



5th March, 2002.

WORKS COMMITTEE MEETING

NOTICE IS HEREBY GIVEN THAT A WORKS COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 12TH MARCH, 2002 AT 6:00 P.M.

Committee Members: His Worship, the Mayor, Cr D. Sullivan, Crs Backes, Bastic (Chairperson), Greenwood, Schick, Seng and White (Deputy Chairperson) and Whitehead.

Quorum: Five (5) members.

NOTE: AT THE EXTRAORDINARY MEETING HELD ON 5TH SEPTEMBER, 2000, THE COUNCIL RESOLVED THAT THE WORKS COMMITTEE BE CONSTITUTED AS A COMMITTEE WITH FULL DELEGATION TO DETERMINE MATTERS ON THE AGENDA.

1 Apologies

2 Minutes

CONFIRMATION OF THE MINUTES OF THE WORKS COMMITTEE MEETING HELD ON TUESDAY, 12TH FEBRUARY, 2002.

3 Addresses to Committee by the Public

4 Mayoral Minutes

4.1 MAYOR'S MINUTE 6/2002 - KENSINGTON RSL - USE OF COUNCIL DAIS AND FLAGPOLES FOR ANZAC PARADE CEREMONY AT KOKODA PARK, KENSINGTON. 2

5 Works

5.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 18/2002 - ALISON PARK TOILET BLOCK FEASIBILITY STUDY OF PROPOSED REUSE. 3

5.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 19/2002 - FUNDING STRATEGY FOR MEETING 6

	OBLIGATIONS UNDER CONTAMINATED LAND MANAGEMENT ACT 1997 FOR FORMER LANDFILL SITES.	
5.3	DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 20/2002 - COUNCIL'S DRAFT MANAGEMENT PLAN IN RELATION TO S611 CHARGES.	9
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GENERAL MANAGER



MAYOR'S MINUTE 6/2002

SUBJECT:	KENSINGTON RSL - USE OF COUNCIL DAIS AND FLAGPOLES FOR ANZAC PARADE CEREMONY AT KOKODA PARK, KENSINGTON
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DATE:	28 February, 2002	FILE NO:	98/S/0096
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REPORT BY: MAYOR

INTRODUCTION:

A letter has been received from the Kensington Sub-Branch of the Returned and Services League of Australia (NSW Branch) for use of Council's portable dais and two flagpoles in Kokoda Park, Goodwood Street for the Annual Anzac Ceremony to be held on Sunday 21 April, 2002. This year will also see the dedication of the new memorial.

ISSUES:

It has been the practice to loan the stage to charities or non-profit organizations on a needs basis. There is no allocated budget for this type of activity so Council needs to allocate funds in the amount of \$2,800.00 to cover the cost of staff overtime in installing and dismantling the dais.

CONCLUSION:

It is considered that as the Kensington RSL is a non-profit organization \$2,800.00 be allocated to cover the costs involved.

RECOMMENDATION:

That Council vote \$2,800.00 to cover the cost of the installing and dismantling the dais and for the erection of two flagpoles for the annual Anzac Day Ceremony to be held on Sunday 21 April 2002.

ATTACHMENT/S:

Nil

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DOMINIC SULLIVAN
MAYOR

Director Asset & Infrastructure Services' Report 18/2002



SUBJECT:	Alison Park Toilet Block Feasibility Study of Proposed Reuse		
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DATE:	28 February, 2002	FILE NO:	98/S/4218
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REPORT BY: DIRECTOR ASSET & INFRASTRUCTURE SERVICES

INTRODUCTION:

Alison Park is located on Alison Road with The Avenue to the east, Abbey Street to the west and Frances Street to the north. The Park is used by the general community and provides a playground for Coogee Preparatory College. It is an important Park servicing the needs of the Randwick community.

At the south-western corner entrance to the park, adjacent to the Randwick shopping strip, there is a redundant toilet block/bus shelter dating from the 1950's. The feasibility of re-using the existing disused toilet block for the purpose of a Café has been investigated. Further to this a comparative assessment was made of providing a purpose built Café in the Park.

Patrick O'Carrigan and Partners, Architects, were engaged to complete the Feasibility Study.

2.0 BACKGROUND

A Master Plan for the Park was developed in the late 1980's and the Park has been refurbished consistent with the plan. The plan nominates the toilet block to be demolished.

The Council has recently undergone an urban furniture (JC Decaux) renewal project; an automatic toilet and bus shelter has recently been installed adjacent to the park on Alison Road. As a consequence the old toilet block /bus shelter has been closed.

Assets and Infrastructure prepared a brief for the Feasibility Study, the scope of services for this feasibility were as follows:

- Investigation into the feasibility of reuse of the existing building
- Sketch plan of café layout if reuse is feasible (based on available information).
- Preliminary investigation into appropriate locations for new café with preliminary layouts if reuse of existing building is not feasible
- Short written report that summarises issues, options and recommendations for providing a Café in Alison Park.

In the completed Feasibility Study Report a number of considerations and options in assessing the feasibility are described, these include:

- Site opportunities and constraints
- Urban analysis
- Precedents Study
- Design Options (3 options)
- Cost implications for each option

The Study investigates the pro and cons of three design options. These options are summarised in the following:

1. Option A: Adaptive Re-Use Proposal

- re use existing block. It would contain 10 tables of 4.
- separate kiosk at one end
- large kitchen space
- wasted capacity
- *“once a toilet block always a toilet block”*
- Cost estimate for Option – \$271000

2. Option B: New Café Proposal

- new purpose built building
- 8 tables of 4, 4 tables of 2
- allocation of functional areas to back of house
- optimum solar and environmental conditions
- increased visibility and commercial appeal
- Cost estimate for Option – \$226,000

3. Option C: New Café/Kiosk Proposal

- limited size: 4 tables of 2 + take-away
- allocation of functional areas to back of house
- would be partially concealed
- questionable economic asset
- Cost estimate for Option - \$125 000

In the Feasibility Study, **Option B-New Café Proposal** was recommended as the most viable option. This option would be most cost effective and provide a purpose-built and therefore more efficient building. The design of this building would also be of an appropriate style and scale for the park. As outlined in the report retaining the toilet block for adaptive reuse would require a number of compromises in the efficiency and design of the building.

Now it has been established that the disused toilet block is not feasible for reuse, the block should be demolished and the area restored to a paved square. This would reduce clutter around the new bus stop, improve night time safety and vastly improve views into the Park from Alison Road.

Assessment of providing a new Café should then occur. A program of public consultation would be undertaken to fully inform the public of the options for a Cafe.

ISSUES:

A number of possible issues arise from the development of a Café in Alison Park, these include:

- Alison Park does not at present have a Plan of Management; this proposal may trigger the need for a POM.
- Extensive community consultation would need to occur to meet the requirements of Dept of Land and Water Conservation.
- Funding options would need to be identified.
- Introducing new commercial use into Alison Park may meet opposition from immediate residents and local businesses. Appropriate management of the community information strategy is required.

CONCLUSION:

The development of a new Café in Alison Park could have beneficial community and financial advantages for the City of Randwick, and this should be further investigated. It is also now clear that the disused toilet block/bus shelter does not offer any useful reuse purpose.

Therefore it seems appropriate at this time to demolish the 1950's toilet block and investigate further a proposal for a Café in the Park

RECOMMENDATION:

1. That the disused toilet block in Alison Park be demolished as previously proposed in the landscape Master Plan. Utilities would be capped and the area repaved to complete the Square.
2. That further investigations and public consultation be undertaken into the feasibility and appropriateness of a new Café in Alison Park

ATTACHMENT/S:

Alison Park Toilet Block Feasibility Study of Proposed Reuse and letter - UNDER SEPARATE COVER.

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MICK SAVAGE
DIRECTOR ASSET &
INFRASTRUCTURE SERVICES

.....
TIM MCCARTHY
MANAGER - ASSETS



Director Asset & Infrastructure Services' Report 19/2002

SUBJECT:	FUNDING STRATEGY FOR MEETING OBLIGATIONS UNDER CONTAMINATED LAND MANAGEMENT ACT 1997 FOR FORMER LANDFILL SITES.
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DATE:	28 February, 2002	FILE NO:	98/S/4177 xr 98/S/0797
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REPORT BY: DIRECTOR ASSET & INFRASTRUCTURE SERVICES

INTRODUCTION:

At the Ordinary Council meeting on 18 September 2001, Council resolved to:

- a) Note the obligations under the *Contaminated Land Management Act 1997*;
- b) Note that first steps have been taken and the attached Report has been produced;
and
- c) Note that a further report will be submitted on subsequent action to be taken.

Section 60 of the *Contaminated Land Management Act 1997* places a duty on persons and owners of land to report that land has been contaminated in such a way as to present a significant risk of harm. Local Governments are bound by this requirement and can further enter a Voluntary Agreement with the EPA to either Investigate or to Remediate a contaminated site.

The first step is to get an accurate cadastral record of the boundaries of the site, coupled with any anecdotal or file evidence of previous site use. This work is still in progress. DAIS Report 76/2001 to Council on 18 September 2001 also concluded "Funding options should also be taken up with the State Government."

ISSUES:

Council does not have the financial resources to undertake its obligations under the *Contaminated Land Management Act 1997* and the potential cost of remediation was the subject of debate on this matter in Council on 18 September 2001.

Many of the contaminated sites within the Randwick area received material from various industries based in the Botany/Randwick industrial area. At the time, appropriate disposal technologies were often not yet developed and those persons managing the land at that time may not have understood the long-term impact of land filling.

In the United States, the Government passed the *Comprehensive Environmental Response, Compensation and Liabilities Act 1980* (the Superfund Act) and subsequently the *Superfund Amendments and Reauthorisation Act 1986*, to levy the petro-chemical industry and generate a central fund for the clean up of contaminated sites. It was subsequently found that some 49% of this fund was used up in legal costs resolving disputes over the ownership and liability for contaminated sites.

There is a need for the EPA to undertake program management of contaminated sites. A fault-based approach that would delay site clean up and the reduction of environmental harm due to legal issues is not the intent of the *Contaminated Land Management Act 1997*. There is a need for cooperative action between State and Local Governments, in the interest of reducing environmental harm and minimising the costs of investigation and remediation.

Rather than developing specific legislation for funding such work, an appropriate source of funds would be the hypothecation of a percentage of the Section 88 Levy. The Levy is applied under the *Protection of the Environment Operations Act 1997* to all operators of disposal facilities at the rate of \$17 per tonne and will move to \$20 per tonne in financial year 2002/2003.

Currently, 55% of the revenue from the Section 88 Levy is hypothecated back to the EPA for the Waste Fund, from which waste reduction programs and education are funded. If say 5% was hypothecated to a Contaminated Site Management Fund and 50% to the Waste Fund, this would enable much of the preliminary investigation and urgent remediation work to be undertaken on a prioritised program basis.

The changes to Waste Service NSW landfill pricing in mid 2001 included an element to amortise the future cost of landfill site rehabilitation and remediation, thus setting a precedent that the Government's waste facility provider can build up funds to meet the future costs of its previous landfill practices. No such facility is available to Local Governments, yet Council has paid around \$700,000 in Section 88 levies to the NSW Government in 2001/2002.

CONCLUSION:

Council has a legitimate case for requesting the State Government to consider a proposal for funding the management of contaminated sites, which would not involve any new levy or charge. A reduction in the Waste Fund of 5% would have little impact on waste reduction programs. A Contaminated Site Management Fund would ensure that funds are dedicated to actual work on sites in local government areas and not on legal issues about the origins of the material in those sites.

RECOMMENDATION:

That Council:

- a) Note the proposal for a funding strategy for meeting obligations under the *Contaminated Land Management Act 1997*; and

- b) Write to the State Government outlining the proposal as a major initiative in reducing environmental harm from former landfill sites, with particular emphasis on those sites in the Randwick area that impact on coastal waters and the Botany aquifer.

ATTACHMENT/S:

Nil

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MICK SAVAGE
DIRECTOR ASSET &
INFRASTRUCTURE SERVICES

.....
RUSSELL WADE
MANAGER - WASTE

Director Asset & Infrastructure Services' Report 20/2002



SUBJECT:	Council's Draft Management Plan in Relation to S611 Charges.
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DATE:	28 February, 2002	FILE NO:	98/s/3575
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REPORT BY: DIRECTOR ASSET & INFRASTRUCTURE SERVICES

INTRODUCTION:

A number of years ago Council resolved by adoption of its Management Plan that Telstra and Optus would be levied for using public places (roads etc) to run their cables under S611 of the Local Government Act, 1993 which states:-

S611 Annual charge on rails, pipes etc.

611 (1) (**Under or over public place.**) A council may make an annual charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.

(2) (**Treated as a rate.**) The annual charge may be made, levied and recovered in accordance with this Act as if it were a rate but is not to be regarded as a rate for the purposes of calculating a council's general income under Part 2.

(3) (**Based on benefit.**) The annual charge is to be based on the nature and extend of the benefit enjoyed by the person concerned.

(4) (**Appeal against amount.**) If a person is aggrieved by the amount of the annual charge the person may appeal to the Land and Environment Court and that Court may determine the amount

(5) (**Error of law.**) A person dissatisfied with the decision of the Court as being erroneous in law may appeal to the Supreme Court in the manner provided for appeals from the Land and Environment Court.

(6) (**Section does not apply**) This section does not apply to

- a. the Crown or
- b. the Sydney Water Corporation the Hunter Water Corporation or a water supply authority or
- c. Rail Infrastructure Corporation or

- d. the owner or operator of a light rail system (within the meaning of the Transport Administration Act 1988) but only if the matter relates to the development or operation of that system and is not excluded by the regulations from the exemption conferred by this paragraph

Following requests for payment by Randwick and number of other councils, Telstra and Optus appealed against these charges by taking a number of councils including Randwick to court. The Local Government Association retained Deacons on behalf of all NSW Councils to represent Randwick in these proceedings.

The Land and Environment Court proceedings in relation to the exercise of Council's powers/under S611 were adjourned in 1999 until the Federal Court proceeding in relation the existence of these powers was determined.

The councils involved in the proceedings in the Federal Court were successful in defending the challenges made by Telstra and Opus to the levying of S611 charges on the cables in the public place. Justice Wilcox delivered his decision in favour of these councils in December, 2000.

Telstra and Optus have since lodged an appeal to the full Federal Court comprising these (3) judges. This appeal was heard on 28,29 and 30 May, 2001 and the judgment is reserved.

Depending on the outcome of this appeal, there may be an application to the High Court to overturn the previous decision. It is therefore possible that these proceedings may not be finally determined for a couple of years.

Should the appeals process be exhausted and a decision reached in favour of the councils, proceedings will then recommence in the Land and Environment Court in relation to the exercise of the power to levy the S611 on Telstra and Optus.

It is therefore important to ensure that the manner of levying these charges is carried out in a way which would fully and legally satisfy the Land and Environment Court.

ISSUES:

A formula for calculating S611 charges has not been provided by the court or legislation. Council has in the past utilised a kilometre rate method for these charges. This was originally suggested by the Local Government Association. The actual lengths involved have been guesses as the carriers have not responded to correspondence requesting information relating to the amount of their plant in public places.

Telstra and Optus contend that S611 charges by local government authorities are in breach of Clause 44, Schedule 3 of the Telecommunications Act 1997 dealing with legislation which discriminates against carriers and users of carrier services. Council must not discriminate against a particular carrier or a particular class of carrier or against carriers in general.

Required Procedures

The Local Government Association in consultation with Deacons has endorsed the following procedure for the levying of S611 Charges.

A registered letter is sent to all telecommunications companies for which addresses are available, advising of S611 Randwick Council's intentions to make a charge, requesting information in relation to the 14 types of telecommunications structures located in the Randwick Council area. The letter asks who owns the structures and who enjoys the use of them. Council should request for the Randwick City area the number of

- a. Residential fixed line customers (including telephone, internet and pay TV services)
- b. Residential mobile customers (including telephone and internet services)
- c. Business on fixed line customers (including telephone, internet and pay TV services)
- d. Business mobile customers (including telephone and internet services)

The letter also advises these companies of the proposed S611 charges contained within the Draft Management Plan and invites them to make submissions to Council. The proposed letter is referred to in Attachment 1.

Following the mail out of the letter the following steps have become apparent as a result of meetings between the affected councils and Deacons:

1. Agreement on the text for the Draft Management Plan.
2. Separate report to Council on this matter, explaining the situation and recommending inclusion of these charges in the Draft Management Plan.
3. Council resolution supporting above recommendation.
4. Letter to all of the above carriers advising of the inclusion of these charges in the Draft Management Plan and inviting their comments on these charges.
5. Adoption of S611 charges in the Management Plan by Council following consideration of relevant comments thereby levying the charge.
6. Raising the invoice for these charges with the Carriers.

Valuation Advice

The nature of the benefit enjoyed by the telecommunications companies from their structures on public land within the Randwick City area includes

- Cost savings benefits and
- Revenue benefits

Deacons, through the engagement of Michael Paris of Henley, Paris and Partners have examined the following matters:-

- The cost savings benefit of having above ground cabling as oppose to underground cabling and
- The revenue benefit derived from telephone, internet and pay TV services

Blacktown Council retained the valuer separately to do a detailed report on their local government area. Blacktown requested an analysis of the appropriateness of making the charge according to revenue benefit and a justification of the percentage of that revenue benefit that should be charged. The report also gave Blacktown an analysis of the cost savings benefits which are subject to the S611 charge.

For ethical reasons, the details of the report cannot be included. However, Deacons have confirmed that the valuer has advised that an appropriate S611 charge for the Draft Management Plan is 6% of gross revenue earned by telecommunications companies in local government areas.

Also identified are three components of cost savings benefits, which would equate to a 6% charge under S611.

- The cost savings benefits of cables being installed above ground as opposed to being placed underground
- The cost savings benefit of lower transmission maintenance costs of cables which have been placed under ground, and
- The cost savings benefit of council maintenance of path paving and lawns around telecommunications facilities

The 6% recommended revenue benefit is in line with similar charges in agreements at the international level reached by local governments in negotiations with telecommunications companies where a fee of 5% of the gross revenue earned plus a subscriber fee of between US 79 cents and US \$1.30 per month is most common. In the United States other benefits to Governments and their residents are often included within the agreements.

Proposed S611 charges on other authorities/organizations

This report also considers S611 charges for other structures in the Randwick City area.

These structures include

- A. post boxes and
- B. gas and oil pipelines

Council is excluded by law from considering electricity transmission lines and water pipelines as a structure subject to S611 charges. Bus shelters and restaurants on footpaths are structures currently covered by licence agreements in lieu of S611 charges. However, when such licences expire, it is suggested that current valuation advice to be sought and S611 charges and agreements be recommended to Council in relation to any such structures. Council has recently resolved to exclude clothing collection bins from public areas within the City of Randwick and as such these items are not an issue as they are in other areas.

Post boxes

Council is waiting advice from the Deacons and the Local Government Associations on whether Australia Post may be subject to S611 charges in relation to its structures on

public land. If section 611 charges may levied then a valuation in terms of section 611 will be required. It would then be appropriate to request Australia Post to identify the revenue referable to letters posted at post boxes located on public land in the Randwick Council. In recognition of the benefit to the public of post boxes at convenient locations on public land, Council may then wish to indicate if a discount should be considered on any proposed S611 charges to be offered to Australia Post for that reason.

Gas and oil pipelines

Council currently enjoys revenue from S611 charges on AGL in relation to gas pipelines in the Randwick Council Area. The basis of the charges were originally determined by the courts in 1918 between Katoomba Municipal Council and the Leura Gas Company. AGL unsuccessfully challenged the charges in 1922, 1947 and 1951.

The charge on gas companies is based on 0.75% of gross revenue or the equivalent of 6% of the net profit from gross sales revenue in each local government area. The Local Government Association is investigating a review of these charges. Council will be advised of the outcome of this review when it becomes available.

PREVIOUS YEAR'S MANAGEMENT PLAN

The current Management Plan includes S611 charges as follows:-

Fee/charge Description	2000/2001			2001/2002		
	Fees excl. GST	GST	Total	Fees excl. GST	GST	Total
	\$	\$	\$	\$	\$	\$
1 CABLE CHARGES						
Charge under S611 of Local Government Act 1993 for Telecommunications/Cable TV						
All cables component charge (In the case of Optus Vision initial rate will be \$302.5/km (inclusive GST of \$27.5) and after five years the rate will be \$550/km inclusive GST of \$50))	500/km	50/km	550/km	515/km	51.50/km	566.50/km
Overhead component charge	500/km	50/km	550/km	515/km	51.50/km	566.50/km

As indicated earlier in this report, these figures are related to those originally provided by the LGSA.

CONCLUSION:

The S611 charges recommended by the valuer appear to be reasonable in terms of cost savings benefits and revenue benefits which telecommunications companies receive from their having their plant located in the public place. In order to ensure that discrimination does not occur, Council should likewise levy a S611 charge on all other authorities/organisations (unless excluded by law or existing licences/leases etc) which utilise the public place for the purposes of conducting their businesses.

It is considered that the proposed S611 charges appearing in Attachment 2 be included in the 2002/2003 Draft Fees and Charges which form part of the 2002/2005 Draft Management Plan and that the affected authorities/organisations be invited to make submissions regarding the proposed S611 charges during the exhibition of the amendments to the Draft Management Plan 2002/2005 which relate specifically to S611 charge.

Council will then be able to consider any submissions before adopting the S611 charges for 2002/2003.

RECOMMENDATION:

1. That the proposed S611 charges appearing in Attachment 2 be included in the 2002/2003 Draft Fees and Charges which form part of the Draft Management Plan 2002/2005.
2. A report be presented to Council on submissions made to Council following the exhibition period of the proposed S611 charges in the 2002/2003 Draft Fees and Charges which form part of the Draft Management Plan 2002/2005.
3. A report be presented to Council in relation to the proposed S611 charges on Australia Post when legal advice from the Local Government & Shires Association is received.
4. A report be presented to Council in relation to the review of S611 charges on gas and oil pipelines when advice has been received from the Local Government Association.

ATTACHMENT/S:

1. Letters to Telecommunication Companies regarding Proposed Charges Under S611.
2. 2002/2003 Draft Fees & Charges which form part of the Management Plan.

.....
MICK SAVAGE
DIRECTOR ASSET &
INFRASTRUCTURE SERVICES

.....
FRANK ROTA
MANAGER-DESIGN

ATTACHMENT 1

Dear Sir/Madam,

Charges proposed to be made under S611 of the Local Government Act 1993 for the year ending 30 June, 2003.

The Council proposes to include in its Management Plan for the year ending 30 June, 2003, charges pursuant to Section 611 of the Local Government Act 1993 (NSW).

The charges will be made on all persons who during the year from 1 July, 2002 to 30 June, 2003 are in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended constructed or placed on under or over a public place as defined for the purposes of the Local Government Act 1993. These charges will be based on the nature and extent of benefit enjoyed by the person concerned.

We understand that you are in possession, occupation or enjoyment of items covered by S611 and within the Randwick Local Government Area. We enclose a map showing the boundaries of the Randwick Local Government Area.

For the purpose of making and levying charges under S611 the Council would like to have available to it all relevant information. We ask you to provide the Council with any information which you consider to be relevant. In any event, we request that you provide information on the following matters.

A. Please identify whether you possess, occupy or enjoy any items within S611 in the Randwick Local Government Act, including any of the following:-

- Head ends
- Hubs
- Ducts
- Appliers
- Line Power supplies
- Directional couples
- Taps
- Pedestals
- Aerial cables
- Poles
- Transformers
- Pits
- Manholes
- Telephone booths

Would you please specify the location and dimensions of each item.

B. In relation to each such item would you also please specify

- Who owns the item

- Who enjoys the use of the item
- C. Please specify for the Randwick Local Government Areas as at April, 2001 the number of
- residential fixed line customers (including telephone, internet and pay TV services)
 - residential mobile customers (including telephone and internet services)
 - business fixed line customers (including telephone, internet and pay TV services)
 - business mobile customers (including telephone and internet services)

which you company has -

- D. Paul Budded of Paul Budded Communications Pty Ltd has provided council with estimates of the average expenditure per Australian household on fixed mobile internet and pay a TV services for the calendar year 2000. Mr Budded has provided the Council with some general information in relation to Australian businesses and their expenditure on telecommunication services (including telephony, fixed line and mobile, and data services. The information includes the following:-

<i>Market segment</i>	<i>No of businesses</i>	<i>Annual spending</i>
Top 100 customers	100	\$5 million pa
Corporate customers	2,500	\$200,000-\$5 million
Small corporate	11,000	\$40,000-\$200,000
Median business	25,000	\$15,000-\$40,000
Small business	200,000	\$15,000 (min 3 lines)
Small business	600,000	\$15,000 (min 2 lines)

There are businesses within each of the categories referred to above, except perhaps the first, within the Randwick Local Government area. We would appreciate you indicating whether these estimates are reasonable and what proportions your company receives of the total revenue, Australia wide

- E. Please also specify the average annual revenue which your company earns and in Australia from:-
1. Residential fixed line customers (including telephone, internet and pay TV services)
 2. Residential mobile customers (including telephone and internet services.
 3. Business fixed line customers including telephone internet and pay TV services.
 4. Business mobile customers including telephone and internet services

If you are able, we also ask you to provide that information in relation to residences and businesses local in the Randwick local government area.

- F. In respect of ducts, cables and other infrastructure which your company possesses or occupies or enjoys the use of in the Randwick local government area pleased specify

what if any revenue you receive from other providers of telecommunications including telephony internet and pay TV services

It is intended that an amended part of the draft Management Plan dealing with S611 charges will go on exhibition shortly. The exhibition period will run for 28 days from the date of first exhibition during which period you will be invited to make submission in relation to the proposed section 611 charges.

If you have any questions please do not hesitate to contact Frank Rota on 9399 0906.

Yours faithfully

Gordon Messiter
GENERAL MANAGER

<i>NAME</i>	<i>ADDRESS</i>
Hutchison Telecommunications (Australia) Ltd	85 Fowler Street, Camperdown NSW 2050
Cable & Telecomes Pty Ltd (formerly Commcord Pty Ltd)	Level 4 South Shore Plaza 812 The Esplanade South Perth WA 6151
Ozitel Network Pty Ltd (formerly Communications Site Rentals Pty Ltd)	3 Byfield St North Ryde NSW 2113
West Coast Radio Pty Ltd	141 Mahdarah Tec Mandurah WA 6210
Pulsat Communications Ltd	Level 9/176 Wellington Pde East Melbourne VIC 3002
Global Dial Pty Ltd	PO Box 829 Claremont WA 8010
Swiftel Communications Pty Ltd	Level 18, QV! Building 2150 St George's Terrace Perth WA 6000
Smart Radio Systems Pty Ltd	26 b Bombala St Cooma NSW 2630
Broadband Access Pty Ltd	30 Kent St Belmore 2192
Central Exchange Limited	Lev 14/221 St Georges Tce Perth WA 6000
Opentec Pty Limited	Unit A2/6 Lyon Park Rd North Ryde NSW 2113
Netcare Telecommunications Pty Ltd	5 Belmore Ave Belmont WA 6104
NetComm Limited	2-6 Orlon Rd Lane Cove NSW 2066
Macquarie Corporate Telecommunications Network Carrier Services Pty Ltd	Level 6 33 Bligh St Sydney NSW 2000
ETSA Utilities	47-61 Barnes Ave Marleston SA 5033
Boeing Australia Ltd	Cnr Maroondah Hwy & Sheep Rd Lilydale VIC 3140
National Power Services	29 Nestor Drv Meadowbrook QLD 4131
Chariot Internet Limited	214 Greenhill Rd Eastwood SA 5063

Telstra Corporation Ltd	Level 41, 242 Exhibition Street Melbourne Victoria 3000
Telstra Multimedia Pty Ltd	Level 1, 157 Walker St North Sydney 2060
Cable & Wireless Optus Limited (formerly Optus Communications Pty Ltd)	101 Miller St North Sydney 2060
Optus Networks Pty Ltd (formerly Aussat Pty Ltd)	100 Willarong Rd Caringbah 2229

ATTACHMENT 2

Paragraphs to be inserted in the Randwick Draft Management Plan in relation to proposed Section 611 Charges

The Council proposes to make charges on all persons during the year from 1 July 2001 to 30 June 2002 for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place as defined for the purposes of the *Local Government Act* 1993 (NSW) (referred to hereafter as 'structures').

The proposed charges are to be based on the nature and extent of the benefit enjoyed by the person concerned.

As to telecommunications companies

Telecommunications companies, including companies from the Telstra and Optus groups, possess, occupy or enjoy structures located on, under or over public land in the Randwick local government area.

The nature of the benefit enjoyed by the telecommunications companies from these structures include:

1. Revenue benefits
2. Cost savings benefits

Randwick Council proposes to make an annual charge that is based on the amounts calculated from 1. and 2. above, the revenue benefits and the cost savings benefits.

1. The revenue benefits include the capacity to earn revenue from:

Fixed line telephony services provided to its customers using telephones located in the Randwick local government area, including for making and receiving calls

Fixed line email and Internet services provided to its customers within the Randwick local government area

Fixed line cable, TV services provided to its customers within the Randwick local government area

Mobile telephony and Internet services provided to its customers using structures located in, under or below public land in the Randwick local government area.

Other providers of telecommunications services for use by them of ducts, subducts, cables, fibres and other structures owned by the person concerned.

Subject to consideration of any submissions made to Council, the Council proposes to make section 611 charges which include as a component a proportion of the revenue benefit, excluding GST, received by each person concerned from its

possession, occupation or enjoyment of structures located in public places in the Randwick local government area.

The charge will be made at 6% of the gross revenue earned in the Randwick local government area, exclusive of GST.

2. The cost savings benefits

- Include those arising by reason of cables being installed **above ground** rather than below ground. The extent of the cost-saving benefits to those companies who installed networks within the Randwick local government area is \$1133 per kilometre per annum of cable installed, calculated over the asset life of 20 years.
- Also include those arising by reason of cables being installed **below ground**. The extent of the cost-saving benefits to those companies who installed networks within the Randwick local government area is \$566 per kilometre per annum of cable installed, calculated over the asset life of 20 years.
- Additionally include preservation of structure possessed, occupied or enjoyed by the person concerned arising as a result of council's expenditure on tree lopping and maintenance of surfaces and ancillary works. The extent of the benefit is \$500 per kilometre per annum of cable.

The annual charge will be made at a rate of \$566 (incl GST) per Km for the annual rental of the space used for below ground cables, \$1133 (incl GST) per Km for the annual rental of the space used for above ground cables and \$500 (incl GST) per Km for maintenance and preservation of Council infrastructure above and over the ground.

As to gas and oil companies

1. AGL possesses, occupies or enjoys structures located on public land in the Randwick local government area. These structures include pipes. The length of pipe in the Randwick local government area is _____. The Council proposes to make a charge based on the revenue benefit derived from those structures by AGL. Other gas and oil companies possess, occupy or enjoy structures located on, under or over public land in the Randwick local government area. The Council proposes to make a charge based on the revenue benefit derived from the structures by these other oil and gas companies.

As to Australia Post

2. Australia Post possesses, occupies or enjoys structures located on public land in the Randwick local government area. These structures include post boxes. The nature of the benefit enjoyed by Australia Post from these structures includes the capacity to earn revenue from the posting of mail in the post boxes. The extent of the revenue benefit to Australia Post in connection with these

structures is that revenue earned from letters posted at post boxes on public land in the Randwick local government area.

The Council proposes to make a charge based on the revenue benefit derived from the structures by Australia Post.

The Council proposes to ask Australia Post to identify the revenue referable to letters posted at post boxes located on public land in the Randwick local government area.

The Council recognises the benefit to the public of post boxes and proposes to give a discount on the section 611 charges otherwise to be paid by Australia Post for that reason.

As to street advertisers

3. Businesses use public places to advertise on and above public land in the Randwick local government area.

These businesses will obtain revenue benefits from the presence of the advertising in public places and ordinarily would pay a price for such advertising.

The Council proposes to make a charge based on the revenue benefit derived from advertising by these businesses.

As to other structures

Other persons, including businesses or organisations (which are currently not licence holders) which possess, occupy or enjoy structures located on, under or over public land in the Randwick local government area.

The Council proposes to make a charge based on the revenue benefit derived from the structures by these other persons