpark nearby although busy	yes
(B) ENVIRONMENTAL AND CULTURAL IMP					
LANDSCAPE QUALITY CONSISTENT WITH BMX FACILITY	no - heritage area and traditional parkland highly valued by the public	yes	yes	no - conflicts with war memorial	no
MIN ENVIRONMENTAL IMPACT - VEGETATION, SOIL, HYDROLOGY	BGHF	yes	BGHF	BGHF	no
MINIMAL CONFLICT WITH PROVISION OF PEACEFUL, GREEN SPACES NEAR TOWN CENTRES)	YES	yes	no	no	no
MINIMAL CONFLICT WITH RESIDENTIAL AREA	no	no	no	one neighbour RSL club	no
(C) SAFETY RISK MANAGEMENT					
GOOD SURVEILLANCE	no	no	no	yes	no
EMERGENCY ACCESS TO SITE	yes	yes	yes	yes	yes
MEDICAL CENTRE/DOCTOR NEARBY	no	no	no	yes	yes

BGHF - Blue Gum High Forest

STIF - Sydney Turpentine Ironbark Forest

SUSTAINABILITY REFERENCE GROUP - MINUTES OF MEETING HELD 12 MAY 2008

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Sustainability Reference Group Meeting held on Monday, 12 May 2008.

BACKGROUND:

The role of the Sustainability Reference Group (SRG) is to provide community, stakeholder and industry advice and feedback to Council on matters relevant to sustainability.

COMMENTS:

At the meeting of Monday, 12 May 2008, two items were discussed; the establishment of three working parties as provided for by the Sustainability Reference Group Charter and the draft Community Consultation Policy.

RECOMMENDATION:

That the Minutes of the Sustainability Reference Group meeting held on Monday, 12 May 2008 be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Sustainability Reference Group Meeting held on Monday, 12 May 2008.

BACKGROUND

The SRG provides community, stakeholder and industry advice and feedback to Council on matters relevant to sustainability. The Reference Group was formed following a resolution of Council on Tuesday 25 September 2007 and the adoption of its Charter on Tuesday 27 May 2008.

COMMENTS

There were two items for general business discussion in the meeting of Monday, 12 May 2008. Minutes of the meeting are included as Attachment 1 of this report:

SRG 10 – *Establishment of working parties:*

The SRG discussed the establishment of three working parties as provided for in the SRG Charter; the draft Sustainability Vision Report, Climate Change, the Eco-Ambassador Program and Sustainability Reporting.

- **Draft Sustainability Vision Report** – This Report is currently on public exhibition. A working party was previously established at the last Reference Group meeting and agreed to a date of 12 June 2008 to review all submissions.
- **Climate Change** – A working party for Climate Change be formed at a later date.
- **Eco-Ambassador program** – It was agreed that an additional full meeting of the SRG be convened on 23 June 2008 (in lieu of a working party) to focus on the Eco-Ambassador program.
- **Sustainability Reporting** – A decision to form a working party for Sustainability Reporting was not made on the basis of focusing the Reference Group to existing matters.

SRG11 – *Draft Community Consultation Policy*

Draft Community Consultation Policy:

The Sustainability Reference Group was notified that the draft Community Consultation Policy has been placed on public exhibition. Members were invited to comment on the Policy.

The Reference Group deferred SRG 12 – General Discussion to the next meeting.

CONSULTATION

The Sustainability Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Sustainability Reference Group considered two items of business, SRG 10 and SRG 11 at its meeting of Monday, 12 May 2008, and discussed the establishment of three working parties as per the Sustainability Reference Group Charter and the draft Community Consultation Policy.

A working party has already been established to review the draft Sustainability Vision Report. The Eco-Ambassador program will be considered at a full meeting of the SRG on 23 June 2008.

Working parties for Climate Change and Sustainability Reporting to be formed at a later date.

RECOMMENDATION

That the Minutes of the Sustainability Reference Group meeting held on Monday, 12 May 2008 be received and noted.

Peter Davies
Manager Corporate Planning & Sustainability

Andrew Watson
Director Strategy

Attachments: Minutes of Meeting held 12 May 2008 - 935254

Sustainability Reference Group

Monday 12 May 2008
Level 3, Council Chambers 7.00pm – 9.00pm

Attendees:

Members	Councillors	Staff
Cecil Blumenthal Janet Harwood Steven Holland Caspar Lewis Jenny Middleton Angela Rozali Andrew Daff Giles Tabuteau Mark Taylor Jacqueline Harvey John Balint Elijah Swift	Clr Elaine Malicki (Chair) Clr Jennifer Anderson	Peter Davies – Manager Corporate Planning & Sustainability Kirsten Davies – Sustainability Program Leader Jenny Scott – Sustainability Program Leader Andrew Joyce – Trainee Sustainability Officer Jennie Cramp – Sustainability Researcher

Apologies:

Members	Councillors	Staff
Bernadette Pinnell Ron Rapee Andy Pitman	Mayor Clr Nick Ebbeck Clr Michael Lane Clr Anita Andrew Clr Tony Hall Clr Laura Bennett Clr Ian Cross Clr Maureen Shelley	John McKee – General Manager Andrew Watson – Director Strategy

Meeting opened 7.05 pm

General Business:

Confirmation of Minutes

Minutes of meeting of April 7, 2008 were accepted with one alteration.

*To insert the name “Jenny Middleton” under item **SRG 6** as having expressed interest in joining the Draft Sustainability Vision Report sub-committee.*

SRG 10 – Establishing Working Parties

Council’s Manager Corporate Planning and Sustainability introduced the proposal to create three working parties to deal with specific issues as below, noting an existing working party was established to review the comments from the exhibition of the draft Sustainability Vision Report at the last Reference Group meeting:-

- Climate Change
- the Eco-Ambassador Program; and
- Sustainability Reporting.

Discussion on the concept of working parties:

- There was concern surrounding the future of the SRG beyond the September Council elections, as all Council Committees and Reference Groups are dissolved at this time. The Group proposed that all its deliberations be passed on to the next Council.
- Concerns over whether there was enough time before September to make progress on all four issues. Andrew Daff suggested that the SRG consider selecting one topic per month until September rather than establishing a number of independent working parties
- John Balint stressed the importance of establishing the ground rules and responsibilities of the SRG and its inter-relationship with Council before embarking on further action
- **Draft Sustainability Vision Report** – It was agreed that the draft Sustainability Vision Report go ahead as a priority as the document is currently on public exhibition. Expressions of interest were received at the previous meeting of the SRG from Bernadette Pinnell, Janet Harwood, Jenny Middleton and Angela Rozali. A meeting date for the working party has been set for June 12, 2008.

Action – Draft Sustainability Vision Report working party to meet on June 12, 2008.

- **Eco-Ambassador** – Manager Corporate Planning and Sustainability advised that Council had referred this matter to the Group. There was considerable discussion over the type of rewards and awards that may be used in the scheme, and an agreement that incentives should be 'eco-based' and demographically relevant. Younger members of the group were asked what sort of incentives would work for young people. Others noted that there are innumerable incentive schemes already in existence and many of these could be linked to the Eco-Ambassador program. The SRG acknowledged publicising these incentive schemes is a major challenge.

Action – Eco-Ambassador Program to become the primary focus of the SRG at the meeting of **23 June 2008**. Andrew Daff to prepare list of schemes/programs offered by DECC that may be suitable to link to Eco-Ambassador. Each participant to report back to SRG with ideas on how people of their age group might be enticed by scheme.

Action – Copies of Eco-Ambassador Mayoral Minute and Council Resolution to be sent to SRG members.

- Working parties on **Climate Change** and **Sustainability Reporting** to be formed at a later date. This decision was made to focus the Group on current initiatives and in recognition of the limited time the Group has before the September Council elections.

SRG 11 – Draft Community Consultation Policy

Council's Manager Corporate Planning and Sustainability advised the Group that the draft Community Consultation Policy was now on public exhibition.

Action – Weblink to draft Community Consultation Policy and background documentation to be sent to SRG members. This was done 14/5/2008, (<http://www.kmc.nsw.gov.au/www/html/2359-community-consultation-policy.asp?intSiteID=1>).

SRG 12 - General Discussion

The SRG agreed to defer general discussion based on the reading materials until the next meeting.

Other business:

Council's Sustainability Program Leader reminded SRG members of the upcoming Sustainability Action Planning sessions and invited them to attend the May 15, 2008 30-60 years session, as well as the final think-tank to be held on June 5, 2008.

Action – Pre-reading material for action planning sessions to be sent to SRG members (done 14/5/2008).

The SRG sought clarification on Ku-ring-gai's Sustainability Action Planning process and how the action planning phase links to the previous visioning process.

Action – SRG members to be sent further details of the Sustainability Action Planning process and timeframe.

Next Meeting

The next time the SRG meets will be **Thursday 5 June 2008** at 6.00pm in Council Chambers to coincide with the Sustainability Action Planning 'Think-Tank' and World Environment Day. The SRG requested that a formal meeting also be held in June, proposed for **Monday June 23, 2008**.

Meeting Closed at 8.50 pm.

POLICY ON PUBLIC USE OF ROAD RESERVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the draft policy for the private use of road reserves.

BACKGROUND:

In 1999, Council considered a Mayoral Minute relating to the private use of the road reserve and resolved that a draft policy be prepared for Council's consideration.

COMMENTS:

A number of property owners undertake work on Council's road reserves for landscaping and car standing areas and no current policy for the private use of the road reserve exists.

RECOMMENDATION:

That Council adopt the draft policy for the private use of road reserves and place the draft policy on public exhibition.

PURPOSE OF REPORT

For Council to consider the draft policy for the private use of road reserves.

BACKGROUND

At Council's meeting of 2 November 1999, Council considered a Mayoral Minute relating to the private use of road reserves.

The resolution required a draft policy for the private use of road/footpath reserves be prepared to incorporate the following matters:

- Leasing of road reserves
- Permanent structures and surplus road reserves
- Landscaping of road reserves
- Use of footpath for outdoor dining
- Removal of encroachments
- Use of road reserves by service providers

The draft policy was to include the necessary guidance to establish lease rental income as well as income and costs associated with road closure proposals and the report to address the fees and charges associated with the policy.

Council has an adopted policy for outdoor dining and footpath trading which came into effect on September 2005.

A draft private use for road reserves policy has been developed and the draft policy was discussed at Council's Policy Forum on 12 May 2008.

COMMENTS

The **attached** draft policy will assist in providing guidance to residents on Council's requirements for works on road reserves and the processes that need to be followed when residents wish to undertake works on the nature strip.

Section 139 of the Roads Act 1993 requires Council to approve structures on road reserves. There are already a number of existing permanent and temporary structures as well as minor encroachments on road reserves. Some of these structures and encroachments need to be reviewed as they impact on pedestrian access and safety. Consequently, subject to the draft policy being adopted by Council, a review of existing structures and leases needs to be carried out to determine the conditions of approval, lease conditions and requirements for public access.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

There are no specific financial considerations relating to the adoption of this policy apart from advertising costs and staff time. However, a further report will be brought back to Council following adoption of the policy on existing encroachments, leases and structures on road reserves.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with staff from the Operations and Strategy Departments in the preparation of the draft policy.

SUMMARY

The draft policy for the private use of road reserves has been outstanding for some time. However, as there are a number of temporary and permanent structures in road reserves in a number of areas, a draft policy is required to deal with the existing works and any future works.

In a number of cases, residents have constructed retaining walls and landscaping works on nature strips. A significant number of these works have resulted in overgrown vegetation or barriers that impede pedestrian access.

RECOMMENDATION

That Council adopt the draft policy for the private use of road reserves and place the draft policy on public exhibition.

Greg Piconi
Director Operations

Attachments: **Draft Policy on the Public Use of Road Reserves - 929149**

Ku-ring-gai Council

Private Use of Road Reserves

1. Purpose

The purpose of this policy is to control the use of private works in the road reserve under the *Local Government Act 1993* and the *Roads Act 1993* or any other Act.

This policy applies to the whole Ku-ring-gai Local Government Area.

The policy applies to all new and existing structures located on public road reserve, it being noted that since the commencement of the Roads Act 1993, permanent structures may not be authorised on any land but purchased land.

The General Manager shall have discretion to waive the requirements of this policy only in the circumstances of very minor encroachments.

2. Objectives

The objectives of this policy are:

1. To permit use of Public Land (dedicated public road reserve) by private property owners on a uniform basis and in compliance with the *Local Government Act 1993* and the *Roads Act 1993*.
2. To provide guidelines and conditions on the permitted use of Council owned assets for private purposes.
3. To reduce Council's exposure to risks associated with the use of public land by formal tenure/occupation by consent to define responsibilities.

Doc distribution	Internal and external	Doc status	Draft	File No	S03467/929149
Document owner	General Manager	Contact officer/s	General Manager		
Approval date		Approved by			
Effective date		Review period	3 years	Review date	
History of approved versions					
Version	Effective date	Summary of changes			
1.0		Original			

3. Definitions

In this policy:

Area means the Ku-ring-gai local government area

Road Reserve means any land that is dedicated or declared as public road and typically relates to the section of the road reserve between the property boundary and the edge of the road.

Permanent Structure means

- Any structure that Council deems to have an effective life of more than five years
- Requires significant structural and site works, eg retaining walls or suspended slab
- Is not readily able to be removed and the disturbed area would be difficult to restore
- Associated with a condition of consent for car parking to allow occupation of the main dwelling on the adjoining land
- Tree planting.

Examples:

- Car stands requiring significant structural and site works
- Inclinator providing pedestrian access
- Boundary fences and walls

Temporary Structure means

- Any structure that has an effective life of less than five years
- Does not require significant structural works
- Easily removed and area easily reinstated
- Not associated with a condition of consent for car parking to allow occupation of the main dwelling on the adjoining land.
- A temporary structure for the purpose of construction of a building that may require a hoarding or other temporary structure.

Examples:

- Timber or rock retaining walls or garden beds

Existing Minor Encroachments

Where it is found that an adjoining owner has an existing encroachment upon a road reserve and the encroachment is found to be of a minor nature, then staff shall notify Councillors of the encroachment. Councillors have ten working days following an official inspection to request that the matter be called to Council for consideration. Should the notifying officer not be requested to bring this matter to Council then the matter shall be referred to Council's General Manager.

Either Council or the General Manager shall determine whether to:

- a. allow the encroachment to remain, at Council's discretion, without the requirement to purchase or lease the road reserve because the encroachment is considered to be so minor that purchase or lease is not warranted, or
- b. issue an order for the encroachment to be removed.

Any decision by Council or the General Manager to take no action does not formalise the encroachment nor does it constrain Council from taking some other action in the future.

It is the encroaching owner's responsibility to provide a survey from a registered surveyor to define the encroachment(s) and the area of the encroachment(s) and to take out any necessary public liability insurances over the Council road reserve land.

Any purchase of public road shall be subject to the provisions of Part 4 – Closing of Public Roads of the *Roads Act 1993* which includes obtaining the necessary Ministerial consent. Any lease of public road shall be subject to the provisions of Part 10, Division 2 – Short term leases of unused public roads – Other Road Management Functions of the *Roads Act 1993*.

For the purpose of this policy, a “minor encroachment” is defined as either or both:

- (i) An enclosure by fencing with a total area of up to ten square metres and does not impede pedestrian access.
- (ii) An encroachment of a permanent structure with a total area of up to 8m² including but not limited to a carport or garage or car stand area and does not impede pedestrian access.

4. Legislation

Consent to Occupy for Temporary Structures on Road Reserves under Section 139 of the *Roads Act 1993*.

Council will, where appropriate consider issuing consent under Section 139 of the Roads Act 1993 for the occupation of a temporary structure on road reserve subject to:

- A specific application being made to Council with the application fee as set in Council's fees and charges and being paid prior to Council's formal agreement to consent.
- An application form for Consent under Section 139 of the *Roads Act 1993* is attached to this Policy as **Appendix 1**.
- That should Section 139 consent be granted to the applicant for the subject property, the applicant must comply with all covenants and conditions at all times otherwise this consent will be withdrawn by Council.
- Standard conditions for Consent under Section 139 of the *Roads Act 1993* are attached to this Policy as **Appendix 2**.
- The standard conditions of this Consent may be varied as required by Council as Roads Authority for each individual site as required.
- The General Manager has delegated authority and discretion in approving consents under Section 139 of the *Roads Act 1993* over road reserves for minor encroachments and minor landscaping works only.

Exceptions

Permanent structures in this policy does not include the installation of facilities or infrastructure for public utility authorities such as the provision of services by telecommunication carriers or utility service providers.

Landscaping Alterations to the Road Reserve

Council may allow property owners to improve and maintain the portion of the road reserve that adjoins their property for landscaping and tree planting works.

In order to be considered exempt from any Section 139 consent requirements under the provisions of this policy, a proposal for landscaping of a portion of the road reserve must comply with the following essential terms:

- Proposals must not alter the current topography of the road reserve.

- All vegetation to be planted must be listed as approved by Council.
- The area to be improved must not be used for any purposes other than landscaping of the road reserve, to enhance the existing streetscape aspect of the area.
- The landscape works must not represent an obstacle or an obstruction of any nature to the adjoining property owners and/or users of the road, including pedestrian access.

Any landscape proposal outside of these guidelines will require a formal Section 139 consent.

An application under this policy, must provide a suitable site plan showing the area to be landscaped including full details on the proposed treatment, such as retaining walls, features and the name of the plants to be used.

All applications are subject to Council approval in accordance with the Policy on Private Use of Road Reserves and the following conditions:

- The structure must be maintained for the life of the structure to the satisfaction of Council by the owner of the property benefiting from the structure.
- Council reserves the right to demolish and remove all or any part of the structure at any time without compensation to the owner if the land is required for public use and if the owner fails to maintain the structure in a safe condition.
- Subject to Council approval of the structure, the owner is to contact all utility authorities to seek and obtain permission for the structure. Council will not guarantee restoration of the structure or works for any utility authority work undertaken.
- Any structure on the road reserve shall not impede pedestrian access and should provide a minimum clearance width of 1.2 metres and this width shall be maintained at all times by the owner.

5. Leasing of Road Reserve

Council may require the leasing of a portion of the road reserve for private use for temporary structures only. In circumstances where an applicant wishes to erect a temporary structure on a portion of a road reserve, the applicant is required to complete Appendix 1 and submit the application to Council together with detailed drawings of the temporary structure. The matter will then be referred to Council for determination of any leasing arrangements and conditions of consent.

6. Road closures

Council will not normally permit the erection of permanent structures on the road reserve with the exception of driveways and access crossings unless authorised by Council. Where a permanent structure is permitted by Council, consideration will be given to a road closure application and if approved by Council, the land is to be purchased from Council. The road closure application and sale of land will be subject to:

- An application to Council with the appropriate fees being paid by the applicant to process the application.
- That all objections to the proposal have been fully considered by Council
- That approval has been given by the Minister for Lands
- That the land being sold at a price which reflects its current market value to be established by a registered valuer appointed by Council.
- That all costs associated with actions to dispose of public road are to be borne by the purchaser.
- No structure is to be built or erected until title is transferred.
- That funds obtained from the sale of road reserves be used in accordance with the provisions of Section 43 of the *Roads Act 1993*, that is, for acquiring land for roads or for carrying out road works.

7. Implementation

The implementation of this policy is the responsibility of the General Manager and the Director Operations.

8 Associated documents

Codes and Policies

Outdoor Dining and Footpath Trading Policy

APPENDIX 1

**APPLICATION FOR CONSENT FOR STRUCTURE
TO OCCUPY ROAD RESERVE UNDER**

Section 139, Roads Act 1993

Property Address:

Property Owner:

Applicant (if other than owner):

Contact details (Ph, Fax, Mobile):

Comments to support Application:

Property Owner's/Applicant's
Signature

Date

**PLEASE READ THE ATTACHED NOTES ON FOR INSTRUCTIONS AND
INFORMATION ON THIS APPLICATION FOR CONSENT**

APPENDIX 2

CONSENT UNDER SECTION 139 OF THE ROADS ACT 1993

NOTATIONS

This Consent is granted pursuant to Part 9 Division 3 of the Roads Act 1993.
The Council consents to the Applicant (.....) using the land, as marked on the attached survey prepared by (.....), being Council owned road reserve,
For (.....).

In accordance with Section 140 of the *Roads Act 1993*, the Council can revoke this consent at any time and for any reason by serving a written notice on the Applicant. If the Council revokes this consent, the Applicant will remove, at the Applicant's own expense any building, structures, fences or improvement erected on the land and make good all damage done to the land and/or the public road. If the Applicant fails to do so, then Council may do such work as it deems necessary and the cost incurred shall be paid by the Applicant to the Council and all materials removed from the land will be the property of the Applicant.

MATTERS TO BE SATISFIED PRIOR TO THE RELEASE OF THE CONSENT

PRESCRIBED CONDITIONS

The applicant is to pay Council the prescribed fee. The fee is to be paid within 28 days of the endorsement date of this consent. The amount is to be adjusted annually in accordance with Council's Fees and Charges.

The Applicant will pay the relevant authorities all water rates, excess water, meter rents, Council rates and land tax should the land the subject of this consent be or become rateable or taxable. If the Applicant fails to make these payments, Council may make the payments and recover the sum paid from the Applicant after written notice.

The Applicant will not do any of the following:

- (a) use the land other than for (.....);
- (b) use the land or any part thereof for any offensive or unlawful purposes;
- (c) keep anything on the land which may conflict with the laws or regulations relating to fires or store any chemicals or burning fluids and
- (d) paint, affix or erect on any part of the land any signs or advertisements without Council's prior written consent.

The Applicant shall at all times keep the land and all improvements, fixtures and fittings on it clean and safe condition.

The Applicant shall duly comply with and observe all notices received from any statutory or public authority relating to the land or the nature or use carried out on it and will comply with the requirements of such notices at their own expense.

The Applicant is liable for and indemnifies Council against all losses, damages, costs, expenses and other liabilities arising from or incurred in connection with:

- (a) damage, loss, injury or death caused by the act of negligence or default of the Applicant or of the Applicant's employees and agents or by faulty fittings or fixtures brought upon or affixed to the land by the Applicant; and
- (b) Council doing anything which the applicant must do under this consent but has not done or has not done properly.

The Applicant releases Council from, and agrees that Council is not liable for, any losses, damages, costs, expenses or other liabilities arising from or incurred in connection with:

- (a) damage, loss, injury or death unless it is caused by the Council's act, negligence or default; and
- (b) anything the Council is permitted or required to do under this consent.

Each indemnity is independent from the Applicant's other obligations and continues during the consent and after it is revoked. The Council may enforce an indemnity before incurring expense after written notice.

No act, matter or thing whatsoever shall at any time be done upon the land which shall create nuisance, grievance, damage or disturbance of the occupiers or owners of the properties adjoining the land.

Any damage caused to:

- (a) any property or person; or
- (b) any part of the road or public places including the road surfaces, footpaths, kerbing, guttering, drains, gullies or other constructions vested in or under the control of Council,

by reason of any work done by the Applicant shall be made good by the Applicant to the satisfaction of Council after written notice and if the Applicant fails to do so then Council may make good such damage and

the cost incurred in so doing shall be paid by the Applicant to the Council.

If Council does any work under this consent and the costs of that work are payable by the Applicant, a certificate from an engineer for the Council duly served shall be final and conclusive as to the cost of the work.

The Applicant shall not knowingly permit the sale of any goods on the land.

The Applicant must maintain public liability insurance coverage to protect the Council against any claim arising for damages throughout the term of the consent. A copy of the relevant documentation must be provided to Council.

Council may enter and inspect the land when Council may require and advise the applicant.

Council's right to enter and repair after written notice shall extend to affecting all repairs, painting, cleaning or other work which it shall deem expedient.

Notwithstanding any implication or rule of law to the contrary Council, shall not be liable for any damage or loss the Applicant may suffer by the act, default or neglect of any other person or by reason of Council neglecting to do something to the land which as between the Council and Applicant it might be legally liable to do.

NOTICE OF MOTION

RETENTION OF BLUE GUM HIGH FOREST IN KU-RING-GAI

Notice of Motion from Councillor E Malicki dated 2 June 2008

To allow Council to reaffirm its commitment to protecting Blue Gum High Forest throughout Ku-ring-gai.

I move that:

"Council, as a matter of Policy, resolves not to sell or otherwise dispose of any park or any land zoned for Open Space which is identified as Blue Gum High Forest."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

SUBMISSION TO SYDNEY AIRPORTS CORPORATION LIMITED REGARDING INCREASED AIRCRAFT NOISE EXPOSURE TO RESIDENTS OF KU-RING-GAI

Notice of Motion from Councillor E Malicki dated 29 May 2008

The East West Runway at Sydney Airport will close from October 2008 for nearly twenty months to allow the runway to be extended to provide what is known as a runway end safety area. While the need to do this important work to improve airport safety is acknowledged, the impact on the residents of Ku-ring-gai is unreasonable. For areas to the north of the airport, overflights are expected to increase from an average of 104 to 117 per day. All these additional overflights will impact on our residents. The bulk of these flights are expected to be in the evening or at weekends when our residents are trying to enjoy the peace and quiet of their homes.

I move:

"That Council makes a submission to Sydney Airports Corporation Limited requesting a more equitable redistribution of overflights arising from the temporary closure of the East-West Runway at Sydney Airport or a shorter construction period to minimise the impacts on the residents of Ku-ring-gai."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward