

HAWKESBURY SHIRE COUNCIL

BUSINESS PAPER

SPECIAL MEETING - TUESDAY, 23RD SEPTEMBER, 1986.

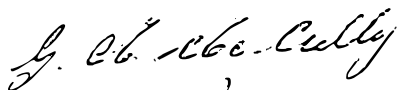
September 16, 1986

A SPECIAL MEETING of Council will be held
in the Council Chambers, Windsor on TUESDAY, 23rd SEPTEMBER, 1986
commencing at 9.30 a.m. for the transaction of the following business :

1. FIXING PRESIDENTIAL ALLOWANCE
2. ELECTION OF SHIRE PRESIDENT
3. ELECTION OF DEPUTY SHIRE PRESIDENT
4. APPOINTMENT OF COMMITTEES, DELEGATES
AND REPRESENTATIVES
5. GOVERNMENT OFFICE BLOCK
6. LOCAL GOVERNMENT & COMMUNITY HOUSING
PROGRAMME

Your attendance would be appreciated.

Yours faithfully,



G.M. McCully
Shire Clerk/General Manager.

SHIRE CLERK/GENERAL MANAGER'S REPORT

SPECIAL MEETING - 23RD SEPTEMBER, 1986

The President and Councillors :

1. PRESIDENTIAL ALLOWANCE

The allowance for the current term is \$8,320 plus 8% (\$8,985.60)

(Note : A large part of the allowance is used for entertainment. In 1985 the Federal Government removed entertainment as a deduction and thus, with minor exceptions for say dry cleaning, there are no deductions for taxation purposes. The Council may consider this in setting the allowance.)

2. ELECTION OF SHIRE PRESIDENT

The following provisions in Ordinance 2 apply to the election of Shire President :

"Nominations

Nominations for the office of Mayor or President may be made without notice by any members, and shall be in writing. If there be only one nomination, or if all the nominations except one be withdrawn, or if all the persons nominated except one decline nomination, then the Chairman shall declare that one elected.

Method of Election

- (a) Where more than one candidate are left in the election, the Council may by resolution decide whether the election shall be carried out by -
 - (i) ordinary ballot, or
 - (ii) preferential ballot, or
 - (iii) open voting.
- (b) Where there is no resolution aforesaid the election shall be by ordinary ballot.
- (c) Where the election is by ballot the Clerk shall be the Returning Officer; the ballot shall be conducted by the preparation marking and counting of ballot papers in the presence of the Council; and it shall not be necessary to carry out all the procedure of a secret ballot as outlined in Ordinance No. 9.
- (d) Where the election is by ordinary ballot the Clerk shall decide the manner in which votes are to be marked on the ballot papers.
- (e) Where the election is by ordinary ballot or open voting the following provisions apply :
 - (i) Where there are only two candidates the Clerk shall declare elected that candidate who receives the higher number of votes.

- (ii) Where there are three or more candidates the candidate who receives the lowest number of votes shall be excluded.
 - (iii) Where there are three or more candidates remaining after the exclusion of a candidate under subparagraph (ii) a further vote shall be taken respecting those candidates and the candidate who receives the lowest number of votes shall be excluded.
 - (iv) Where there are three or more candidates remaining after the exclusion of a candidate under subparagraph (iii) the procedure set out in that subparagraph shall be repeated until only two candidates remain.
 - (v) Where there are only two candidates remaining after the exclusion of a candidate or candidates under subparagraph (ii), (iii) or (iv) a further vote shall be taken respecting those candidates and the Clerk shall declare elected that candidate who receives the higher number of votes.
- (f) Where the election is by preferential ballot the following provisions apply :
- (i) A member shall mark his vote on the ballot paper by placing the figure (1) opposite the name of the candidate for whom he desires to give his first preference vote, and by placing consecutive figures (commencing with the figure "2") opposite the names of the remaining candidates, so as to indicate by numerical sequence the order of his preference for them.
 - (ii) If a candidate has an absolute majority of first preference votes he shall be declared by the Clerk to be elected.
 - (iii) If no candidate has an absolute majority of first preference votes the candidate with the lowest number of first preference votes shall be excluded and the votes on the ballot papers counted to him shall be transferred to the candidates in whose favour second preferences are marked thereon.
 - (iv) If any candidate then has an absolute majority of votes he shall be declared by the Clerk to be elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his ballot papers to the candidates remaining in the election next in order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes.
 - (v) The candidate who has received an absolute majority of votes after the counting of votes under subparagraph (iv) shall be declared by the Clerk to be elected.

- (vi) In this paragraph "absolute majority" in relation to votes means a number which is more than one-half of the number of formal ballot papers.
- (g) Notwithstanding the provisions of paragraph (e) and (f), if on any count of votes at any election under this clause, the number of votes cast for two or more candidates is equal and those candidates are -
 - (i) the only candidates in the election or the only candidates remaining in the election; or
 - (ii) the candidates with the lowest number of votes on the count of votes;

the Clerk shall determine by the drawing of lots which of those candidates shall be excluded or elected, as the case may be, and the following provisions apply :

 - (iii) the manner of drawing of lots shall be as decided by the Clerk and announced to the Council.
 - (iv) where there are only two candidates in the election or where only two candidates remain in the election, the candidate whose name is first drawn shall be deemed for the purposes of paragraph (e) to have received the highest number of votes or for the purposes of paragraph (f) to have received an absolute majority of votes.
 - (v) In all cases to which subparagraph (iv) does not apply the election shall proceed as if the number of votes received by the candidate whose name is first drawn had been lower than the number of votes received by any other candidate on the count of votes."

3. ELECTION OF DEPUTY SHIRE PRESIDENT

The above provisions in Ordinance 2 also apply to the election of Deputy Shire President.

4. APPOINTMENT OF COMMITTEES, DELEGATES & REPRESENTATIVES. C50/2

Hereunder is a list of Committees which have been appointed by Council, delegates, and other organisations on which Council is represented :

<u>Committee</u>	<u>Composition</u>	<u>Representatives (Councillors)</u>
General Purpose	Full Council	Full Council
Town Planning	Full Council	Full Council

Extractive Industry	President 3 Councillors Shire Clerk Shire Engineer	President Clr.R.F.Rotherham Clr.F.S.Stevens Clr.C.J.Stanley
Local Traffic	1 Councillor 1 Alternative Councillor Shire Engineer Local State Member 2 Members Police Dept. 1 Member D.M.R. 1 Member Traffic Authority of N.S.W. 1 Member Dept.Motor Transport	Clr.J.E.Nicholson (Chairman) Clr.C.J.Stanley (Alt.)
Bicentenary Park	President 3 Councillors Shire Engineer Mr.A.Biggs Mr.I.McEwan Mr.R.Miller Mr.C.Todd Mr.N.Wenzel	President Clr.A.B.Sheridan Clr.F.S.Stevens Clr.R.F.Rotherham
Tourist Promotion	Shire President 4 Councillors Mr.C.Sullivan Mr.A.Hendrikson 1 Rep.Windsor Chamber of Commerce 1 Rep.Richmond & District Chamber of Commerce 1 Rep.Hawkesbury Historical Society Deputy Shire Clerk	Shire President Clr.R.P.Stubbs Clr.F.Y.Denne Clr.S.E.Durrington Clr.C.J.Stanley
Sister City	Shire President 2 Councillors Shire Clerk	Shire President Clr.J.J.Horrex Clr.R.F.Rotherham
Bicentenary Art Exhibition & Gallery	Shire President 2 Councillors Shire Clerk Mr.T.Hayes Mr.M.Doyle Mr.C.Parker Mr.B.Jones Mr.W.Wells	Shire President Clr.F.S.Stevens Clr.S.E.Durrington

Job Training Scheme	Shire President 1 Councillor Shire Clerk Deputy Shire Clerk Manager/ess Commonwealth Employment Service	Shire President Clr.P.A.Dunn
Australia Day Awards	Shire President Deputy Shire President Shire Clerk Mr.D.G.Bowd Mrs.J.Peare Mr.J.Milne Mr.B.E.Brown Mrs.M.Overmyer	Shire President Deputy Shire President
Committee to Investigate the Status & Potential Development of the Hollands Paddock Area & Its Environs	Four Councillors 2 Reps.Windsor Chamber of Commerce 2 Reps.Windsor Businessmen's Association Deputy Shire Clerk Shire Planner	Clr.P.A.Dunn Clr.C.J.Stanley Clr.S.E.Durrington Clr.R.P.Stubbs
Rating Review	Shire President 3 Councillors Shire Clerk or his Nominee	Shire President Clr.C.J.Stanley Clr.F.S.Stevens Clr.R.F.Rotherham
Australiana Pioneer Village	Shire President 4 Councillors Shire Clerk Deputy Shire Clerk Treasurer	Shire President Clr.F.Y.Denne Clr.S.E.Durrington Clr.R.P.Stubbs Clr.C.J.Stanley
Government Office Block	Shire President 3 Councillors Shire Clerk Deputy Shire Clerk Treasurer	Shire President Clr.R.F.Rotherham Clr.P.A.Dunn Clr.C.J.Stanley
Working Party - Foundation for Excellence in Junior Sport within the Hawkesbury Shire	2 Councillors Shire Planner Youth Recreation Officer	Clr.C.J.Stanley Clr.A.B.Sheridan

Hawkesbury Community Services Consultative	4 Councillors	Clr.F.Y.Denne (Chair- person)
	Deputy Shire Clerk	
	Shire Planner	Clr.S.E.Durrington
	Community Project Officer	Clr.J.J.Horrex
	(Secretary)	Clr.F.S.Stevens
	3 Reps.Community	
	1 Rep.Service Clubs	
	1 Rep.Hawkesbury Ministers Fraternal	
	1 Rep.Hawkesbury Interagency	

Other Organisations on which Council is represented :

Joint Councils River Committee	Shire President	Shire President
	1 Councillor (Alternative)	Clr.J.J.Horrex
	Council Technical Officers	(Alternative)
Heritage Advisory Committee	1 Councillor	Clr.R.P.Stubbs
	Shire Planner	(Chairman)
	Shire Health Surveyor	
Western Sydney Regional Organisation of Councils (WSROC)	2 Delegates	Clr.J.J.Horrex
		Clr.F.S.Stevens
WSROC Group Apprentices Scheme	1 Delegate	Mr.J.R.Gilmore
Macquarie Towns Festival Committee	3 Councillors	Clr.R.P.Stubbs
	C.Daley, Works Engineer	(Chairman)
	E.Manning, Executive Officer	Clr.F.Y.Denne
		Clr.F.S.Stevens
Richmond/Windsor Housing Advisory Committee	1 Representative	Clr.A.B.Sheridan
Bicentenary Community Committee	1 Councillor	Deputy Shire President
	Administrative Officer - Secretary (S.Porter)	
	Shire Engineer	
	Community Arts Officer	
Environmental Noise Pollution Committee	2 Councillors	Clr.A.B.Sheridan
	3 Reps. Public	Clr.R.P.Stubbs
	1 Member Health & Bldg. Department	
	1 Member Planning Dept.	
	Representative of RAAF	

Australian Nuclear Free 2 Delegates
Zones Secretariat

Clr.W.J.Sledge
Clr.F.S.Stevens

Museum & Information 1 Councillor
Centre Committee

Clr.R.P.Stubbs

Steering Committee 1 Councillor
Local Government Shire Planner
Housing Initiatives
Programme

Clr.A.B.Sheridan

Hawkesbury Co-Ordin- 2 Councillors
ating Group for the
Handicapped

Clr.F.Y.Denne
Clr.S.E.Durrington

IT IS RECOMMENDED THAT the Committees and representatives on the various organisations be re-appointed.

5. GOVERNMENT OFFICE BLOCK. C52/3

Council's attention is drawn to Item 12 of the Shire Clerk/General Manager's Report to the Ordinary Meeting of Council held on 9th September, 1986 (Page 14), concerning construction of a Government Office Block on land purchased from the Sisters of the Good Samaritan Convent.

Following receipt of late correspondence from the Oakes Group of Companies, the matter was deferred and the letter received is reproduced in full below :

"Further to previous correspondence on the above proposed development by both ourselves and Mortgage Acceptance Corporation Limited, we would take this opportunity to review matters and restate our desire to be successful in constructing and financing the office block at Windsor.

As this has been a long running matter it is considered opportune to review events leading to this point in time.

In about March 1985 Mr.Ian Green and the writer looked at various properties in Windsor with a view to carrying out a Retail/Commercial Development. In April 85 we decided to proceed with an option on the 3 sites owned by Mr.Max Day, the McEwans and Cumberland Newspapers. Our Solicitors were instructed to draw up the necessary option agreements. Whilst they were being prepared we took action in two directions :

- (a) We approached Council with regard to what could be developed on the site, and
- (b) We commissioned Mr.John Wilson of L.J.Hooker, Parramatta to find tenants for our proposed project.

Unknown to us Mr.Wilson was previously employed by the Department of Administrative Services and was aware of the Department's need for additional space in the Windsor area. We carried on discussions with the Department through Mr.Wilson for about one

month having two sketch plans prepared and an option to lease agreement also prepared up to this time we were not made aware of which Government Department was to be our tenant, however after a site meeting at which time the Department of Administrative Services attended accompanied by a representative of the Department of Social Security we were then formally advised that it would be the Department of Social Security.

This tenant was to be the mainstay of our development and now that we were aware that our proposed tenant was currently Council's tenant it was decided to talk with Council. Following preliminary discussions with Council's Officers it was recommended that we discuss the matter with Mr. McCully as to the implications to Council of the possible loss of their tenant and the overall plans under consideration by Council for an expansion of their own commercial space.

A number of meetings and phone discussions were held and we agreed to :-

- (a) Not proceed with our proposed project in the centre of town, and
- (b) Work with Council on the development of a scheme to build on the site across the road from Council Chambers owned by the Sisters but to be acquired by Council.

In discussion with Officers and subsequently Mr. McCully it was obvious that Council has some serious constraints with funding of such projects. The writer has been associated with Mr. John Symond and Mr. L. Kennedy over a number of years and it was decided to put the problem in their hands with regard to the funding/legal package.

We were advised about August that Council would need to call for written Tenders or expressions of interest. This was advertised in October 1985 and resulted in ourselves and McNamaras getting onto the "Short List".

We were informed that Council had decided to proceed in principle with McNamara's it was assumed that Council's Bankers, the Commonwealth Bank, would be arranging the funding. We acknowledge that Council was probably motivated to decide in favour of a company that had long standing dealings with Council. In our discussion with Council's Officers it was strongly emphasised to us that a start would need to be made in late January 1986 or at the latest February. When there was no action on site by late February we wrote to Council on 25th February 1986 indicating that we were still interested and had been able to obtain firm prices for some of the work could reduce our construction estimate to around 1.7.

Again on 1st July our financial partner, Mortgage Acceptance Corporation Ltd. wrote to Council after discussions with Council's Officers and offered to build an alternative to our originally proposed "Australian Colonial" designed building and instead go with what was referred to as a "State of the Art" building.

We don't mind which building ultimately is built although the writer's personal opinion is that the Colonial roots of the area should be encouraged.

Having covered the Historical program of our involvement we would now like to address a matter which has concerned both our partner, Mortgage Acceptance and ourselves. Some few weeks ago Council's Officer Mr. Bates rang Mr. John Symond and correctly or incorrectly, Mr. Symond gained from that conversation the strong impression that the details of our financial/legal package had been made known to McNamaras and that they had now been able to "come close to matching our proposal".

Firstly we decided to work with Council and not go with our own development in the town and possibly end up with Council's tenant.

We understood Council's need to call for expressions of interest in this matter.

Secondly we were disappointed at missing out to McNamaras but when they did not start we assumed that their financial/legal package could not match our offer. Now some 9 months after Council's decision to go with McNamaras we are told that finally they have "come close to matching our proposal".

The impression gained by Mr. John Symond may be incorrect, we hope that it is. Our combined companies have demonstrated a firm commitment to this project and would like the opportunity to prove to Council that we can perform. With that positive thought in mind we enclose some details of the Oakes Group as we would be the builders and our bona fides is obviously important to Council.

SUMMARY

As previously stated the writer believes that the Colonial roots of the Hawkesbury Shire area should be reinforced whenever possible and the Sisters site we believe allows a wonderful opportunity to do this. However we are not proposing that views expressed on this subject are the only views that should be held or are in fact right for the site, they are simply our views.

We are keen to construct and finance this development and would take this opportunity to say that along with the development in Kurrajong that the writer is presently constructing, our Group sees a lot of potential in the Hawkesbury Shire area and we are determined to carry out developments there and would like your project to be a second.

We trust that this submission will serve to both clarify to Council our position and inform them of the depth and diversity of our experience."

(Signed) G.R. Armstrong, Director

"P.S. Building costs indicated to Council have, due to the fact that final design details have not been arrived at, been on the high side and we know that considerable reductions can be made, however we would require the go ahead from Council. We would need 6 weeks of intensive work at the end of which time we would have :

- (a) B.A. plans
- (b) Detailed financial/legal package
- (c) Construction commencement date to be the day following the signing of agreements with Council."

It is confirmed that the Oakes Group of Companies were considering an office block construction on land comprising McEwan's Arcade and the former Rural Press Offices. As part of this proposed development, discussions took place with Company representatives and Officers from the Department of Administrative Services.

Discussions also took place with myself and the Shire Planner concerning the development but the proposal did not proceed. It was my understanding that the Company did not withdraw from the proposal to enable them to construct a development on Council owned land entirely, but were finding some problems with the site, especially problems relating to provision of onsite car parking.

During November, 1985 Council considered expressions of interest from developers for construction of the Government Office Block. In response to the advertisement, 38 verbal enquiries were received and written submissions forwarded by 15 parties. A Committee was created to consider and discuss the proposals received from Leighton Contractors Pty.Ltd., Mortgage Acceptance Corporation, K.B.Hutchinson Developments Pty.Ltd., Graham Evans & Co.Pty.Ltd. and the McNamara Group of Companies.

Following these detailed discussions with the various Company representatives, a report was submitted to the Ordinary Meeting of Council held on 10th December, 1985 and it was resolved to proceed with the development based on the proposals submitted by the McNamara Group and the Commonwealth Bank of Australia.

Due to prevailing economic circumstances at the time it was not possible for construction to commence and this has been the subject of a number of reports to Council.

Representatives of Mortgage Acceptance Corporation independently approached Council Officers and requested approval to put forward a further proposal and feasibility estimate at no cost to Council.

Discussions took place with Mr.L.Kennedy of Mortgage Acceptance and Mr.A.Tribe of Graham Alcock Giles Tribe Pty.Ltd. The proposal received on 1st July has been fully documented in the report to the September meeting of Council and comprised a "State of the Art" building. During discussions with Mr.Kennedy and Mr.Tribe, they were requested to consider the possibility of receiving a tender for construction of their building from the McNamara Group of Companies.

Although the Oakes Group was involved in the initial expression of interest from Mortgage Acceptance, I was not aware that they were the proposed builders for the "State of the Art" building until this letter was received immediately prior to the September Ordinary Meeting.

The revised submission made it apparent that a building could be constructed and be largely self-financing due to the reduction in the prime interest rate. As the initial resolution of Council was to proceed with a proposal by the McNamara Group, a report was submitted to the Ordinary Meeting of Council on 12th August, 1986 advising of the revised proposal from Mortgage Acceptance and suggesting that further approaches should be made to the McNamara Group.

Following the meeting, discussions took place with Mr.A.McNamara and Mr.V.Edwards. Although the representatives were not supplied with a copy of the detailed submission by Mortgage Acceptance, a comparison of

their initial proposal with that received from Mortgage Acceptance was supplied by a Council Officer.

A check with Council's Banker revealed that the prime interest rate at the time was 16.75% and it was calculated that the Mortgage Acceptance proposal was based on an interest rate of 17%, which was equivalent to the market rate.

It is stressed that the representatives of the McNamara Group have not altered their initial proposal to any great extent, but have merely been given the opportunity to expand on their proposal by submission of a finance package. It would be expected that the finance package would be based on an interest rate as governed by the market.

As previously stated the representatives of Mortgage Acceptance approached Council independently and offered to submit a proposal at no cost. Council had an obligation to give a similar opportunity to the McNamara Group of Companies and in fact the distinction between the two constructions is based on the type of building most suited to the Hawkesbury Shire.

The latest letter from the Oakes Group of Companies now suggests that the Colonial building might be more suited to the area.

Given the full circumstances relating to construction of the Government Office Block, it is felt that Council should proceed with the development based on the McNamara proposal.

IT IS RECOMMENDED THAT, subject to agreement being reached with the Department of Administrative Services, Council proceed with construction of a Government Office Block on land bounded by Macquarie, Forbes and Mileham Streets, Windsor in accordance with the design and finance package submitted by the McNamara Group of Companies. The Company to be authorised to undertake necessary site inspections and tests at an estimated cost of up to \$6,000 with a firm construction cost and finance package to then be submitted. The proposal to supply parking for 83 vehicles at an additional cost of \$35,000, and subject to the overall cost of construction not exceeding \$2,200,000, the construction to proceed without further delay. All necessary documents to be completed under Seal of Council.

6. HAWKESBURY COMMUNITY HOUSING ASSOCIATION, LOCAL GOVERNMENT AND COMMUNITY HOUSING PROGRAMME. C45/27

The following letter, dated 10th September, 1986 has been received from Mrs. Anne McPherson, Housing Officer, of the Hawkesbury Community Housing Association :

"Following this morning's meeting the Hawkesbury Community Housing Association is preparing a submission to the Local Government and Community Housing Programme. Submissions must be made to the Department of Housing by 31 October.

The submission is based mainly on the Association's experience in establishing and operating the Community Tenancy Scheme, and on data collected regarding the Department of Housing properties and waiting list, the RAAF and Hawkesbury Agricultural Cultural College's needs for private rental accommodation in the area, and statistics from the Department of Social Security.

The submission is for the construction of a cluster of 10 one and two bedroom units. Tenants would be people on low incomes who would pay 20% of their income as rent and who would also be involved in the management of the project through the Hawkesbury Community Housing Association.

The Association is seeking the support of Hawkesbury Shire Council for this project. Specifically, it requests Council :

- (a) to indicate support in principle for the project.
- (b) to consider whether it could make available suitable land for the project;
- (c) to consider whether it could assist the project in any other ways, e.g. through the provision of professional services during the development stages.

I would be happy to provide more information about the LG&CHP or about our proposed submission if this is required."

Council officers met with representatives of the Community Housing Association on 10th September.

It has been established that rental in the Hawkesbury Shire is artificially high due to demands created by the RAAF and Hawkesbury Agricultural College for private rental accommodation. The waiting list for Housing Commission properties is currently 342 and vacancies have been filled at a rate of approximately 34 per year.

From the statistics, it is apparent that a waiting list of approximately 10 years exists and that there is a need for alternative, low cost accommodation within the area.

Sufficient Department of Housing land is available in the vicinity of Woods Road at South Windsor and it is felt that, as the programme is funded by the Department of Housing, it would be more appropriate for the building to be constructed on State Government Land. In addition to this, Council does not have any available land within Richmond or Windsor which would be suited to the development.

It is felt that Council should indicate support in principle for the project subject to construction taking place on land owned by the Department of Housing and that assistance should be given by Council Officers in preparation of the application and through provision of professional services during the development stages.

IT IS RECOMMENDED THAT Council indicate support in principle for establishment of cluster housing units under the Local Government and Community Housing Programme on land owned by the Department of Housing at South Windsor and provide assistance in preparation of the grant application and professional services during the development stages of the project.

G.M. McCully
Shire Clerk/General Manager.

