



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 2 SEPTEMBER 2008 AT 7.00PM  
LEVEL 3, COUNCIL CHAMBERS**

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

**APOLOGIES**

**DECLARATIONS OF INTEREST**

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

**ADDRESS THE COUNCIL**

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

**DOCUMENTS CIRCULATED TO COUNCILLORS**

**CONFIRMATION OF MINUTES**

**Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 26 August 2008

Minutes to be circulated separately

## MINUTES FROM THE MAYOR

### PETITIONS

- PT.1 **West Lindfield Shopping Centre - Request for Prominent Signage regarding Name of Centre & Services offered - (Twenty [20] Signatures)** 1

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File: S03477

"As businesses of the West Lindfield Shopping Centre, Moore Avenue, West Lindfield, we, the undersigned, would like to see prominent signage for the Shopping Centre and the services offered.

The sign could be situated on the corner of Lady Game Drive and Moore Avenue, West Lindfield."

### 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 **Delegation of Authority** 2

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File: S02355

For Council to give consideration to the issue of Delegations during the period between the last Council meeting and the Election of Mayor in the new Council.

#### **Recommendation:**

That the Mayor exercise those powers as granted in a caretaker capacity until such time as the new Mayor is elected.

GB.2 **Constitutional Referendum - Explanatory Information** 6

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File: S06203

To approve explanatory information for the Constitutional Referendum.

**Recommendation:**

That Council consider the draft explanatory information.

GB.3 **Council Sponsorship for Carols in the Park & the Ku-ring-gai Philharmonic Orchestra** 11

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File: S05650

To advise Council of sponsorship proposals from Carols in the Park and the Ku-ring-gai Philharmonic Orchestra.

**Recommendation:**

That Council provide sponsorship for Carols in the Park and the Ku-ring-gai Philharmonic Orchestra for \$10,000 each for the 2008-2009 financial year, as per the details of the report.

GB.4 **Lindfield Station Upgrade - Proposal for a Site Works Compound rear of Lindfield Community Centre Tennis Courts** 19

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File: 88/05900/04

For Council to consider the granting of a temporary access permit or a 12 month licence to Arenco (NSW) Pty Ltd on behalf of RailCorp for the establishment of a temporary works compound in association with works being carried out at Lindfield Railway Station.

**Recommendation:**

That Council grant a licence for up to 12 months to RailCorp's contractor Arenco (NSW) Pty Ltd for the establishment of a temporary works compound.

GB.5 **Proposed Drainage Easement over Council Land at Princes Land, Turramurra (Irish Town Reserve) - Applicant at 10 Buckra Street, Turramurra**

26

File: REV0019/08

For Council to consider granting a drainage easement over Council land known as Irish Town Reserve (Turramurra) to the applicant at 10 Buckra Street, Turramurra.

**Recommendation:**

That Council approves the granting of the proposed drainage easement over Council land known as Irish Town Reserve to the applicant at 93 Bannockburn Road, Turramurra, subject to the terms and conditions of this report and public notification in accordance with the Local Government Act (1993).

GB.6 **Funding for Planning Panel Projects**

File: S06413

Report by Director Strategy dated 22 August 2008 to be circulated separately.

**EXTRA REPORTS CIRCULATED AT MEETING**

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

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

**QUESTIONS WITHOUT NOTICE**

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

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## MAYORAL MINUTE

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### REVIEW OF COUNCIL'S TERM

As this is the final meeting of the current Council, I would like to recap on the past four-and-a-half years and acknowledge the efforts of those who have helped make this term productive, memorable and challenging.

The term began in March 2004 with the election of six new Councillors.

This presented a very steep and quick learning curve for each of the new councillors including the new Mayor, Cr Ryan, and the new Deputy Mayor, Cr Shelley.

The senior management team was very different back then, with Brian Bell as General Manager and now departed directors Leta Webb and Steven Head.

In 2005, we had a new Mayor in Cr Malicki with me as her Deputy. The following year was a momentous one as Council marked its Centenary with a number of memorable events including a ceremony attended by NSW Governor Marie Bashir.

In 2006, John McKee was appointed to replace the Lake Macquarie-bound Brian Bell as General Manager, while later in the year, I was elected Mayor with Cr Andrew as my very able and supportive Deputy.

This current Council has had to deal with some challenging and difficult issues, focused mainly on the State Government's push for medium density housing in Ku-ring-gai.

When we were elected in March 2004, one of our major responsibilities was to develop our residential strategy to provide for new housing as part of our commitments under the State Government's Metropolitan Strategy.

We had also used this opportunity to devise plans for the long-term revitalisation of Ku-ring-gai's six major Town Centres. Council put significant resources into developing these plans including widespread community consultation.

But in early 2008, we were confronted with the Government's decision to impose an externally appointed planning panel.

Council resolved to challenge the validity of the panel in the Land and Environment Court. Unfortunately, this challenge was unsuccessful, but we owed it to our residents to stand up to the Government and fight this unjust decision.

Despite these setbacks, Council has worked constructively on planning issues and aimed to ensure new development incorporates high quality design consistent with Ku-ring-gai's existing character.

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S02049  
2 September 2008

This Council has also done a lot of work developing a long-term facilities blueprint to ensure Ku-ring-gai gets modern community facilities.

Plans are well underway for a new aquatic centre with Ku-ring-gai's first indoor public pool at Bicentennial Park, West Pymble. Work has also progressed on the long-term North Turramurra Recreation project that will include three new playing fields and other recreational facilities. Council is also reviewing options for modernising and upgrading Killara's Marian St Theatre, a Sydney icon for the dramatic arts, particularly young people's theatre.

Our Open Space Acquisition Strategy is ensuring we have sufficient new open space to cater for major population increases in coming years. As part of this, Council has acquired three properties in Dumaresq St, Gordon, to turn into a much-needed new park for Gordon town centre.

I'm proud of the current Council's efforts to improve and protect Ku-ring-gai's single most valuable asset – its natural environment. Our environmental levy is enabling us to undertake a wide range of local projects in areas such as stormwater harvesting, bush and waterway regeneration and construction of fire trails to reduce bushfire threats.

Council has done extensive community consultation towards setting Ku-ring-gai's Sustainability Plan, which will put all of our activities on a long-term sustainable footing. We have also set up a new Sustainability Reference Group to guide Council decision-making on sustainability issues. It comprises a broad cross-section of members including environmental experts, urban planners, residents and school students.

Other recent initiatives include a new program to remove graffiti from private and public property in our town centres, the introduction of e-zones – one-stop shops bundling together IT services in our libraries - and a new on-line DA tracking service which allows applicants to check the progress of their DAs on our website.

Looking back over the past four-and-a-half years, Council has also:

- Introduced a new waste and recycling service which has further boosted Ku-ring-gai's recycling rate
- Helped set up the Ku-ring-gai Youth Development Service which is providing a wide range of free counselling services to local youth
- Established Festival on the Green as Ku-ring-gai's highly successful annual community celebration
- Launched a new Council website with a range of new interactive, user-friendly features
- Introduced a new corporate image based on Ku-ring-gai's famous Blue Gum High Forest

Item 1

**S02049**  
**2 September 2008**

- Fast-tracked improvements to Ku-ring-gai's roads network through the roads infrastructure levy.
- Lobbied with the community and the State and Federal Government to purchase two properties on Rosedale to help secure the future of the largest stand of Blue Gum High Forest

Now I would like to run through my list of "thank you's" to all the wonderful staff who have provided invaluable professional advice and support to Councillors over the past four and a half years.

We have a highly talented and hard-working senior management team led by John McKee and comprising Greg Piconi, Michael Miocic, Janice Bevan, John Clark and Andrew Watson.

They in turn have been well supported by their managers and staff across the wide array of services we provide, from our libraries, parks and child care centre to our development assessment and strategic planning teams, finance, roads and traffic areas and communications.

I also want to make special mention of the personal assistants who play such a vital role in the smooth administration of Council: Sigrid Banzer, Carmel Hughes and Christine Foott.

While we've all had our moments, I genuinely believe that the 10 Councillors have worked together constructively and achieved many good things for our community.

I thank all Councillors for their efforts and contributions over the past four and a half years. I also wish the two Councillors who definitely won't be part of the new Council, Crs Andrew and Shelley, all the best for their future endeavours.

Finally, I would like to say what a privilege and honour it has been to have served this community as a Councillor, Deputy Mayor and Mayor.

I have had an opportunity to work with some wonderful people and hopefully make a decent and lasting contribution to a community that just a few weeks ago was judged to have the highest standard of living in the nation.

## **RECOMMENDATION**

That the Mayoral Minute be received and noted.

Cr Nick Ebbeck  
**Mayor**

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## PETITION

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### **WEST LINDFIELD SHOPPING CENTRE - REQUEST FOR PROMINENT SIGNAGE REGARDING NAME OF CENTRE & SERVICES OFFERED - (TWENTY [20] SIGNATURES)**

"As businesses of the West Lindfield Shopping Centre, Moore Avenue, West Lindfield, we, the undersigned, would like to see prominent signage for the Shopping Centre and the services offered.

The sign could be situated on the corner of Lady Game Drive and Moore Avenue, West Lindfield."

### **RECOMMENDATION**

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



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## DELEGATION OF AUTHORITY

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to give consideration to the issue of Delegations during the period between the last Council meeting and the Election of Mayor in the new Council.

**BACKGROUND:**

The Local Government Election is to be held on Saturday, 13 September 2008 and the last Council meeting is scheduled for 2 September 2008

**COMMENTS:**

Under Section 230, the Mayor should continue to exercise his Section 226 powers until such time as a new Mayor is elected.

**RECOMMENDATION:**

That the Mayor exercise those powers as granted in a caretaker capacity until such time as the new Mayor is elected.

## PURPOSE OF REPORT

For Council to give consideration to the issue of Delegations during the period between the last Council meeting and the Election of Mayor in the new Council.

## BACKGROUND

The Local Government election is to be held on Saturday, 13 September 2008 and the last Council meeting is scheduled for 2 September 2008.

The next Ordinary Meeting of Council is scheduled for 23 September 2008 following the Declaration of the Poll.

It is usual that this meeting would involve election of the Mayor, Deputy Mayor, etc and normal Council business is not usually transacted.

Given the above scenario, it is appropriate that the Council consider the matter of Delegations of Authority so that the normal business of Council can be conducted during this recess period.

Section 377 of the Local Government Act sets out a number of functions which Council cannot delegate under any circumstances. These are:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*

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18 August 2008

- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

Section 233 of the Local Government Act states that all Councillors hold office until the day appointed for the next Ordinary Election. This means that Councillors cease to hold office after Midnight on 12 September 2008.

However, Section 230 of the Local Government Act states that the Mayor holds office until a successor is declared and elected to office. Accordingly, the Mayor, Councillor Nick Ebbeck, will continue to hold office until the election of the Mayor in the new Council. This means that the Mayor continues to exercise his powers which are provided in Section 226 of the Act. These are:

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office.*

The Department of Local Government has previously advised that the functions of the mayor as set out in Section 226 should be exercised in a **caretaker capacity** until the election of the Mayor in the new Council.

## COMMENTS

In accordance with Section 230, the Mayor should continue to exercise his Section 226 powers until such time as a new Mayor is elected. However, it would be appropriate that the Mayor exercise these powers in a caretaker fashion, ie he would only take those decisions which are absolutely necessary in the interests of the efficient operation of the Council.

To ensure the efficient operation of the Council during the period 3 September 2008 until the inaugural meeting of the Council, it is necessary to delegate powers of the Council to the Mayor and General Manager so that urgent decisions can be made, however, these should also be exercised in a caretaker capacity (ie only those decisions which are absolutely necessary are to be taken).

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Not applicable.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

Not applicable.

## RECOMMENDATION

- A. That the Mayor exercise those powers as granted in Section 226 of the Local Government Act 1993 in a caretaker capacity until such time as the new Mayor is elected.
- B. That the General Manager, John McKee, and the Mayor, Councillor Nick Ebbeck, be granted Delegated Authority to exercise all powers, authorities, duties and functions of Council except those that are set out in Section 377 of the Local Government Act 1993 for the period 3 September 2008 until the election of the Mayor of the new Council subject to the following conditions:
  - 1. Such powers, authorities, duties and functions may only be exercised by the Mayor and General Manager jointly and any decision of the General Manager whether or not to exercise any such power, authority, duty or function or as to the manner of such exercise shall not be subject to any direction by the Mayor.
  - 2. Any such power, authority, duty or function shall only be exercised by the Mayor and General Manager jointly where they are both of the opinion that the exercise of any such power, authority, duty or function could not be deferred until a meeting of the new Council.

John McKee  
**General Manager**

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## CONSTITUTIONAL REFERENDUM - EXPLANATORY INFORMATION

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To approve explanatory information for the Constitutional Referendum.

**BACKGROUND:**

Council has resolved to conduct a constitutional referendum on the method of election of the Mayor and it is necessary to prepare explanatory information.

**COMMENTS:**

Two options for the explanatory information have been drafted.

**RECOMMENDATION:**

That Council consider the draft explanatory information.

## PURPOSE OF REPORT

To approve explanatory information for the constitutional referendum.

## BACKGROUND

Council has resolved to conduct a constitutional referendum on the method of election of the Mayor and it is necessary to prepare explanatory information.

Draft explanatory information was submitted to Council at its meeting held on 12 August 2008 where it was resolved that consideration of the matter be deferred until the next meeting of Council, with a meeting of interested Councillors to provide input into the Cases to be held in the interim.

## COMMENTS

Two options for the explanatory information have been drafted.

Option A (Attachment A) is the information submitted to the meeting on 12 August 2008 with an additional statement to highlight that voting is compulsory in all wards including Wahroonga ward where there is no Councillor election.

Option B (Attachment B) is the version prepared at the meeting of interested Councillors which was held on 19 August 2008.

## CONSULTATION

Councillors provided input into the material in Option B on 19 August 2008.

## FINANCIAL CONSIDERATIONS

In view of the limited time now available to disseminate this information it is proposed that this information be made available to the public by:

- Inclusion on Council's website
- Information in Council's regular newspaper advertisements drawing attention to the availability of the document on Council's website
- Half page advertisements in the North Shore Times on Wednesday 10 and Friday 12 September and the Hornsby Advocate on Thursday 11 September costing approximately \$6,200 in total
- Copies available at Council's Customer Service Centre and libraries

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None

## **SUMMARY**

Options for the explanatory information for the constitutional referendum have been prepared for Council's consideration.

## **RECOMMENDATION**

- A. That Council consider the two options for the explanatory information for the constitutional referendum.
- B. That the approved explanatory information be made available to the public by:
  - Inclusion on Council's website.
  - Information in Council's regular newspaper advertisements drawing attention to the availability of the document on Council's website.
  - Half page advertisements in the North Shore Times on Wednesday, 10 September 2008 and Friday, 12 September 2008 and the Hornsby Advocate on Thursday, 11 September 2008 costing approximately \$6,200 in total.
  - Copies available at Council's Customer Service Centre and Libraries.

John Clark  
**Director Corporate**

John McKee  
**General Manager**

**Attachments:**      **A. Option A - Important Electoral Information - 987705**  
                             **B. Option B - Important Electoral Information - 987706**



## IMPORTANT ELECTORAL INFORMATION

**OPTION A**

### **Ku-ring-gai Council Constitutional Referendum Election of Mayor by the Electors**

**Voting is compulsory in all wards, including Wahroonga  
Ward where there is no Councillor election**

#### **Background**

Ku-ring-gai Council has ten Councillors representing electors in five wards with two Councillors for each ward. The Mayor of Ku-ring-gai Council is elected each year by the Councillors.

Electors may directly elect the Mayor only if a change in the method of election is approved at a constitutional referendum. The number of Councillors on the Council can change only if approved at a constitutional referendum.

In conjunction with the Council elections on 13 September 2008, a constitutional referendum will be conducted on the method of electing the Mayor. This necessitates a change in the number of Councillors.

Electors will be given a separate voting paper and asked the following question:

**The Mayor of Ku-ring-gai Council is currently elected by the Councillors.**

**Do you approve of the method of electing the Mayor of Ku-ring-gai Council being changed to the method**

**of election by the electors, and of the number of Councillors on the Council being increased to 11?**

There is a second part to the question involving a consequential change in the number of Councillors because a Mayor elected by the electors is an additional Councillor. There must continue to be an equal number of Councillors for each ward in addition to a Mayor elected by the electors. As such there is interdependency between the two parts of the question. If two separate questions were to be asked it may produce a conflicting result and an unworkable situation.

**The question requires a 'Yes' or 'No' answer. Write 'Yes' if you support the question. Write 'No' if you do not support the question. Voting is compulsory.**

If approved at this constitutional referendum the change in the method of election of the Mayor will apply from the next local government elections in September 2012.

**There are many arguments for and against the election of the Mayor by the electors.  
The following are some of the main arguments that may assist you to decide how to vote.**

#### **The NO case for election of the Mayor by the electors**

- Councillors need to be able to determine who should be the Mayor based on an assessment of individual capabilities
- Just because a Councillor is popular with the electors doesn't necessarily mean that the Councillor will be a suitable Mayor
- Councillors should assess the performance of the Mayor annually
- A Mayor elected by the electors may not have the support of the other Councillors and will be in that position for four years
- Other Councillors should have an opportunity to lead the Council during the four year term
- Positions such as Prime Minister and Premier are not directly elected by the electors
- By having election of the Mayor by the electors potential candidates without political or financial backing may be prevented from standing because of the cost and the area they will have to cover
- Electors already receive appropriate representation without the need for the consequential additional Councillor
- There will be costs associated with having another Councillor
- The trend in NSW local government is for a reduction in the number of Councillors

#### **The YES case for election of the Mayor by the electors**

- Electors should be able to vote for who they want to be Mayor
- It provides a greater level of involvement and participation by the electors
- There will be more direct accountability to the electorate by the Mayor
- The Mayor is chosen for personal attributes rather than alliances with other Councillors
- There will be continuous leadership of the Council for the four year term
- The Mayor will have an opportunity to influence planning and policy decisions in the longer term
- The settling in time for the Mayor is restricted to just once every four years
- It avoids any politicking amongst Councillors prior to the annual election of Mayor
- An odd number of Councillors will reduce the frequency of a tied vote - currently needs to be broken by a second (casting) vote of the Mayor
- The consequential increase in the number of Councillors provides electors with greater representation





### **Ku-ring-gai Council Constitutional Referendum Election of Mayor by the Electors**

**Voting is compulsory in all wards, including Wahroonga  
Ward where there is no Councillor election**

#### **Background**

Ku-ring-gai Council has ten Councillors representing electors in five wards with two Councillors for each ward. The Mayor of Ku-ring-gai Council is elected each year by the Councillors.

Electors may directly elect the Mayor only if a change in the method of election is approved at a constitutional referendum. The number of Councillors on the Council can change only if approved at a constitutional referendum.

In conjunction with the Council elections on 13 September 2008, a constitutional referendum will be conducted on the method of electing the Mayor. This necessitates a change in the number of Councillors.

Electors will be given a separate voting paper and asked the following question:

**The Mayor of Ku-ring-gai Council is currently elected by the Councillors.**

**Do you approve of the method of electing the Mayor of Ku-ring-gai Council being changed to the method**

**of election by the electors, and of the number of Councillors on the Council being increased to 11?**

There is a second part to the question involving a consequential change in the number of Councillors because a Mayor elected by the electors is an additional Councillor. There must continue to be an equal number of Councillors for each ward in addition to a Mayor elected by the electors. As such there is interdependency between the two parts of the question. If two separate questions were to be asked it may produce a conflicting result and an unworkable situation.

**The question requires a 'Yes' or 'No' answer. Write 'Yes' if you support the question. Write 'No' if you do not support the question. Voting is compulsory.**

If approved at this constitutional referendum the change in the method of election of the Mayor will apply from the next local government elections in September 2012.

**There are many arguments for and against the election of the Mayor by the electors.  
The following are some of the main arguments that may assist you to decide how to vote.**

#### **The NO case for election of the Mayor by the electors**

- Popular election of Mayor will limit possible candidates to those with party support and the financial means to undertake a role for 4 years that requires many hours but receives small financial compensation
- Under the current method of electing one of the Councillors as Mayor the role is "the first among equals". A popularly elected mayor has power independent of the Council and is unaccountable to the Council
- Once elected, a popularly elected Mayor is unaccountable to the community until the next election
- If the popularly elected Mayor cannot provide leadership, the Council will stagnate for 4 years
- A bi-election will be needed if a popularly elected Mayor needs to step down prior to the next election. A bi-election for a popularly elected Mayor could cost up to \$100,000
- Councillors should assess the performance of the Mayor annually
- Positions such as Prime Minister and Premier are not directly elected by the electors
- By having election of the Mayor by the electors potential candidates without political or financial backing may be prevented from standing because of the cost and the area they will have to cover
- Electors already receive appropriate representation without the need for the consequential additional Councillor and the trend in NSW local government is for a reduction in the number of Councillors
- There will be costs associated with having another Councillor

#### **The YES case for election of the Mayor by the electors**

- Electors should be able to vote for who they want to be Mayor
- It provides a greater level of involvement and participation by the electors
- There will be more direct accountability to the electorate by the Mayor
- The Mayor is chosen for personal attributes rather than alliances with other Councillors
- There will be continuous leadership of the Council for the four year term
- The Mayor will have an opportunity to influence planning and policy decisions in the longer term
- The settling in time for the Mayor is restricted to just once every four years
- It avoids any politicking amongst Councillors prior to the annual election of Mayor
- An odd number of Councillors will reduce the frequency of a tied vote - currently needs to be broken by a second (casting) vote of the Mayor
- The consequential increase in the number of Councillors provides electors with greater representation

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## **COUNCIL SPONSORSHIP FOR CAROLS IN THE PARK & THE KU-RING-GAI PHILHARMONIC ORCHESTRA**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To advise Council of sponsorship proposals from Carols in the Park and the Ku-ring-gai Philharmonic Orchestra.

**BACKGROUND:**

Council has previously supported Carols in the Park and the Ku-ring-gai Philharmonic Orchestra through the Financial Assistance to Community Groups program. The recently adopted Sponsorship Policy now provides an opportunity for Council to provide corporate sponsorship for major events under more relevant and structured guidelines.

**COMMENTS:**

Carols in the Park has requested sponsorship for their major event in December 2008 of \$15,000. The Ku-ring-gai Philharmonic Orchestra has requested sponsorship of \$15,000 for a series of programs and activities throughout 2008-2009.

**RECOMMENDATION:**

That Council provide sponsorship for Carols in the Park and the Ku-ring-gai Philharmonic Orchestra for \$10,000 each for the 2008-2009 financial year, as per the details of the report.

## PURPOSE OF REPORT

To advise Council of sponsorship proposals from Carols in the Park and the Ku-ring-gai Philharmonic Orchestra.

## BACKGROUND

Council has previously supported Carols in the Park and the Ku-ring-gai Philharmonic Orchestra through the Financial Assistance to Community Groups program. The recently adopted Sponsorship Policy now provides an opportunity for Council to provide corporate sponsorship for major events under more relevant and structured guidelines.

## COMMENTS

Council's Financial Assistance to Community Groups program was recently reviewed and funding categories for small equipment grants, community development and arts cultural grants were developed. These categories have been generally capped at \$2,000 for small equipment and \$5,000 for community development and arts cultural grants.

Over the past 4-5 years however Council has been providing financial assistance in excess of \$5,000 to Carols in the Park and the Ku-ring-gai Philharmonic Orchestra. During this period, there have been no other community groups that have received amounts in excess of \$5,000, on a regular basis.

Council staff have consulted with representatives from Carols in the Park and the Ku-ring-gai Philharmonic Orchestra and they agree that their requests for financial support from Council would be more appropriately treated as sponsorship rather than financial assistance under the new categories.

Accordingly, both Carols in the Park and the Ku-ring-gai Philharmonic Orchestra have been invited to submit sponsorship proposals to Council for the 2008-2009 financial year. Carols in the Park has requested \$15,000 for their sponsorship of their major event in December 2008 (Attachment A), and the Ku-ring-gai Philharmonic Orchestra has requested \$15,000 for a series of programs and events throughout 2008-2009 (Attachment B).

It is recommended that both Carols in the Park and the Ku-ring-gai Philharmonic Orchestra receive sponsorship of \$10,000 each for the 2008-2009 financial year and that consideration for greater amounts, as per their attached proposals, be considered as part of the 2009-2010 budget discussions.

## CONSULTATION

Representatives from both Carols in the Park and the Ku-ring-gai Philharmonic Orchestra have been consulted in the writing of this report.

## FINANCIAL CONSIDERATIONS

The 2008-2009 budget for the Financial Assistance program is \$110,000. It is proposed that the total sponsorship amount of \$20,000 for Carols in the Park and the Ku-ring-gai Philharmonic Orchestra be taken from this budget for 2008-2009, and that suitable adjustments be made to the sponsorship budget for 2009-2010 financial year.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Corporate department has been consulted in the writing of this report.

## SUMMARY

Following a review of the Financial Assistance Program and the introduction of a Sponsorship Policy for Council, it has been proposed that two major community groups, Carols in the Park and the Ku-ring-gai Philharmonic Orchestra, that have previously received support under the Financial Assistance program, be provided with Council sponsorship under the recently adopted Sponsorship Policy. Both groups have agreed with this proposal and have submitted sponsorship requests to Council of \$15,000 each. It has been recommended that each group receive \$10,000 for the 2008-2009 financial year, and that additional amounts be considered at the 2009-2010 budget discussions.

## RECOMMENDATION

- A. That Council provide sponsorship to Carols in the Park for \$10,000 and to the Ku-ring-gai Philharmonic Orchestra for \$10,000 for the 2008-2009 financial year.
- B. That sponsorship agreements be developed with Carols in the Park and the Ku-ring-gai Philharmonic Orchestra, according to Council's Sponsorship Policy, reflecting the recommended sponsorship amounts.

Janice Bevan  
**Director Community**

**Attachments:**

- 1. Carols in the Park request for sponsorship - 979032
- 2. Ku-ring-gai Philharmonic Orchestra request for sponsorship - 987460

30 July 2008

Mr John McKee  
General Manager  
Ku-ring-gai Council  
GORDON NSW 2072



The Board of Church Representatives

Dear Mr McKee,

**COUNCIL'S SPONSORSHIP POLICY**  
**Funding Request for *Carols in the Park*, 2008**

Thank you for your letter of 23 July (ref SO6743 / 970507), inviting me to prepare an itemised request for funding for this year's Carols.

I will not re-visit the points made in my recent letter regarding Council's FACG Program except to reiterate that none of any money Council provides to facilitate *Carols in the Park* is contributed to the churches. It is all quarantined in a dedicated bank account opened specifically and solely for the community event. The church representatives who plan and deliver the event have set up a meticulous system for managing the funds contributed for the event and accounts for each event-year are professionally audited to confirm our proper stewardship. The church representatives see their role as planning and delivering the event for our community and are keen to keep it "free" and to present it as a joint effort by Council and the churches. We are seeking a balanced relationship with Council to enable that to happen, based on the respective strengths and resources that both Council and the churches can contribute.

I have just finished preparing in detail our best financial estimate for this year and a full copy is attached (3-page spreadsheet) for your information. The total cash requirement is \$ 24 335.

You will appreciate that our expenditure (and therefore what we can do) is constrained by the resources available to us for the event (including what we can elicit from all financial contributors - the churches, Council and commercial supporters). Wherever possible, we use every reasonable means at our disposal to minimise cash outlays by gaining discounts, concessional prices, free loans of equipment and free contributions of people's time and talents etc - and we generally achieve considerable success in that regard. However, there are some expense categories where we cannot avoid paying cash, so we need the cash resources to cover those items. I believe that, through our efforts for the event, we achieve for \$ 24 335 what would generally cost more than \$ 50 000 if all in-kind contributions had to be costed and paid-for. I further believe that, with a Council contribution of \$ 15 000, we can achieve this. If Council had to do it alone, even allowing for the choir and band/orchestra to be provided without charge, it would cost Council around \$ 40 000. On that ground alone, the efforts of our planning team deliver pretty good value to Council and amount to a high multiplier on the suggested Council contribution.

We would like to make more of the time before the stage program, when many families come to picnic. We envisage especially some more activities to engage children of pre-school and primary age, which would, at the same time, facilitate and promote interaction between their parents and help build the sense of community in Ku-ring-gai. However, this is dependent on us finding more funds, which would be in addition to what is included in the 3-page detailed estimate attached.

You have invited me to submit an itemised request of what we propose Council might contribute. This is also attached (single sheet). Thank you for your clear interest in coming to grips with the substantial challenge faced by the church representatives in delivering this community event. I trust the attached material will help further illuminate the nature and magnitude of that challenge and I look forward to Council's response in the interests of the community we are all keen to serve.

Best wishes,

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Secretary and Treasurer of the Board: John Fullagar, 24 Mc Intosh Street, Gordon NSW 2072  
tel 9498 1984 fax 9498 1118 mob 0400 42 06 02 e-mail john.fullagar@bigpond.com

CAROLS IN THE PARK general estimates (for 2008 in 2008 \$)

CONFIDENTIAL

Item	estimate (in 2008 \$)	Comments
<b>EXPENDITURE</b>		It needs to be noted that public safety required that Carols be cancelled for 2007, due to the threat of severe storms. Consequently, some amounts paid were partly or fully refunded and many accounts were never received for payment, so there is no evidence of their likely amount. It has therefore been necessary to provide actual figures for 2006 as well as estimates of what the costs might have been for 2007 and an estimate for 2008.
<b>Program</b>		
Soloists & travelling exps	200	We try to use local artists and thus avoid this cost. At times in the past it has totalled around \$ 300 No such costs were incurred in 2006 or 2007 on account of severe concerns over potential funding.
Music, licences etc	100	For the last two years (2006 & 07) we managed to avoid such costs - depends on music selected. We need to budget for this so as not to unduly restrict choice of music to be performed.
costumes, props etc	250	Where possible, we borrow etc but sometimes it is necessary to hire costumes or purchase fabric etc for parents to sew. Hire cost was only \$ 155.64 in 2006. I have not seen any account for 2007
donkey hire	335	Having a live donkey for pregnant Mary to ride from Nazareth to the stable in Bethlehem has lifted the program's appeal, especially for children. Cost was \$ 335 in 2006 and again in 2007. For safety, we required a trained handler to accompany the donkey at all times and we used a white barrier to define (and we policed this) a generous no-go zone in front of the stage to keep children at a safe distance.
Christmas leaflet	300	This was tried for the first time in 2006 at a cost of \$ 382 and surplus leaflets were not able to be returned. Nothing similar was envisaged for 2007 due to severe budgetary concerns. Plans are not yet finalised for 2008 so a nominal provision is included.
<b>Venue</b>		
venue hire (paid to Council)	2000	We find it hard to predict actual costs because the standard venue charges vary each year and Carols has generally secured a generous discount but the discount amount also seems to vary - net cost in 2006 was \$ 1856.80 - the net amount for 2007 was never advised.
Portaloos hire	700	Cost depends on number hired and we have to pay a surcharge to have them collected late on the night to prevent the possibility of vandalism or spillage from malicious over-turning if left overnight - cost for 2007 (2 loos) was quoted as \$ 640 cost for 2006 (5 loos) was \$ 1034.
Rubbish removal (paid to Council)	600	Our last payment was \$ 550 in 2006, no account was received for last year
Development Application fee (paid to Council)	0	2007 was the first time we incurred this cost. Our DA is "ongoing", which may mean that the event has been approved for 5 years until 2011. No provision is appropriate for 2008.
<b>Technology</b>		
Stage lighting, audio etc	6500	Cost in 2006 was \$ 6298.80. In 2007, on account of the long relationship with the supplier for this event, we secured a huge % discount never previously experienced. It is by no means sure that this will continue. After cancellation we secured a further discount and a refund of GST, because no service was delivered. Net 2007 cost (after cancellation) was thereby reduced to \$ 5130.00
Video screen (Screencorp)	5500	Cost in 2006 was \$ 4 700. For several years previously it had been \$ 5000, which was a nominal fee proposed by the screen provider and bears no resemblance to regular hire charges, believed to be in the order of \$ 20 000 for a one-night stand. This incredibly generous concession represents a desire to support the churches with this annual event. We are advised that <i>Carols in the Park</i> is one of only two events that the supplier supports to such a generous extent. This type of screen is eminently suitable for <i>Carols</i> , where the screened image must be visible and clear, even when directly facing the setting sun close to the longest day of the year - an incredibly demanding challenge. Having the screen to project the words of carols has done away with the need for printing an annual carols booklet (in a run of several thousand) and the screened image is visible both before and after the sun sets. The screen also enables other aspects of the enhanced presentation of Carols in the Park - in line with what our community has come to expect. Having the screen has saved Council a substantial amount in laying out and printing the Carols booklet but even its concessional hire cost has been a huge increase to the cash requirement that the churches have tried to cover.
Video equipment hire	500	We have been fortunate to gain the voluntary support of video/TV professionals to manage the video production desk and provide our camera crew. Most of the expensive equipment has been lent to us without charge but we have often needed to hire an occasional item of equipment that is beyond the resource limit of our "friends". In 2006 our cost for video equipment was only \$ 150.
Cameras hire and crew	300	See above. In 2006 we had unexpectedly generous commercial support, which enabled us to contribute to the cost of travel and of the professional cameras that our camera crew had provided free for many years as an expression of support for the churches. The 2006 contribution to the camera crew was \$ 500 - again, a small fraction of the going rate, even for one year's event.
DVD tape, prelim'y edit and transfer to disc	200	A new DVD tape is required each year to record the video of the stage program, and we pay a small fee for a professional to edit and make disc copies of extracts from the DVD to give to supporters (and encourage them to use for promotion the following year) and for sale as a memento (on a full-cost-recovery basis) to the people participating in the stage program.

<b>Promotion</b>		
Invitations and handouts	2300	For the first time in 2007, we decided to print both invitations and handouts professionally - on glossy paper and in colour. We had extensive distribution of the invitations (54 000 were printed), so it was a shame the handouts were never distributed. This enhanced standard of printed material for the event is in line with community expectations. Our printer generously priced this work at \$ 2075.06 as a reflection of his support for the churches, so we cannot quantify the effective discount. We believe the discount was substantial. We incurred no costs for design or art work, as these were provided free by a member of the churches' planning team. We anticipate a similar cost structure for 2008.
Delivery of invitations	0	Some years ago, we paid for invitation cards to be distributed professionally. It was "pay in advance" and despite good evidence that at least half the agreed distribution area was not covered, no fee rebats was provided. We are most reluctant to entrust again such an important part of our effort to such unreliable hands. In 2007, at the excellent suggestion of Danny Houseas from Council's Community Development Unit, we were able to secure support of six major retail outlets serving Ku-ring-gai and gain free almost saturation-strength distribution of invitations. It is a shame that the necessary cancellation prevented us testing the effectiveness of that distribution. We plan to use it again in 2008, so have not budgeted for any cost in this area.
Banners	300	In 2006 we paid \$ 260 to clean and update the 8 banners in our hands from previous years. In 2007, we did our own cleaning and updating, so paying only \$ 45 for the necessary lettering. We also bought 3 new banners (\$ 990 for 3) to take advantage of additional sites being available. For 2008, the lettering for updates (two characters on 11 banners instead of one character on 8) is likely to cost us significantly more.
Face-painting expenses	250	We have the support of committed entertainers who provide free face painting for children prior to the start of the stage program. This is considered a useful drawcard to attract families to the event. We contribute a nominal sum towards their travel and consumables. Due to a mix-up they did not attend in 2006.
Advertising in local papers	2000	For many years (and a few years ago), when Council's contribution was as much in kind as in cash, we gained good free coverage from both the local papers. It was thought that this was a reflection of Council's regular use of these papers for dissemination of Council activities and the Mayor's friendly messages. Accordingly we recognised these papers as supporters of Carols in the Park. In recent years, however, despite promises of similar articles at appropriate times before the event, both papers have failed to deliver any coverage except to fulfil their community obligations and include the event as just one of a myriad of listings in their "What's on" pages. This lack of delivering on their undertakings has led to them being removed from the list of Carols' "Supporters". We believe we should try advertising the event in both papers in 2008, which might promote a better reciprocation, but it depends on funds being available.
Weatherproof placards	250	In 2007, the timing of the federal election provided an opportunity to publicise Carols in the Park at all election booths in Ku-ring-gai. We did our own artwork and then had 50 placards printed (\$ 499.95 after discount for churches) which we displayed prominently that day (with AEC permission) and deployed them later where we could gain access outside railway stations and at some schools etc. For 2008, we will do some re-cycling to use the reverse side of the 2007 placards on a reduced number, so anticipate some modest cost-saving but placards have only two sides, so each second year, we will have to bite the full bullet again.
Kindy farm animals (hire)	550	This is intended as a significant attractor for children and is provided in the time when families picnic before the stage program. Actual cost pre-paid in 2007 was \$ 525 but we received the GST back due to no service being delivered. We want to try for this again in 2008.
<b>Other</b>		
Candles	0	We renewed stocks in 2006 at a cost of \$ 297. There are sufficient left for 2008. 2006 cost per candle was close to 10c and this will have to be escalated next time we need to re-stock.
Candle holders	0	We also re-stocked holders in 2006 at a cost of \$ 308, which exhausted stocks then available and the line has been discontinued. Cost in 2006 was somewhat less than 10 c ea. However, when re-stocking is needed, we are likely to be facing the cost of a new die as well as punching and material costs - anticipate a significant increase.
Incidental expenses	700	Each year, we incur some modest incidental expenses (such as bottles of water for the musicians and singers, rolls of duct tape to secure possible safety hazards, cleaning supplies to remove accumulated grime and scum from inadequately cleaned toilet blocks etc). Further, despite efforts to avoid these, we face some unforeseen expenses - often but not always minor. Examples in recent years include: 45 safety vests (plus storage bags) for volunteer use (one year when SES was not available to control parking and site safety \$ 440), 26 basic torches and batteries for the same purpose (\$ 52), simple walkie-talkies (for continual communication between video desk and camera operators \$ 176), an external HDD to store video recording without cluttering professionals' disk space (\$ 287), replacement padlocks and keying alike for Council padlocks stolen from floodlights (\$ 135), stakes for parking signs (\$ 12), coloured copy paper (\$ 180 - in the years when financial resources seemed short of needs and we couldn't afford to commit to professional printing - we had the good graces of a local dignitary who allowed us free use of his duplicating facilities), plastic storage crates for candles and holders (\$ 90). We recognise that some such costs are inevitable and have therefore included a modest contingency provision in the estimate.
reimburse Carols expenses of planning team members	500	Members of the planning team dig into their private resources and in many cases incur significant private expenses on account of their commitment to planning and delivering Carols in the Park. When financially affordable and provided such private expenditure can be documented, it is appropriate that it be reimbursed. Such costs include phone, postage, petrol, on-line time, stationery and computer consumables. Some team members are well placed and waive their claims of this kind but no one is expected to be out-of-pocket on account of the generous contributions of his/her time and talents. Reimbursements in 2006 accounts totalled \$ 477.19.
<b>TOTAL EXPENDITURE</b>	<b>24335</b>	

## INCOME

<b>Commercial supporters' cash contributions</b>	4500	This varies unpredictably. In 2006, until a few weeks before the event when all planning was locked-in, we looked like being in dire straits. Then suddenly, we experienced incredibly generous support at the last minute, so we were already committed to ultra-economy regarding printing etc. As it turned out, the last minute commercial support resulted in a financial surplus, most of which was put into reserve for later years that might prove leaner. In 2007, many of those that had provided support in 2006 did not maintain it and one promised support but it has not materialised. We were able to raise \$ 4500. Accordingly, were it not for the weather-induced cancellation, 2007 would have resulted in a big deficit and would have all but wiped out the small accumulated surplus from previous years. It is an unfortunate fact that if we are too early in approaching organisations for support, even though we offer a structured package that relates their benefits to the level of their support, the opportunity does not really register. Yet we need financial confidence to plan the best event we can deliver. If we leave it until organisations are thinking about Christmas, it is too late to impact our planning.
<b>Council's contribution</b>	15000	Council's contribution has recently been made under its FACG program, which doesn't seem to have realised that funding to enable Carols in the Park is not funding for an organisation but for a community event - further an event which is demonstrably popular and reflects well on both Council and the churches. The church representatives' role is just to make it happen. All funds are scrupulously administered and audited, and it may be clearly demonstrated that none of Council's funds go to the churches - just to facilitate the community event. This may be demonstrated by our offer (gratefully accepted, I should note) to refund to Council the unspent amount resulting from the cancellation. Council's contribution (which is now virtually only financial) has been diminishing (started years ago at \$ 10,500, dropped to \$ 9500 in 2006 and last year would have dropped further to \$ 9000, despite increasing costs to stage the event. Further the timing of Council's funding advice also adds to the planning team's difficulties. Last year we received the bad news of the further funding reduction only two months before the event's date, so the comments immediately above also have pertinence to this source of funding for the community event.
<b>Churches' contributions</b>	4500	2006 contributions totalled \$ 4550 and in 2007 totalled \$ 3800. One participating church keeps promising to forward its 2007 contribution but it has yet to materialise. I have no doubt that no malice is intended but it doesn't appear to be top priority in the mind of those concerned. We may yet see the promised contribution.
<b>less complimentary DVDs at cost</b> (provided to Council, churches, supporters, team etc)	-200	This low-cost initiative not only expresses appreciation that is due for the contributions to the event but it provides a promotional resource for key stakeholders to use in encouraging people to attend the next year's event. The cost in 2006 was \$ 180 and a small budgetary increase is appropriate for 2008.
<b>Vendor contributions for site access</b>	350	There may be scope for modest increases in these fees ( 2006 total was \$ 350). St Ives Lions Club does not pay such a fee but its net proceeds (generally over \$ 1000) are separately sent to LifeLine to support its work in the Ku-ring-gai area.
<b>Interest on bank account</b>	20	It was \$ 19.53 in our 2006 accounts. Accounts for the 2007 non-event are not yet finalised but interest should be similar and a similar estimate seems appropriate for 2008.
<b>TOTAL INCOME</b>	<b>24170</b>	

### NOTE - ASPIRATIONS

We would like to make more of the time prior to the stage program when families come to picnic (at present this happens between around 6.00 and 7.30 pm). There is a special opportunity to engage young children and their families, many of whom find the 9.30 finish is stretching the patience of really little ones. If we can provide appropriate and safe activities to engage these children, it will promote interaction between their parents and perhaps slightly older siblings and friends as well - all of which would be valuable in enhancing the sense of community amongst Ku-ring-gai people. At present, the funds needed to enable this enhanced community development are not readily accessible, so we have not included that development in the estimates above. Nevertheless, if we can secure enough additional funds (and secure them in time to plan properly) and if we can be reasonably sure of their continued availability into the future, we will endeavour to make all necessary arrangements to bring forward this development into *Carols in the Park* for 2008.



## **REQUEST FOR COUNCIL FUNDING for Carols in the Park, 2008**

The following estimates of cash requirements are only for the 3 broad expenditure categories to which a Council contribution seems appropriate.

### **Estimates of actual costs (after discounts, price concessions etc)**

<b>Cost categories</b>	<b>estimated cash costs (\$)</b>
<b>1 Venue and related matters</b> , including: net venue hire after fee reductions (paid back to Council) 2000 Portaloos hire to supplement on-site toilets 700 rubbish removal and recycling services (paid back to Council) 600 DA application fee (not required in 2008) 0	<b>3 300</b>
<b>2 Technology and related matters</b> , including: stage lighting, audio equipment (hire) with crew 6500 video screen (hire) 5500 other video equipment (hire) 500 camera equipment (hire) incl camera crew 300 DVD tape, preliminary edit etc 200	<b>13 000</b>
<b>3 Promotion and related matters</b> , including: printing of invitations, handouts 2300 preparation of banners 300 printing of placards (on reverse side of 2007's) 250 advertising in local papers 2000	<b>4 850</b>
<b>ESTIMATED TOTAL EXPENDITURE ON THE ABOVE MATTERS</b>	<b>21 150</b>
estimated expenditure in other categories	3 185
<b>TOTAL ESTIMATED EXPENDITURE FOR EVENT</b>	<b>24 335</b>

These 3 broad categories of expenditure are where Council traditionally covered the costs for *Carols in the Park*. In recent years, as we have enhanced the way the event is presented (to align presentation standards with community expectations) some of the costs have moved between categories - such as us using new technology to replace printing for the words of community carols. Further, there have been greatly increased requirements for us to deliver services - such as the number and cleanliness of toilets, the provision of more bins to facilitate recycling etc, the requirement for DAs etc. In response to these changes, we have requested and secured financial contributions from those churches whose representatives have participated in planning and delivering the event. More recently, we have attempted to elicit contributions from commercial organisations and have generated ways of giving them due recognition for their contributions. We expect to continue these efforts to secure financial contributions, so we are not looking to walk away from fund-raising and we do not expect Council to carry the full cash burden. At the same time \$ 2 600 of the above estimates are paid straight back to Council in the form of venue charges and related matters.

It is suggested that Council consider contributing \$ 15 000 towards the above costs and we will take responsibility for covering the remainder. This is broadly consistent with the cash contributions of participating churches and commercial supporters totalling at least \$ 9000 towards the total cash requirement for the community event, estimated as \$ 24 335. The churches' cash contributions are, of course, in addition to the time and talent contributed by the volunteer church representatives who plan and deliver the community event, by the volunteer instrumentalists and choir members, and by the volunteers for a number of support roles prior to and on the day of the event. Please also note our aspirations to enhance community engagement and interaction as outlined in the covering letter. These, of course, are funding-dependent and additional to the enclosed 3-page detailed estimate.

We commend the above proposal as presenting a fair balance of responsibility for the event, recognising that both Council and the churches are seen in a favourable light for providing the free event as a Christmas event for our shared community. Incidentally, this will be the 20th anniversary of the collaboration between Council and the churches for *Carols in the Park*. It would be an appropriate occasion to establish a sound and sustainable basis for the event's future delivery and enhancement.



Janice Bevan  
Director Community  
Ku-ring-gai Council  
818 Pacific Hwy  
Gordon NSW 2073

8 August 2008

Dear Janice,

**Re: Ku-ring-gai Council sponsorship of  
Ku-ring-gai Philharmonic Orchestra**

I write to request that Council consider establishing an ongoing sponsorship or partnership relationship with Ku-ring-gai Philharmonic Orchestra (KPO) in recognition of the multi-layered scope of activities the KPO provides to further Ku-ring-gai's cultural development.

The KPO has long-term relationship with Ku-ring-gai Council spanning more than 25 years. Over this period the organisation and reach of KPO activities has grown and developed enormously.

The KPO is a strong supporter of Council's cultural policy objectives and our programs reflect this. As such KPO is one of the foundation building blocks for Ku-ring-gai's cultural base and development.

Not only does the KPO serve the interests of the Ku-ring-gai community but its sphere of influence and audience draw is increasing all the time. Some concerts and events are specifically Ku-ring-gai focussed, some draw audiences and participants from across Sydney, others attract interest and participation statewide, from interstate and nationally. Through these activities KPO is putting the name of Ku-ring-gai out there, providing a strong foothold to nurture the development of cultural tourism and establishing Ku-ring-gai as a destination.

Up until now KPO has annually applied for Council support through the program of Financial Assistance to Community Groups. The revised program for Arts & Cultural grants has a maximum grant of \$5,000. Most years Council has provided the KPO with financial assistance of more than twice this amount, which means that the KPO would be applying for 'exceptional circumstances' on an annual basis.

As an alternative KPO asks that Council consider an ongoing sponsor or partner relationship with KPO providing support of \$15,000 per annum towards three areas of KPO's annual activities. This will also facilitate the orchestra's planning process, as we now find we have to schedule programs 18 months to 2 years ahead.

Council support of \$15,000 per annum is sought towards the following:

1. The annual NSW Secondary School Concerto Competition: the organization and management of the event, adjudication costs and prizes given to each of the multiple concerto winners. KPO currently spends over \$25,000 annually on the organisation of the competition.
2. Artistic development of the KPO. KPO's commitment to raising artistic standards has earned the orchestra awards and recognition nationally as the community orchestra of the year on several occasions. This is the result of an articulated vision and artistic direction achieved through the engagement of high quality professional artists, conductors and soloists, quality arts management and innovative programming. KPO keeps the costs of professional management and engagement of artists very low through its large volunteer base, and connections within the arts sector. KPO's future strength and development relies on strong partnerships and working relationships with professionals who lead, strengthen and develop the skills of our volunteer player base. KPO spends around \$28,000 each year on professionals to drive the orchestra's artistic development, and seeks Council's support to ensure this quality can be retained and nurtured.
3. Programs which support targetted special interest groups identified in the Ku-ring-gai cultural policy. This will include programs which give expression to Ku-ring-gai's cultural diversity, heritage, environment, programs designed for high school age residents, older persons, special needs groups and families, to further the cultural development of Ku-ring-gai, community well-being and community participation. For example KPO has several current programs working with local secondary school groups, as well as programs for older persons, young children and families. Such programs need to be carefully prepared and managed, with appropriate specialists engaged to provide effective, developmental skills and artistic content. The two early childhood music educationalists, conductor Carolyn Watson, and presenter Simon Smith, involved in the upcoming Kids Proms 'Battles, Bravery & Brass' are good examples.

With a pool of 130 musicians KPO presents an annual series of Symphony Concerts as well as a series of community and education programs: Kids Proms for pre-school and infants age children; composer workshops for emerging artists; community benefit concerts, raising funds for important community projects in conjunction with local organizations, such as Rotary; chamber concerts in local retirement villages, workshops for high school aged students

and the annual NSW Secondary Schools Concerto Competition. The scope of KPO activities provide music engagement for a diverse range of demographics across Ku-ring-gai.

A strong partnership or sponsorship relationship with Ku-ring-gai Council will enable the KPO to continue with confidence to nurture the large volunteer commitment which enables these activities to occur. At the same time KPO will continue to explore further ways to promote cultural activity, cultural tourism and general cultural development in Ku-ring-gai.

KPO offers opportunities to profile the relationship with Ku-ring-gai Council through Council's involvement in our concerts and activities, through printed material, programs, newsletters, brochures and flyers, on our website. KPO works in conjunction with many local cultural industry workers groups and providers, as well as local businesses and shopping centres.

I would be grateful if you would consider this proposal. Please contact me if you require any further information or would like to discuss the proposal further. Be assured that KPO has a long-term commitment to Ku-ring-gai's cultural development and we support Council's strategies to assist cultural activities in the area to grow and thrive.

Yours sincerely,

Anne Cahill  
Vice President  
Ku-ring-gai Philharmonic Orchestra  
Email: [annecahill@optusnet.com.au](mailto:annecahill@optusnet.com.au)  
Tel: 02 9416 4199  
Mob: 0412 797 223

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## **LINDFIELD STATION UPGRADE - PROPOSAL FOR A SITE WORKS COMPOUND REAR OF LINDFIELD COMMUNITY CENTRE TENNIS COURTS**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

For Council to consider the granting of a temporary access permit or a 12 month licence to Arengo (NSW) Pty Ltd on behalf of RailCorp for the establishment of a temporary works compound in association with works being carried out at Lindfield Railway Station.

**BACKGROUND:**

RailCorp will soon be upgrading Lindfield Station to install new lifts to provide easy station access for commuters as well as refurbishment to the booking office and two new retail outlets at the station. Whilst undertaking these works, a compound needs to be established to provide temporary office space and amenities to personnel working on the project.

**COMMENTS:**

The subject property is approximately 440m<sup>2</sup> in area being located at the rear of Lindfield library between the tennis courts and the rail line.

The site is not used for any purpose other than as a means of access by the public at the rear of the library. The RailCorp occupation will still allow access along a pathway adjacent to the site.

**RECOMMENDATION:**

That Council grant a licence for up to 12 months to RailCorp's contractor Arengo (NSW) Pty Ltd for the establishment of a temporary works compound.

Item 4

88/05900/04  
25 August 2008

## PURPOSE OF REPORT

For Council to consider the granting of a temporary access permit or a 12 month licence to Arenco (NSW) Pty Ltd on behalf of RailCorp for the establishment of a temporary works compound in association with works being carried out at Lindfield Railway Station.

## BACKGROUND

The site is known as Lot 8 DP 660564 being located at 265-271 Pacific Highway, Lindfield. It is zoned Special Uses 5A.

Council has been approached by RailCorp's contracting firm Arenco for the possibility of providing a temporary small works compound on Community Land behind Lindfield Community Tennis Courts (see Attachment 1). The compound is proposed to consist of portable offices, toilet and storage facilities enclosed by temporary fencing, accessible by the existing Council maintenance gate in the laneway known as Tryon Place.

The site is located nearby the Lindfield library and Lindfield Community Tennis Courts. The area is currently vacant with no trees or other improvements.

Council has provided development consent to the station upgrade under DA 0592/07. Works for the upgrading are expected to commence in approximately 4 weeks.

## COMMENTS

The rail works will have significant positive impact on providing improved access for commuters entering Lindfield Station. Council did request the Railway Contractors to access other potential compound sites, however this particular site is the most suitable due to:

1. Its closer proximity to works (approx 100 metres).
2. Site adjoins the commercial area and not residential.
3. Existing boom gate at site for access and security.
4. Site immediately adjoins railway land.

Attached are relevant photos of the proposed site (see Attachment 2).

Under the Temporary Access of Community Land Policy Council can grant a short term casual licences for purposes consistent with the core objectives on community lands.

The relevant Plan of Management includes the Tennis Courts Plan of Management. Council adopted this Plan of Management in 1996. The Tennis Court Plan does not specifically authorise leases and licences in accordance with section 46 and 47A of the Local Government Act 1993. However, advice received from Council's Solicitor Mr J Boland, is that Section 46 (1) (a) of the Local Government Act permits a lease, licence or other estate in respect of community land to be granted for the provision of public utilities. The Environmental Planning & Assessment Model

Item 4

88/05900/04  
25 August 2008

Provisions 1980 defines "public utility undertaking" to include railway undertaking carried on under any State Act. Therefore a licence agreement can be entered between Council and RailCorp's contractors as the use is for a public utility.

## CONSULTATION

Council's Solicitor has been consulted to confirm the method of licence and will prepare the draft licence agreement for execution.

A public notification will be required, and all adjoining owners and community groups using facilities will be advised of the proposed site compound.

## FINANCIAL CONSIDERATIONS

The temporary licence agreement is an opportunity to bring an income to Council, however Council staff have considered the inconvenience and potential damage that constructing a temporary compound would have on the open space and surrounding properties. In this regard, a bond will be received to ensure that the site will be restored at the completion of works.

Council staff have reviewed the relevant valuation rates in determining a suitable rate of valuation for this temporary use.

Financial details (Attachment 3) have been included in the confidential papers in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, as referred to in section 10A (2) (c) of the Act, Commercial in Confidence, as the matter deals with the proposed commercial leasing negotiations of property.

It is not in the public interest to release this information as it would prejudice Council's ability to conduct negotiations with the tenant on the appropriate terms and conditions.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Council's Strategy Section have been consulted in the writing of this report.

Council's Parks Section has raised no objections provided the land is suitably restored at the end of the occupation. A bond will be received which will guarantee full restoration of the site when works are completed.

## SUMMARY

The subject site is a satisfactory site for the establishment of a temporary works compound for RailCorp's contractor Arenco (NSW) Pty Ltd. It is within 100 metres of the station upgrading works and will have minimal impact on the community's use of the open space.

Item 4

88/05900/04  
25 August 2008

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

## RECOMMENDATION

- A. That Council approve the granting of a temporary licence to Arencos (NSW) Pty Ltd subject to successful negotiation of the agreed commercial licence fee.
- 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.

Michael New  
**Property Officer**  
**Community & Recreation**  
**Properties**

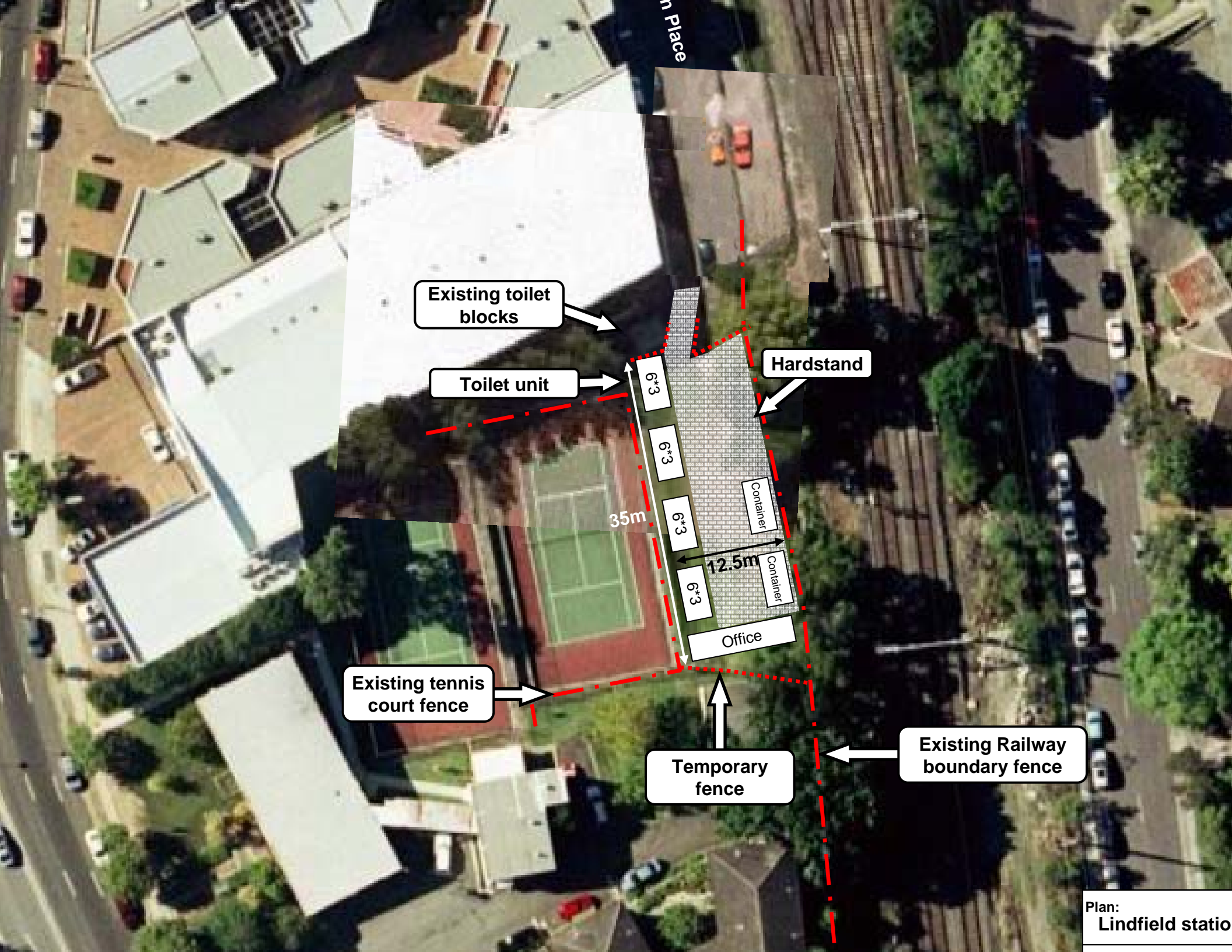
Mark Taylor  
**Manager**  
**Community & Recreation**  
**Properties**

Janice Bevan  
**Director Community**

**Attachments:**

- 1. Site Plan - 987414
- 2. Site Photographs - 987419
- 3. Confidential Financial Information





Existing toilet blocks

Toilet unit

Hardstand

6x3

6x3

6x3

6x3

Container

Container

Office

35m

12.5m

Existing tennis court fence

Temporary fence

Existing Railway boundary fence

SITE PHOTOGRAPHS



Photo Looking South to toilet block and Lane



Photo Looking North to Lane



Photo Looking South to Senior Resource Centre – Courts on right



Photo Looking North Railway to right

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## **PROPOSED DRAINAGE EASEMENT OVER COUNCIL LAND AT PRINCES LAND, TURRAMURRA (IRISH TOWN RESERVE) - APPLICANT AT 10 BUCKRA STREET, TURRAMURRA**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

For Council to consider granting a drainage easement over Council land known as Irish Town Reserve (Turramurra) to the applicant at 10 Buckra Street, Turramurra.

**BACKGROUND:**

The applicant, David Upton, submitted a review of development application (REV0019/08) to Council to construct a new dwelling at the site as a detached dual occupancy. The review was approved by Council on 13 May 2008.

**COMMENTS:**

The applicant has submitted an application requesting a drainage easement over Council land known as Irish Town Reserve. The proposed drainage easement will not interfere with the current usage of the park.

**RECOMMENDATION:**

That Council approves the granting of the proposed drainage easement over Council land known as Irish Town Reserve to the applicant at 93 Bannockburn Road, Turramurra, subject to the terms and conditions of this report and public notification in accordance with the Local Government Act (1993).

Item 5

REV0019/08  
13 August 2008

## PURPOSE OF REPORT

For Council to consider granting a drainage easement over Council land known as Irish Town Reserve (Turramurra) to the applicant at 10 Buckra Street, Turramurra.

## BACKGROUND

The applicant, David Upton, submitted a Section 82a Review of Development Application (Rev 0019/08) to Council to construct a new dwelling behind the existing dwelling as a detached dual occupancy.

Drainage of stormwater from the development required connection to Council's trunk drainage pipe in Council's reserve and draining into the drainage reserve (16 Adams Avenue).

The application was approved by Council on 13 May 2008. The approval was subject to deferred commencement conditions requiring the applicant to submit evidence to Council that the subject site was benefited by a registered easement to the Council pipeline

The applicant has paid the fee of \$760.00 requesting that Council consider granting approval to drain water through the Council-owned public reserve at the rear of the subject property, connecting into the existing trunk drainage pipe.

The land subject to the proposed easement is public garden and recreation space situated at Princes Lane, Turramurra. The reserve is known as Irish Town Reserve and is on the northern side of Princes Lane, east of Bannockburn Road. Residential properties adjoin the park in each direction. The reserve is located at Princes Lane, Turramurra, known as LD 2458 (Attachment 1).

The reserve is classified "Community Land" in accordance with the Local Government Act (1993) and categorised "Park".

Section 46 of the Local Government Act 1993 states inter alia:

*"A lease, licence or other estate in respect of community land:*

*(a1)...may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider".*

Council will be required to carry out public notification in accordance with Section 47 of the Local Government Act 1993.

## COMMENTS

The applicant has submitted a detailed engineering design for the pipe within the proposed drainage easement (ACOR Appleyard Drawing 382489/C3 Issue 2 dated 4/2008).

The connection to the Council pipe will be in accordance with Council's standard detail 82/024.

Item 5

REV0019/08  
13 August 2008

The proposed easement will not interfere with current usage of the reserve. The area of the proposed easement is only a small proportion of the total reserve area.

Should Council not grant this easement, the applicant has the right to lodge an application to the Supreme Court to have the matter resolved. This would involve substantial additional cost for Council and the applicant.

## CONSULTATION

Officers have consulted with the applicant, David Upton, and his hydraulics engineer, ACOR Appleyard, concerning the process involved in seeking Council approval for the granting of the proposed drainage easement and connection to the pipeline.

## FINANCIAL CONSIDERATIONS

The approximate costs involved in the easement application are:-

Easement application fee	\$760.00 (paid)
Legal costs	At full cost to applicant
Valuation report costs	At full cost to applicant
Compensation fee	At full cost to applicant (determined by NSW Dept of Commerce)
Public notification fees	At full cost to applicant
Legal instruments	At full cost to applicant
Independent studies on capacity of existing pipe	At full cost to applicant
Any repairs, replacement or alterations to existing pipe	At full cost to applicant

The NSW Department of Commerce will be commissioned by Council to determine the compensation payable to Council, for the granting of the proposed easement.

The applicant has undertaken to pay Council's costs in the creation of the easement.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Development and Regulation consulted with Council's Departments of Community Services, who recommended conditions to be attached to an approval.

## SUMMARY

Review of development application No. 19/08 to construct a new dwelling as a detached dual occupancy at 10 Buckra Street, Turrumurra, was approved by Council on 13 May 2005.

The approval was subject to deferred commencement conditions requiring the applicant to submit evidence to Council that the subject site was benefited by a registered easement as far as the Council pipe.

Item 5

REV0019/08  
13 August 2008

Should Council not grant this easement, the applicant has the right to lodge an application to the Supreme Court to have the matter resolved. This would involve substantial additional cost for Council and the applicant.

Council has the authority to grant such easements under Section 46 of the Local Government Act 1993. Council is required to carry out public notification of the proposed easement in accordance with Section 47 of the Local Government Act 1993 should it resolve to grant this easement.

**Proposed Next Steps**

Subject to Council resolution:

1. Applicant to be advised of valuation report costs and public notification fees, and these costs to be paid to Council.
2. Council to request valuation.
3. Public notification.
4. Council solicitors to prepare Section 88B Instrument, Terms and Conditions.
5. Instrument to be executed.
6. Remaining associated costs to be paid by the applicant.
7. Section 88B Instrument to be lodged with Department of Lands.
8. Interallotment drainage system to be constructed.

**RECOMMENDATION**

That Council approves the granting of the proposed drainage easement over Council land known as Irish Town Reserve to the applicant at 93 Bannockburn Road, Turramurra, subject to the terms and conditions of this report, public notification in accordance with the Local Government Act (1993) and the following conditions:

- A. Council issue a public notice as prescribed by Section 47 of the Local Government Act 1993.
- B. That Council authorise the Mayor and General Manager to sign the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- C. That Council authorise the affixing of the Common Seal to the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- D. A report be brought back to Council if there are any substantial objections through the period of public notice.
- E. The pipe within the easement to be laid in accordance with the ACOR Appleyard Drawing 382489/C3 Issue 2 dated 4/2008, and the following conditions.
  - a. During the works, no hazards are to be presented to the public who access the park. This means that the area is to be adequately fenced and lighted to prevent access.
  - b. Council is to be indemnified against any claims in connection with the said works.

Item 5

REV0019/08  
13 August 2008

- c. Fence restoration is to be at the full cost of the applicant.
- d. No materials or equipment are to be stored on Council property. All materials or equipment are to be stored within 10 Buckra Street.
- e. All machinery and vehicle access is to be exclusively via 10 Buckra Street and not the Council park.
- f. The site is to be returfed at the end of the works at the full cost of the applicant.
- g. At least 2 weeks prior to any works, Council's Parks Manager Mark Hancock is to be notified. Any further directions of Mr Hancock are to be complied with.
- h. The applicant or the applicant's contractor shall ensure that there is adequate Worker's Compensation policy in force for the staff carrying out the work, and shall supply a copy of such policy to Council prior to the commencement of work.
- i. The applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with Ku-ring-gai Council as principal, and keep such policy in force at the applicant's own expense. A certificate from the applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.
- j. The applicant shall give Council **a minimum of 48 hours notice** of the intention to commence work by contacting Council's Development Engineer on 9424 0894 during office hours. Failure to do so may result in rejection of works already completed.
- k. At least 72 hours prior to the commencement of works the Contractor is to erect a prominent sign on-site advising of the Contractor's name and a 24 hour telephone contact number.

Kathy Hawken	Greg Piconi
<b>Team Leader Engineering Assessment Team</b>	<b>Director Operations</b>

**Attachments:**

- 1. Location sketch - 986769**
- 2. Site plan - 986770**
- 3. Letter from Owner - 986771**



INFOMASTER GE







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## FUNDING FOR TOWN CENTRES LEP (PLANNING PANEL)

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To provide information to Council of the potential additional costs in servicing the Ku-ring-gai Planning Panel and associated projects to complete the comprehensive Local Environmental Plan (LEP) for the Town Centres by mid 2009.
<b>BACKGROUND:</b>	<p>In early 2008 the NSW Government appointed an external planning panel to undertake part of Ku-ring-gai Council's planning:</p> <ul style="list-style-type: none"><li>• Plan making under Part 3A of the EP&amp;A Act in relation to the "Ku-ring-gai Town Centres";</li><li>• Determining Development Applications worth more than \$30 million or which have not been determined within 90 days; and</li><li>• Determining a planning instrument for dual occupancy development.</li></ul>
<b>COMMENTS:</b>	Due to the timing of Council's court action against the Minister relative to the budget process, and in light of the Panel's decision to revert to an accelerated comprehensive planning process, the 2008-2009 budget does not accommodate the likely full funding requirements of preparing the new Town Centres LEP by the Ku-ring-gai Planning Panel.
<b>RECOMMENDATION:</b>	That Council approve additional funding to complete the Town Centres project.

## PURPOSE OF REPORT

To provide information to Council of the potential additional costs in servicing the Ku-ring-gai Planning Panel and associated projects to complete the comprehensive Local Environmental Plan (LEP) for the Town Centres by mid 2009.

## BACKGROUND

In early 2008 the NSW Government appointed an external planning panel to undertake part of Ku-ring-gai Council's planning:

- Plan making under Part 3A of the EP&A Act in relation to the "Ku-ring-gai Town Centres";
- Determining Development Applications worth more than \$30 million or which have not been determined within 90 days; and
- Determining a planning instrument for dual occupancy development.

Due to the timing of Council's court action against the Minister relative to the budget process, and in light of the Panel's decision to revert to an accelerated comprehensive planning process, the 2008-2009 budget does not accommodate the likely full funding requirements of preparing the new Town Centres LEP by the Ku-ring-gai Planning Panel.

## COMMENTS

Section 118AD(1) of the EP&A Act provides:

*118AD Council to assist planning administrator or panel*

*(1) A council must, if directed to do so by the Minister, provide any of the following with such staff, facilities and documents as are specified in the direction:*

- (a) a planning administrator or panel appointed to exercise functions of the council,*
- (b) a staff member of any such planning administrator or panel,*
- (c) a member of any such panel.*

*(2) A member of a council, or a member of staff of a council, must not obstruct any of the persons in subsection (1) (a)–(c) in the exercise of his or her functions under this Division.*

*Maximum penalty: 10 penalty units.*

*(3) Before giving a direction under subsection (1), the Minister is to consult with the Minister for Local Government.*

The Minister for Planning advised the Mayor of his decision to appoint the Ku-ring-gai Planning Panel by letter dated 29 February 2008. In that letter, the Minister included, inter alia, the following direction to Council:

*"I direct Council under section 118AD(1) of the Act to provide the Panel with all necessary staff, facilities and documents to enable the Panel to undertake its functions."*

## Item 6

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28 August 2008

The preparation of a new planning instrument is a resource intensive and costly exercise. Since the Ku-ring-gai Planning Panel was first appointed in January 2008 a significant amount of staff resources within the Urban Planning program have been directed to the work of the Panel. Work on Council's comprehensive LEP has occurred on an as need basis behind town centre planning, the development of new dual occupancy controls and the reclassification process.

While the Planning Panel and its predecessor have been in place since January 2008, at that time the major elements of the budget were formulated, Council was not contemplating losing the court challenge. Consequently, to contemplate changes to Council's ordinary budgeting processes at the time to accommodate significant new work by the Planning Panel would have undermined Council's position in the court proceedings.

Further, until the 11 June 2008 meeting of the Planning Panel, Council staff had been working on a two stage town centres LEP, as adopted by the Panel at its meeting of 26 March 2008. On 11 June 2008 the Planning Panel resolved:

*"that the report on the Ku-ring-gai Draft Town Centres Local Environment Plan -Stage 1 be received and noted".*

Subsequently, after tabling a Chairperson's Minute on 25 June 2008, the Planning Panel adopted an accelerated town centres planning process on 30 July 2008, after the commencement of the new financial year and well after the completion of the budgeting process.

As a consequence of revising the Planning Panel's work program to allow the exhibition of a draft Town Centres LEP by November 2008, the following works have been identified which are not able to be accommodated within the existing Planning Projects budget:

Table 1

Task	Description	Cost Estimate
Heritage Conservation Area (HCA) Review	Six centres- includes broader HCA proposals	\$38,000.00
Urban Design Consultants	Six centres	\$70,000.00
Economic Modelling	Six centres	\$40,000.00
Vegetation Mapping	Six centres plus additional as adopted at Ordinary Meeting of Council 12 August 2008	\$10,000.00
Traffic and Transport Modelling	Six centres plus detailed Pymble review	\$65,000.00
Community Consultation - Facilitator/ exhibition materials and display	KPP community information sessions	\$20,000.00
Architectural master plans and modelling for 6 key sites town centres exhibition	KPP proposal as part of LEP exhibition period	\$140,000.00
Consultants - background Report/ external submission review	Includes external summary of submissions	\$30,000.00
Legal Drafting	Fine tuning provisions	\$10,000.00
Open Space Planning	Investigations	\$2,000.00
Contingency Consultants (DCP work)	Note DCP in house may include additional software	\$5,000.00
Dual occupancy review	Incorporation of provision into Town Centre LEP	\$5,000.00
Savings from not commencing Wahroonga centre master plan as part of the comprehensive LEP	Council project (See table 2)	-\$30,000.00

## Item 6

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Task	Description	Cost Estimate
Savings from not commencing Killara centre master plan as part of the comprehensive LEP	Council project (See table 2)	-\$30,000.00
2008 Heritage Assistance Fund – Small Grants and Reclassification Hearing	Council project (See table 3)	\$30,000.00
<b>Total</b>		<b>\$405,000.00</b>

Following the Councillor briefing on this matter at the Planning Forum of 19 August 2008, these costs were discussed with the Planning Panel. The Planning Panel did not consider the quantum of these costs unreasonable in the context of what Council had already spent on the project and the normal investment in a new planning instrument of the type and scale proposed.

While some concern was expressed at the Councillor briefing about the relationship between the LEP and a supporting DCP (in the context of the Panel's term's of reference), it should be noted that the functions of Ku-ring-gai Planning Panel are broadly defined. In order to carry out its functions in relation to town centre planning the Panel may for instance inform itself of matters relating to DCP controls. It is a matter within the Panel's discretion as to how its functions are exercised (subject to the lawful direction of the Minister). Under section 118AD(2) of the Act, the obstruction of any member of the Panel is a criminal offence.

Council's 2008-2012 Management Plan and Budget allocated \$269,000 for planning projects. This funding ordinarily covers the comprehensive LEP, funding for the Heritage Advisory Committee and other general planning projects. In the latter part of the 2007-2008 financial year the planning projects budget also covered strategic planning projects initiated by the Ku-ring-gai Planning Panel in relation to town centres planning and the development of new dual occupancy controls.

This budget allocation is the same as the previous financial year, being a fixed annual sum plus CPI. The major components of this budget allocation for the current financial year are:

Table 2

Description	Cost Estimate
Transport & Traffic (Integrated Transport Planning)	\$30,000.00
Environment & Natural Resources	\$25,000.00
Heritage Planning	\$25,000.00
Consultation & exhibition LES	\$5,000.00
Wahroonga centre master plan (in house)	\$30,000.00
Killara centre master plan (in house)	\$30,000.00
Unallocated (Project staff wages /Simmersion)	\$124,000.00
<b>Total</b>	<b>\$269,000.00</b>

If Council does not commence the following projects in the 2008-2009 financial year some savings can be made from the current Planning Projects budget:

- a. Wahroonga centre master plan as part of the comprehensive LEP (\$30,000); and
- b. Killara centre master plan as part of the comprehensive LEP (\$30,000).

It should be noted that these projects will have to be carried out in the 2009/2010 financial year and may result in delays to finalisation of the comprehensive LEP.

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While Financial Statements for the 2007-2008 financial year are still being prepared, there is not likely to be any significant surplus. The following two projects from 2007-2008 would have to be funded out of savings from the Planning Projects budget before any savings were available to offset Planning Panel projects:

Table 3

Task	Description	Cost Estimate
2008 Heritage Assistance Fund – Small Grants	2007/2008 Carry Over	\$18,000.00
Reclassification Hearing	Hearing delayed by resolution of Council Unfunded in 2008-2009 budget	\$12,000.00 (approx)
<b>Total</b>		<b>\$30,000.00</b>

## CONSULTATION

Councillors were verbally advised that funding in relation to the work of the Planning Panel would be an issue at the Ordinary Council Meetings of 29 July 2008 and 12 August 2008 during discussion in relation to items GB.11 and GB.4 respectively.

Councillors were specifically briefed on this matter as part of General Business at the Planning Forum of 19 August 2008.

## FINANCIAL CONSIDERATIONS

The affidavit of the Manager of Urban Planning to the Land and Environment Court in support of Council's court action against the appointment of the Planning Panel identifies the costs to Council of preparing its Town Centres LEP has in the order of \$2 million. The additional direct costs likely to be incurred by the Planning Panel in bringing the matter to a conclusion are approximately \$405,000. There is no immediate source of funds which can be drawn upon to fund the likely shortfall. The 2007/08 Financial Statements are still being prepared and unlikely to provide a surplus which can be relied upon. Similarly, it is not recommended that the additional funding required for the town centres planning comes from Council's internal reserves.

At the time of writing this report Council's internal reserve balances were:

## Item 6

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2007/2008						
Reserve	Balance at 1/7/07	Income	Expenditure	Balance	Interest Allocation	Balance at 30/6/08
<b>INTERNALLY RESTRICTED RESERVES</b>						
Employee Leave Entitlements	1,350,193	20,000	-	1,370,193		1,370,193
Drainage	225,857	210,000	359,744	76,113	5,043	81,156
Footpath	270,665	210,000	210,000	270,665	9,040	279,705
Sportsfield Improvement	281,282	215,000	138,969	357,313	10,664	367,977
Facilities	6,319,595	819,000	1,221,639	5,916,956	204,341	6,121,297
Infrastructure Restoration	299,412	709,581	325,800	683,193		683,193
Street Furniture	283,161	223,751	2,101	504,812		504,812
Loan Reduction - WODCB	1,015,837	1,797,000	1,713,229	1,099,608		1,099,608
Election	382,700	70,000	-	452,700		452,700
Kindergarten	7,000	-	7,000	-		-
Plant Replacement	108,779	350,000	400,000	58,779		58,779
Library	9,000	-	9,000	-		-
Gordon Parking Fund	159,770	-	66,500	93,271		93,271
Wahroonga Parking Fund	161,487	-	-	161,487		161,487
Ryde Road Parking Fund	286,285	-	-	286,285		286,285
Roseville Parking Fund	36,436	-	-	36,436		36,436
Lindfield Parking Fund	18,614	-	-	18,614		18,614
Insurance	163,826	-	-	163,826		163,826
Contribution To Works	297,346	2,365,454	2,351,155	311,645		311,645
Golf Course Levy	1,098,365	235,505	17,700	1,316,170		1,316,170
Golf Course Upgrade	35,000	-	-	35,000		35,000
Playground	50,642	-	-	50,642		50,642
Tree Planting	35,000	-	35,000	-		-
Natural Environment Reserve	32,500	-	32,500	-		-
Swimming Pool Reserve	108,600	-	26,355	82,245		82,245
Parks	25,000	-	-	25,000		25,000
Superannuation Reserve	1,000,000	-	-	1,000,000		1,000,000
Bonds & Deposits	525,000	125,000	-	650,000		650,000
Contingency	207,440	8,000	40,000	175,440		175,440
St Ives Showground (Environmental Remediation)	19,301	-	-	19,301		19,301
St Ives Showground	150,000	-	150,000	-		-
Revolving Energy Fund	20,519	-	-	20,519		20,519
Telco	5,543	-	5,543	-		-
Catchment Management	150,000	-	-	150,000		150,000
Tennis Court	120,000	132,000	-	252,000		252,000
Revenue Fund Carry Forward works	515,200	-	497,484	17,716		17,716
<b>SUB-TOTAL INTERNAL</b>	<b>15,775,355</b>	<b>7,490,290</b>	<b>7,609,718</b>	<b>15,655,928</b>	<b>229,088</b>	<b>15,885,017</b>

It should be noted that end of year procedures and postings are still being finalised and the above figures are not finalised until the 2007/08 Financial Statements are audited and adopted by Council.

The definition for what internal reserves can be used for is included in Council's 2008-2012 Management Plan and are as follows:

Reserve	Use
Bond/security reserve	To facilitate the refund of bonds held by Council Target: 20% of deposits, retentions and bonds liability.
Catchment management	To fund new capital and renewal works relating to catchment management.
Contingency reserve	To make allowance for unforeseen, unplanned, non-discretionary costs that may arise during the financial period that are not included in Council's budget Target: Maintain 0.5% of net rates

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Reserve	Use
Contribution to works	To restrict external contributions received for specific works, particularly when contributions are received late in the financial year
Election reserve	To amortise the cost of holding a Council election over the four year term of the Council
Employee leave entitlements	To fund a minimum of 15% of the total employee leave entitlements liability. This is in addition to amounts budgeted annually to cover expected commitments in the current financial year
Golf course levy	To fund capital and renewal works at Council's golf courses
Infrastructure and facilities reserve	To fund infrastructure programs and other asset renewal works. Additionally, to purchase associated land or land deemed to be environmentally sensitive
Insurance reserve	To fund unplanned increases in the cost of Council's insurances
Parking funds	To fund capital projects relating to the provision of car parking facilities
Plant replacement reserve	To fund the replacement of Council's passenger and operational fleet
Revenue fund carried forward works	To fund revenue funded carry-over works from a previous financial year
Revolving energy fund	Funds set aside to fund future energy initiatives to further reduce electricity consumption within Council
St Ives Showground environmental remediation reserve	To fund environmental remediation at St Ives Showground funded from car parking charges
Superannuation reserve	To fund the anticipated resumption of full employer contributions to the Local Government Superannuation Scheme
Swimming pool reserve	To fund the future replacement and renewal of Council's swimming pool
Tennis court reserve	To fund new capital and renewal works relating to tennis courts

In relation to the Contingency Reserve, it is anticipated that these funds will be required for the cost of administering the Planning Panel as well as the legal costs associated with the Planning Panel court proceedings.

While Council has the discretion to allocate funds from internal reserves at anytime, it is recommended that the costs arising from the finalisation of the Town Centres LEP be considered at the first quarter review, by which time the 2007/08 Financial Statements will be completed.



## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared in consultation with the Strategy and Corporate Departments. The General Manager and all Directors are aware of the extent of the funding issue.

### SUMMARY

Due to the timing of Council's court action against the Minister relative to the budget process, and in light of the Panel's decision to revert to an accelerated comprehensive planning process, the 2008-2009 budget does not accommodate the likely full funding requirements of preparing the new Town Centres LEP by the Ku-ring-gai Planning Panel.

### RECOMMENDATION

- A. That Council determines not to commence the following projects in the 2008-2009 financial year:
  - i. Wahroonga centre master plan as part of the comprehensive LEP (\$30,000)
  - ii. Killara centre master plan as part of the comprehensive LEP (\$30,000).
- B. That Council notes the likely costs of completing the Town Centres LEP and that funding up to \$405,000 be discussed in the first quarter review.

Andrew Watson  
**Director Strategy**