



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 20 JULY 2010 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**

**ENVIRONMENTAL LEVY SMALL GRANTS SCHEME (ROUND TEN) - PRESENTATION  
OF CHEQUES**

**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 22 June 2010

Minutes numbered 168 to 191

## **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 13 July 2010

Minutes to be circulated separately

### **MINUTES FROM THE MAYOR**

### **PETITIONS**

### **GENERAL BUSINESS**

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

#### **GB.1 Council Meeting Cycle for July 2010**

**1**

File: S02355

To consider amending the Council Meeting Cycle for July 2010.

#### **Recommendation:**

That the Council Meeting scheduled for 27 July 2010, be cancelled.

#### **GB.2 11th International Cities, Town Centres & Communities Conference 2010**

**3**

File: CY00212/2

To advise Council of the 11th International Cities, Town Centres and Communities Conference 2010.

#### **Recommendation:**

That Council determine if it wishes to send delegates to the 11th International Cities, Town Centres and Communities Conference 2010.

**GB.3 LGSA Water Management Conference 2010 10**

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File: S02046

To advise Councillors of the Local Government & Shires Associations of NSW (LGSA) 2010 Water Management Conference.

**Recommendation:**

That Council determine if it wishes to send delegates to the 2010 LGSA Water Management Conference.

**GB.4 Gordon Library - Proposed Trial of New Opening Hours 15**

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File: S02130

To propose a trial of new opening hours at the Gordon Library, from August to December 2010.

**Recommendation:**

That Council support the trial of new weekday opening hours at the Gordon library from August to December 2010, opening at 9.00am each morning and closing at 6.00pm on Monday and Friday, and at 8.00pm on Tuesday, Wednesday and Thursday evenings. Weekend hours will remain as they currently are throughout the trial period.

**GB.5 Licence to St Ives Bowling Club - Killeaton Street, St Ives 19**

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File: S07453

To seek a resolution from Council to grant a licence for a period of 21 years to the St Ives Bowling Club.

**Recommendation:**

That Council grant St Ives Bowling Club a licence to a maximum of 21 years.

GB.6 **Investment Report as at 30 June 2010** 28

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File: S05273

To present to Council investment allocations and returns on investments for June 2010.

**Recommendation:**

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

GB.7 **152 Warrimoo Avenue, St Ives Chase - Demolish Existing Garage & Construct New Single Garages & Entry Porch** 47

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File: DA0257/10

Ward: St Ives  
Applicant: Mr Simon Rodney Stephenson  
Owner: Mr Simon Rodney Stephenson

To determine Development Application No.0257/10, which seeks consent for the demolition of the existing garage and construction of new single garages and entry porch.

**Recommendation:**

Approval.

GB.8 **Revised Officer Delegations for Joint Regional Planning Panel Development Applications** 74

.  
File: S04554

The Minister for Planning is seeking a commitment from Council to confer certain delegations from the Joint Regional Planning Panel to an appropriate level of officer.

**Recommendation:**

That Council resolve delegate to the General Manager the determination of any development application or Section 96(2) modification application the determination of which has been delegated to Council by the Chair of the Sydney West Joint Regional Planning Panel.

GB.9 **Proposed Relocation of Existing Telecommunications Facilities within North Turrumurra Golf Course** 82

File: S08282

To seek approval from Council to relocate an existing telecommunications tower in the North Turrumurra Recreation Area and to enter into four consecutive five year leases with Crown Castle International.

**Recommendation:**

That Council approves the entering into an agreement for lease along with four consecutive five year leases to Crown Castle Australia Pty Limited for the purpose of constructing, maintaining and operating telecommunications facilities and uses incidental thereto at North Turrumurra Golf Course.

GB.10 **Stage 3 Regional & Local Community Infrastructure Grants** 88

File: S06957/2

The purpose of the report is to advise Council of the Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant and seek Council's preferred project nominations.

**Recommendation:**

That Council advise the Federal Government which projects it wishes to nominate for the grant.

GB.11 **Acceptance of Tender T23/2010 - Resale of Truck with Mounted Abbey Sky Probe** 106

File: S08220

To report to Council the results of the Tender 23/2010 for the resale of one truck mounted with a Abbey Sky Probe which was used for maintenance of tall trees.

**Recommendation:**

That the tender submitted by Plateau Tree Services Pty Ltd to purchase the truck mounted with an Abbey Sky Probe be accepted.

**GB.12 NSW Community Partnerships**

File: S06957/2

Report by Director Strategy & Environment, Manager Corporate Planning & Sustainability and Team Leader Recreation Planning dated 12 July 2010 to be circulated separately.

**EXTRA REPORTS CIRCULATED AT MEETING**

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

**QUESTIONS WITHOUT NOTICE**

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

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

*The Items listed hereunder are recommended for consideration in Closed Meeting, Press & Public excluded for the reasons stated below:*

**C.1 Proposal to Acquire Open Space - Turrumurra**

**1**

File: S07257

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire this and other property on appropriate terms and conditions.

Report by Director Strategy & Environment dated 28 June 2010.

## C.2 **Joint Regional Planning Panel**

File: S08324

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(g) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by General Manager and Corporate Lawyer to be circulated separately.

John McKee  
GENERAL MANAGER

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

## **Section 79C**

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

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

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

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

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

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



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## COUNCIL MEETING CYCLE FOR JULY 2010

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To consider amending the Council Meeting Cycle for July 2010.
<b>BACKGROUND:</b>	Council has resolved to hold meetings on 20 and 27 July 2010.
<b>COMMENTS:</b>	Option for Council's consideration.
<b>RECOMMENDATION:</b>	That the Council Meeting scheduled for 27 July 2010, be cancelled.

## **PURPOSE OF REPORT**

To consider amending the Council Meeting Cycle for July 2010.

## **BACKGROUND**

Council has resolved to hold meetings on 20 and 27 July 2010.

## **COMMENTS**

There is a meeting scheduled for 20 July 2010 and there is insufficient business for a meeting on 27 July 2010. It is considered that the best option is to cancel the Ordinary Meeting of Council proposed to be held on 27 July 2010.

## **CONSULTATION**

Not required.

## **FINANCIAL CONSIDERATIONS**

Not applicable.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not required.

## **SUMMARY**

That the Council meeting scheduled for Tuesday 27 July 2010 be cancelled.

## **RECOMMENDATION**

That the Ordinary Meeting of Council scheduled for 27 July 2010 be cancelled.

Geoff O'Rourke  
**Senior Governance Officer**

John McKee  
**General Manager**

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## 11TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE 2010

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise Council of the 11th International Cities, Town Centres and Communities Conference 2010.

**BACKGROUND:**

The Conference & pre-Conference Activities are to be held from 12 to 15 October 2010 in Coffs Harbour, NSW.

**COMMENTS:**

The Preliminary Program is **attached**.

**RECOMMENDATION:**

That Council determine if it wishes to send delegates to the 11th International Cities, Town Centres and Communities Conference 2010.

## PURPOSE OF REPORT

To advise Council of the 11th International Cities, Town Centres and Communities Conference 2010.

## BACKGROUND

The Conference and pre-Conference Activities are to be held from 12 to 15 October 2010 at the Opal Cove Convention Centre, Coffs Harbour, NSW.

## COMMENTS

The theme of the Conference will be "Interdependence - Web of Relationships Internationally and Locally".

## FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$995.00 (early bird - non member) and \$895.00 (early bird - member). The early bird closing date is 30 July 2010.

Accommodation and travel expenses are additional.

There are sufficient funds available in the Conference budget for Councillors.

## RECOMMENDATION

That Council determine if it wishes to send delegates to the 11th International Cities, Town Centres and Communities Conference 2010.

Geoff O'Rourke  
**Senior Governance Officer**

John McKee  
**General Manager**

**Attachments:** Preliminary Program - 2010/111362

# ICTC2010 Preliminary Program

(subject to change)

## Tuesday 12<sup>th</sup> October, 2010 (Pre Conference Activities)

1330-1530	Conference Registration – Opal Cove Convention Centre Foyer		
1430-1700	Special Interest Group Sessions:	1: BID's	2: Place Making      3: Transit Oriented Design

## Wednesday 13<sup>th</sup> October, 2010

<b>0800</b>	<b>Conference Registration: Opal Cove Convention Centre Foyer</b>			
<b>0900-1020</b>	<b>Official Opening and Keynote Presentations</b>			
0900-0910	Official Welcome – <b>Mr Rob Henshaw</b> CEO, ICTC Society			
0910-0920	Official Welcome – <b>Councillor Keith Rhoades AFSM</b> , Mayor, City of Coffs Harbour			
0920-1020	Opening Keynote <i>Title to be confirmed</i> <b>Mr Andy Taft</b> , President Downtown Fort Worth, Fort Worth, Texas, USA			
<b>1020-1050</b>	<b>Morning Tea &amp; Trade Exhibition</b>			
<b>1050-1230</b>	<b>Session 2A: BIDs/Town Centres/Main Streets</b>	<b>Session 2B: Collaborative Design Processes</b>	<b>Session 2C: Sustainable Cities &amp; Towns</b>	<b>Session 2D: Community Building &amp; Consultation</b>
1050-1115	<i>How to Build a Town - A Case Study (p65)</i> <b>Ms Susanne Pini</b> , Director, Rice Daubney, North Sydney, AUSTRALIA	<i>Enquiry by Design for Infrastructure (p18)</i> <b>Mr Cameron Davies</b> , Director, Deicke Richards, Brisbane, AUSTRALIA	<i>Going to Scale: Delivering Large Scale Social Behaviour Change Programs (p44)</i> <b>Mr Kevin Luten</b> , Director, UrbanTrans ANZ Pty Ltd, Melbourne, AUSTRALIA	<i>There's No Place Like Home - Creating a Sense of Belonging in a Masterplanned Community (p57)</i> <b>Ms Christie Wallis</b> , Community Liaison Manager, Delfin Lend Lease, Canberra, AUSTRALIA
1115-1140	<i>Lane Cove ALIVE (p41)</i> <b>Ms Bronwyn Clarke</b> , Project Manager, Lane Cove Alive, Lane Cove, AUSTRALIA	<i>Drawing our own Conclusions; The People of Gosford Collaboratively Design their City Centre (p21)</i> <b>Mr Stephen Fairnham</b> , Manager - The Gosford Challenge, Gosford, AUSTRALIA	<i>Measuring our Sustainable Communities of the Future (p22)</i> <b>Mr Adam Beck</b> , Queensland State Manager Green Building Council of Australia, Brisbane, AUSTRALIA	<i>Finding Mary In The Urban Tide - Impacts on the Rural Landscape. Community Renewal Post project Failure (p83)</i> <b>Cr Jan Watt</b> , Chairman, Planning & Dev. Committee, Gympie Regional Council, Gympie, AUSTRALIA
1140-1205	<i>Kwinana Town Centre Revitalisation and Redevelopment (p16)</i> <b>Mr Andrew Smith</b> , Director, Governance & Strategic Services, Town of Kwinana, Kwinana, AUSTRALIA	<i>The Urban Regeneration of Victoria Square/Tarndanyangga as a Model of Integrated Design (p4)</i> <b>Mr Peter Smith</b> , Chief Executive Officer, Adelaide City Council, Adelaide, AUSTRALIA	<i>Cities of Resilience in the Ecological Age (p48)</i> <b>Ms Brigitte Buchholz</b> , Senior Urban Designer, Arup, Sydney, AUSTRALIA	<i>Creating a Community Vision - Coffs Harbour 2030 (p70)</i> <b>Mr Jeff Green</b> , Executive Manager, Strategy and Sustainability, Coffs Harbour City Council, Coffs harbour, AUSTRALIA
1205-1230	<i>Streamlining Implementation of Main Street and Town Centre Improvement Projects (p9)</i> <b>Mr Andrew Macleod</b> , Senior Consultant, Hill Young Cooper Ltd, Wellington, NEW ZEALAND	<i>REAL Challenge - Changing Regional Building (p33)</i> <b>Mr Ross Holt</b> , Chief Executive Officer, Landcorp, Perth, AUSTRALIA	<i>Replicating the Award Winning Botany Town Centre Travel Plan (p46)</i> <b>Ms Sue Philbin</b> , Senior Transportation Planner, Opus International Consultants, Tauranga, NEW ZEALAND	<i>Dreamtown - "Perfect Australian Towns" (p42)</i> <b>Mr Helmut Rohde</b> , Managing Director, Bayly & Associates Pty Ltd, Mittagong, AUSTRALIA

<b>1230-1330</b>	<b>Lunch and Trade Exhibition</b>			
<b>1330-1510</b>	<b>Session 3A: Town Centres &amp; Place Making</b>	<b>Session 3B: Infrastructure Planning &amp; Development</b>	<b>Session 3C: Sustainable Cities &amp; Towns</b>	<b>Session 3D: Community Building &amp; Consultation</b>
1330-1355	<i>Comparing The Options for Town Centre Management - 10 Years in Practice (p82)</i> <b>Ms Jo Kelly</b> , Director, People, Place & Partnerships, Lilyfield, AUSTRALIA	<i>City Building: Strategic Planning VS Infrastructure Spending (p27)</i> <b>Ms Sharon Boyle</b> , Principal Strategic Planner, Parsons Brinckerhoff, Brisbane, AUSTRALIA	<i>Newhall and Northstowe Master Planning in the UK (p19)</i> <b>Ms Diana Griffiths</b> , Senior Associate Urban Design, Arup, Sydney, AUSTRALIA	<i>Challenges and Opportunities - Navigating the Twists and Turns of Community Development (p62)</i> <b>Ms Christie Wallis</b> , Community Liaison Manager, Delfin Lend Lease, Canberra, AUSTRALIA
1355-1420	<i>Moe Rail Precinct Revitalisation Project: Master Planning Urban Renewal in Regional Victoria (p13)</i> <b>Mr Simon McPherson</b> , Director, SJB Urban, Southbank, AUSTRALIA	<i>Planning for Community Infrastructure in Local Government - Case Study, Wyndham City Council (p51)</i> <b>Mr Bernie Cronin</b> , Director, Community Development, Wyndham City Council, Werribee, AUSTRALIA	<i>A Village For The Future (p63)</i> <b>Mr Charles Nilsen</b> , Manager Urban Design & Architecture, City of Monash, Glen Waverley, AUSTRALIA	<i>Halls Creek - Connecting the Community (p31)</i> <b>Mr Ross Holt</b> , Chief Executive Officer, Landcorp, Perth, AUSTRALIA
1420-1445	<i>Can You Love a New Place? Creating Authentic Place Attachment (p7)</i> <b>Ms Nicole Dennis</b> , Place Maker, Place Partners, Woollahra, AUSTRALIA		<i>"One Day the Community Would Look at the Park and Say 'We Did It!'" - Lessons from a Pilot Community Place Making Program (p26)</i> <b>Ms Susan Denholm</b> , A/Place Making Co-Ordinator, Newcastle City Council, Newcastle, AUSTRALIA	<i>Dreamtown Mittagong - "Perfect Town" (p43)</i> <b>Mr Helmut Rohde</b> , Managing Director, Bayly & Associates Pty Ltd, Mittagong, AUSTRALIA
1445-1510	<i>Wasted Space in Our Cities - Lessons from West End, Brisbane (p15)</i> <b>Ms Kirsten Fry</b> , Urban Designer, THG, Brisbane, AUSTRALIA	<i>Place Management Within a Context of Rapid Population Growth: A Case Study of the Werribee City Centre (p38)</i> <b>Dr Craig Toussaint</b> , Place Manager, Wyndham City Council, Werribee, AUSTRALIA	<i>Retrofitting Our Cities - Low-Scale, High-Density Alternatives (p40)</i> <b>Ms Deena Ridenour</b> , Director, Urban Design, Allen Jack+Cottier, Chippendale, AUSTRALIA	<i>Working Together in Minto (p39)</i> <b>Mr David Lilley</b> , Project Manager (Community Renewal), Housing NSW, Sydney, AUSTRALIA
<b>1510-1540</b>	<b>Afternoon Tea and Trade Exhibition</b>			
<b>1540-1655</b>	<b>Session 4A: Place Making, Place Management</b>	<b>Session 4B: Transport &amp; Urban Communities</b>	<b>Session 4C: Regional Strategic Planning</b>	
1540-1605	<i>From Nambouring to Nambrilliant - The Role of Infrastructure in a Place Management Approach to Town Centre Revitalisation (p74)</i> <b>Mr Adam Stewart</b> , Project Coordinator, Sunshine Coast Regional Council, Sunshine Coast, AUSTRALIA	<i>Not just for roads! TMAs as public-private partnerships to foster sustainable transport (p45)</i> <b>Mr Kevin Luten</b> , Director, UrbanTrans ANZ Pty Ltd, Melbourne, AUSTRALIA	<i>The Other Side of the Tracks (p23)</i> <b>Mr Michael McPherson</b> , Senior Associate, Sutters Architects, Newcastle, AUSTRALIA	
1605-1630	<i>Build and They Will Come ... and Go. Evolving Sustainable Tourism for Regional Environments (p68)</i> <b>Mr Leonard Lynch</b> , Managing Director, Clouston Associates, Leichhardt, AUSTRALIA	<i>Liberating Planning from the Car to Achieve More Affordable, Liveable Cities With Improved Environmental Performance. (p3)</i> <b>Mr Roderick Simpson</b> , Director, Simpson+Wilson Architecture Urban Design, Crows Nest, AUSTRALIA	<i>Build it First, They Will Come; It is NOT the Other Way 'Round (p50)</i> <b>Cr Rodney Degens</b> , Councillor, Coffs Harbour City Council, Coffs Harbour, AUSTRALIA	
1630-1655	<i>Place Making and Farmers Markets: Harvesting Markets Intelligence (p58)</i> <b>Mr Alan Eagle</b> , Secretary, Hawkesbury Harvest Inc., Richmond, AUSTRALIA			
<b>1715-1845</b>	<b>Networking Function – Opal Cove Convention Centre Foyer and Trade Exhibition Area</b>			

## Thursday 14<sup>th</sup> October, 2010

0900-1000	Session 5: Plenary 2			
	Keynote 2 Paper title to be provided Mr Peter Williams, Chief Executive, Better Bankside, LONDON, UK			
1000-1030	Session 5 – Plenary 3A		Plenary 3B	
	Measuring the Unmeasurable - Developing Evaluation Procedures in Urban Design (p11) Mr Kobus Mentz, Director, Urbanism+, Auckland, NEW ZEALAND		A Love Affair with Australasian Place Making (p35) Mr Brent McAlister, Executive Director - Sustainable Development, Lismore City Council, Lismore, AUSTRALIA	
1030-1100	Morning Tea & Trade Exhibition			
1100-1240	Session 6A: Town Centres & Main Streets	Session 6B: Urban Lifestyles/Revitalisation	Session 6C: Affordable Housing	Session 6D: Healthy Cities/MPC
1100-1125	Strengthening Local Communities (p79) Mr Michael Tudball, Director, School & Community Partnerships, Department Of Planning & Community Development, Victoria Harbour, AUSTRALIA	Place Making as an Act of Urban Revitalisation (p6) Ms Kylie Legge, Director, Place Partners, Woollahra, AUSTRALIA	Our House – The True Cost of our Housing Choices (p14) Mr Andrew Batts, Associate, Arup Pty Ltd, Brisbane, AUSTRALIA	Healthy Master Planning – Business as Usual or Not? (p84) Ms Gabrielle Morrish, Managing Director, GM Urban Design & Architecture, Beecroft, AUSTRALIA
1125-1150	Armadale Revitalised (p73) Mr Ian Macrae, Executive Director Development Services, City of Armadale, Armadale, AUSTRALIA	Revitalising the Kwinana Town Centre - A Partnership Funding Approach (p72) Mr Simon Proud, Director, Rockingham Kwinana Development Office, Rockingham, AUSTRALIA	The Changing Landscape of Affordable Housing Opportunities (p66) Ms Lacey Barron, Acting Manager, Centre For Affordable Housing NSW, Ashfield, AUSTRALIA	Collaborative Community Opted Programme - Crime Prevention Through Environmental Design (p54) Ms Barbara Holloway, Precinct Manager, The Karangahape Road Business Association, Newton, NEW ZEALAND
1150-1215	Is Public Space Really Available to Everyone? (p81) Mr Aaron Wallis, Design Manager, Convic Design Pty Ltd, Richmond, AUSTRALIA	New Landscapes of Transitioning Inner City Areas: A Wellington Case Study (p29) Dr Felicity Powell, Principal Researcher, Opus Central Laboratories, Lower Hutt, NEW ZEALAND	Creative Cities - Design of Home/Work Studio Spaces (p24) Ms Anne Gartner, Senior Housing Strategist, Moreland City Council, Coburg, AUSTRALIA	
1215-1240		Vincent Liquor Accord - A Community Approach to Socialising with Safety in Bars, Pubs and Clubs (p47) Mr Robert Boardman, Director Of Development Services, Town of Vincent, Leederville, AUSTRALIA		
1240-1340	Lunch and Trade Exhibition			

1340-1520	Session 7A: Sports Stadiums, Place Marketing	Session 7B: Projects in Partnership	Session 7C: Creating Liveable Neighbourhoods	
1340-1405	<i>The Role of Leisure Facilities in Community Development and Opportunities for Regional Councils (p25)</i> <b>Mr Stephen Cheney</b> , Managing Principal, Sutens Architects, East Melbourne, AUSTRALIA	<i>"Thin and Stretched" - How Councils can Utilise Effective Project Practices to Do More With Even Less (p20)</i> <b>Ms Fiona Blundell</b> , Business Development Manager, Australian College of Project Management, Sydney, AUSTRALIA	<i>Cost Benefit Analysis of Graffiti Removal Pilot Project: A Case Study in Greater Western Sydney, Australia (p61)</i> <b>Mr Tissa Yatawara</b> , Project Evaluation Manager, Housing NSW, Ashfield, AUSTRALIA	
1405-1430	<i>Population is About Place - Not Numbers (p2)</i> <b>Mr Steven Burgess</b> , Principal Consultant Placemaking, Parsons Brinckerhoff, Cotton Tree, AUSTRALIA	<i>Randwick Health-Education Precinct Planning in Partnership (p8)</i> <b>Ms Joanna Hole</b> , Co-Ordinator Strategic Planning, Randwick City Council, Randwick, AUSTRALIA	<i>Urban Renewal is More Than Colours on a Map - Bankstown's Experiences and Pitfalls (p49)</i> <b>Mr James Carey</b> , Manager, Sustainable Development, Bankstown City Council, Bankstown, AUSTRALIA	
1430-1455	<i>The "Life the Life Love the Lake" Program Evolved to Achieve Outcomes in Several Areas (p52)</i> <b>Mr Graeme Hooper</b> , Manager Economic Development, Lake Macquarie City Council, Hunter Region, AUSTRALIA	<i>Sustainability Partnerships: Relationships Worth Celebrating (p28)</i> <b>Dr Judy Lambert</b> , Director, Community Solutions, Fairlight, AUSTRALIA	<i>The Importance of Strategic Place Making - a Housing NSW Perspective (p67)</i> <b>Ms Galina Laurie</b> , Community & Place Strategy, Housing NSW, Ashfield, AUSTRALIA	
1455-1520	<i>"I Can't Find a Park!" ...Proactive Approaches to Promoting Parking Options in a Busy City Centre (p17)</i> <b>Ms Jodie Smith-Reyntjes</b> , Executive Officer - Central Geelong Marketing, Greater City of Geelong, Geelong, AUSTRALIA	<i>"One Day the Community Would Look at the Park and Say 'We Did It!'" - Lessons From a Pilot Community Place Making Program (p26)</i> <b>Ms Christine Bramble</b> , Senior Strategist City Centre, Newcastle City Council, Newcastle, AUSTRALIA	<i>Economics in Master Planned Communities - Modelling and Monitoring (p12)</i> <b>Mr Daniel Parker</b> , Research Analyst, RPS, Robina, AUSTRALIA	
1520-1550	Afternoon Tea and Trade Exhibition			
1550-1705	Session 8A: Development Challenges	Session 8B: Special Topics	Session 8C: Managing Growth	
1550-1615	<i>Empowering the Community to Adapt to Climate Change (p37)</i> <b>Ms Julie Reid</b> , General Manager City Development, Whitehorse City Council, Nunawading, AUSTRALIA	<i>Finding a Home Among the Gum Trees: The Experiences of Housing Sudanese Refugees in Regional Victoria (p59)</i> <b>Ms Ellen Angus</b> , Urban Planner, Victorian Dept. of Planning & Community Development, Malvern East, AUSTRALIA	<i>Rolleston - Developing a Town for the Future Intensification in a Small Town (p56)</i> <b>Mr Cameron Wood</b> , Strategic Policy Planner, Selwyn District Council, Rolleston, NEW ZEALAND	
1615-1640	<i>An Ethical Argument for Centres-Based Residential Intensification (p10)</i> <b>Mr Kobus Mentz</b> , Director, Urbanism+, Auckland, NEW ZEALAND	<i>Plugging Economic Leaks - Developing a Resilient Economy Through Local Food (p69)</i> <b>Mr Courtney Tune</b> , Team Leader Special Projects & Events, Coffs Harbour City Council, Coffs Harbour, AUSTRALIA	<i>Protecting Liveability in a Growing Community (p5)</i> <b>Ms Gabrielle O'Halloran</b> , Senior Strategic Planner, Manningham City Council, Doncaster, AUSTRALIA	



1640-1705	<i>24 Hour Cities? Planning and Managing Growth and Conflicts. (p36)</i> <b>Ms Julie Reid</b> , General Manager City Development, Whitehorse City Council, Nunawading, AUSTRALIA	<i>The Role of Centres in Sustainable Urban Growth (p75)</i> <b>Mr John Mackay</b> , Urban Designer, Boffa Miskell Ltd. , Auckland, NEW ZEALAND
1730-1930	Opal Cove BBQ Networking Function	

## Friday 15<sup>th</sup> October, 2010

0900-1600	Field Trip 1: Developing a Sense of Place – Coffs Harbour's City Centre and Marina Precincts (Coach and Walking Tour)
0900-1600	Field Trip 2: Coffs Harbour Infrastructure Program (Coach Tour)
0900-1445	Field Trip 3: Development of Alternate Economic Drivers – Moving Past Tourism (Coach and Walking Tour)

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## LGSA WATER MANAGEMENT CONFERENCE 2010

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise Councillors of the Local Government & Shires Associations of NSW (LGSA) 2010 Water Management Conference.

**BACKGROUND:**

The Conference is to be held in Orange from 12 to 14 September 2010.

**COMMENTS:**

The Draft Program is **attached**.

**RECOMMENDATION:**

That Council determine if it wishes to send delegates to the 2010 LGSA Water Management Conference.

## PURPOSE OF REPORT

To advise Councillors of the Local Government & Shires Associations of NSW (LGSA) 2010 Water Management Conference.

## BACKGROUND

The Conference is to be held in Orange from 12 to 19 September 2010 at the Orange Ex-Servicemens Club.

## COMMENTS

The 2010 Conference will provide a focus on the diversification of water supply options, demand management and water conservation in a large inland urban centre faced with limited water availability along with regional water supply options.

The Draft Conference Program is **attached**.

For all information on the Conference, visit [www.waterconference.lgsa.org.au](http://www.waterconference.lgsa.org.au).

## FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$396.00 (Early Bird). Accommodation and travel expenses are additional.

There are sufficient funds available in the Conference Budget for Councillors.

## RECOMMENDATION

That Council determine if it wishes to send delegates to the 2010 LGSA Water Management Conference.

Geoff O'Rourke  
**Senior Governance Officer**

John McKee  
**General Manager**

**Attachments:**      **Attachment: Draft Program - Part 2010/124163**



# LGSA WATER MANAGEMENT CONFERENCE 2010

12-14 September 2010

Orange Ex-Services Club, 241 Anson Street, Orange

*Draft Program as of 2 July 2010*

Conference MC: Gerry Gannon		
<b>Sunday 12 September</b>		
12.00pm - 5.00pm	<b>Optional Weekend Golf:</b> 9 Hole Golf at Duntryleague, Woodward Street Orange	Tee off at 12pm, green fee \$15, Bookings: Duntryleague ph 6362 3466
4.00pm - 5.00pm	<b>Optional Wine Tasting:</b> Orange Regional Gallery	Sample some local grape varieties
5.00pm - 7.00pm	<b>Welcome Reception and Registration</b> Orange Regional Gallery	Sponsored by MWH Australia
<b>Monday 13 September</b>		
8.15am	<b>Conference registration opens at Orange Ex-Services Club</b>	
8.50am	Welcome and overview of the day	MC
9.00am	Welcome and introduction	Cr John Davis, Mayor, Orange City Council
9.10am	Welcome to Country	Elder, Orange City Council
9.15am	Welcome address	Cr Genia McCaffery, President, Local Government Association of NSW Cr Bruce Miller, President, Shires Association of NSW
9.30am	Keynote address: Water Management in NSW	The Hon Phillip Costa MP, Minister for Water
10.00am	Keynote address: Securing Town Water Supplies – The need for a diverse and adaptive water portfolio using multiple supply and demand options	Professor Stuart White, Director, Institute for Sustainable Futures, <i>invited</i>
10.30am	<b>Morning tea sponsored by Regional Express</b>	
10.50am	Product/Organisation overview	Regional Express, Distinguished Sponsor
11.00am	The CENTROC Water Security Study – A regional strategy for water security	Kent Boyd, Director of Infrastructure, Parkes Shire Council
11.30am	Panel discussion Turning Rivers Around – Opportunities for and Feasibility of River Diversion to Inland NSW	<ul style="list-style-type: none"> <li>• Alex McMillan, Executive Director, Natural Resource Commission</li> <li>• Sen the Hon Bill Heffernan, Liberal Senator for NSW</li> <li>• Amir Deen, Manager Australian Water Services, SMEC - Snowy Mountains Engineering Corporation</li> </ul>
12.50pm	<b>Lunch sponsored by Geolyse</b>	
1.50pm	Orange - Water security through diversity	Chris Devitt, Director Technical Services, Orange City Council
2.10pm	Blackmans Swamp Creek Stormwater Harvesting Scheme - 12 months of operation and commissioning	Jonathan Francis, Environmental Scientist, Orange City Council

<b>2.30pm - 5.00pm Concurrent sessions - (Select from Site Visit or Water Directorate Forum)</b>		
<b>Site Visit - Blackmans Swamp Creek Stormwater Harvesting Scheme</b> The site visit will showcase Orange City Council's Blackmans Swamp Stormwater Harvesting Scheme as a new and innovative approach to augmenting water supply through capturing urban stormwater flows. The scheme, which is capable of capturing approximately 2 GL/year, is the largest potable stormwater reuse system in Australia and has won several industry awards.  The site visit includes: <ul style="list-style-type: none"> <li>Stormwater Harvesting Scheme – Gross pollutant trap;</li> <li>Stormwater Harvesting Scheme – Harvesting weir and pump station;</li> <li>Stormwater Harvesting Scheme – Holding pond, batch ponds and pumping stations; and</li> <li>Water treatment plant – Ozone and BAC filtration process.</li> </ul>		<b>Water Directorate Forum</b> The forum is organised by the Water Directorate NSW and provides an opportunity to discuss issues around the operations of local water utilities.  Chair: Gary Mitchell, Executive Officer, Water Directorate  Topics include: <ul style="list-style-type: none"> <li>Regulation of Recycling Schemes (section 60 approvals)</li> <li>Carbon Footprint Calculation for Water Supply and Sewerage Activities</li> <li>Small Village Sewerage Schemes - Are Pressure Systems the only Option?</li> <li>Odour Management - Proposed Guidelines by Department of Planning</li> <li>Best Practice Pricing – Is the 75% usage – 25% fixed charges revenue mix achievable and appropriate?</li> <li>Integrated Planning and Reporting and Water Supply and Sewerage Operations</li> </ul>
<b>7.00pm - 10.30pm Conference Dinner at Turners Vineyard sponsored by Country Energy</b>		
<b>Tuesday 14 September</b>		
<b>8.15am Conference Registration opens at Orange Ex-Services Club</b>		
<b>8.50am</b>	Welcome and overview of the day	MC
<b>9.00am</b>	Keynote address: The Australian Government's Water Policy Priorities - Urban Water Management, Securing Urban Water Supplies and Balancing Water Use in the Murray-Darling Basin	Senator the Hon Penny Wong Minister for Climate Change and Water
<b>9.30am</b>	Local Water Utilities - Regulator and Customer	Ian Perkins, CEO/Solicitor, Lawlab
<b>10.00am</b>	Product/Organisation overview	Geolyse, Distinguished Sponsor
<b>10.10am</b>	Salinity, Catchment Management and Water Sensitive Urban Design in Central West NSW	Diana Kureen, Catchment Officer - Local Government, Central West Catchment Management Authority
<b>10.40am Morning Tea</b>		
<b>11.00am - 1.00pm Concurrent Breakout Streams (select one stream only)</b>		
<b>STREAM 1 – Innovation in Water Management</b>		
11.00am	Smart metering and Tariff reform in the Australian Water Industry	David Wiskar, Acting Chief Executive Officer Wide Bay Water Corporation
11.30am	Managing Water Loss – Case Studies on the Impact of the Water Loss Management Program	Diana Gibbs, Independent Governance Committee Member, Water Loss Management Program
12.00pm	Demand management in the non-residential sector - Orange City Council and local business delivery water savings	Emma Gosper, Project Officer Water Sustainability, Orange City Council
12.30pm	Pressure Sewerage Systems – Getting the Policy Framework Right!	Greg Mashiah, Manager Water Cycle, Clarence Valley Council
<b>STREAM 2 – Reuse and Recycling</b>		
11.00am	Advancing Reuse and Recycling – Current Initiatives and Future Prospects	Chris Davis, Commissioner, National Water Commission, <i>invited</i>
11.30am	Ballina and Lennox Head Recycled Water Scheme – Navigating the Obstacles to Scheme Implementation	Brett Douglas, Project Engineer, NSW Water Solutions, NSW Public Works
12.00pm	Decentralised Blackwater Reuse – How safe is it? – Experiences from Victoria and NSW	Antony MacCormick, Director, Cradle Mountain Water

12.30pm	Water Recycling and Dual Reticulation - The South West Rock Integrated Water Management Project	Anne-Maree Burke, Manager Macleay Water, Kempsey Shire Council
<b>STREAM 3 – Local Water Utilities Reform</b>		
11.00am	Update on the Inquiry into Local Water Utilities	Hans Wessling, Manager Policy, NSW Office of Water
11.30am	The Central Coast Water Corporation – Water Management at a Regional Level	Greg McDonald, Manager Water and Waste, Wyong Shire Council
12.00pm	The Performance of NSW Local Water Utilities – The National Water Commission's View	James Cameron, Deputy CEO, National Water Commission
12.30pm	Local Water Utilities as Retailers and Suppliers of Last Resort for Private Water Schemes – News from WICA	<i>Speaker to be confirmed</i>
<b>1.00pm</b>	<b>Lunch sponsored by State Water Corporation</b>	
<b>2.00pm</b>	Product/Organisation overview	State Water Corporation, Distinguished Sponsor
<b>2.10pm</b>	Keynote Address: The Murray-Darling Basin Plan – Sustainable Diversion Limits, Security of Town Water, and Socio-Economic Impacts	Robert Freeman, Chief Executive Murray-Darling Basin Authority
<b>2.40pm</b>	Climate Change - A Layman's Guide to Issues	Peter Ledwos, Principal Urban Water Manager – Wollongong, NSW Office of Water
<b>3.10pm</b>	The NSW Guidelines on Assessing the Impact of Climate Change on Water Supply Security	Sam Samra, Senior Manager, NSW Office of Water
<b>3.40pm</b>	<b>Summary</b>	MC
<b>4.00pm</b>	<b>Close of conference</b>	

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## GORDON LIBRARY - PROPOSED TRIAL OF NEW OPENING HOURS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To propose a trial of new opening hours at the Gordon Library, from August to December 2010.

**BACKGROUND:**

Over a period of time there has been a steady decline in the number of visitors to the Gordon library on weekday evenings, especially after 8.00 pm. In contrast, comments have been received from the community requesting earlier weekday opening hours at Gordon library.

**COMMENTS:**

A trial of new opening hours is proposed to address this changing trend in usage patterns at the Gordon library and to allow for greater utilisation of staff resources during busier times. The new trial hours will also respond to community requests for earlier opening times from on weekdays. It is proposed to trial new hours from August to December 2010, and to then evaluate usage patterns following the trial period.

**RECOMMENDATION:**

That Council support the trial of new weekday opening hours at the Gordon library from August to December 2010, opening at 9.00am each morning and closing at 6.00pm on Monday and Friday, and at 8.00pm on Tuesday, Wednesday and Thursday evenings. Weekend hours will remain as they currently are throughout the trial period.

## Item 4

S02130  
25 June 2010**PURPOSE OF REPORT**

To propose a trial of new opening hours at the Gordon Library, from August to December 2010.

**BACKGROUND**

Over the past 2-3 years there has been a steady change in the use patterns at the Gordon library with both visitor numbers and loans decreasing on weekday evenings, especially after 8.00pm. Monday evenings, in particular, have been slower than other weekday evenings.

In contrast with this changing evening trend, the mornings have become busier, and there have been a number of requests from the community for the library to open before 10.00am on weekdays.

The current opening hours at Gordon library are:

Monday to Thursday	10.00am to 9.00pm
Friday	10.00am to 6.00pm
Saturday and Sunday	10.00am to 5.00pm

Statistics collected by library staff over the last six months indicate a very low usage rate after 8.00pm. Door counter readings were taken each day from 10.00am to 6.00pm to calculate the number of visitors to that time, then at 8.00pm for the two hours between 6.00pm and 8.00pm, and finally at 9.00pm, to calculate visits for the last hour and to provide a total number of visitors for the day.

An analysis of these visitor statistics taken over the six month period from December 2009 to April 2010 indicated a decline of visitors during evenings, particularly from 8.00pm to 9.00pm. For example, the door count taken on Monday 12 April is as follows:

Visitors from 10.00am to 6.00pm	923	115 per hour
Visitors from 6.00pm to 8.00pm	107	53 per hour
Visitors from 8.00pm to 9.00pm	15	15 per hour
Total Visitors for day: 1,045 – Average 16 per hour		

A random average Monday to Friday week in April provides the following figures to support this trend:

Visitors from 10.00am to 6.00pm	963	120 per hour
Visitors from 6.00pm to 8.00pm	133	66 per hour
Visitors from 8.00pm to 9.00pm	28	28 per hour
Total Average Visitors per day 1,124 – Average 19 per hour		

**COMMENTS**

In order to best address these changing usage patterns at the Gordon library, a trial of amended opening hours is proposed to be conducted from August to December 2010. This will provide staff



**Item 4**

**S02130  
25 June 2010**

with an opportunity to review the usage patterns over a period that covers elements of seasonal change, levels of HSC student's use, and school holidays.

It is anticipated that new opening hours at the Gordon library would allow for greater utilisation of staff resources in delivering services during busier times, as well as directly responding to community requests for earlier opening hours.

The proposal is to open each weekday at 9.00am, close at 6.00pm on Monday, and at 8.00pm Tuesday, Wednesday and Thursday. The closing time for Friday remains unaltered at 6.00pm.

It is intended that statistical data will continue to be recorded at the same times during the trial, as has been for the past 6 months, with the exception of the 8.00pm to 9.00pm time slot. In its place visitor numbers will be recorded for the 9.00am to 10.00am trial period.

At the conclusion of the trial period these sets of data will be compared, providing a comparison of usage patterns between 9.00am to 10.00am and 8.00pm and 9.00pm. An analysis of usage patterns, based on firm data, will then be conducted and further recommendations for permanent opening hours at the Gordon library will be provided.

## **CONSULTATION**

Consultation was carried out with the library staff and the opinions of the community were expressed from the 2009 Customer Satisfaction Survey as well as from the Community Reference Committee. The new opening hours trial will be publicised to library customers, so they will be aware of the changed conditions.

Additionally, library customers will be consulted throughout the trial period and provided with an opportunity to comment on the new hours.

## **FINANCIAL CONSIDERATIONS**

There are no significant financial considerations associated with this report, however, it is anticipated there may be some casual library assistant wages savings as a result of the new opening hours.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not applicable.

## **SUMMARY**

A recent review of loans and visitor numbers at the Gordon library has indicated a decline in visitor usage numbers at the Gordon library on weekday evenings, particularly on Monday evenings, and between 8.00pm and 9.00pm on Tuesday, Wednesday and Thursday evenings.

Additionally, there have been requests from library customers for Gordon library to open before 10.00am on weekday mornings. A trial of new opening hours from August to December 2010 has

**Item 4**

**S02130**  
**25 June 2010**

been proposed in order to address the changing usage patterns and to respond to customer requests for earlier weekday opening hours.

Following the trial, an analysis of usage patterns will be conducted and further recommendations for opening hours at Gordon library will be provided.

**RECOMMENDATION**

That Council support a trial of new opening hours at the Gordon library to be conducted from August to December 2010, opening at 9.00am each morning and closing at 6.00pm on Mondays and Fridays and 8.00pm on Tuesday, Wednesday and Thursday evenings.

Ray Amos  
**Manager Library Services**

Janice Bevan  
**Director Community**

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## LICENCE TO ST IVES BOWLING CLUB - KILLEATON STREET, ST IVES

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek a resolution from Council to grant a licence for a period of 21 years to the St Ives Bowling Club.

**BACKGROUND:**

St Ives Bowling Club has occupied part of the St Ives Village Green since the dedication of St Ives Village Green in 1959, as it was an integral feature of the 'Green.' In 1959 a 50 year licence to occupy and use that land for the purposes of bowling and associated recreational activities was granted by Council.

**COMMENTS:**

The land on which the club is located Lot 3, DP 219148, is known as the St Ives Village Green. It is classified as Community Land, zoned Open Space 6(a) Recreation Existing. A licence agreement for the maximum term permissible under the Local Government Act (21 years) has been negotiated based on the terms and conditions as shown in the report.

**RECOMMENDATION:**

That Council grant St Ives Bowling Club a licence to a maximum of 21 years.

## PURPOSE OF REPORT

To seek a resolution from Council to grant a licence for a period of 21 years to the St Ives Bowling Club.

## BACKGROUND

In August 1959 a licence was granted to the St Ives Bowling Club, for occupation and use of the land for a Bowling Club for 50 years. This agreement expired in August 2009, however, by operation of law, it remains valid until a new agreement is created.

In anticipation of the expiry of their licence agreement, the Club approached Council in early 2008, requesting that a licence for the maximum term allowable be granted. The maximum term under the Local Government Act (NSW) 1993 is 21 years.

Correspondence was issued to the club confirming Council's intention to grant a new licence for the maximum term, and an independent valuation was undertaken to ascertain the market value.

Investigations by Council staff have confirmed that a licence agreement, in place of a lease, be offered to the Club, given the zoning of the St Ives Village Green. The zoning - Open Space 6(a), Recreation Existing, does not permit subdivision. The land licenced to the Bowling Club is described as Part of Lot 3 DP 219148, and the proposed licence agreement will be described as the same, with the boundaries of the licenced area slightly adjusted in accordance with the St Ives Village Green Master Plan, adopted 11 May 2010.

It was anticipated the St Ives Village Green Landscape Master Plan may have had some impact on the boundary of the licenced area and, as such, the licence was delayed until after the adoption of the Master Plan by Council.

Prior to the adoption of the Master Plan, the public walkway between Killeaton Street and The Village Green constituted the western boundary of the club's licenced area. This walkway duplicates nearby pathways and was highlighted during consultation as an area where problems with anti-social behaviour occur. The walkway is seldom used and is difficult to access for maintenance. The walkway has now been incorporated into the club's licenced area, following the adoption of the Master Plan. This addition has benefited the club by an increase in the licenced area, as well as Council, because the club now assumes responsibility for the maintenance of this area.

## COMMENTS

The club's current membership is 750 people, the majority of whom reside in the local area, and its principle activities are lawn bowls, cards, theatre groups and catering for members. The club's main source of income is by way of entrance fees, green fees, sponsorship and grants.

The proposed licence is for a period not exceeding 21 years, as permitted by the Local Government Act. The agreement is for a single term of 21 years and not comprised of options, which is in

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**S07453**  
**21 June 2010**

keeping with the format of the previous licence agreement and the recently approved licence to West Lindfield Sport and Recreation Club.

An 'Early Termination' clause will be included in the licence. This clause will provide either party the opportunity to terminate the agreement on the proviso that six (6) month's written notice is provided to the other party, and/or if the Licensor (Council) is reasonably satisfied the Licensee (the Club) is unable to meet its obligations to Council under the terms of the licence agreement. The inclusion of this clause provides each party with sufficient rights to terminate the agreement, if reasonably required.

Consistent with Council's policy and tenure agreements to all bowling clubs on Council land, the Licensee retains responsibility for all maintenance and repairs of the building (inclusive of building fabric), greens, car park, water and plumbing systems, gardens and all other land included in the licenced area. All services, telephone, electricity, waste removal, excess drainage and relevant insurances – including public liability to the value of \$20m, are the responsibility of the Licensee.

A letter and accompanying Offer to Licence was issued to the club, outlining the terms of the licence agreement, subject to Council approval. The club returned the Offer to Licence on 29 May 2010, signed and accepting its terms and conditions. (See Attachment)

Council staff have considered the capital contribution of the tenants in assessing and recommending the length of tenure, in order to provide sufficient time for the club to amortise its investment. St Ives Bowling Club has expended significant funds in providing a facility of a suitable quality for its members. Over the term of the previous licence and in addition to its full maintenance obligations, the club made the following improvements:

- o Installation of underground water tanks to the value of \$110,000 - funded by a Commonwealth Community Grant of \$50,000 and the balance by the club.
- o Installation of a major kitchen to the value of \$250,000
- o Building of an administration office to the value of \$30,000
- o Installation of in-house security systems \$1,500
- o Upgrade security hardware \$2,000
- o Upgrade of dining facilities to \$30,000
- o Upgrade of security cool room area \$5000

If a new licence is granted, the club proposes to:

- o Build an external terrace and balustrade \$45,000
- o Install full weight glass walls for open viewing to greens \$40,000
- o Refurbish entry foyer \$40,000
- o Extend dining area –cost being \$80,000
- o Toilet upgrades \$45,000

The total value of proposed capital upgrades amounts to \$250,000.

## CONSULTATION

No consultation is required for this process prior to Council resolution. Once Council resolves to grant the proposed licence, the public will be notified of Council's intention to grant a long term licence in accordance with s 47 (1) a of the Local Government Act.

## FINANCIAL CONSIDERATIONS

An independent valuation was undertaken to ensure the licence fee value for the proposed licence is based on a current market value. This valuation advised the base factor value of the land to be \$800,000 and the licence fee has then been calculated pursuant to the Local Government formula and in accordance with Council's Policy for Management of Community and Recreation Land and Facilities.

In accordance with this Policy the club has been assessed to receive an 80% rebate and in return will be responsible for maintaining the entire licenced area to a suitable standard.

The agreed licence fee is as follows:

Full licence fee	\$ 48,060.00	
Rebate for year One 80%	<u>\$ 38,448.00</u>	
Licence fee for year One	<u>\$ 9,612.00</u>	Exclusive of GST

The licence fee is to be increased by a flat rate of 3% per annum, on the anniversary of the commencement date.

On the 6<sup>th</sup>, 11<sup>th</sup> and 16<sup>th</sup> anniversary of the commencement date of the licence, a market review will be conducted and the rental amount will be adjusted accordingly.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Strategy and Environment staff have been consulted regarding the St Ives Village Green Landscape Master Plan. Consultation was required to ascertain the boundaries of the licenced area, after the Plan was adopted.

## SUMMARY

St Ives Bowling Club has occupied a site on the St Ives Village Green for the past 50 years – a new licence for this site is now due.

At present St Ives Bowling Club consists of 750 members, and provides an integral service to the local residents.

The club is eager to have the licence granted expediently to evidence long term tenure in order to procure finance, grants and sponsorship in order to achieve a number of proposed capital improvements.

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The information provided to Council by the Club, shows the club's compliance with Council's requirements to licence, and, that the club is able to undertake its obligations to Council under the terms of the proposed licence agreement, ensuring the long term provision of this service to the community of Ku-ring-gai Local Area.

## **RECOMMENDATION**

- A. That Council give public notice of 28 days of its intention to grant a licence agreement to St Ives Bowling Club, in accordance with S47 of the Local Government Act.
- B. That following the notification period, Council enter into a 21 year licence agreement with St Ives Bowling Club.
- C. That under their delegated powers, the Mayor and General Manager affix Council's Seal and sign and execute the documentation.

Michelle Makler  
**Lease and Licence Officer**  
**Community and Recreation Property**

Mark Taylor  
**Manager Community and**  
**Recreation Property**

Janice Bevan  
**Director Community**

**Attachment: Offer to Licence - 2010/107456**



## COMMUNITY & RECREATION SERVICES

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1056, Pymble NSW 2073

**T** 02 9424 0754 **F** 02 9424 0207 **DX** 8703 Gordon **TTY** 02 9424 0875

**E** recreationbookings@kmc.nsw.gov.au **W** www.kmc.nsw.gov.au **ABN** 86 408 856 411

### OFFER TO LICENCE

GENERAL DETAILS							
Licensor	Ku ring gai Municipal Council						
Licencee	St Ives Bowling Club Ltd						
Name of authorised representative and postal address for notices	St Ives Bowling Club 100 Killeaton St, St Ives, 2075.						
Incorporation No	ACN 000 264 620						
Licensed Premises/Area	Part of Lot 3 DP 219148 (Volume 9641 Folio 145)						
Usage	For the playing of lawn bowls and recreational and community activities, in connection with activities related to lawn bowls and community fund raising activities.						
Term Commencing to Termination Date	21 Years  1 July 2010– 30 June, 2031						
Special Termination Provision	The Licensee may terminate the Licence upon either party giving the other six (6) month's notice terminating the Licence if the Licensor is reasonably satisfied the Licensee is unable to meet its obligations to Council under the Licence.						
Holding Over Clauses	Limited to one year after the termination date.						
FINANCIAL DETAILS							
Rent, review and rebate structure	<p>Rental value is based on the base factor \$800,000 and has been calculated pursuant to the Local Government Formula.</p> <table> <tr> <td>Full Rent</td><td>\$ 48060</td></tr> <tr> <td>Rebate for yr 1 80%</td><td>\$ 38448</td></tr> <tr> <td>Rent for year One</td><td><b>\$ 9612</b></td></tr> </table> <p>This amount is exclusive of GST.</p> <p>Rent to be increased by a flat rate of 3% per annum, on the anniversary of the commencement date.</p> <p>On the 6<sup>th</sup>, 11<sup>th</sup> and 16<sup>th</sup> anniversary of the commencement date of the Licence, a market review will be conducted and the</p>	Full Rent	\$ 48060	Rebate for yr 1 80%	\$ 38448	Rent for year One	<b>\$ 9612</b>
Full Rent	\$ 48060						
Rebate for yr 1 80%	\$ 38448						
Rent for year One	<b>\$ 9612</b>						



	rental amount will be adjusted accordingly.
Rebate	<p>80% Rebate is fixed for the first five years of the Licence.</p> <p>After that period, the rebate will be reviewed as per the Rebate provision below.</p> <p>The Lessee may grant the Licensee a Rebate on the payment of Licence Fee, thereafter, with the quantum of Rebate to be determined annually on the anniversary of the Commencing Date at the Lessee's sole discretion and otherwise in accordance with the Lessee's applicable policies.</p>
GST inclusive	No
Outgoings	Licensee shall pay all charges for electricity, gas, water separately metered and telephone services connected to the Premises and all other charges and impositions imposed by any public utility or authority for the supply of any service separately supplied to the premises including rates, insurance, land tax, sewer, drainage, excess water and rates.
Payment Frequency	Invoiced once per year on the anniversary date.
<b>SECURITY DEPOSIT</b>	Nil
<b>REPAIRS AND MAINTENANCE</b>	<p>Responsibility of Licensee :</p> <ul style="list-style-type: none"> <li>○ Brush, roll, mow, rake, top dress and do all things required to maintain the bowling greens</li> <li>○ Maintain garden</li> <li>○ Maintain car park</li> <li>○ Water and plumbing systems</li> <li>○ Fittings</li> <li>○ Lighting equipment</li> <li>○ Property</li> <li>○ Make any alterations to premises (subject to Lessee approval)</li> <li>○ Maintain and repair all of the premises</li> <li>○ Redecorate the Premises every five (5) years (including repainting and recarpeting if required by the Lessee) and within 3 months of the Terminating Date.</li> </ul>
<b>COMPLIANCE</b>	
Council Policies	The Licensee must comply with Council's policies as deemed to be applicable to the Premises and the Licensee's permitted use thereof.
Insurance	<p>Licensee to insure for:</p> <ul style="list-style-type: none"> <li>○ Chattels, fittings, accessories and stock</li> <li>○ Theft, vandalism, fire and other risks eg vandalism, water, storm and rainwater damage.</li> <li>○ Public Risk to \$20m – in joint names of Licensee and Lessee</li> <li>○ Glass</li> <li>○ Any other relevant insurances deemed relevant by Council</li> </ul>

Risk	The Licensee uses the Premises at the sole risk of the Licensee
Annual Reporting	<p>During each year of the term and within 14 days of the Licensee's Annual General Meeting, the Licensee will provide to the Lessee:</p> <ul style="list-style-type: none"> <li>○ Annual report of the Licensee and copy of audited financial statements, if not included in an annual report</li> <li>○ Numbers of members of the club at 30 June each year and post codes of those members.</li> <li>○ Other financial details as reasonably requested by the Licensor, (including but not limited to the Licensees bank Statements and other financial records in case of any default under the Licence.</li> </ul> <p>On the anniversary of the Commencing Date of the Licence and annually thereafter for the duration for the term the Licensee must provide the Licensor with:</p> <ul style="list-style-type: none"> <li>○ Copies of current insurance certificates</li> <li>○ Names and phone numbers of Committee, executive or other Governing Body of the Licensee and details of the postal address for correspondence and servicing of notices.</li> </ul>
DA	Compliance of DA and relevant DA conditions.
OH&S	Evidence of OH&S Compliance
Liquor	Copy of current liquor licence.
Working with Children	N/A
<b>SUBLICENCE OR ASSIGNMENT</b>	No transfer of sublicense
<b>PUBLIC NOTICE</b>	Public Notification as per Council's Public Notice policy.
<b>ENVIRONMENTAL ISSUES</b>	As per Council's standard Licence Terms
<b>LICENCE DOCUMENTATION LEGAL COSTS</b>	<p>On terms as prepared by the Licensor</p> <p>The Licensee must pay to the Licensor the Licensee's reasonable costs and disbursements in connection with this Licence, including registration of the Licence.</p> <p>The Lessee's legal costs are estimated at \$1500, exclusive of GST.</p> <p>The Lessees administration fee is a fixed amount of \$500, exclusive of GST.</p> <p>The Licensee is responsible for its own legal costs.</p>

## STATEMENT OF AGREEMENT

We, on behalf of \_\_\_\_\_ agree to the terms and conditions and that all relevant disclosure have been made by both parties.

This agreement is subject to the approval of Council.

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of organisation \_\_\_\_\_

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## INVESTMENT REPORT AS AT 30 JUNE 2010

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present to Council investment allocations and returns on investments for June 2010.

**BACKGROUND:**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 20 April 2010.

**COMMENTS:**

The Reserve Bank of Australia (RBA) retained the official cash rate at 4.50% in June 2010.

**RECOMMENDATION:**

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

## PURPOSE OF REPORT

To present to Council investment allocations and returns on investments for June 2010.

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 20 April 2010.

## COMMENTS

During the month of June, Council had a net cash inflow of \$21,976,579 and a net investment gain (interest and capital) of \$526,168. The net cash inflow was mainly due to the sale of depot site at Carlotta Avenue, Gordon.

Council's total investment portfolio at the end of June 2010 is \$107,819,678. This compares to an opening balance of \$75,066,501 as at 1 July 2009, an increase of \$32,753,177.

## PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Funds Performance against the UBS Bank Bill Index**

This measures the annualised yield (net of fees and charges) for Council's portfolio. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBS Bank Bill Index.

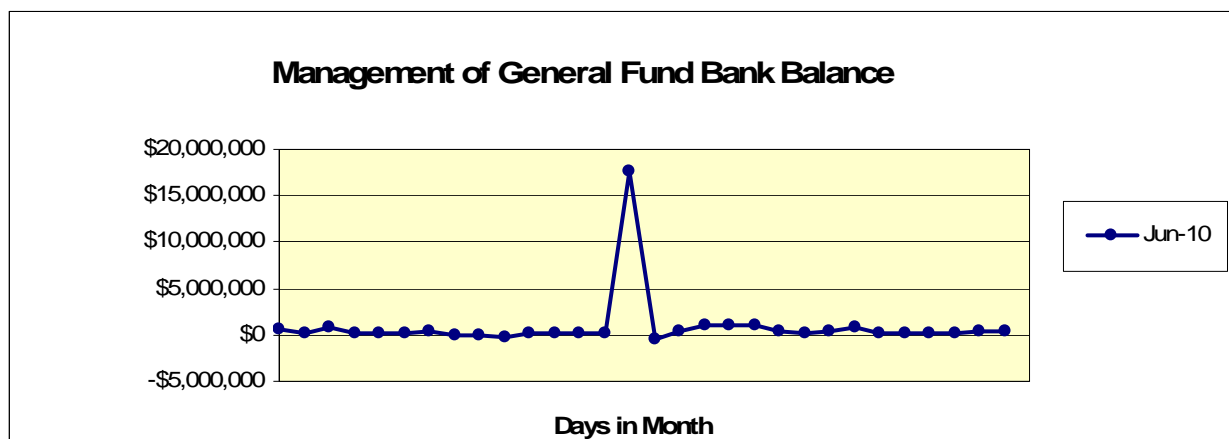
- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds in appropriate investments that maximise returns and minimise risk.

### Management of General Fund Bank Balance

During June Council had a net inflow of funds of \$21,976,579.

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

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

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

The following investments are classified as FRNs

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

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

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

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

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

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

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

Fixed interest notes and term deposits pay a fixed amount of interest on a regular basis until their maturity date. The following investments are held by Council:

Westpac Fixed sub-debt AA-	purchased 25/02/08 at discount
Investec Bank Term Deposit BBB	purchased 03/09/08 at par
St George Bank Term Deposit (11 Months) AA	purchased 02/09/09 at par
National Australia Bank Term Deposit (11 Months) AA	purchased 02/09/09 at par
Westpac Term Deposit (1 Year) AA	purchased 03/12/09 at par
National Australia Bank Term Deposit (1 Year) AA	purchased 04/12/09 at par
Westpac Bank Term Deposit (5 Year) AA	purchased 12/01/10 at par
St George Bank Term Deposit (3 Year) AA	purchased 18/02/10 at par
Bendigo Bank (1 Year) BBB+	purchased 01/03/10 at par
Commonwealth Bank Term Deposit (3 Year) AA	purchased 05/03/10 at par
AMP Credit Union Term Deposit (1 Year) AAA	purchased 17/03/10 at par
SGE Credit Union Term Deposit (13 Months) AAA	purchased 19/03/10 at par
HUE Credit Union Term Deposit (1 Year) AAA	purchased 22/03/10 at par
Rural Bank Term Deposit (18 Months) BBB	purchased 22/03/10 at par
Bank of Queensland Term Deposit (3 Years) BBB+	purchased 31/05/10 at par
Southern Cross Credit Union Term Deposit (1 Year) AAA	purchased 01/06/10 at par
Wide Bay Australia Ltd Term Deposit (1 Year) BBB	purchased 01/06/10 at par
AMP Credit Union Term Deposit (1 Year) Unrated	purchased 01/06/10 at par
Suncorp Bank Term Deposit (3 Year) A+	purchased 04/06/10 at par
Wide Bay Australia Ltd Term Deposit (13 Months) BBB	purchased 16/06/10 at par
Rural Bank Term Deposit (13 Months) BBB	purchased 16/06/10 at par
Rural Bank Term Deposit (2 Year) BBB	purchased 16/06/10 at par
Community First Credit Union Term Deposit (13 Months) AAA	purchased 17/06/10 at par
Bank of Queensland Term Deposit (8 Months) BBB+	purchased 18/06/10 at par
AMP Bank Term Deposit (13 Months) A	purchased 18/06/10 at par
AMP Bank Term Deposit (13 Months) A	purchased 18/06/10 at par
St George Bank Term Deposit (3 Year) AA	purchased 28/06/10 at par

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

A Transferable Certificate of Deposit is a bank deposit (ie fixed interest) that may be transferred from one party to another. Council has three transferable deposits.

ANZ Transferable Deposits AA-	purchased 22/04/08 at par
Deutsche Bank Transferable Certificates of	purchased 04/09/09 at discount

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Deposit A+	
Commonwealth Bank Transferable	purchased 11/09/09 at premium
Certificates of Deposit AA	

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

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

BOQ Bank Bond BBB+	purchased 04/09/08 at discount
Suncorp Metway Bank Bond A+	purchased 04/09/08 at premium

### 3. Collateralised Debt Obligations (CDO)

The following investments are classified as CDOs:

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

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

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

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

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

The following investment is classified as a CPDO:

ABN AMRO CPDO PP AA-	purchased at par
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This is an investment whose returns are based on trading credit default swap (CDS) contracts. A CDS is a contract between two parties where one agrees to accept the risk that a company will default on its loan repayment obligations in return for payment of a fee. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible.

### 5. Growth Investments

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



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Longreach STIRM A+ (downgraded from AA- by S&P)  
KRG C TCorp LTGF unrated

These investments are valued at fair value where the capital gain is credited to the Income Statement and a capital loss is debited to the Income Statement. The Longreach STIRM investment is principal guaranteed and the KRG C TCorp LTGF is not. The value shown in the monthly investment report is based on the redeemable Net Asset Value (NAV). The NAV is the total current market value of all securities plus interest or dividends received to date. This is the price or value of the investment at the time of preparing the report. Although the Longreach STIRM investment is principal guaranteed, reports are based on the NAV even when it falls below the par value.

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

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

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

**KRG C TCorp LTGF NSW Treasury Corporation:** This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The return is based on the fund's unit price at month end supplied by the fund. There is no principal guarantee with this fund and it is unrated.

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## Funds Performance against the UBS Bank Bill Index

Issuer	Investment Name	Investment Rating	Invested @ 30th June 2010 \$'000's	Period Return (%)	Annualised YTD Return (%)	Performance Since purchase/ inception (%)	% of Total Invested	Valuation M=Mark to Market H=Hold to Maturity	Maturity
<b>Working Capital (0-3 Months)</b>									
BlackRock Investment	BlackRock Diversified Credit	A	956	0.95	6.62	*	0.89	M	0-3 mths
Westpac Bank	Council Westpac Business Cheque Plus Account	AA	12,738	0.37	3.59	*	11.81	M	0-3 mths
<b>Short Term (3-12 mths)</b>									
St. George Bank	St. George Bank 11 Months Term Deposit	AA	3,000	0.42	5.20	*	2.78	M	3-12 mths
National Australia Bank	National Australia Bank 11 Months Term Deposit	AA	3,000	0.42	5.20	*	2.78	M	3-12 mths
Westpac Bank	Westpac Bank 1 Year Term Deposit	AA	2,500	0.55	6.80	*	2.32	M	3-12 mths
National Australia Bank	National Australia Bank 1 Year Term Deposit	AA	2,500	0.55	6.80	*	2.32	M	3-12 mths
Select Access Investments	Titanium AAA	A+	2,000	0.46	4.81	6.70	1.85	H	3-12 mths
Bank of Queensland	Bank of Queensland Bond	BBB+	1,985	0.67	8.30	8.29	1.84	H	3-12 mths
Bank of Queensland	Bank of Queensland FRN	BBB+	1,992	0.51	5.20	5.60	1.85	H	3-12 mths
Bank of Queensland	Bank of Queensland 8 Months Term Deposit	BBB+	3,000	0.51	6.30	*	2.78	M	3-12 mths
Bendigo Bank	Bendigo Bank Term Deposit	BBB+	500	0.51	6.30	*	0.46	M	3-12 mths
AMP Credit Union	AMP Credit Union 1 Year Term Deposit	AAA	1,000	0.55	6.75	*	0.93	M	3-12 mths
Hunter United Employees Credit Union	HUE Credit Union 1 Year Term Deposit	AAA	1,000	0.53	6.59	*	0.93	M	3-12 mths
State Government Employees Credit Union	SGE Credit Union 13 Month Term Deposit	AAA	1,000	0.57	7.00	*	0.93	M	3-12 mths
Suncorp Metway	Suncorp Metway Bond	A+	2,013	0.65	8.06	8.05	1.87	H	3-12 mths
Southern Cross Credit Union	Southern Cross Credit Union 1 Year Term Deposit	AAA	1,000	0.52	6.45	*	0.93	M	3-12 mths
Wide Bay Australia Ltd	Wide Bay Australia 1 Year Term Deposit	BBB-	1,000	0.52	6.40	*	0.93	M	3-12 mths
AMP Credit Union	AMP Credit Union Term Deposit 1 Year	AAA	1,000	0.55	6.75	*	0.93	M	3-12 mths
<b>Short - Medium Term (1-2 Years)</b>									
Community First Credit Union	Community First Credit Union 13 Months Term Deposit	AAA	1,000	0.53	6.50	*	0.93	M	1-2 yrs
Wide Bay Australia Ltd	Wide Bay Ltd 13 Months Term Deposit	BBB-	2,000	0.51	6.35	*	1.85	M	1-2 yrs
AMP Bank	AMP Bank 13 Months Term Deposit	A	1,000	0.51	6.31	*	0.93	M	1-2 yrs
AMP Bank	AMP Bank Term Deposit 13 Months	A	1,000	0.51	6.31	*	0.93	M	1-2 yrs
Rural Bank	Rural Bank 13 Month Term Deposit	BBB	2,000	0.53	6.53	*	1.85	M	1-2 yrs
Rural Bank	Rural Bank 18 Month Term Deposit	BBB	1,000	0.57	7.10	*	0.93	M	1-2 yrs
NSW Treasury Corp	KRGC Tcorp LTGF	UNRATED	1,872	-2.16	15.87	-1.72	1.74	M	1-2 yrs
St. George Bank	St. George Bank FRN	AA	3,732	0.45	4.61	4.61	3.46	H	1-2 yrs
ABN AMRO/Nomura	Phenix Notes	A	2,000	0.55	5.98	7.78	1.85	H	1-2 yrs
UBS AG London	Longreach STIRM	A+	1,134	2.06	16.13	4.01	1.05	M	1-2 yrs
ANZ Bank	ANZ Sub FRN	AA-	2,970	0.48	4.91	6.23	2.75	H	1-2 yrs
Commonwealth Bank	Commonwealth Bank TCD FRN	AA	2,024	0.42	4.67	4.67	1.88	H	1-2 yrs
Westpac Bank	Westpac Subdebt	AA-	962	0.79	9.78	9.78	0.89	H	1-2 yrs
Rural Bank	Rural Bank 2 Year Term Deposit	BBB	2,000	0.55	6.82	*	1.85	M	1-2 yrs
<b>Medium Term (2-5 Years)</b>									
HSBC Australia	HSBC MTN (Medium Term Notes)	AA-	4,000	0.57	6.28	7.53	3.71	H	2-5 yrs
ANZ Bank	ANZ Transferable Deposit	AA-	2,000	0.48	5.23	6.31	1.85	H	2-5 yrs
Investec Bank	Investec Term Deposit	BBB	3,000	0.61	6.49	6.95	2.78	H	2-5 yrs
Deutsche Bank	Deutsche Bank TCD FRN	A+	1,965	0.49	5.45	5.45	1.82	H	2-5 yrs
CBA/Helix Capital Jersey	Oasis Portfolio Note	CCC-	2,000	0.46	4.74	6.64	1.85	H	2-5 yrs
HSBC Bank	Maple Hill 11	CCC-	3,000	0.55	6.18	7.90	2.78	H	2-5 yrs
St. George Bank	St. George Bank 3 Year Term Deposit	AA	3,000	0.57	7.10	*	2.78	M	2-5 yrs
Commonwealth Bank	Commonwealth Bank 3 Year Term Deposit	AA	3,000	0.57	7.00	*	2.78	M	2-5 yrs

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Bank of Queensland	Bank of Queensland 3 Year Term Deposit	BBB+	1,000	0.57	7.00	*	0.93	M	2-5 yrs
Suncorp Bank	Suncorp Bank 3 Year Term Deposit	A+	1,000	0.60	7.40	*	0.93	M	2-5 yrs
St. George Bank	St George Bank Term Deposit 3 Year	AA	1,502	0.53	6.50	*	1.39	M	2-5 yrs
Westpac Bank	Westpac Bank 5 Year Term Deposit	AA	5,000	0.64	8.00	*	4.64	M	2-5 yrs
<b>Long Term (5 Years+)</b>									
Bendigo Bank	Bendigo Bank FRN	BBB+	500	0.50	5.18	6.61	0.46	H	5 yrs +
ANZ Bank	ANZ Sub FRN	AA-	2,976	0.45	4.85	6.23	2.76	H	5 yrs +
ANZ Bank	ANZ Subdebt 2018	AA-	1,000	0.47	5.15	6.46	0.93	H	5 yrs +
ABN AMRO Bank London	CPDO PP	AA-	6,000	1.24	4.81	5.87	5.56	H	5 yrs +
<b>TOTAL /WEIGHTED AVERAGE</b>			<b>107,821</b>	<b>6.64</b>	<b>6.21</b>		<b>100</b>		

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

4.10

Weighted Average Overall Return Year To Date (%)

5.71

Benchmark Return: UBSWA Bank Bill Index(%)

3.89

Variance From Benchmark (%)

1.82

\* Cannot be calculated with 100% accuracy

The weighted average return for the total portfolio year to date was 5.71% compared to the benchmark of the UBS Bank Bill Index of 3.89%.

### Comments on Individual Investment Performance

**Term Deposit:** During June 2010, the following term deposits were purchased.

- Southern Cross Credit Union Term Deposit AAA \$1,000,000 at 6.45% pa for 1 year
- Wide Bay Australia Ltd Term Deposit BBB- \$1,000,000 at 6.40% pa for 1 year
- AMP Credit Union Term Deposit Unrated \$1,000,000 at 6.75% pa for 1 year
- Suncorp Bank Term Deposit A+ \$1,000,000 at 7.40% pa for 3 years
- Wide Bay Australia Ltd Term Deposit BBB- \$2,000,000 at 6.35% pa for 13 months
- Rural Bank Term Deposit BBB \$2,000,000 at 6.53% pa for 13 months
- Rural Bank Term Deposit BBB \$2,000,000 at 6.82% pa for 2 years
- Community First Credit Union Term Deposit AAA \$1,000,000 at 6.50% pa for 13 months
- Bank of Queensland Term Deposit BBB+ \$3,000,000 at 6.30% pa for 8 months
- AMP Bank Term Deposit A \$1,000,000 at 6.31% pa for 13 months
- AMP Bank Term Deposit A \$1,000,000 at 6.31% pa for 13 months
- St George Bank Term Deposit AA \$1,501,584 at 6.50% pa for 3 years

Council's deposit portfolio has been migrated to a mix diversified by both issuer and term. This has significantly lifted performance, with current yield of approximately 6.70% at the upper end of local government portfolios.

The purchase of \$5,000,000 in long-dated investments at 8.00% back in January 2010 was particularly timely, illustrating the impact that real-time investment advice has made. The strategy to lengthen deposit profile has been very successful to date, although of course the ultimate success can only be judged at maturity.

Council has benefited from both broker specials and direct placements, and negotiating with branches directly. Securities have been sold on the secondary market, and back to issuers. The strategy of diversifying across all distribution sources has provided for increased returns over 2010.

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There has been substantial progress in tilting the portfolio further towards deposits, having switched a number of capital-protected and fixed interest securities for an improvement in yield. This in most cases has seen an improvement in credit quality, through greater allocation to guaranteed/AAA deposits. While we do not overplay the risk of an Australian Deposit taking Institute (ADI) defaulting on deposits, this will also be important to portfolio management through 2010/2011 as the guarantee period approaches its sunset date.

**Longreach Series 26 Global Property:** This investment was sold in early June 2010. As the uncertainty in global markets continues, Council was advised to consider reducing credit exposure, especially with European banks (eg Deutsche Bank) as credit spreads will further expand, particularly in relation to European sovereign debt. The exit price of Longreach Series 26 Global Property was \$77.90 with the yield at 6.60%. To reduce risk, a switch was made to a medium term bank deposit with attractive rate being Bank of Queensland 3 year term deposit at 7.00%.

**Longreach Series 23 STIRM:** This investment is a capital protected note with exposure to a short term interest rate yield enhancement strategy. The redeemable NAV of the notes is estimated at \$113.39 whereas at the end of last month it was \$111.30. An annualised year to date return on the investment is 16.13% and 4.01% since inception. General information on the fund is included in the monthly Noteholder Performance Report **attached**.

**NSW Treasury Corporation:** The investment was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 31%, international shares 31%, bonds, listed property and cash 38%. The fund's annualised return is 15.87% and is -1.72% since purchase.

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

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

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

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

There was no distribution during June 2010 and the balance of funds in Blackrock at the end of the month was \$955,688.

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**ABN AMRO CPDOs PP:** This is an investment whose returns are based on trading credit default swap (CDS) contracts. Only contracts on investment grade organisations in the CDX (US) and ITraxx (Europe) indices are permissible. The risk to Council is that if enough of the companies default on their loan payment obligations, Council's regular payments of interest would be reduced or cease. In the event of this occurring (cash-out event), the note reverts to a risk free bond investment to guarantee principal on maturity.

**CDOs:**

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

**Maple Hill 11**

As a result of the global financial market crisis, in particular the collapse of Lehman Brothers, and the release of S&P CDO Evaluator 5.0 (a set of analytical tools that evaluates an entire CDO transaction), Maple Hill II was downgraded to CCC - from AA by S&P.

- Losses absorbed: 2.37%
- Losses remaining: 3.37%
- Recovery: Floating
- Portfolio: 139 (unequal weight)
- Credit events to date: 5 (Lehman Brothers, Fannie Mae, Freddie Mac, Idearc & CIT Group)
- Credit events supported: 11.5 average sized, assuming average 33% recovery
- Credit events remaining: 7 average sized, assuming average 33% recovery. The note can withstand 5% of the portfolio defaulting, resulting in 3.3% loss after recovery.
- Maturity: 20 December 2014

**Oasis Portfolio Note**

As a result of the global financial market crisis and in particular the collapse of Lehman Brothers, Oasis has been downgraded to CCC - from AAA by S&P.

- Losses absorbed: 3.17%
- Losses remaining: For the AAA tranche 1.13%
- Recovery: Fixed Rate at 40%
- Portfolio: 118 reference entities (unequal weight and started with 120)
- Credit events to date: Lehman Brothers, Fannie Mae, Washington Mutual, Kaupthing Bank & CIT Group
- Credit events supported: Variable = 14 minimum sized; 8.5 average weightings; 4 maximum sized
- Credit events remaining: Depends on the weighting of the credit event, 1 maximum size (1.5% exposure) or 2 more minimum size (0.5% exposure). The note can withstand 1.9% of the portfolio defaulting, 2% before recoveries
- Maturity: 04 September 2014

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As this note has a 40% fixed recovery the default of Fannie Mae had a much larger impact on the note's subordination. Fannie Mae and Kaupthing Bank each represented 1.50% of the references and Lehman Brothers was 1.25%, both Washington Mutual & CIT Group were 0.50%.

Titanium

Following the release of S&P CDO Evaluator 5.0 (a set of analytical tools that evaluates an entire CDO transaction), Titanium was downgraded to A+ from AAA by S&P on 24 November 2009.

- Losses absorbed: 0.28%
- Remaining losses supported: 6.99%
- Recovery: Floating
- Portfolio: 125 names (unequal weight)
- Credit Events Supported: 13.6 average sized, assuming 33% recovery
- Credit Events Remaining: 13.0 average sized, assuming 33% recovery
- Credit Events Supported: 18.6 average sized, assuming the higher 51% recovery historically achieved by Deutsche Bank
- Credit Events Remaining: 17.8 average sized, assuming 51% recovery
- Credit events to date: Lear Corp, CIT Group and FGIC Corp
- Maturity: 14 December 2010

There were no credit events in Council's CDOs during the month.

As mentioned in last month's report, OASIS can withstand 2 further credit events (of average weighting) without capital loss. A third would result in substantial loss. While the portfolio is so distressed that default appears near certain, CDOs with 2 or more events credit support are still being marked at values that imply a material option value. Effectively, CDOs like OASIS represent a "call option" over a mass restructure of the mortgage insurers, probably with banks ending up as the shareholders in a debt-for-equity swap.

Maple Hill II is priced weaker following the credit market sell-off. Council is currently seeking bids on this CDO, as a prudent measure given the ongoing uncertainty about the global economy.

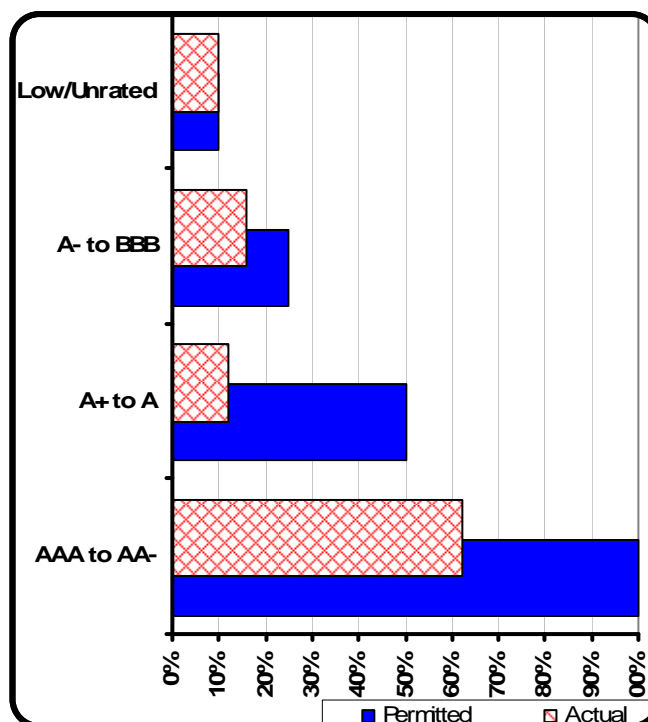
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Allocation of funds

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

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



Investment Rating	Proportion
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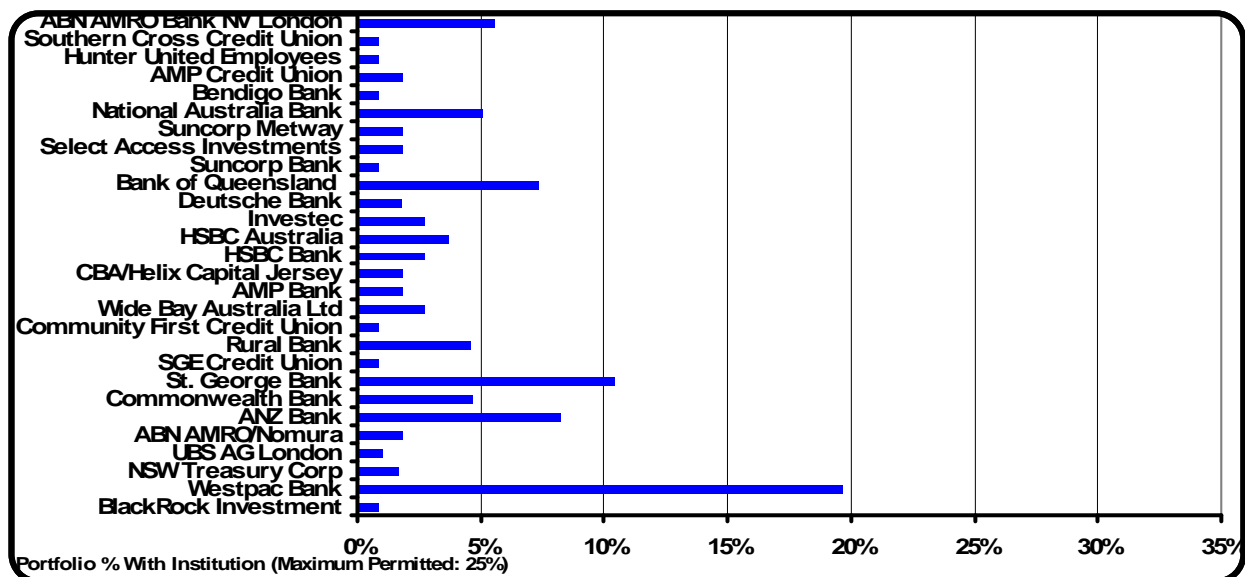
AAA to AA-	62.05%
A+ to A	12.12%
A- to BBB	15.75%
Less than BBB	10.08%

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

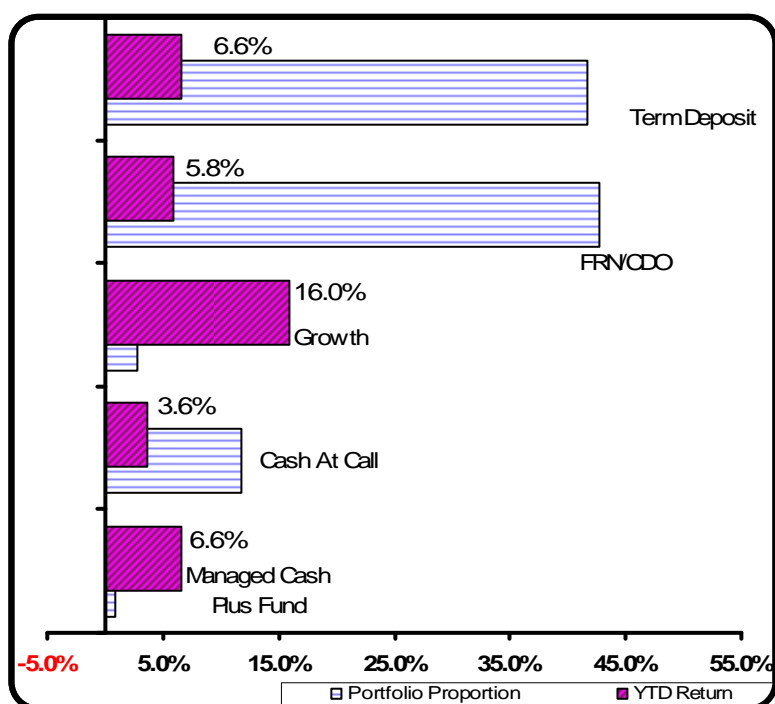
Council's Investment Policy requires that the maximum proportion of its portfolio invested with any individual financial institution is 25%.

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

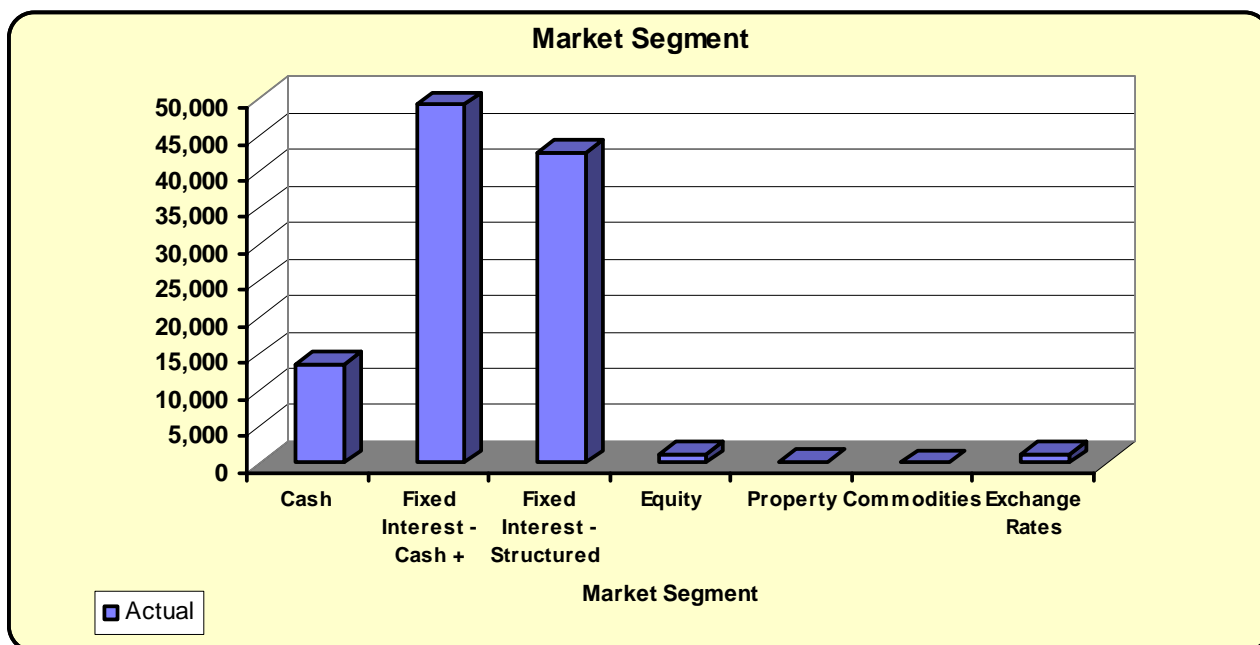




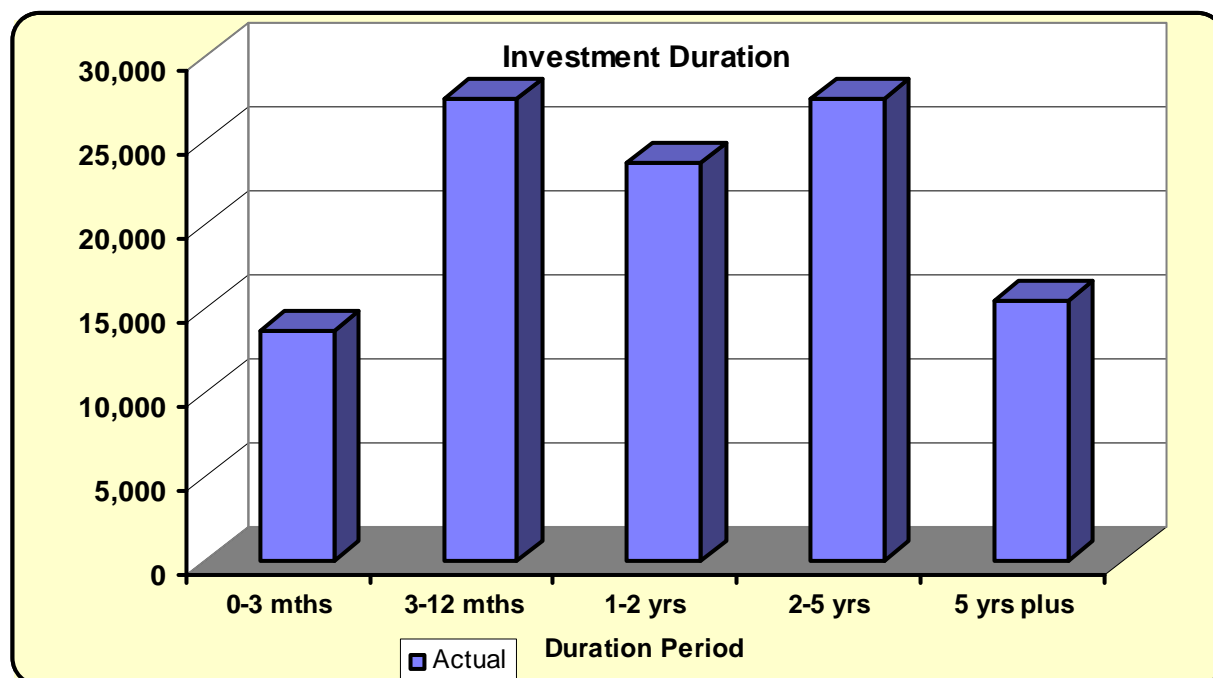
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4) **Market Segment:** Strategic allocation of investments by market segment.



5) **Duration:** Strategic allocation of investments by duration.



**Cumulative Investment Return**

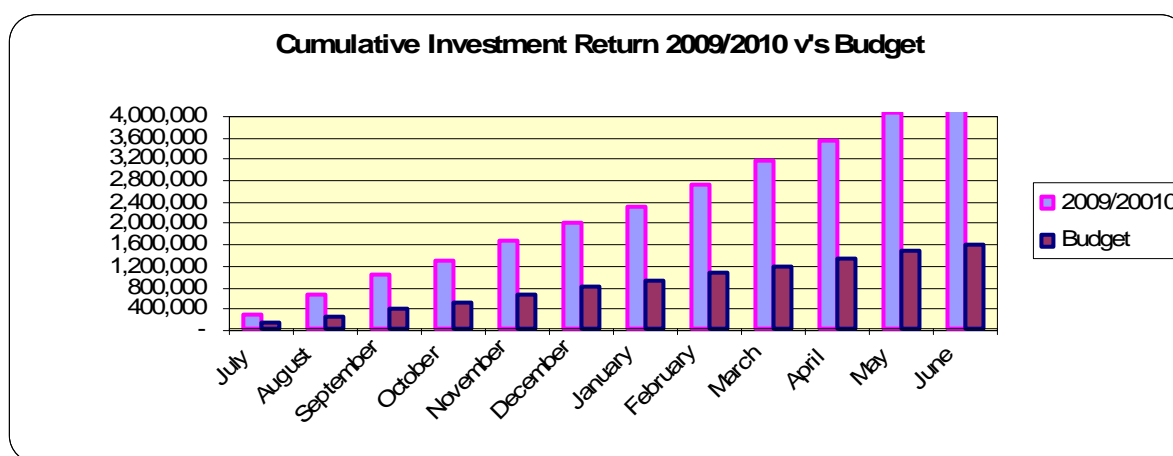
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The following table shows Council's total return on investments for the 2009/10 financial year, split into capital and interest components and compared to budget:

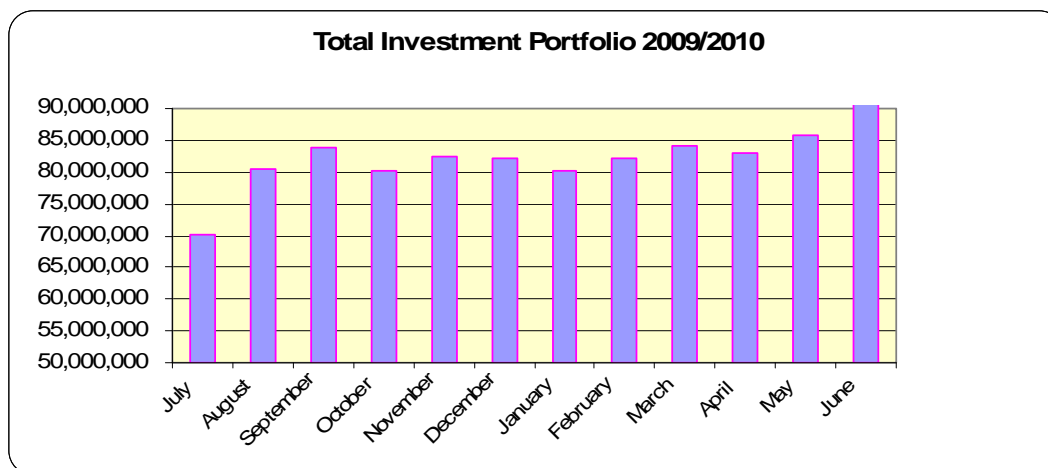
\$000's	Month	Financial YTD
Interest	526	6,440
Cap Gain	42	863
Cap Loss	-133	-2,802
Net Return	435	4,501
Budget	135	1,618
<b>Variance</b>	<b>300</b>	<b>2,883</b>

At the end of June 2010, the net return on investments totalled \$4,501,000 against a budget of \$1,618,000, giving a positive variance for the year of \$2,883,000. Return on investments for the year was 5.71% compared to the benchmark rate of 3.89%, a variance of 1.82% (47%). However, it should be noted that end of year accounting processes may result in the write-down of the OASIS note on the basis of impairment. If this occurs, interest on investments income would reduce by approximately \$2M. As the budget for interest has not been adjusted throughout the year the variation in income could be around \$880K. Of that amount 82% is restricted to reserves leaving a variance to working capital of \$160K. Confirmation of the measurement of Council's investments will be finalised when the 2009/10 financial statements are prepared and adopted by Council.



**Total Investment Portfolio**

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



During June 2010 Council's investment portfolio increased by \$21,976,579.

**Some key points in relation to investments and associated markets during June are:****International Market**

- The newly elected UK government's emergency budget reminded the public of the flip-side of the stimulus they enjoyed over 2008 and 2009. The emergency budget stripped 2% of GDP from the 2010 deficit. This is not far from the size of the Australian government's stimulus package. It will take out another 2% in 2011, 2012 and 2013.
- Currently the US is saying "We will cut the deficit, but not yet", perhaps they preferring to see how the European experiment proceeds, in terms of both economic and social pain. If the European economies can struggle through an austere future, it may hearten a consensus for the US to take more decisive action.
- The Baltic Dry Index (a measure of shipping costs) fell for 17 days in a row, losing 38%, indicating a decline in international bulk commodity trade and retesting 2010's lows.

**Domestic Market**

- Official interest rates were unchanged at 4.50%; there seems little inclination to raise rates again.
- Quarter one of GDP data suggested the private sector economy contracted in 2010. Private investment was particularly weak, with public sector investment growth exceeding the entire GDP growth. A range of data supports the view that the private sector is struggling under weak sentiment, the speed at which interest rates have risen, and the genuine concern of another economic slowdown:
  - Building approvals slumped in April, with private sector houses dropping 13.50%.

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- Job vacancies fell 2.80% over the May quarter.
  - While motor vehicle sales are well up from 2009's levels, they fell 3.20% in May.
  - Personal finance has been trending down since October, and fell a further 0.60% in April.
  - Flat imports enabled Australia to jump to an unexpected trade surplus of \$134M in April (up sharply from a \$2billion deficit in March) for the first time post Global Financial Crisis.
- Employment data stands out against the otherwise weak data, with unemployment falling 0.2% to 5.2% in May after 27,000 new jobs.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

At the end of June 2010, the net return on investments totalled \$4,501,000 against a budget of \$1,617,800 giving a positive variance of \$2,883,200. However, it should be noted that end of year accounting processes may result in the write-down of the OASIS note on the basis of impairment. If this occurs, interest on investments income would reduce by approximately \$2M. As the budget for interest has not been adjusted throughout the year the variation in income could be around \$880K. Of that amount 82% is restricted to reserves leaving a variance to working capital of \$160K. Confirmation of the measurement of Council's investments will be finalised when the 2009/10 financial statements are prepared and adopted by Council.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None undertaken or required.

## SUMMARY

As at 30 June 2010:

- Council's total investment portfolio is \$107,819,678. This compares to an opening balance of \$75,066,501 as at 1 July 2009, an increase of \$32,753,177.
- Council's year to date net return on investments (interest and capital) totals \$4,501,000. This compares to the year to date budget of \$1,617,800, giving a positive variance of \$2,883,200.
- End of year accounting processes may result in the write-down of the OASIS note on the basis of impairment. If this occurs, interest on investments income would reduce by approximately \$2M. As the budget for interest has not been adjusted throughout the year the variation in income could be around \$880K. Of that amount 82% is restricted to reserves leaving a variance to working capital of \$160K. Confirmation of the measurement

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of Council's investments will be finalised when the 2009/10 financial statements are prepared and adopted by Council.

## **RECOMMENDATION**

- A. That the summary of investments and performance for June 2010 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
**Financial Accounting Officer**

Tino Caltabiano  
**Manager Finance &  
Responsible Accounting Officer**

John Clark  
**Director Corporate**

**Attachments:**      **Investments arranged by Longreach Capital Markets and held by Ku-ring-gai Council - Valuation 30 June 2010 - 2010/128911**

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

Investments arranged by Longreach Capital Markets and held by  
Ku-ring-gai Council  
Valuation Date 30-Jun-10



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

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

Series 23 5 year Capital Protected Short Term Interest Rate Model (STIRM)	10-Feb-12	UBS AG, London Branch  UBS AG, London Branch	A+/Stable	\$1,000,000	113.39000 Hold to Maturity	Exposed to Active asset class	100	Hold to Maturity NAV. Exit price available upon request
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### Important Information

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

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

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

This monthly report has been prepared by Longreach Global Capital Pty Limited (ABN 27 080 373 765, AFSL 247015) exclusively for use by wholesale clients (within the meaning of section 761G of the Corporations Act 2001) of Longreach CP Limited, Longreach Capital Markets Pty Limited and Longreach Global Capital Pty Limited and may not be distributed to external parties without the prior written consent. The report has been prepared solely for informational purposes and includes certain information that has been obtained from independent sources that Longreach considers to be both accurate and reliable. To the maximum extent permitted by law, neither Longreach Capital Markets Pty Limited nor Longreach Global Capital Pty Limited will be liable in any way for any loss or damage suffered by you through use or reliance on this information. Our liability for negligence, breach of contract or contravention of any law, which can not be lawfully excluded, is limited, at our option and to the maximum extent permitted by law, to resupplying this information or any part of it to you, or to paying for the resupply of this information or any part of it to you.

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## DEVELOPMENT APPLICATION

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### SUMMARY SHEET

<b>REPORT TITLE:</b>	152 WARRIMOO AVENUE, ST IVES CHASE - DEMOLISH EXISTING GARAGE AND CONSTRUCT NEW SINGLE GARAGES AND ENTRY PORCH
<b>WARD:</b>	St Ives
<b>DEVELOPMENT APPLICATION N<sup>o</sup>:</b>	0257/10
<b>SUBJECT LAND:</b>	152 Warrimoo Avenue, St Ives Chase
<b>APPLICANT:</b>	Mr Simon Rodney Stephenson
<b>OWNER:</b>	Mr Simon Rodney Stephenson
<b>DESIGNER:</b>	Design Confidential
<b>PRESENT USE:</b>	Residential dwelling
<b>ZONING:</b>	Residential 2(c)
<b>HERITAGE:</b>	No
<b>PERMISSIBLE UNDER:</b>	Ku-ring-gai Planning Scheme Ordinance
<b>COUNCIL'S POLICIES APPLICABLE:</b>	KPSO, DCP 38 – Residential Design Manual, DCP 40 – Waste Management, DCP 43 – Car parking, DCP 47 – Water Management, DCP 56 - Notification
<b>COMPLIANCE WITH CODES/POLICIES:</b>	No
<b>GOVERNMENT POLICIES APPLICABLE:</b>	SEPP 1 – Development Standards, SEPP 55 – Remediation of land, SREP 20 – Hawkesbury- Nepean River, SEPP (BASIX) 2004
<b>COMPLIANCE WITH GOVERNMENT POLICIES:</b>	Yes
<b>DATE LODGED:</b>	27 April 2010
<b>40 DAY PERIOD EXPIRED:</b>	6 June 2010
<b>PROPOSAL:</b>	Demolish existing garage and construct new single garages and entry porch
<b>RECOMMENDATION:</b>	Approval.

**DEVELOPMENT APPLICATION N<sup>o</sup>** 0257/10  
**PREMISES:** 152 WARRIMOO AVENUE, ST IVES CHASE  
**PROPOSAL:** DEMOLISH EXISTING GARAGE AND  
CONSTRUCT NEW SINGLE GARAGES  
AND ENTRY PORCH  
**APPLICANT:** MR SIMON RODNEY STEPHENSON  
**OWNER:** MR SIMON RODNEY STEPHENSON  
**DESIGNER:** DESIGN CONFIDENTIAL

## PURPOSE FOR REPORT

To determine Development Application No.0257/10, which seeks consent for the demolition of the existing garage and construction of new single garages and entry porch.

Councillor's attention is directed to the recent circular PS 08-014 from the NSW Department of Planning (attached) concerning the determination by Council of Development Applications where a variation of a development standard is sought under the provisions of SEPP No. 1.

The circular requires all development applications which involve a variation greater than 10% under the provisions of SEPP No. 1 to be determined by full Council and not by Council staff under delegated authority.

The application involves a variation greater than 10% of a development standard and must be determined by full Council.

## EXECUTIVE SUMMARY

<b>Issues:</b>	Built-upon area (SEPP No. 1 variation >10%)
<b>Submissions:</b>	No submissions received
<b>Land &amp; Environment Court Appeal:</b>	N/A
<b>Recommendation:</b>	Approval

## HISTORY

### Current application history:

- 27 April 2010 – The application was lodged.
- 29 April 2010 – 13 May 2010 – The application was notified in accordance with Development Control Plan No. 56.
- 1 June 2010 – The applicant was advised of Council's concerns regarding inadequate information on the Site Plan (i.e. existing tennis court and swimming pool not shown), built-upon area and requirement of a SEPP No. 1 objection.



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- 18 June 2010 – Amended plans were lodged, showing all existing and proposed built structures on the Site Plan; built-upon area calculations and compliance diagrams, a SEPP No. 1 objection was also provided. The applicant was advised that the built-upon area calculations provided did not include the access handle and should be included, as the KPSO does not exclude the access handle from the site area.
- 24 June 2010 – Further amended plans, showing the extent of the existing driveway within the access handle and revised built-upon area calculations and compliance diagrams, were lodged. An amended SEPP No. 1 objection in accordance with the amended plans was also submitted.

## THE SITE AND SURROUNDING AREA

### The site

Zoning:	Residential 2(c)
Visual Character Study Category:	Post 1968
Lot Number:	5
DP Number:	596284
Area:	1768.38m <sup>2</sup>
Side of Street:	Western
Cross Fall:	East to West
Stormwater Drainage:	Existing
Heritage Affected:	No
Required Front Setback:	11.31 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is located on the western side of Warrimoo Avenue. The site is of irregular battle-axe configuration and has an area of 1768.38m<sup>2</sup> (including the access handle) or 1364.44m<sup>2</sup> (excluding the access handle). The site has a length of 53.645 metres to the northern side boundary, 36.805 metres (excluding the access handle) to the southern side boundary, 34.535 metres to the western rear boundary and 30.17 metres to the boundary on the east. The land falls towards the rear of the site.

Currently erected upon the site is a two (2) storey brick dwelling with a double garage located on the eastern side of the dwelling, adjoining the eastern boundary. There is an existing tennis court and swimming pool in the rear yard. Vehicular access is provided via a concrete driveway within the access handle located towards the eastern boundary facing Warrimoo Avenue.

### Surrounding development:

Surrounding development comprises residential properties, which are one (1) to two (2) storeys in height.

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## THE PROPOSAL

The application is for the construction of two (2) single garages and a new entry porch to the existing residence.

It is proposed to demolish the existing double garage to the east of the dwelling to enable the construction of the two (2) single garages and the new entry porch. Each of the proposed single garages is to have a metal roof to match the existing dwelling.

Two (2) new windows are proposed to the eastern elevation of the existing ground floor gym.

Also proposed is the removal of the existing paved side pathway to the southern side of the dwelling. This paved area is replaced with screen planting and a 600mm wide garden bed.

## CONSULTATION - COMMUNITY

In accordance with Council's Development Control Plan No. 56 - Notification, owners of surrounding properties were given notice of the application. No submissions were received.

## CONSULTATION - WITHIN COUNCIL

### Landscaping

Council's Landscape Assessment Officer was consulted during the assessment of the application. No objection is raised to the proposal, subject to standard conditions.

### Engineering

Council's Development Engineer, commented on the proposal as follows:

#### *Stormwater disposal*

*There will be a minor reduction of the existing BUA and the stormwater runoff from the proposed development can be directed to the existing drainage system.*

*BASIX is not applicable and there is no mandatory rainwater tank requirement as per Council's Water Management DCP No.47.*

#### *Site access*

*Access to the site is via the existing driveway crossover facing the Warrimoo Avenue frontage. Currently, there is no turning bay on the site.*

*The turning manoeuvrability for the proposed Garage A and B complies with the AS2890.1:2004 B85 design template allowing vehicles to egress the site in a forward direction.*

#### *Recommendations*

*From an engineering perspective, there are no objections to approval of this application, subject to appropriate conditions.*

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**STATUTORY PROVISIONS****State Environmental Planning Policy (SEPP) No. 1 - Development Standards**

Clause 60C of the KPSO states that the maximum built-upon area of land on which a dwelling house is proposed to be erected or extended is 60%.

The existing built-upon area of the site is 1347.77m<sup>2</sup> or 76.21% of the total site area. The applicant seeks to reduce the existing built-upon area by 13.92m<sup>2</sup> to 1333.85m<sup>2</sup> or 75.42% of the total site area. Accordingly, a SEPP No. 1 objection has been lodged. The merits of this objection are discussed under KPSO "Part A: Development Standards" of this report.

**State Environmental Planning Policy No. 55 - Remediation of Land**

The provisions of SEPP No. 55 require consideration of the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

**Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River**

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The proposal is not in close proximity to, or within view, of a waterway or wetland and is considered to achieve the relevant aims under this policy.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The cost of the proposed works does not exceed the \$50000 threshold for alterations and additions as defined in the *EP&A Regulations 2000*. Therefore, a BASIX certificate is therefore not required in this instance.

**Ku-ring-gai Planning Scheme Ordinance****Part A: Development standards**

Development standard	Proposed	Complies
<b>Site area:</b> 1768.38m <sup>2</sup>		
<b>Building height</b> 8m (max)	No change to the overall building height of the existing dwelling - will remain at a height of 6.2m.	YES
<b>Built upon areas</b> 60% (1061.028m <sup>2</sup> )(max)	75.42% (1333.85m <sup>2</sup> )	NO

**Built-upon area (Clause 60C):**

The proposed development has a built-upon area of 75.42% and does not comply with Council's

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maximum built-upon area requirement under clause 60C of the KPSO. The applicant's SEPP No. 1 objection is considered against the following provisions:

**whether the planning control to be varied is a development standard**

Clause 60C of the Ku-ring-gai Planning Scheme Ordinance (KPSO) states:

- (2) *The maximum built-upon area of the land to which this clause applies is 60%; and*
- (3) *In this clause;*

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

Clause 60C of the KPSO prescribes a maximum built-upon area of 60%. As the KPSO is a statutory planning instrument, this control is a development standard as defined under Section 4 of the Environmental Planning & Assessment Act 1979.

**the underlying objective or purpose of the standard**

There are no specifically stated purposes or objectives expressed in clause 60C of the KPSO.

Objectives of part 4.2 (Building Form) of Development Control Plan No. 38 are relevant and include the following:

- (b) To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees*
- (c) To allow for adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring dwellings*
- (d) To protect reasonable neighbour amenity including visual and acoustic privacy particularly in regard to living areas and private open space*
- (g) To achieve consistency with the principles of ecologically sustainable development*

The objectives of section 4.2.7 (Built-upon Area) of Development Control Plan No. 38 are also relevant. The intention of the control specified by this section of the DCP is specifically outlined by the following objective:

- *Maintain a reasonable proportion of the site as soft landscaping to ensure the predominant landscape character of the locality is maintained or enhanced.*

**whether compliance with the development standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act**

The aim of SEPP 1 is to:

*Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any*

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*particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act.*

In this regard, the objects of Section 5(a)(i) and (ii) of the Act are:

- (a) To encourage:*
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land.*

Compliance with the development standard is considered to be consistent with SEPP 1 and compliance will not hinder attainment of the objectives in Section 5(a)(i) and (ii) for the reasons advanced below.

**whether compliance with the standard unreasonable or unnecessary in the circumstances of the case**

The applicant has put forward the following arguments in their SEPP No. 1 objection in support of the variation to the development standard:

- *The existing house, tennis court, pool and associated paving exceed this built-upon area standard. The proposed building works (post development) will reduce the amount of built-upon area. No work is proposed for the tennis court, pool and associated paved areas. It would be unreasonable or unnecessary to expect the owner to reduce these spaces.*

The current built upon area exceeds the development standard by 272m<sup>2</sup>, and the existing non-compliance is mainly attributable to the existing tennis court. Considering the relatively minor scope of works proposed and the fact that they will result a net reduction of 13.92m<sup>2</sup>, compliance with the standard is considered unreasonable and unnecessary in the circumstances of the case.

**whether the objection is well founded**

The SEPP No. 1 objection is well founded. The proposed development will result in a minor reduction to the existing built-upon area. Further, the proposed development meets the underlying objectives of the development standard. The proposed development will not result in adverse stormwater impacts to adjoining properties. In addition, the proposal provides sufficient area for soft landscaping/tree replenishment and maintains the landscape character of the locality.

**Part B: Aims and objectives for residential zones (Clause 25D[2]):**

The development: (i) provides satisfactory levels of solar access & privacy to surrounding properties; (ii) is of a bulk, scale and design, characteristic of the area; (iii) maintains adequate levels of soft landscaping; (iv) provides suitable egress/ingress for vehicles; and (v) maintains the landscape quality of the municipality. Consequently, the aims and objectives for residential development as outlined by Schedule 9 would be satisfied.

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**POLICY PROVISIONS**

## Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual

Development Control	Proposed	Complies
<b>4.1 Streetscape:</b>		
<b>Battle-axe block setbacks (s.4.1.4)</b> Front setback: 25% of average site depth (45.225m) = 11.3m (min)	1.29m	NO (aligns with existing)
Rear setback: 25% of average site depth (45.225m) = 11.3m (min)	17m	YES
Side Setbacks: 15% of average site width (32.3525m) = 4.85m (min)	2.69m (ground floor to southern boundary)	NO (aligns with existing)
	2m (ground floor to northern boundary)	NO (remains unchanged)
<b>4.2 Building form:</b>		
<b>FSR (s.4.2.1)</b> 0.325:1 (max)	0.371:1	NO
<b>Height of building (s.4.2.2)</b> 2 storey (max) and 8m (site >20° slope) or 7m (site <20° slope)	No change to the overall building height of the existing dwelling - will remain as 2 storey and at a height of 6.2m.	YES
<b>Building height plane (s.4.2.3)</b> 45° from horizontal at any point 3m above boundary	The proposed works are within the building height plane.	YES
<b>First floor (s.4.2.4)</b> FSR: < 40% total FSR	46.1%	NO (remains unchanged)
<b>Roof Line (s.4.2.6)</b> Roof height (5m – single storey) (3m – two+ storey)	350mm (roof of proposed garages)	YES

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Development Control	Proposed	Complies
Roof pitch 35° (max)	2° (roof of proposed garages)	YES
<b>Built-upon area (s.4.2.7)</b> 50% (682.22m <sup>2</sup> ) (max) *Note: Site area excludes access handle.	80.32% (1095.92m <sup>2</sup> )	NO
<b>Solar access (4.2.11)</b> 4h solar access to adjoining properties between 9am to 3pm	The proposed garages are single storey.	YES
<b>4.3 Open space &amp; landscaping:</b>		
<b>Soft landscaping area (4.3.3)</b> 50% (682.22m <sup>2</sup> ) (min) *Note: Site area excludes access handle.	19.68% (268.52m <sup>2</sup> )	NO
<b>Useable open space (s.4.3.8)</b> Min depth 5m and min area 50m <sup>2</sup>	Depth 14.3m Area 182.325m <sup>2</sup>	YES YES
<b>4.4 Privacy &amp; security:</b>		
<p>The proposed garages are non-habitable structures and will not result in any adverse privacy impact to adjoining properties.</p> <p>The proposed two windows off the eastern elevation of the existing ground floor provide light and ventilation to a gym and will not result in any adverse privacy impacts to the adjoining eastern property, as there is an existing brick boundary wall along the eastern boundary at a height in excess of 2m.</p>		
<b>4.5 Access &amp; parking:</b>		
<b>No. of car parking spaces (s.4.5.1)</b> 2 spaces	2 spaces	YES
<b>Size of car parking space (s.4.5.2)</b> 3.1m x 5.4m	3.66m x 6.09m (Garage A) 3.72m x 6m (Garage B)	YES YES
<b>Design of Carports and Garages (s.4.5.3)</b> Where forward of the building line, front setback complies with s.4.1.3 and/or the building line	The proposed garages are consistent with the existing building line.	YES

**Battle-axe blocks setbacks (s.4.1.4)**

Section 4.1.4 of DCP No. 38 states that rectangular shaped allotments require side setbacks of 4.85 metres and front and rear setbacks of 11.3 metres. As it is noted in the compliance table above, the proposed front and southern side setbacks fail to comply with those requirements. This

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section, however also allows variation to these requirements in circumstances where the objectives of this clause can be demonstrated on merit.

The objectives aim to ensure that dwellings on battle-axe blocks should be sited so as not to detract from the amenity of private open spaces and living areas on neighbouring properties. In regard to these objectives, it is noted that the proposal removes the existing garage structure which is an existing element of the setback non compliance.

Consequently, it is considered that the proposed development will result in a reduction to the bulk and scale of the existing house. It will also improve the existing situation by providing additional soft landscape area on the site. Further, the proposal will not cause any additional amenity impacts to adjoining properties.

In respect of these above circumstances, the proposed development is considered to satisfy the objectives stated by this section of the DCP.

**Floor space ratio (s.4.2.1)**

The proposal results in a floor space ratio of 0.371:1 which exceeds Council's control by 63.8m<sup>2</sup>. This non-compliance is considered acceptable in this instance for the following reasons:

- The proposal provides a greater building setback to the eastern front and the southern side boundaries and will result with an overall improvement to the appearance of the existing dwelling, in terms of bulk and scale when viewed from neighbouring properties
- The existing dwelling provides a gross floor area of 573.33m<sup>2</sup>. The proposal will result in a significant reduction of 66.64m<sup>2</sup> of the existing floor space
- The existing dwelling complies with the height controls contained in the KPSO (and the proposal seeks to retain this existing overall building height)
- The proposed development retains adequate solar access and privacy to adjoining properties

In respect of these circumstances, the proposed development is considered to satisfy the objectives stated in this section of the DCP.

**Built-upon area (s.4.2.7) and soft landscaping area (s.4.3.3)**

The DCP specifies that the subject site should have a maximum built-upon area of 50% and a minimum soft landscaping area of 50%. These requirements aim to ensure that the predominant landscape character of the locality is maintained. The proposed development has a built-upon area of 80.32% and soft landscaping area of 19.68%.

As detailed above, the proposed development results in an overall reduction in built-upon area. The proposed development makes provision for additional screen planting and soft landscape area and is unlikely to result in any adverse stormwater impacts, with stormwater runoff from the proposed development to be directed to the existing drainage system.

**Development Control Plan No. 47- Water Management**

The proposal is considered to be satisfactory with regard to DCP No. 47, by Council's Development Engineer subject to conditions.



## LIKELY IMPACTS

The proposal will not have any adverse streetscape, stormwater, privacy or solar access impacts.

## SUITABILITY OF THE SITE

The site is zoned for residential purposes and is suitable for the proposed development, being residential alterations and additions.

## ANY SUBMISSIONS

No submissions have been received.

## PUBLIC INTEREST

Approval of the application is considered to be in the public interest.

## ANY OTHER RELEVANT CONSIDERATIONS

There are no other matters for consideration.

## CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

## RECOMMENDATION

### **PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 60C of the Ku-ring-gai Planning Scheme Ordinance in respect of the Built-upon area development standard is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

### **AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0257/10 is consistent with the aims of the Policy, grants development consent to DA0257/10 for the demolition of the existing garage and construction of new single garages and entry porch on land at No. 152 Warrimoo Avenue, St Ives Chase for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

**CONDITIONS THAT IDENTIFY APPROVED PLANS:****1. Approved architectural plans and documentation (alterations and additions)**

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
DA01 Issue B	Design Confidential	24 June 2010
DA02	Design Confidential	23 April 2010

**Reason:** To ensure that the development is in accordance with the determination.

**2. Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

**3. No demolition of extra fabric**

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the development consent.

**CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:****4. Notice of commencement**

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

**Reason:** Statutory requirement.

**5. Notification of builder's details**

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

**6. Long service levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

**7. Builder's indemnity insurance**

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

**Reason:** Statutory requirement.

**8. Vehicular access and garaging**

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

**9. Infrastructure restorations fee**

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

**10. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

Item 7

- The work must be carried out in accordance with the requirements of the Building Code of Australia.
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

**11. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

**12. Hours of work**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

**13. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

#### 14. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

#### 15. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **16. Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### **17. Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

#### **18. Protection of public places**

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

**Reason:** To protect public places.

#### **19. Recycling of building material (general)**

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

#### **20. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent

Item 7

- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

**Reason:** To ensure compliance with Council's controls regarding signage.

**21. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

**22. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

**23. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.



**24. Drainage to existing system**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

**Reason:** To protect the environment.

**25. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

**26. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

**27. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

**28. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

**Reason:** To protect the environment.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION  
CERTIFICATE:**

**29. Certification of drainage works (alterations/additions)**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

**Note:** Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

**30. Infrastructure repair**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

**Reason:** To protect public infrastructure.

Victor Yeung  
**Development Assessment Officer**

R Kinninmont  
**Team Leader  
Development Assessment - Central**

C Swanepoel  
**Manager  
Development Assessment Services**

M Miocic  
**Director  
Development & Regulation**

**Attachments:**      **Location sketch - 2010/123129**  
                             **Zoning extract - 2010/123132**  
                             **Site and Existing Garage Plans - 2010/123134**  
                             **Floor Plans, Elevations and Sections - 2010/123137**  
                             **Perspectives - 2010/123141**  
                             **NSW Department of Planning Circular PS 08-014 - 2010/128312**

**No Submissions Received**



**30-06-2010**



SUBJECT LAND

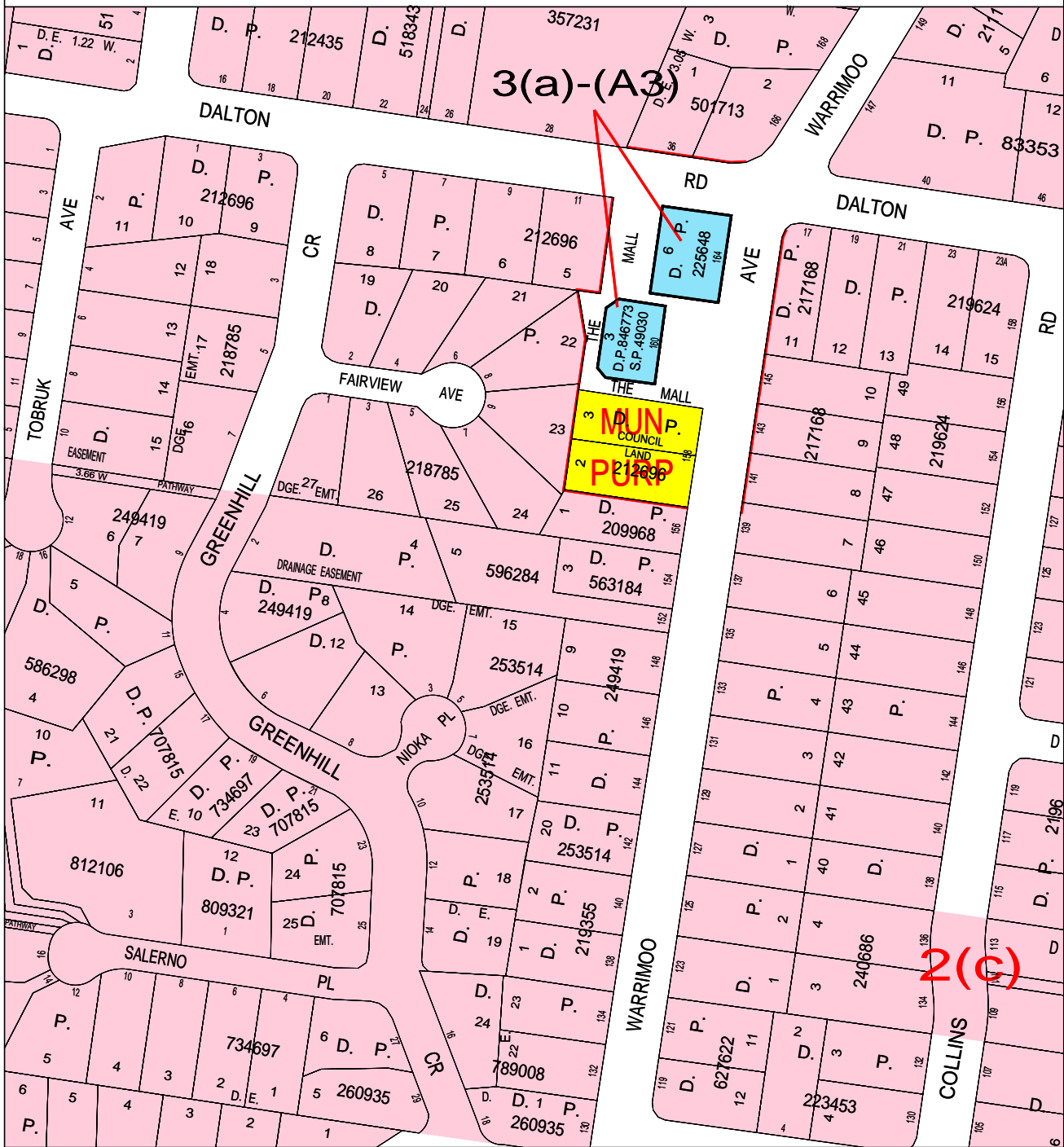


CIRCULATED AREA

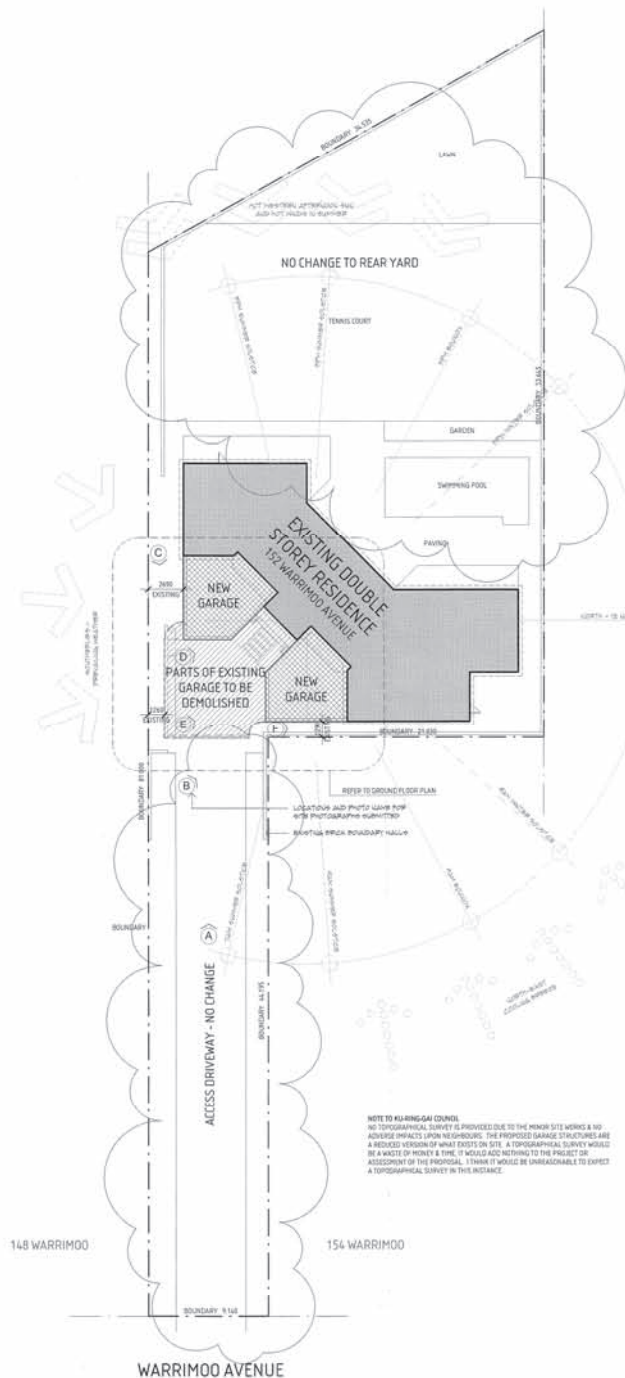


# Zoning Extract

152 Warrimoo Ave, ST IVES CHASE - DA0257/10



ZONES			RESERVATIONS	GENERAL
<b>2. RESIDENTIAL</b> (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (c1) RESIDENTIAL C1 (c2) RESIDENTIAL C2 (d) RESIDENTIAL D (d3) RESIDENTIAL D3 (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H			<b>OPEN SPACE</b> (a) OPEN SPACE (Public Parks & Recreation) (b) COUNTY OPEN SPACE  <b>SPECIAL USES</b> SPECIAL USES (Parking etc)  <b>ROADS</b> (a) COUNTY ROAD PROPOSED (b) COUNTY ROAD WIDENING (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING	EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS   <b>Scale:1:2000</b> <b>Date:30-06-2010</b>
<b>3. BUSINESS</b> (a) RETAIL SERVICES  <b>FLOOR SPACE RATIOS</b> A1 2.0:1 A2 1.0:1 A3 0.75:1  (b) COMMERCIAL SERVICES  <b>FLOOR SPACE RATIOS</b> B1 1.0:1 B2 1.0:1			<b>5. SPECIAL USES</b> (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway)  <b>6. OPEN SPACE</b> (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED	

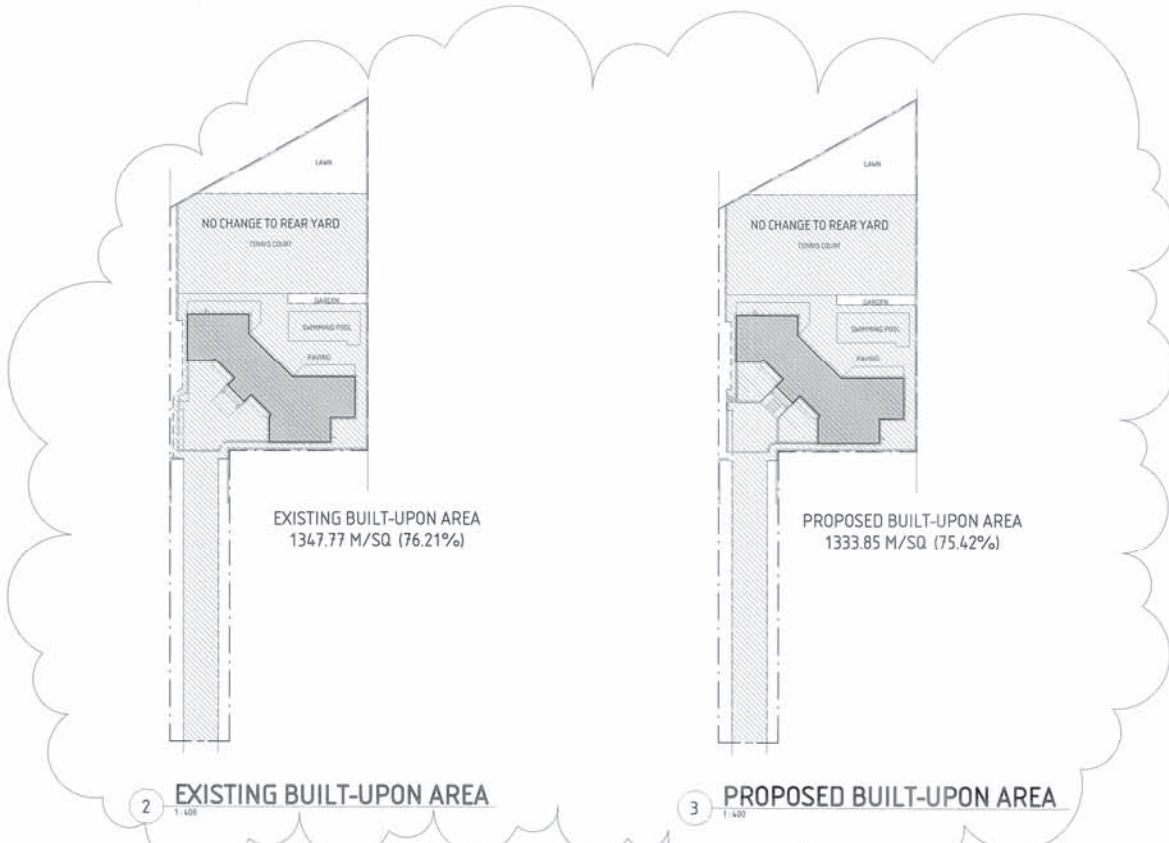


1 SITE PLAN  
1:200  
INCLUDES EXISTING FLOOR PLAN  
& SITE ANALYSIS PLAN

**SITE AREA CALCULATIONS**

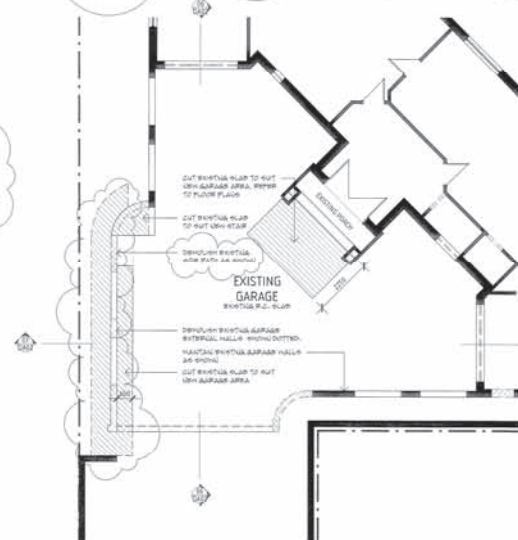
EXISTING BUILT-UPON AREA	1347.77 M <sup>2</sup> /SQ (76.21%)
EXISTING LANDSCAPED AREA	425.13 M <sup>2</sup> /SQ
SITE AREA	1768.90 M <sup>2</sup> /SQ
PROPOSED BUILT-UPON AREA	1333.85 M <sup>2</sup> /SQ (75.42%)
PROPOSED LANDSCAPED AREA	424.53 M <sup>2</sup> /SQ
BUILT-UPON AREA REDUCED BY	13.92 M <sup>2</sup> /SQ

NOTE TO KIRKINGGAI COUNCIL:  
NO TOPOGRAPHICAL SURVEY IS PROVIDED DUE TO THE MINOR SITE WORKS & NO  
ADVERSE IMPACTS UPON NEIGHBOURS. THE PROPOSED GARAGE STRUCTURES ARE  
A REDUCED VERSION OF WHAT EXISTS ON SITE. A TOPOGRAPHICAL SURVEY WOULD  
BE A WASTE OF MONEY & TIME, IT WOULD ADD NOTHING TO THE PROJECT OR  
ASSESSMENT OF THE PROPOSAL. I THINK IT WOULD BE UNREASONABLE TO EXPECT  
A TOPOGRAPHICAL SURVEY IN THIS INSTANCE.



2 EXISTING BUILT-UPON AREA  
1:400

3 PROPOSED BUILT-UPON AREA  
1:400



6 EXISTING GARAGE PLAN  
1:100

**Disclaimer**  
This plan is provided for use as a guide only and is not to be relied upon for any purpose other than that for which it is intended. The user of this plan assumes all liability for any loss or damage resulting from its use.

**General**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Existing buildings**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Weather protection**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Re-use**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Security**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Asbestos removal**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Method**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**Existing services**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**General**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**If the service is to be continued, repair, or replaced**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**If the service is to be discontinued, provide permanent support for the existing service**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

**If the service is to be discontinued, provide permanent support for the existing service**  
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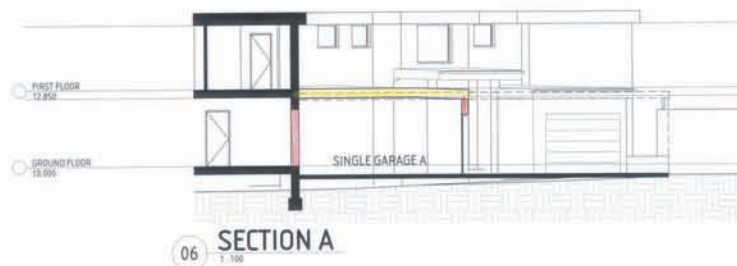
**Proposals**  
The user of this plan is responsible for ensuring that the plan is used in accordance with the relevant building codes and standards. The user of this plan is also responsible for ensuring that the plan is used in accordance with the relevant planning and zoning regulations.

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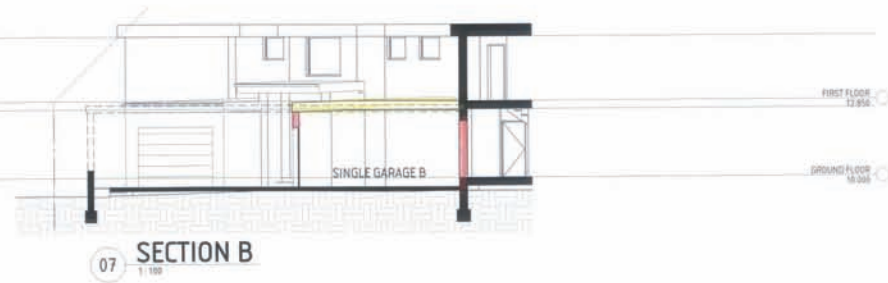
RECEIVED  
24 JUN 2010

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE  
BEFORE STARTING ANY WORK. DIMENSIONS MAY VARY  
SLIGHTLY FROM THE PLAN. THE USER OF THIS PLAN  
ASSUMES ALL LIABILITY FOR ANY LOSS OR DAMAGE  
RESULTING FROM ITS USE.





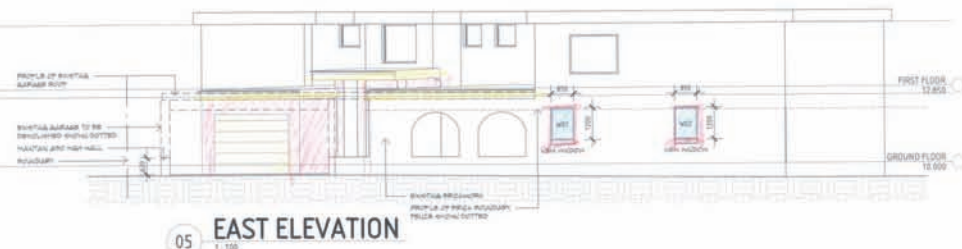
06 SECTION A  
1:100



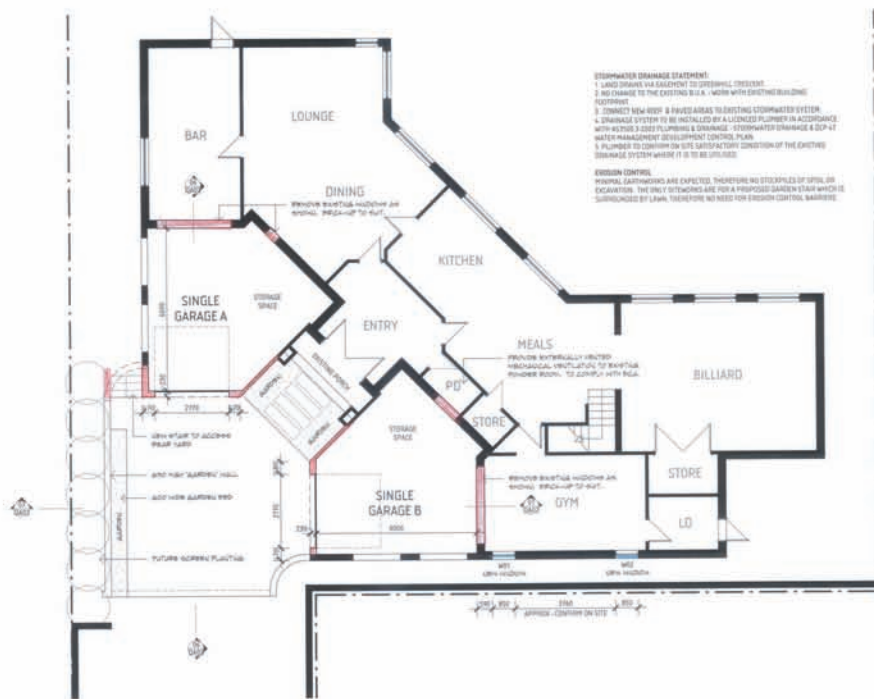
07 SECTION B  
1:100



04 SOUTH ELEVATION  
1:100



05 EAST ELEVATION  
1:100



02 GROUND FLOOR PLAN  
1:100

AREA CALCULATIONS

EXISTING GARAGE	111.01 M <sup>2</sup> GSI
EXISTING LIVING FLOOR	273.34 M <sup>2</sup> GSI
EXISTING FIRST FLOOR	384.35 M <sup>2</sup> GSI
SITE AREA	1166.38 M <sup>2</sup> GSI
PROPOSED GARAGE A	25.44 M <sup>2</sup> GSI
PROPOSED GARAGE B	25.44 M <sup>2</sup> GSI
REDUCED GARAGE AREA BY	99.44 M <sup>2</sup> GSI
EXISTING FLOOR SPACE	373.34 M <sup>2</sup> GSI
PROPOSED FLOOR SPACE	384.35 M <sup>2</sup> GSI



03 FIRST FLOOR PLAN  
1:100



2 PERSPECTIVE A existing



3 PERSPECTIVE A proposed



4 PERSPECTIVE B existing



5 PERSPECTIVE B proposed

## PLANNING SYSTEM

State environmental planning policies

<b>Circular</b>	PS 08-014
<b>Issued</b>	14 November 2008
<b>Related</b>	PS 08-003 May 2008

# Reporting variations to development Standards

The purpose of this circular is to remind councils of their responsibilities to complete quarterly returns on variations to development standards under delegations using State Environmental Planning Policy No. 1 - Development Standards or similar provisions under the Standard Instrument. The returns for the past two quarters – 1 April to 30 June 2008 and 1 July to 30 September 2008 – are to be forwarded to the Department by no later than 4 weeks from the date of this circular.

## Introduction

Circular PS 08-003 reminded councils of their responsibilities to monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under clause 4.6 of the Standard Instrument (or similar provision) on a quarterly basis.

Councils were reminded of the need to keep accurate records of the use of SEPP 1, or the relevant provision of the Standard Instrument and to report quarterly from the April to June 2008 quarter.

## Reports due 4 weeks from date of this Circular

Despite the previous circular, a number of councils have not submitted their responses to the Department for the period 1 April to 30 June, which were due on 31 July 2008.

Councils are now advised that they are to forward their reporting of the use of SEPP 1 or clause 4.6 of the Standard Instrument (or similar provision) for the periods 1 April to 30 June and 1 July to 30 September **within 4 weeks from the date of this circular**. Where a council has not exercised its concurrence in a particular quarter, then a nil return is to be forwarded.

Quarterly reports are to be emailed to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au)

**If a council does not respond to this request by 15 December 2008, then the Director-General will commence the process of revocation of the concurrence.**

Councils are to then report quarterly within one month of the end of the quarter. Failure to do so will trigger a review into the need to revoke of the concurrence.

## Further Requirements

In response to the findings of the recent ICAC investigation into corruption allegations affecting Wollongong City Council, councils are required to adopt the following four measures:

- 1) Establish a register of development applications determined with variations in standards under SEPP 1;
- 2) Require all development applications where there has been a variation greater than 10% in standards under SEPP 1 to be determined by full council (rather than general manager or nominated staff member);
- 3) Provide a report to each council meeting on the development applications determined where there had been a variation in standards under SEPP 1;
- 4) Make the register of development applications determined with variations in standards under SEPP 1 available to the public on the council's website.



### **Further information**

The Department will also be undertaking a number of random audits in 2009 on SEPP 1 decisions based on the data received this year.

Links to SEPP 1 and the Standard Instrument can be found on the Department of Planning's website at: <http://www.planning.nsw.gov.au>

If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

Note: This and other Department of Planning circulars are published on the web at [www.planning.nsw.gov.au/planningsystem](http://www.planning.nsw.gov.au/planningsystem)

### **Authorised by:**

Sam Haddad,  
Director-General  
NSW Department of Planning

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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## REVISED OFFICER DELEGATIONS FOR JOINT REGIONAL PLANNING PANEL DEVELOPMENT APPLICATIONS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

The Minister for Planning is seeking a commitment from Council to confer certain delegations from the Joint Regional Planning Panel to an appropriate level of officer.

**BACKGROUND:**

NSW Department of Planning is considering opportunities to improve determination times of certain types of applications and it is proposed that the Joint Regional Planning Panel Chairs delegate Joint Regional Planning Panel applications in certain circumstances where councils have agreed that these applications will be determined by appropriate senior staff and not by full council or council committee.

**COMMENTS:**

It is not envisaged that the proposed reinstatement of Council's consent authority role in the abovementioned instances will result in a significant number of applications being returned to Council for determination.

**RECOMMENDATION:**

That Council resolve delegate to the General Manager the determination of any development application or Section 96(2) modification application the determination of which has been delegated to Council by the Chair of the Sydney West Joint Regional Planning Panel.

## PURPOSE OF REPORT

The Minister for Planning is seeking a commitment from Council to confer certain delegations from the Joint Regional Planning Panel to an appropriate level of officer.

## BACKGROUND

As part of its broader planning reform agenda, the NSW state government introduced numerous reforms in the form of the Environmental Planning and Assessment Amendment Act 2008. Among these planning reforms was the introduction of a number of Joint Regional Planning Panels (JRPPs) on 1 July 2009. Ku-ring-gai is situated within the catchment of the Sydney West Joint Regional Planning Panel.

The core role of the JRPPs is to exercise consent authority functions in regard to regional development or development deemed to be of regional significance. Development for which JRPPs is the consent authority includes:

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

In a recent letter to Council (**Attachment 1**), the Minister for Planning advised that the NSW Department of Planning is considering ways to improve determination times of certain types of applications which currently require determination by a JRPP.

State Environmental Planning Policy (Major Development) 2005 was amended on 18 May 2010 to return to Councils the consent authority role for section 96(1A) modification applications under the Environmental Planning and Assessment Act 1979 (EP&A Act), where the relevant development consent has been granted by a JRPP.

In addition, it is also proposed that the JRPP chairs delegate JRPP applications in certain circumstances where councils have agreed that such applications will be determined by appropriate senior staff and not by the full council or council committee, consistent with the theme of depoliticising the planning system.

The Minister for Planning has requested a written commitment from Council to confer the delegations to an appropriate officer level (Council was required to provide a response by 8 June 2010 but the response has been delayed due to an administrative error and the lead time required to prepare a report to Council).

It is envisaged that the proposed delegations will be in operation for a 12 month trial period, after which they will be reviewed to determine what further opportunities and measures may be justified

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and put into place. The NSW Department of Planning has not determined a commencement date and this will be provided once the commitment is forwarded to the Department.

## COMMENTS

The proposed delegations are being considered for the following circumstances:

- ***Straightforward applications*** (Development applications and applications lodged pursuant to Section 96(2) of the EP&A Act which are simple and not contentious)

*The proposed delegation will allow Council to determine regionally significant applications where there have been no objections received and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.*

Development applications in Ku-ring-gai of this scale are often complex, contentious and invariably result in numerous objections. It is envisaged that very few, if any applications will fall into this category and the JRPP will therefore remain the consent authority in most instances.

- ***Designated Development***

*The proposed delegation will allow Council to determine designated development with a Capital Investment Value of \$5 million or less, which is currently determined by the Joint Regional Planning Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.*

Designated Development is development for which a development application is to be submitted to Council in conjunction with an Environmental Impact Statement. A list of developments and criteria which are classified as designated development can be found in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and include certain marinas, cement works, mines, extractive industries, turf farms, livestock intensive industries etc.

It is envisaged that very few, if any applications lodged in Ku-ring-gai will fall into this category.

- ***Areas and precincts where detailed planning has occurred***

*The proposed delegation will allow Council to determine regionally significant applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.*

*The Department requests Council to identify and provide details on areas within Council's local government area, such as Business Parks, which have detailed planning controls that clearly*

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*outline what development is appropriate. Where such controls are in place, the Department will consider delegating regionally significant applications to Council to determine. Council should include details of past and possible future applications in these precincts or areas to illustrate the utility of this delegation.*

This aspect was further clarified by the NSW Department of Planning. The *areas and precincts where detailed planning has occurred* would generally refer to greenfield sites and precincts where specific and detailed controls have been long established. While there are now detailed controls for the town centres under the Town Centres LEP and DCP, these controls are yet to be tested through the development application process and it may be appropriate to seek delegations for the specified applications at some stage in the future, once the town centre controls are more established.

It is not envisaged that the proposed reinstatement of Council's consent authority role in the abovementioned instances will result in a significant number of applications being returned to Council for determination. The Minister's letter of 18 May 2010 makes it clear that where delegations are returned to Council by the JRPP applications to which the delegation applies may only be determined by staff under delegation, ie may not be determined by full council.

If Council resolves to delegate the determination of such matters to the General Manager pursuant to Section 377 of the Local Government Act, the General Manager will then be in a position to give the commitment sought by the Minister that applications will be determined by an appropriate level of senior staff. In view of the small number of applications expected to be the subject of delegation by the JRPP, it is envisaged that the General Manager's sub delegation of the role of determination will be to the Director Development and Regulation.

## CONSULTATION

The Director Assessment Systems and Strategies (NSW Department of Planning) was consulted.

## FINANCIAL CONSIDERATIONS

No financial implications are envisaged.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation between Development and Regulation Department, Strategy and Environment Department and the Corporate Lawyer has taken place.

## SUMMARY

The circumstances where certain JRPP applications will be returned to Council for determination can be summarised as:

- *Straightforward applications* (Development applications and applications lodged pursuant to Section 96(2) of the EP&A Act which are simple and not contentious)
- *Designated Development*

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- *Areas and precincts where detailed planning has occurred*

It is not envisaged that the proposed reinstatement of Council's consent authority role in the abovementioned instances will result in a significant number of applications being returned to Council for determination.

## **RECOMMENDATION**

- A That pursuant to the advice from the NSW Minister for Planning, dated 18 May 2010, the General Manager be granted delegation to determine any development application or Section 96(2) modification application the determination which has been delegated to Council by the Chair of the Sydney West Joint Regional Planning Panel.
- B That the NSW Department of Planning be advised of the above delegation.

Corrie Swanepoel  
**Manager Development Assessment Services**

Michael Miocic  
**Director Development & Regulation**

**Attachments: Letter from Minister for Planning received 20 May 2010 - 2010/090159**



Hon Tony Kelly MLC  
Minister for Planning  
Minister for Infrastructure  
Minister for Lands  
Deputy Leader of the Government in the Legislative Council  
Leader of the House in the Legislative Council

Clr Ian Cross  
Ku-ring-gai Council  
Locked Bag 1056  
Pymble NSW 2073

18 MAY 2010  
10/07603



Dear Clr Cross

I am pleased to advise that the Joint Regional Planning Panels (Regional Panels), established on 1 July 2009, are now a successful part of the New South Wales planning system. The Government is committed to working collaboratively with Council, industry and the community to build a better planning system for New South Wales.

I am writing to ask your Council to join in a further initiative that will see a range of applications currently dealt with by the Regional Panels, determined by council officers under delegation.

The Department of Planning recently completed an Interim Review of Operation for the Regional Panels, which can be found on the Regional Panels website at [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au). As part of the review, the Department is considering opportunities to improve determination times of certain types of applications which currently require determination by a Regional Panel, without compromising the need for an assessment processes based entirely on merit.

#### **Return of Modification Applications to Council**

I am pleased to advise that amendments are currently underway for State Environmental Planning Policy (Major Development) 2005, to return to Councils the consent authority role for section 96(1A) modification applications under the EP&A Act, where the relevant development consent has been determined by a Regional Panel. The Department will advise you when this amendment takes place.

#### **Proposed Delegations**

I am also proposing that the Regional Panel Chairs delegate Regional Panel applications in three circumstances where your Council has agreed that these applications will be determined by appropriate senior staff and not by the full Council or Council committee, consistent with the theme of depoliticising the planning system.

- **Straightforward Applications**

The proposed delegation will allow Council to determine regionally significant applications where there have been no objections received, and the assessment report recommends approval (either with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Designated Development**

The proposed delegation will allow Council to determine designated development with a Capital Investment Value of \$5 million or less, which is currently determined by a Regional Panel. The delegation would apply regardless of whether there have been objections received, provided the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

- **Areas and precincts**

The proposed delegation will allow Council to determine regionally significant applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions). The delegation will not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

The Department requests Council to identify and provide details on areas within Council's local government area, such as Business Parks, which have detailed planning controls that clearly outline what development is appropriate. Where such controls are in place, the Department will consider delegating regionally significant applications to Council to determine. Council should include details of past and possible future applications in these precincts or areas to illustrate the utility of this delegation.

All regionally significant applications must be registered with the Panel Secretariat within seven days of lodgement at Council. The Panel Secretariat would still need to be informed of notification dates and of any submissions received. The Panel Secretariat would continue to coordinate Panel briefing meetings in some instances.

### **Delegation to Officer Level**

In order to effectively utilise the proposed delegations, consistent with the common goals of depoliticising the planning system and improving determination timeframes, the delegations will only apply to councils which have themselves delegated the authority to make decisions for these classes of applications to an appropriate officer of the Council.

### **Determination**

The delegated Council officers will be able to refuse an application even though the assessment report recommends approval, however a refusal in such circumstances is unlikely and would need to be supported by sound planning reasons. The delegations will apply to Development Applications and section 96(2) modification applications under the Environmental Planning and Assessment Act 1979 (EP&A Act).



### **Trial Period**

It is envisaged that the proposed delegations will be in operation for a 12 month trial period, after which they will be reviewed to determine what further opportunities and measures may be justified and put into place.

### **Implementation**

~~A written commitment to confer the delegations to an appropriate level of officer, and~~ information on applicable precincts and areas as outlined above, is requested by the Department within 21 days of the date of this letter.

The Chair of Council's Regional Panel will then write to Council with further details on the delegations, such as commencement date.

The Department is seeking to work with Council throughout the finalisation and preparation of these delegations. I look forward to a continued strong working relationship between your Council the Regional Panel, and the Department.

You may call Mr Shayne Watson, Director Assessment Systems and Strategies, directly on (02) 9228 6302 or by e-mail [shayne.watson@planning.nsw.gov.au](mailto:shayne.watson@planning.nsw.gov.au) should you require any further information.

Thank you for your co-operation on this important initiative.

Yours sincerely,



**Tony Kelly MLC**  
Minister for Planning

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## **PROPOSED RELOCATION OF EXISTING TELECOMMUNICATIONS FACILITIES WITHIN NORTH TURRAMURRA GOLF COURSE**

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### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

To seek approval from Council to relocate an existing telecommunications tower in the North Turramurra Recreation Area and to enter into four consecutive five year leases with Crown Castle International.

#### **BACKGROUND:**

A consequence of the North Turramurra Recreation Area (NTRA) masterplan is that the existing telecommunications facility must be relocated to make way for playing fields. It is proposed to relocate the facility and enter into a new lease arrangement.

#### **COMMENTS:**

This proposal sees the cost of the relocation being borne by the lessee and Council shall receive income into the future from the new facility.

#### **RECOMMENDATION:**

That Council approves the entering into an agreement for lease along with four consecutive five year leases to Crown Castle Australia Pty Limited for the purpose of constructing, maintaining and operating telecommunications facilities and uses incidental thereto at North Turramurra Golf Course.

## PURPOSE OF REPORT

To seek approval from Council to relocate an existing telecommunications tower in the North Turramurra Recreation Area and to enter into four consecutive five year leases with Crown Castle International.

## BACKGROUND

In November 2007 Council adopted the Concept Masterplan for the North Turramurra Recreation Area (NTRA). Outcomes of the masterplan included the construction of new playing grounds towards the south eastern end of the site, incorporating part of the unmade Bertrand Road.

Currently sitting partly on Council land and partly on the unformed Bertrand Road is a telecommunications tower and associated infrastructure. Unless the tower is relocated, the proposed playing fields cannot be constructed as per the masterplan.

Council entered into a lease with Vodafone for the existing facility in 1995 for a period of five years with three options to renew for periods of five years each. Subsequent to entering into the lease, it was discovered by the tenant that the lease area sits predominately on the unmade Bertrand Road and that Council was in fact not the landlord for most of the facility. Optus has also co-located on the facility. Crown Castle purchased the facility and lease in August 2008 and is now the lessee.

Since that time Crown Castle have included the current facility in a multi site agreement with the NSW Land and Property Management Authority (LPMA) and if it were not for this proposal to relocate the tower Crown Castle would have been entering into a new lease with the NSW LPMA and either reconfigured the facility to sit wholly on the unmade Bertrand Road or propose a rental to Council that is commensurate with the small area which sits on Council's land.

### Proposed location

It is proposed to construct the new telecommunication facility (**Attachment A**) adjacent to the soon to be constructed sewer mining facility which is to the east of the existing carpark. As the detailed design for the sewer mining facilities is still being finalised, the exact location will be determined upon the completion of the sewer mining facilities.

### Proposed lease terms and conditions.

As the exact location of the new facility is yet to be determined it is proposed to enter into an agreement to lease which sets out the general location of the proposed lease area along with the terms and conditions. Once the sewer mining works have been finished the final lease area can be determined and the lease can commence.

Pertinent details of their proposed lease are at **Confidential Attachment B**. This matter is classified confidential only in so far as it deals with the proposed terms of a lease to Crown Castle Australia Pty Limited.

It is not in the public interest to release this information as it would prejudice Council's ability to negotiate other telco leases and licences on appropriate terms and conditions.

### Physical transition process

To maintain services a new facility shall be built and upon testing and commissioning the existing facility shall be decommissioned and removed. Therefore for a short period of time, two facilities shall be on the land. But this shall only be for a short period of time.

### Compliance with Section 46, 46A and Section 47 of the *NSW Local Government Act 1993*

Section 46 (LGA 1993) states that Council may grant a lease, licence or other estate if:

- the plan of management expressly authorises a lease ....and
- the purpose for which the lease is granted is consistent with the core objectives for the categorisation of the land {s.46(2) and
- the lease ... is for a purpose listed in section 46(1)(b)}.

The subject site is classified as Community Land and the proposed lease is authorised in the North Turramurra Recreation Area Plan of Management, adopted 24 February 2009.

S46A (3) (LGA 1993) states that a lease for a term exceeding five years may only be granted by public tender unless it is granted to a non-profit organisation. It does not consider the total period of any consecutive leases.

As this is a series of four consecutive leases each for a period of five years Council does not have to call public tenders for the lease.

However, for the purpose of the *NSW Local Government Act 1993*, Section 47 the period of is to include the initial term and all option periods. For example four consecutive five year leases would be considered to be a twenty year lease. Council may grant a lease for a period of up to 21 years. However, unless the lease is granted to a non-profit organisation, for Council to grant a lease to any party for longer than five years it must give public notice of the proposal by:

- placing a notice of the proposal on the land;
- notifying owners adjoining the land;
- notifying persons living in the vicinity of the land if the council believes that the land "is the primary focus of the person's enjoyment of community land" (eg by letterbox drop); and
- consider submissions made about the proposal.

Section 47 Subsection 2 states that:

*"A notice of the proposal must include:*

- *information sufficient to identify the community land concerned;*
- *the purpose for which the land will be used under the proposed lease, licence or other estate;*
- *the term of the proposed lease, licence or other estate (including particulars of any options for renewal);*
- *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known); and*
- *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice."*

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S08282  
9 July 2010

If Council receives an objection to the proposal it must refer the proposal to the Minister for Local Government and cannot grant a lease until the Minister gives consent.

## COMMENTS

Two options exist for Council. The first option which would involve great cost to Council, is to acquire the unmade Bertrand Road from the NSW LPMA and then treat with the tenant on a commercial basis. Discussions with the LPMA have revealed that they would be seeking Council to Compulsorily Acquire Bertrand Road. By doing this, Council would extinguish the subject land's status as a road but Council would be exposed to claims for compensation from both the LPMA and all parties that have a lessee's interest in the site. The LPMA's claim for compensation would be based on both the underlying land value and the loss of income from the facility. As there would be numerous interests in the site it is difficult to determine compensation until all parties that felt they had an interest in the land lodged their claim with Council. However, any carrier with an interest in the facility would be seeking compensation to find a new location and construct new facilities along with the administration and professional costs associated with such a relocation.

The second, more acceptable option which will create an income stream for Council, is to work with Crown Castle and instead of paying compensation, negotiate a mutually commercially satisfactory arrangement. Through these negotiations an arrangement has been proposed that sees the current facility in effect being relocated further from adjoining residences at no cost to Council.

## CONSULTATION

This is a relocation of an existing facility to a location that shall cause less impact on the community. The community shall have an opportunity to comment through the S47 notification process.

## FINANCIAL CONSIDERATIONS

The entering into of this lease shall see an indexed rental stream to Council over the period of the leases. A different approach may see the project unable to proceed or significant compensation or relocation costs for Council.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report was prepared by the Strategy and Environment Department in consultation with the Operations Department and Recreation Services section of the Community Department.

## SUMMARY

A consequence of the North Turrumurra Recreation Area (NTRA) masterplan is that the existing telecommunications facility must be relocated to make way for playing fields. It is proposed to relocate the facility and enter into a new lease arrangement that sees the cost of the relocation being borne by the lessee and Council receiving rental income into the future.

## **RECOMMENDATION**

- A. That Council approves the entering into an agreement for lease along with four consecutive five year leases to Crown Castle Australia Pty Limited for the purpose of constructing, maintaining and operating telecommunications facilities and uses incidental thereto on the terms outlined in Confidential Attachment B.
- B. That Council approve the public notification of the proposal to enter into four consecutive five year leases to Crown Castle Australia Pty Limited in accordance with s47 of the *NSW Local Government Act 1993*.
- C. That Council grants owner's consent for the lodgement of for a development application for the construction of a new tower and or relocation of the tower and decommissioning of the existing tower.

Ian Dreghorn  
**Manager Strategic Projects**

Andrew Watson  
**Director Strategy & Environment**

**Attachments:**      **A. Location Sketch - 2010/128353**  
                             **B. Commercial Terms - Confidential**

## Location Plan of relocated telecommunications facility at North Turramurra Golf Course



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## STAGE 3 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE GRANTS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

The purpose of the report is to advise Council of the Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant and seek Council's preferred project nominations.

**BACKGROUND:**

Previously the Federal Government has provided funding under the stimulus package for worthwhile community projects. Stage 1 and Stage 2 grants have previously been allocated.

**COMMENTS:**

The Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant to Ku-ring-gai Council of \$152,000 would provide additional funding for worthwhile projects to complement Council's capital works program. A list of projects has been nominated for Council's consideration. It is considered that the preferred option is to fund one project that is consistent with Council's strategy for the upgrading of its community or park facilities.

**RECOMMENDATION:**

That Council advise the Federal Government which projects it wishes to nominate for the grant.



## PURPOSE OF REPORT

The purpose of the report is to advise Council of the Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant and seek Council's preferred project nominations.

## BACKGROUND

On 9 October 2009, the Australian Government announced an additional \$220 million program for local government to stimulate growth and economic activity across Australia. \$100 million was allocated to local government councils under Round 2 of the Regional and Local Community Infrastructure Program.

Ku-ring-gai Council received \$151,000 for three (3) projects under the Stage 2 grant. These were

1. The upgrade to the kitchen at the Wildflower Gardens,
2. The construction of an Interpretative Centre at Tulkiyan, and
3. The refurbishment of the training rooms at the Old School Building.

Under the funding guidelines for the program (**Attachment 2**), projects must be for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure such as art spaces, gardens;
- recreational facilities such as community recreation spaces, playgrounds, skate parks, swimming pools, walking and bicycle tracks;
- tourism infrastructure such as walkways, tourism information centres;
- children, youth and seniors facilities such as playgroup centres, senior citizens' centres;
- access facilities such as boat ramps, footbridges; and
- environmental initiatives such as drain and sewerage upgrades, recycling plants.

Funding can not be used for:

- ongoing costs such as operational costs and maintenance;
- transport infrastructure such as roads; or
- related infrastructure covered by the Roads to Recovery or Black Spots programs.

As part of the funding arrangements, each Council is required by 30 July 2010 to provide the Department of Infrastructure, Transport, Regional Development and Local Government details of projects that Council would intend to be funded. Councils will be required to enter into an agreement prior to receipt of the payment. The Stage 3 grant is for \$152,000 for this Council.

A key aspect of the grant is all funding must be expended with projects completed by 31 December 2011.

## COMMENTS

Under the terms of the guidelines for this program and the timeframe for expenditure, a number of projects have been identified and summarised in the table below. Each project has been further detailed. The basis for their inclusion builds on adopted future capital works or would provide significant local community benefit. Dollar figures are estimates and a detailed design and costing would be necessary as part of the submission to the Federal Government following a decision by Council.

In the development of a list of potential projects, a key consideration has been how the funding would complement existing works at a site. This is particularly relevant to capital works projects given that the grant specifically excludes funding to ongoing or operational costs (*Section 2.2*).

However, while it is considered appropriate to use the whole of the funding on one project that is consistent with Council's strategy for upgrading its facilities and with the current master planning process, a number of other projects have been identified for Council's consideration.

### Proposed Projects

Site and Ward	Project description	Estimated Cost
Gordon Library, Gordon Ward	Gordon Library Refurbishment	\$120,000
Roseville Community Centre, Roseville Ward	Storage space and shelving for Cavalcade of History and Fashion Inc	\$32,000
St Ives Girl Guides Hall, St Ives Ward	Relocation of girl guides facilities to enable construction of a new Youth Precinct and BMX- Skatepark at St Ives Village Green	\$152,000
Koola Park Killara, Gordon Ward	Creation of walking and cycleway track around Koola Park in accordance with masterplan	\$152,000

### GORDON LIBRARY REFURBISHMENT

Gordon Library is one of the most significant public civic buildings in the local government area. It is strongly valued by the community, generates significant pride, and is publicly accessible to everyone. This is reflected by the number of loans - 336,217 per year, and visitors - approximately 270,000 per year, or an average of 750 visitors per day.

The public library is considered an integral part of multipurpose community hub as demonstrated in the role the library plays in the Gordon town centre. Increased numbers of visits to libraries demonstrate they are not only for the purpose of borrowing, but libraries are being used as community spaces for people to meet, attend activities, use computers or simply use as a quiet study or reading space.

Gordon Library has had minimal change since its opening in 1994. The majority of its fixtures are

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30 June 2010

the original ones, and have become very outdated over the past 16 years. The library is at a stage where a re-evaluation of how people, staff and resources interact in the space is vital. Even though there is a reasonable level of community satisfaction with the existing library services, it has been identified the need for design improvements in which to position the library for future usage requirements.

The areas recommended for consideration for improvement are the entry foyer, the main service desks, and specific use areas of the library, furniture and fittings.

Upon entering the Gordon Library through the front foyer, people are faced with the EXIT sign. While there is some directional signage, the entire foyer area requires a reassessment to capture the natural flow of people in and out of it.

Another aspect of a redesign would be to incorporate the main customer service desks into one, possibly with the workroom and returns room included. Staff moves often between the Loans, Enquiries and Returns desks. If all three (3) areas were incorporated, customer response time would be greatly improved and workflows would be streamlined as all service points would be centralised. It is a common complaint, from borrowers, the existing use of separate desks for different services. A floor plan of the library, where the relationship and access between spaces is clear and logical, would be easier in use for both customers and staff.

The current library configuration is such that it impedes the line of sight for staff to all areas. Refurbishment would include better positioning for the collections and lower shelving would vastly improve security and visibility for staff across the library floor.

Gordon Library attracts large numbers of young people studying and using library resources on a daily basis. The redesign of the library would include space that allows solo study, joint study, noisy areas, research areas and recreational areas which can be monitored. Currently, these types of spaces are spread over the entire library. This has historically created noise and security issues for staff and other borrowers.

Additionally, the percentage of the population aged 65 years and over is expected to rise from 13.5% in 2006 to 21.5% in 2036. These borrowers are expected to need more recreational resources as leisure time increases. Library activities such as book clubs and internet classes for seniors, computer usage and browsing areas for casual users need to reflect anticipation of these needs. Re-designed areas for leisure reading to include lounges, comfortable furniture and other resources would need to be considered.

Another factor is the increase in numbers of multicultural people in the community. It is noted that residents from similar multicultural backgrounds use the library for social contact. This has a marked effect on the space available at Gordon library. The need to ensure prominent areas for browsing and reading of multicultural community languages, as well as meeting spaces for social contact, has been identified.

The following is a breakdown of various elements of re-design and refurbishment that has been supplied by library interior architecture and design consultancy, CK Design International:

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Amalgamating Loans and Reference desk to include joinery and bulkheads and other overhead design elements	\$40,000
Reconfiguring the entry foyer	\$10,000
Replacing old shelving	\$15,000
Implementing better ergonomic solutions for returns section	\$12,000
Relocating study rooms	\$15,000
Jazzing up and possible enclosure of children's area	\$15,000
Loose furniture upgrades including end panels	\$13,000
<b>TOTAL</b>	<b>\$120,000</b>

A refurbished Gordon Library would be expected to attract greater community attention upon its completion. It would take on an increased role as a meeting place, community centre and information gateway. Libraries are important cultural institutions and the success of library developments in neighbouring local government areas is a clear indicator of the potential for the Gordon Library. New libraries in neighbouring local government areas include Lane Cove, Willoughby and Ryde.

The Gordon Library refurbishment will reinforce the social value of public libraries in the community, and in particular would enhance its role of contributing positively to overall community wellbeing.

### **STORAGE SPACE AT ROSEVILLE COMMUNITY CENTRE FOR CAVALCADE OF FASHION**

The East Roseville Community Hall located at 4-12 Babbage Road Roseville is one of Council's busiest Community facilities. It has three (3) permanent hirers including a kindergarten, after school care and a range of permanent and casual community hirers.

The central areas, halls and playgrounds are used during school weekdays by the Kindergarten Union (KU) Chase Pre-School. The southern area, hall and playground is used by Roseville Kids Care for Before and After School Care.

The hall has previously undergone modifications to better suit user group needs. However, the stage area has been retained and is primarily only used for storage purposes by the permanent users. The existing storage areas are poorly designed and include difficult to access storage under the existing stage.

Since 2000, the Cavalcade of History and Fashion Inc., a volunteer based community group, has been located as a permanent hirer to the former Health Centre section which in the northern end of the building. The use of this area is primarily for storage, and to conduct other activities associated with the collection.

The Cavalcade Collection, of over 1200 authentic historic ladies gowns and accessories, men's and children's clothes, and household items, tells the story of Australian history through fashion, using clothing and accessories spanning the years from pre-First Fleet circa 1788 to the present.

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Cavalcade of History and Fashion Inc. is dedicated to the preservation the collection, which portrays the rich cultural heritage of Australia and the influences on the lives of women, and their families, from the earliest days of the colony. The main activities of Cavalcade of History and Fashion Inc. are talks, parades and exhibitions.

Cavalcade of History and Fashion Inc. has proposed a plan to reconfigure and construct a multi-user storage mezzanine in the stage area, to improve access to their current area. The plan has significant merits which will allow Cavalcade of History and Fashion Inc. to use the existing area as a resource centre, and improve storage and organisation of the collection and facilities. The modifications would allow Cavalcade of History and Fashion Inc. to respond to the increasing collection size and demands for the next five (5) to ten (10) years. Concept plans are currently being finalised to ensure the design is suitable for all hall users, and is the best option for the mezzanine and structure.

The recommended amount of \$32,000, from the Regional and Local Community Infrastructure Program, would provide the necessary structural modifications to the stage and hall to accommodate three (3) storage areas. The fit out of the storage area and storage shelves for Cavalcade of History and Fashion Inc. will require additional funding, of which Cavalcade of History and Fashion Inc. has agreed to contribute \$10,000, and as these shelves are modular, and would not be fixtures, it would be possible to stage the purchase of these units subject to funding.

Additionally, Cavalcade of History and Fashion Inc. has applied for funding from NSW Arts for Quick Response Project Funding for professional and artistic development in NSW in which to stimulate and promote arts and cultural development in NSW. It is also in negotiation with the Australian Business Arts Foundation for the inclusion of the project on the Australia Cultural Fund.

Removal of Stage and reconfiguration for three (3) separate storage areas (Cavalcade/Hall/Pre-School)	\$12,000
Structural modifications to support mezzanine	\$20,000
<b>TOTAL</b>	<b>\$32,000</b>

### **RELOCATION OF GIRL GUIDES HALL AT ST IVES**

The relocation of the existing Scout hall and Girl Guides hall was considered as part of the St Ives Village Green Masterplan which was adopted by Council in May 2010. The relocation of these halls is necessary to create the space required to build a new Youth Precinct and BMX-Skatepark at St Ives Village Green. To facilitate this, Council has allocated \$57,600 in the Capital Works and Major Projects Program 2010/11 for alterations and additions to the existing Scout hall at Warrimoo Oval in St Ives Chase. This will enable relocation and consolidation of local scouting activities. However to date, no specific funding has been provided to enable the relocation of the Girl Guides.

The adopted St Ives Village Green Landscape Masterplan proposes that the Girl Guides be relocated either within the park to an expanded community building adjacent to Memorial Avenue or to a more suitable less urban off-site location. The Girl Guides have indicated a preference for the latter option and an area adjacent to the existing Scout hall at Warrimoo Oval has since been

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identified as a possible location that may be suitable for this purpose.

Relocation of the Girl Guides to either location would be subject to further consultation to establish detailed requirements. This would include the use for meetings, storage, and amenity and kitchen facilities. The existing Girl Guides hall is approximately 130m<sup>2</sup> in size and it is anticipated that a replacement building of approximately 150m<sup>2</sup> would be required.

Based on available rates for similar construction [*Rawlinsons Construction Cost Guide*] it is estimated that the cost for relocating and building a new 150m<sup>2</sup> Girl Guides hall at St Ives at either location would require the full grant allocation of \$152,000.

The relocation of the Girl Guides hall would provide a new facility for this volunteer based organisation for young girls and would facilitate the implementation of the first stage of the St Ives Village Green Landscape Masterplan by enabling the development of the new Youth Precinct and BMX-Skatepark which is separately funded by Council.

### **KOOLA PARK WALKING AND CYCLING TRACK**

Part of the masterplan for Koola Park provides for a dedicated exercise track around the perimeter of the ovals for a range of uses including walking, jogging and cycling. This component of the masterplan is currently not funded but could easily be incorporated as part of the proposed Koola Park sportsfield upgrade.

Funding of the track as part of the Stage 3 Regional and Local Community Infrastructure Program would provide an additional recreational opportunity for users of the park. Construction of the track, as an integral part of the proposed sportsfield upgrade, may allow for better pricing of works with possible savings in overall construction costs. Simultaneous construction would eliminate the need for any future disturbance of the completed site works, especially the need to regrade steep site embankments to accommodate proposed pathway alignments.

The proposed track is approximately 940 metres long and 2.5m wide. This is to allow users to safely pass by each other along a shared recreational path. At this stage, the path surface has not been determined. However, if the surface material selected was crushed granite, the estimated cost of construction would be approximately \$150,000.

The full amount of the grant would be required for this project.

## **CONSULTATION**

Not applicable

## **FINANCIAL CONSIDERATIONS**

Funding for the projects identified form part of the grant from the Federal Government's Regional and Local Community Infrastructure Program Stage 3. Should Council nominate the project for the Cavalcade of History and Fashion Inc., there may be a \$10,000 to \$15,000 cost component available from the building Maintenance Program.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Consultation has taken place with all other departments in the preparation of a list of suitable projects.

### **SUMMARY**

The Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant to Ku-ring-gai Council of \$152,000 will provide additional funding for worthwhile projects to complement Council's capital works program.

A list of projects has been nominated for Council's consideration. All projects are considered worthwhile projects and to be in accordance with Council's proposed upgrades to community facilities and park upgrades.

### **RECOMMENDATION**

That Council advise the Federal Government which projects it wishes to nominate for the grant before 30 July 2010.

Greg Piconi  
**Director Operations**

**Attachments:** Regional and Local Community Infrastructure Program Guidelines, 2010/2011 - 2010/121996

# **Guidelines**

## **Regional and Local Community Infrastructure Program**

### **Round 3 – 2010/11 – \$100 Million**

#### **1. INTRODUCTION**

On 18 June 2010, the Australian Government made an additional \$100 million available to boost the Regional and Local Community Infrastructure Program (RLCIP). This investment is intended to support local jobs and provide long-term benefits to communities by assisting councils to build and modernise local infrastructure. Round 3 of the RLCIP provides a non-competitive, direct allocation of \$100 million to be shared amongst all local governments (for further details about the RLCIP Rounds 1 and 2, please visit

<<http://www.infrastructure.gov.au/local/cip/index.aspx>>

Funding under the RLCIP Round 3 \$100 million component will be provided directly to councils as a one-off payment. The funding will be administered by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department). Eligible projects must be additional or additional stages of current projects, and represent value for money. Additional projects are those which have not been included in the local government's financial budget for 2010/11, are new or can be brought forward as a result of RLCIP funding. Projects need to be ready to begin construction within 6 months of signing the Funding Agreement (contract). Councils must not commence their RLCIP project until they have received a Funding Agreement executed by the Commonwealth. Projects which represent value for public money are those which, in the context of the objectives and outcomes of the project, add value by achieving something worthwhile for the community that would not occur without grant assistance.

Local governments are responsible for community consultation and the consideration of the community benefit for potential infrastructure projects within their jurisdictions. Councils are encouraged to consider projects that:

- address the needs of the local indigenous population;
- address environmental sustainability, and how their RLCIP activities will promote green building technologies, design practices and operations and preparing for climate change impacts; and
- Involve collaboration with neighbouring councils including joint-projects.

Councils can also sponsor projects on behalf of not-for profit community organisations.



## **2. PROJECT ELIGIBILITY**

### **2.1 Eligible categories of infrastructure**

Funding will be provided to councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants);

A full list of eligible categories is at Annexure A.

Funding can be used for:

- construction for new or upgraded facilities; and
- refurbishment and fit out.

Fit out is defined by the Department as internal construction of a facility to enable its functional use, for example, the installation of electrical sockets and lighting, or the painting of walls. Projects must clearly demonstrate value for money. Councils may wish to demonstrate this through undertaking a tender process, quotes or experience from similar projects.

### **2.2 Ineligible projects and activities**

Projects must provide a clear and direct benefit to the local communities within a council's jurisdiction. Examples of projects that are ineligible for this reason include those which support council operations (such as an upgrade of council offices), those which make a direct contribution to private businesses (other than those which provide a direct community service as suggested in Annexure A), or those which benefit specific individuals (such as the renovation of a caretaker's residence).

Funding will not be approved to bolster funding for existing projects which have exceeded their original budget forecasts.

Funding cannot be used for:

- ongoing costs (e.g. operational costs and maintenance);
- roads or related infrastructure covered by the Roads to Recovery or Black Spots programs;
- artworks;
- information technology and communications hardware and software;
- non-fixed infrastructure [e.g. above ground irrigation systems]; or
- project management costs.

Further information and examples of ineligible projects is provided in the attached RLCIP Frequently Asked Questions at Annexure B.

### **3. APPLICATION SUBMISSION**

The closing date and time for applications is 5pm AEST Friday 30 July 2010, however Councils are encouraged to apply as soon as possible.

The Department will contact Local Governments to provide details on how to submit applications.

### **4. FUNDING ARRANGEMENTS**

Each council receives a minimum payment of \$30,000. Those with populations greater than 30,000 and categorised as 'urban fringe' or 'urban regional' according to the Australian Classification of Local Governments Code will receive an additional growth component of \$150,000. All councils with at least 5,000 residents will share in the remaining funds proportionate to their 2009-10 general purpose Financial Assistance Grant.

As part of the application process, councils will be required to submit project application(s) that account for the entirety of their funding allocation. Councils are encouraged to submit a number of prioritised projects, the aggregate value of which may exceed their allocation. Should the Department find that a higher priority project is ineligible, a lower priority yet eligible project may then be substituted in its place.

All project proposals will be appraised by the Department to ensure their consistency with the Guidelines, including value for money. Following the appraisal of project proposals, the Department will approve eligible projects within the Councils funding allocation.

Following approval, the Department will provide councils with a Funding Agreement for execution.

Payment of Round 3 funding may not be provided until councils:

- have completed and properly acquitted their projects under the Round 1 \$250 million allocated component of the RLCIP. This includes all reporting obligations for all completed projects.
- are performing to the Department's satisfaction under the Round 1 \$550 million Strategic Projects component of the RLCIP (if appropriate); and
- have executed Funding Agreements for all previous RLCIP Rounds (\$100 million allocated component and \$120 million Strategic Projects component if appropriate) and submitted the first progress reports under the Round 2 direct allocation of \$100 million (due 31 May 2010).

Once projects are approved and a Funding Agreement has been executed, councils are reminded that they are legally committed to delivering these projects in accordance with the terms of their Funding Agreement.

Successful applicants' information on individual grants will be published on the Department's website within seven working days after the funding agreement takes effect.

Councils should exercise particular care when compiling project budgets. Where a council undertakes to deliver a project for an agreed budget and the project exceeds

that budget, councils are still required to deliver that project and will need to pay for any funding shortfall. The budget should also demonstrate that the expenditure items provide value for money and withstand public scrutiny.

When submitting an application, councils should exercise extra care and diligence, ensuring they are in a position to deliver their projects within the program's timeframes. Councils should also ensure that project managers are fully aware of the requirement to complete projects and expend all funding by 31 December 2011.

As part of the application process, Councils will be required to provide details of any partnership funding in respect of each of their projects.

Should any Council not have forwarded to the Department two signed copies of the Funding Agreement with agreed projects by 30 August 2010, unclaimed funding may be redistributed to other Councils with suitable and eligible projects.

Councils must not commence their RLCIP project until they have received a Funding Agreement executed by the Commonwealth.

#### **4.1 Payments**

Requests for additional funding from the Australian Government will not be approved.

Payments will be structured as follows:

- Councils allocated less than \$200,000 - the release of 100 per cent of funds on execution of the Funding Agreement.
- Councils allocated more than \$200,000 – the release of 50 per cent of the funds on execution of the Funding Agreement, followed by the remaining 50 per cent upon evidence of expenditure of the previous installment.

Councils are reminded that this funding is available in 2010-11 only and should take this into account when planning and budgeting for their projects

Payment of council allocations will commence upon execution of the Funding Agreement by the Commonwealth. Councils should be mindful that the timeliness of payments will be influenced by the quality and eligibility of their project proposals and their responsiveness when executing Funding Agreements. High quality applications and prompt execution of Funding Agreements will shorten the Department's processing timelines significantly.

Projects must be completed with all funding expended by 31 December 2011 unless a council receives approval to vary the funding agreement.

Councils should expend RLCIP funding in accordance with the principles of accrual basis accounting. In accrual accounting, expenses are recognised during the period in which they occur, irrespective of whether an invoice has been received or the goods and services have been paid for. To comply with the Guidelines, councils must have incurred an expense against RLCIP funding no later than 6 months after signing of the funding agreement [contract].

## 5. PROGRESS REPORTS

Once funding is confirmed the council will be required to actively manage the project.

It is recommended that councils consider appropriate project management arrangements proportionate to the size and nature of the project.

The Department will monitor the project's progress through reports received under the Funding Agreement and may conduct site visits.

By **1 March 2011**, councils will be required to provide a progress report on their projects.

A second progress report will be due by **1 September 2011**. Councils may also be required to provide progress reports at other times.

By **1 February 2012**, councils will be required to provide a final report on the expenditure of Australian Government funding and demonstrate that they have spent the funding in accordance with the Guidelines.

Irrespective of the requirement to provide progress reports at nominated times, councils are required to notify the Department **within 5 working days** whenever their ability to deliver approved projects and meet the terms of their Funding Agreement is compromised.

Councils are required to maintain true, accurate and up to date plans and records, tracking and documenting the progress and history of each of their projects.

As part of progress reporting and final reporting activities, the Department may require councils to provide any or all of the following information:

- An itemised budget for each project, including estimates for individual project components at the time of application, and how these estimates compare with the actual costs incurred by the council.
- Receipts for all expenditure in relation to each of the council's project(s).
- A detailed timeline for each project, including but not limited to community consultation, design, planning, construction and fit out activities. The timeline should estimate dates for the completion of milestones and track progress against these targets.
- At the Department's discretion, councils may be required to provide audited financial statements in relation to their project(s).

## **6. CONFLICT OF INTEREST**

Where a Council identifies that a conflict of interest exists or might arise in relation to projects, the Council must identify the actual, apparent or potential conflict of interest and inform the Australian Government immediately.

A conflict of interest may exist, for example, if the Council or any of its personnel:

- Has a relationship (whether professional, commercial or personal) with a party who is able to influence the project assessment process, such as a Department of Infrastructure, Transport, Regional Development or Local Government official, or
- Has a relationship with, or an interest in, an organization which is likely to interfere with or restrict the Council in carrying out the proposed activities fairly and independently.

Each Council will be required to declare in the application form that to the best of its knowledge there is no conflict of interest that would prevent the Council from proceeding with the project or any Funding Agreement it may enter into with the Australian Government.

## **7. COMPLAINTS**

Should a Council wish to make a complaint, they should do so through the RLCIP Information Line on 1800 005 494.

*Updates to the Guidelines will be published on the website as an amendment addendum. It is the responsibility of each Council to keep monitoring the site to stay informed.*

## **Annexure A**

### **Examples of Community Infrastructure**

#### **Social and cultural infrastructure**

- Town halls
- Community centres
- Libraries
- Local heritage sites
- Museums
- Cultural centres
- Enhancement of main streets & public squares
- Public marketplaces and saleyards
- Theatre/music/art spaces
- Historic buildings
- Parks and gardens
- Internet kiosk infrastructure
- Kitchens for organisations
- Community market areas
- Resources for cultural facilities

#### **Recreation facilities**

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

#### **Tourism infrastructure**

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Community public attractions
- Buildings for exhibits
- Local infrastructure to support or provide access to tourist facilities

#### **Children, youth and seniors facilities**

- Playgroup centres
- Youth centres
- Community childcare centres
- Scout/guide halls
- Senior citizens' centres

#### **Access facilities**

- Disabled access infrastructure
- Foot/cycle bridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons/bollards
- Foreshore development
- Boat ramps
- Airport infrastructure and terminals

#### **Environmental Initiatives**

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants
- Environmental Protection Infrastructure

## Annexure B

### Frequently Asked Questions

**Note:** These Frequently Asked Questions may be updated. Councils must monitor <http://www.infrastructure.gov.au/local/cip/index.aspx> for updates.

**Q1: How do local governments sponsor community organisations for funding under RLCIP \$100m?**

A: Councils may apply on behalf of not-for-profit community organisations who service the local/regional community.

**Q2: How can my council submit an application for a joint-project being undertaken collaboratively with other Councils?**

A: Each Council must submit an application outlining the component of the activity or project on which their RLCIP \$100m allocation will be spent. No joint application forms will be accepted. All RLCIP \$100m funding must be spent on different components of the joint project/s.

**Q3: What will happen if a Council breaches the terms of its funding agreement?**

A: Before entering into a funding agreement, the Authorised Person for a local government should make sure that they have read the entire document, are aware of, and agree with the things they are required to do to deliver their proposed projects in accordance with the Guidelines and Commonwealth policy. In the majority of cases, local government breaches of RLCIP funding agreements result from a lack of awareness of their legal obligations under the funding agreement.

In some cases, local governments enter into funding agreements and commit to delivering certain projects, only to find in the planning and construction phases that the project is no longer feasible. Where a local government wishes to utilise RLCIP funding for purposes other than those specified in their funding agreement, they must first contact the Department, seek the **delegate's approval and obtain a formal deed of variation to their funding agreement.**

Where a local government utilises RLCIP funding for purposes other than those specified **in their funding agreement, and does not obtain the delegate's approval** to do so, the Department may initiate legal proceedings and seek the return of RLCIP funding.

**Q4: Can local governments use funding from both the RLCIP \$100 million component and other funding sources to undertake the same activity?**

A: No, councils cannot receive funding twice for the same stage or element of the project or activity, regardless of the funding source (Commonwealth, State, Local Government or private funding).

**Q5: How should I interpret clause 2.2 of the Guidelines, which states that funding cannot be used for operational costs and maintenance?**

A: Ongoing operational costs and maintenance costs are defined as those that local governments would typically be expected to provide for as part of their normal operating budgets. For example:

- Internal or external painting in isolation of a larger refurbishment project
- Repairs to existing playground equipment, as opposed to the installation of a new playground or the complete replacement or upgrade of an old playground
- Local Government staffing.

**Q6: How should I interpret clause 2.2 of the Guidelines, which states that funding cannot be used for roads or related infrastructure covered by the Roads to Recovery or Black Spots programs?**

A: The *Roads to Recovery Act 2000* allows funding for the construction or maintenance of roads. In addition to the common definition of 'roads', where these facilities are associated with a road, the term 'roads' is taken to include:

- traffic signs and control equipment;
- street lighting equipment;
- vehicular ferries;
- bridges or tunnels, including pedestrian bridges or tunnels; and
- bicycle paths associated with a road.

A bicycle path 'associated with a road' is one that:

- is located within the road reservation; or
- where removed from the road reservation, provides a route between points on the road that is shorter than or broadly similar in distance to the road route.

**Q7: The Guidelines state that local governments are encouraged to include projects in their application that address the needs of the local Indigenous population. What are some of the ways that local governments can achieve this?**

A: Improving employment opportunities and the job readiness of Indigenous Australians is crucial to building pathways out of disadvantage. In addition to providing infrastructure which addresses the needs of the local Indigenous population, local governments are encouraged to utilise RLCIP funding for projects which will employ Indigenous apprentices, trainees and workers.



Further information is available from the Australian Government's social inclusion website at: [www.socialinclusion.gov.au/Pages/default.aspx](http://www.socialinclusion.gov.au/Pages/default.aspx), and from the Department of Families, Housing, Community Services & Indigenous Affairs website at: <http://www.fahcsia.gov.au/Pages/default.aspx>

**Q8: The Guidelines state that local governments are encouraged to consider environmental sustainability when preparing project proposals, and how their RLCIP activities will promote green building technologies, design practices and operations. What are some of the ways that local governments can achieve this?**

A: Initiatives that contribute to this goal could include:

- common area lighting
- installation of photovoltaic cells
- heating, ventilation and air-conditioning systems
- the building fabric, for example glazing and shading
- monitoring equipment, automation systems, and control systems linked to improving the energy efficiency of buildings.

The benefits of building green include:

- lower overheads
- more productive and healthier environments
- access to financial incentives and tax credits
- a baseline measure to earn carbon credits

Further information is available from the Australian Government's AusIndustry website at: [www.ausindustry.gov.au/Pages/AusIndustry.aspx](http://www.ausindustry.gov.au/Pages/AusIndustry.aspx)

**Q9: Can local governments use funding from the RLCIP Round 3 \$100 million component to construct a footpath?**

A: No. Construction of a footpath is not an eligible project under the RLCIP \$100 million funding. However, footpaths necessary for the appropriate completion of another eligible project (such as a main street enhancement) may be eligible provided they are part of a larger project.

Covered walk ways may be an eligible project if their construction provides a clear and direct benefit to the local communities within a council's jurisdiction, as referred to in clause 2.2 of the Guidelines.

**Q10: Are amenity blocks a valid project under RLCIP \$100 million funding?**

A: No. Individual amenity block(s) are not eligible under the RLCIP \$100 million funding. However, amenities constructed as part of an eligible building refurbishment or larger building construction may be admissible

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## **ACCEPTANCE OF TENDER T23/2010 - RESALE OF TRUCK WITH MOUNTED ABBEY SKY PROBE**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To report to Council the results of the Tender 23/2010 for the resale of one truck mounted with a Abbey Sky Probe which was used for maintenance of tall trees.

**BACKGROUND:**

Tenders were called for the sale of Council Plant and closed on 28 June 2010. An inspection of the unit was made available on 16 June 2010.

**COMMENTS:**

Interest was received from five (5) companies who attended the inspection. Tender offers were received from two (2) organisations.

**RECOMMENDATION:**

That the tender submitted by Plateau Tree Services Pty Ltd to purchase the truck mounted with an Abbey Sky Probe be accepted.

## PURPOSE OF REPORT

To report to Council the results of the Tender 23/2010 for the resale of one truck mounted with a Abbey Sky Probe which was used for maintenance of tall trees.

## BACKGROUND

In a memorandum dated 27 October 2009 (**Attachment 1**), a review of the structure and resources of the specialist Tree Maintenance Section in Open Space Services was done following the resignation of a number of experienced staff.

One of the key changes was the agreement to sell the truck mounted Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088. This vehicle was referred as an Elevated Work Platform in the memorandum.

The Abbey Sky Probe is a specialised item of plant, comprising of an articulated / telescopic extension that can reach 26.5 metres in height. It was primarily used for tree maintenance works for high reach areas.

Sale by tender process was considered the preferred method in which to achieve the optimal market return compared with a traditional auction given the specialist nature of the plant and a limited resale market.

In June 2010, Tender T23/2010 was called for the sale of one used truck mounted Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088. The Tender closed on 28 June 2010.

Tenders were received from the following two (2) companies:

1. Plateau Tree Services Pty Ltd
2. Stanton Corporation Pty Ltd

As part of the tender process, a site inspection was arranged. The vehicle service history was made available to five (5) organisations.

## COMMENTS

All tenderers were required to submit documentation in accordance with the tender instructions. The results are:

- both tenderers have complied with the provision of tender requiring acceptance of compliance with the Conditions of Offer; and
- both tenderers have supplied a completed Offer Form and Price Schedule.

The tender submitted by Plateau Tree Services Pty Ltd is the preferred tenderer on the basis of the highest offer which was the main criteria of consideration.

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The Tender Evaluation List (**Attachment 2**) sets out the tender prices submitted from Plateau Tree Services Pty Ltd and Stanton Corporation Pty Ltd. It is a confidential document as it contains confidential sensitive commercial information.

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the *Act*, and should be dealt within a part of the meeting which is closed to the public.

Section 10A(2)(c) of the *Act* “permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or purposes of conducting) business.”

## CONSULTATION

Prospective organisations have been supplied copies of specific reports relating to the certification, annual inspections and a 10 year major inspection which included a rebuild. On site visual inspections were made available on 16 June 2010 for organisations to ascertain the actual condition of the plant.

## FINANCIAL CONSIDERATIONS

The offer from the preferred tenderer is above the estimated revenue from the sale of the Abbey Sky Probe as identified in the memorandum. (**Attachment 1**)

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation was undertaken with the Corporate Department on information for inclusion of Council's Statement of Business Ethics. Operation and maintenance of the plant has been wholly undertaken by the Operations Department.

## SUMMARY

The Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088 is specialised plant equipment. Sale by tender process was considered the preferred method to achieve the optimal return.

The offer tendered by Plateau Tree Services Pty Ltd is above the estimated revenue and is considered the best return for the plant.

## **RECOMMENDATION**

- A. That the tender submitted by Plateau Tree Services Pty Ltd for sale of one used truck mounted Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088, be accepted.
- B. That the General Manager be delegated authority to authorise Council's written acceptance of the offer from Plateau Tree Services Pty Ltd.
- C. That funding from the disposal of this asset be credited to the operational plant capital budget for the purposes of replacing other operational plant in accordance with the replacement schedule.

Ian Taylor  
**Manager Engineering  
Services & Projects**

Matthew Drago  
**Manager Open Space  
Services**

Greg Piconi  
**Director Operations**

**Attachments:**      **A. Memorandum - Restructure in Tree Maintenance Section - 2009/189124**  
                             **B. Tender Evaluation List - Confidential**

## MEMORANDUM

TO: Greg Piconi - Director Operations  
□

COPY TO: John McKee – General Manager  
John Clark – Director Corporate  
Maureen Ayers – Manager Human Resources

FROM: Matthew Drago – Manager Open Space Services

SUBJECT: **Restructure In Tree Maintenance Section, re-allocation of budgets and ongoing savings**

### **Background:**

I refer to changes to the structure of the Open Space Services section, specifically the Tree Maintenance section.

Early this year, after the resignation of a number of experienced staff in the Specialised Tree Works Team, it was determined that a review of the current structure and resources be undertaken in consideration of the fact that the Elevated Work Platform (EWP) had been rebuilt the previous year and would require a further rebuild or purchase of a new machine in the short term.

After extensive consultation with staff, JCC and the United Services Union, it was agreed to disband the Specialised Tree Works Team, sell the EWP and re-allocate wages budgets to fund this activity by Contractors. Copies of the agreement by the Union and the JCC minutes can be provided if requested.

Part of the restructure included the allocation of existing Arborist positions to the two area maintenance teams which will bring skills based training back to a focus of Arboricultural principles and practices and provide an opportunity for career progression and an incentive for more junior Tree Worker positions to extend their studies, or gain qualifications in this field.

The re-allocation of funding to this area will allow for more specialised contractors to undertake EWP jobs and allow the area maintenance teams more access to the chipper and stumpgrinder that will assist in the completion of their works programs.

### **Expenditure:**

There will be no additional expenditure as the budget for existing vacant positions will be transferred to the budget for contractors within the same cost centre 2652 (Tree Maintenance). This equates to an amount of \$230,200 being made up of \$166,200 in wages and \$64,000 in wages on costs.

**Savings:**

Over the next five years, the projected savings to Council will be significant given that the current EWP has just undergone a 10 year inspection and would ideally be replaced in the next two years or re-built in five.

The potential savings could be broken down as follows:

**One off costs:**

Purchase of new EWP	\$350,000 approximate
Purchase of new cab chassis	\$150,000 approximate
5 year inspection	\$135,000 approximate

**Revenue:**

Sale of current machine:	\$110,000 approximate
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**Ongoing savings:**

Running costs	\$20,000 annually
Depreciation	\$32,000 annually

**TOTAL over 5 years** **\$1,005,000**

**ANNUALISED AVERAGE** **\$201,000**

While these figures are approximate and cannot all be recognised immediately in real terms, there is potential for better use of budgets, especially in operational plant purchase and maintenance and will reduce a significant future burden for Council financially if a new EWP was purchased.

There are further additional hidden savings that cannot be quantified which would include reduction in Council's Workers Comp Premium considering that the EWP work was one of our higher risk work activities.

The contracted activities will be monitored over this financial year and once backlog of outstanding works is completed, there will be a further review undertaken to assess whether the amount budgeted requires any adjustment. This may include additional savings if the current quotes and turnaround times continue.

The next step in the process will be the sale of the EWP.

Please contact me directly should any further information be required.

Matthew Drago  
Manager Open Space Services

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## NSW GOVERNMENT COMMUNITY BUILDING PARTNERSHIP APPLICATIONS

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To advise Council of funding available from the NSW State Government's Community Building Partnership program.

**BACKGROUND:**

The NSW Government's Community Building Partnership provides for local community projects in each electorate in New South Wales with the purpose of supporting local jobs, stimulating growth and improving community facilities. The program provides funding of \$300,000 for each electorate in NSW. Ku-ring-gai Council is situated within the state electorates of Ku-ring-gai and Davidson (partially).

**COMMENTS:**

Under the guidelines for this program and the timeframe for expenditure, a number of community projects have been identified as worthy of Council support. The basis for their inclusion builds on existing and future need, including projects identified within Council's adopted 2010/11 Capital Works Program and adopted district park masterplans, with the view to stimulate growth and improve community facilities.

**RECOMMENDATION:**

That Council support recommendations to apply for funding from the NSW Government's Community Building Partnership program.



## PURPOSE OF REPORT

To advise Council of funding available from the NSW State Government's Community Building Partnership program.

## BACKGROUND

The NSW Government is continuing the \$35 million Community Building Partnership program in 2010. The Community Building Partnership program provides funds for community groups and local councils to invest in community infrastructure throughout the State.

This year the NSW Government will contribute a further \$35 million to community projects by investing \$300,000 in each electoral district.

Community infrastructure supports activities that benefit communities including:

- the delivery of social services to members of society, especially to disadvantaged members such as low income, non-English speaking or indigenous communities;
- participation in group sport, cultural and artistic activity;
- the pursuit of community, social, educational and religious interests;
- support for working families through community based child care and child services;
- activities for young people such as guides, scouting and youth interest groups that provide interaction and tolerance between young people; and
- enhancing the community's interaction with the natural environment by improving access (particularly for the disabled) to wilderness areas, parklands and outdoor recreational facilities.

Funded projects will provide community benefits through:

- construction of new capital works;
- refurbishment, repairs and maintenance to existing capital facilities; or
- the purchase of capital equipment with a life expectancy of 15+ years that enables the delivery of new or enhanced community services.

For Ku-ring-gai, each project would have to be located within the boundaries of either the Ku-ring-gai or Davidson (that also includes parts of Warringah Council LGA) electorates and preference is given to projects that would provide employment opportunities and local social, cultural, recreational or environmental benefits.

- Council projects must be at least 50% funded by Council.
- Non-council projects do not require any funding although preference will be given to projects with a contribution from the applicant.

Projects must be ready to commence by late 2010 and be completed before the end of December 2011.

Applications for funding under this program must be submitted no later than Friday 23 July 2010 at 5pm.

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The Department of Premier and Cabinet will make recommendations to the Premier of NSW based on the assessment criteria and projects will then be forwarded to the respective local members of parliament for comment and recommendation on ranking.

## COMMENTS

Under the terms of the guidelines for this program and the timeframe for expenditure, a number of community projects have been identified as worthy of support. The projects identified in this report are based on a fit with existing long term community and recreation planning undertaken by Ku-ring-gai and builds on existing and future needs.

In the development of a list of potential projects, a key consideration is how the funding could complement existing works at a site. An advantage of this approach is that where a site is nearing a significant upgrade as part of Council's adopted four-year capital works program, it can be integrated into the existing program, thus minimising disruption to the community and other users and maximising Council's own investment in public infrastructure.

However, while it would ordinarily be considered appropriate to use the whole of the funding on one project, which is consistent with Council's strategy for upgrading recreation facilities and consistent with the current master planning process for district parks, a number of projects have been identified for Council's support to maximise the involvement of local community and sporting groups. The projects listed below are listed in order of priority.

### *Davidson Electorate – Jonathan O'Dea*

#### 1. St Ives Girl Guides Hall

*-\$100,000 application by Council*

Relocate hall from existing location at St Ives Village Green to either Warrimoo Oval adjacent to existing scout hall or to Memorial Avenue side of existing community hall at St Ives Village Green, to provide improved facility for girl guides and create space required to construct youth precinct in accordance with masterplan for the Village Green as adopted by Council in 2010.

As discussed in Item 10 of this Council Business Paper (Round 3 Regional and Local Community Infrastructure grants), the relocation of the existing Scout hall and Girl Guides hall was considered as part of the St Ives Village Green Landscape Masterplan which was adopted by Council in May 2010. The relocation of these halls is necessary to create the space required to build a new Youth Precinct and BMX-Skatepark at St Ives Village Green. To facilitate this, Council has allocated \$57,600 in the Capital Works and Major Projects Program 2010/11 for alterations and additions to the existing Scout hall at Warrimoo Oval in St Ives Chase. This will enable relocation and consolidation of local scouting activities. However to date, no specific funding has been provided to enable the relocation of the Girl Guides.

The adopted St Ives Village Green Landscape Masterplan proposes that the Girl Guides be relocated either within the park to an expanded community building adjacent to Memorial Avenue or to a more suitable less urban off-site location. The Girl Guides have indicated a preference for the latter option and an area adjacent to the existing Scout hall at Warrimoo Oval has since been identified as a possible location that may be suitable for this purpose.

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At a meeting held with the local Scout and Guide groups on 8 September 2010 both groups advised that:

- they had reservations regarding possible relocation to an alternative facility within the Village Green unless their specific individual requirements for separate storage, separate kitchens, separate hall space and separate access could be met;
- they had concerns regarding the ongoing compatibility of scout / girl guide activities within an increasingly urban park setting and regarding perceived conflicts with other user groups such as the BMX/Skaters; and
- that they considered that relocation of scouting and girl guide activities to a more suitable less urban alternative site was preferable as a long term solution provided it remained within the St Ives district.

It should be noted that if girls guides and scouts activities can be successfully accommodated off-site then the size of any proposed extension to the existing St Ives Village Green community building could also be reduced and that this would address some concerns raised during community consultation by the St Ives Progress Association regarding the size of any future extensions to the existing community hall.

Relocation of the Girl Guides to either location would be subject to further consultation to establish detailed requirements. This would include the use for meetings, storage, and amenity and kitchen facilities. The existing Girl Guides hall is approximately 130m<sup>2</sup> in size and it is anticipated that a replacement building of approximately 150m<sup>2</sup> would be required.

Based on available rates for similar construction [Rawlinsons Construction Cost Guide] it is estimated that the cost for relocating and building a new 150m<sup>2</sup> Girl Guides hall at St Ives at either location would require be at least \$150,000.

The relocation of the Girl Guides hall would provide a new facility for this volunteer based organisation for young girls and would facilitate the implementation of the first stage of the St Ives Village Green Landscape Masterplan by enabling the development of the new Youth Precinct and BMX-Skatepark which is separately funded by Council.

**2. St Ives Village Green youth precinct including skate and BMX park.**

*-\$50,000 application by Council.*

This project is consistent with the adopted masterplan and provides funding to develop a higher quality youth precinct that the current budget allows.

**3. Allan Small Park, East Killara - all-weather synthetic grass training facility**

*-\$37,500 application by Council*

This project is an all-weather synthetic grass training facility for football codes – located on top of new water storage tanks with floodlights and safety fencing to maximise the use of space. This application matches the funding allocated by Council in the 2010/11 Capital Works Program for this project.

**4. Allan Small Park, East Killara - stormwater harvesting and irrigation**

*-\$50,000 application by Council*

This project supplements Council funding for a stormwater harvesting and irrigation system at the playing field and building upon a \$20,000 grant received by Council in July 2010 from NSW Sport and Recreation for this project.

5. **Allan Small Park, East Killara – floodlights**  
*-\$60,000 application by Ku-ring-gai District Soccer Association (KDSA) and Gordon Football Club*  
 This project is for playing field floodlights, as previously approved by Council.
  
6. **Marian Street Theatre, Killara – commercial kitchen installation**  
*- \$150,000 application by Council*  
 This project is a continuation of upgrade works undertaken to provide a functional and safe community Theatre that is compliant with BCA, fire safety and access standards. Due to the age of the Theatre the existing kitchen can not be utilised as it is obsolete, a safety hazard and non-compliant. Funding for this project will also allow Council to bring forward outstanding disability access works.
  
7. **Koola Park, East Killara – sportsground extension and upgrade**  
 This project was considered for inclusion in this program however Council was notified in July 2010 that it has received \$100,000 from the NSW Government's Sport and Recreation Facility Grant program for the extensions and upgrading of the park to create an additional playing field for Ku-ring-gai. With this in mind Koola Park is not being recommended for inclusion in the NSW Community Building Partnership applications as it is considered that the projects listed above are of higher priority for this particular grant program.

***Ku-ring-gai electorate – Barry O'Farrell***

1. **Disabled Toilets at Canoon Road Recreation Area Netball Courts**  
*-\$25,000 application by Ku-ring-gai Netball Association (KNA) and Ku-ring-gai Council*  
 This project is for the installation of disabled toilet facilities at Canoon Road netball courts. Council has allocated a budget of \$25,000 in the 2010/11 Capital Works Program for this project to complement anticipated grant funding sought by Ku-ring-gai Netball Association. KNA has recently been notified that its application for funding for this project under the NSW Sport and Recreation Facility Grants Program was unsuccessful and therefore it is now seeking funding under the Community Building Partnership.
  
2. **Off-road bicycle park and trail along North Wahroonga Fire Trail**  
*-\$50,000 application by Council*  
 This funding would complement the current allocation adopted by Council for this project and enable the completion of an additional stage of the facility as designed. While providing much needed recreation facilities, it would also enable Council to better manage the construction of illegal tracks in bushland by redirecting users to a dedicated area.
  
3. **Edenborough Sportsground, Lindfield - irrigation, drainage and oval upgrade**  
*-\$75,000 application by Council*  
 This project is for irrigation, drainage and oval upgrade to complement existing stormwater harvesting system. This funding will allow a higher quality and more sustainable oval upgrade that would otherwise be possible with the existing budget allocation.
  
4. **Golden Jubilee Field, North Wahroonga – water recycling**  
*-\$50,000 application by Council*  
 This is a water recycling project to treat and reuse leachate from the old tip site for sportsfield irrigation and to manage runoff into Bobbin Head.

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5. **George Christie Playing Field, South Wahroonga – floodlights**  
*-\$100,000 application by Ku-ring-gai District Soccer Association and Wahroonga Tigers Football Club*  
This project is for sportsground floodlights, subject to the outcome of local community consultation and Council approval.
- 6 **Norman Griffiths Oval, West Pymble – amenities block upgrade**  
*-\$100,000 application by West Pymble Football Club*  
This project is for an upgrade to the amenities block and clubrooms funded by the West Pymble Football Club.

## CONSULTATION

Consultation has occurred with a number of groups and clubs affected by the proposed projects listed in the Comments Section of this report. These are consistent with long standing upgrades to the facilities as part of landscape master planning and Council's capital works program. It would be suggested that subject to Council's resolution in relation to the projects supported, that ongoing communication with the groups occur with elected representatives.

Other groups, such as the Community Garden at Turramurra have approached Council for support for this project. However as capital funding is not allocated in this year's budget, this group has been encouraged to submit their own application.

## FINANCIAL CONSIDERATIONS

All projects listed in this report that it is proposed Council apply have a budget allocation within the adopted 2010/11 Capital Works Program and do not require any additional funding from Council.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared by the Strategy and Environment Department in consultation with the Operations Department.

## SUMMARY

The NSW Government's Community Building Partnership will provide funding for local community projects in each electorate in New South Wales. This has been provided at a rate of \$300,000 for each electorate bringing the total for the Ku-ring-gai Local Government Area to approximately \$450,000 (most of the Ku-ring-gai electorate and approximately half of Davidson electorate allocations), possibly more depending on what other application are made within the Davidson electorate.

A list of projects have been nominated for Council's consideration. These projects are consistent with Council's strategy for the upgrading and long term sustainability of its sporting facilities, public areas, parks and ovals and complement adopted masterplan where they exist for specific sites.

## **RECOMMENDATION**

That Council support recommendations to apply for funding from the NSW Government's Community Building Partnership program.

Roger Faulkner  
**Team Leader Open Space  
and Recreation Planning**

Peter Davies  
**Manager Corporate Planning  
& Sustainability**

Andrew Watson  
**Director Strategy &  
Environment**