

GENERAL PURPOSE COMMITTEE

SECTION 3 ORGANISATION & RESOURCES

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES**Table of Contents****Meeting Date:** 31 January 1995

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GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCESMeeting Date: **31 January 1995**Item: **45****ITEM: 45** MONTHLY FINANCIAL STATEMENTS - NOVEMBER**FILE NUMBER:** GF001/004 PT4/FNC**REPORT:**A. CASH EXPENDITURE WARRANT 11/1994

SUMMARY - Accounts Paid

General Fund No. s	31104 -	31867	6,355,874.15
Trust Fund No. s	4269 -	4297	588,523.30
			6,944,397.45

CERTIFICATE BY RESPONSIBLE ACCOUNTING OFFICER

This summary Warrant presented above is fully supported by Vouchers and Invoices which have been duly certified as to the receipt of goods and/or rendition of services and as to prices, computations and costings and the amounts shown were due for payment. The detailed Warrant is available upon request.

L M Weatherstone
Divisional Manager of Finance

B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE

STATEMENT OF BANK BALANCES AS AT 30 NOVEMBER 1994

GENERAL FUND	241,689.89CR
TRUST FUND	14,456.48CR

256,146.37CR

FORM 2

GENERAL

Balance - Cash Account as at 31 October 1994	2,174,037.24CR
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Receipts for period ended 31 October 1994	8,084,469.22DR
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5,910,431.98DR

Payments for period ended 30 November 1994	6,370,240.29CR
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459,808.31CR

Limit of overdraft arranged with bank	\$800,000.00
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RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Books have been reconciled in all funds as at 31 July 1994.

L M Weatherstone
Divisional Manager of Finance

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 31 January 1995

Item: 45

C. INVESTMENTS

Hereunder is the list of amounts invested.

Term Deposits

120 Days	01.12.94	5.75%	Sewerage Fund	900,000.00
301 Days	14.12.94	5.00%	General Fund	600,000.00
128 Days	22.12.94	6.10%	General Fund	600,000.00
128 Days	22.12.94	6.10%	General Fund	50,000.00
120 Days	22.12.94	5.96%	Sewerage Fund	440,000.00
120 Days	22.12.94	5.96%	General Fund	80,000.00
127 Days	03.01.95	6.05%	Sewerage Fund	500,000.00
91 Days	09.01.95	6.32%	Sewerage Fund	500,000.00
120 Days	13.01.95	6.58%	General Fund	400,000.00
147 Days	24.01.95	6.07%	Sewerage Fund	370,000.00
147 Days	24.01.95	6.07%	General Fund	190,000.00
64 Days	25.01.95	7.40%	General Fund	500,000.00
88 Days	27.01.95	6.91%	Sewerage Fund	500,000.00
182 Days	06.02.95	6.27%	General Fund	653,262.53
182 Days	06.02.95	6.27%	General Fund	1,346,737.47
85 Days	09.02.95	7.46%	General Fund	650,000.00
90 Days	15.02.95	7.54%	Sewerage Fund	500,000.00
185 Days	27.02.95	6.27%	General Fund	300,000.00
185 Days	27.02.95	6.27%	General Fund	700,000.00
183 Days	03.03.95	6.36%	General Fund	839,582.37
183 Days	03.03.95	6.36%	Sewerage Fund	260,417.63
184 Days	08.03.95	6.33%	General Fund	380,000.00
180 Days	13.03.95	6.57%	General Fund	900,000.00
185 Days	20.03.95	6.58%	Sewerage Fund	700,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
730 Days	06.07.94	5.91%	General Fund	2,000,000.00
750 Days	26.07.94	5.86%	General Fund	2,000,000.00
730 Days	28.07.94	5.86%	General Fund	500,000.00
365 Days	15.09.95	7.80%	General Fund	1,000,000.00
396 Days	09.10.95	7.35%	General Fund	3,500,000.00

Australian Treasury Corporation

03.08.95	5.31%	Workers' Comp Board	200,000.00
03.08.95	7.26%	Workers' Comp Board	750,000.00

Short Term Investments	General Fund	2,255,000.00
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 \$26,065,000.00

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed above are the total of all money that has been invested and that the investments have been made in accordance with the Act, Regulations and Council's investment policies.

L M Weatherstone
Divisional Manager of Finance

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NAX.F02

****** END OF ITEM 45 ******

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCESMeeting Date: **31 January 1995**Item: **46****ITEM: 46** MONTHLY FINANCIAL STATEMENTS - DECEMBER**FILE NUMBER:** GF001/004 PT4/FNC**REPORT:**A. CASH EXPENDITURE WARRANT 12/1994SUMMARY - Accounts Paid

General Fund Nos.	31868 -	32474	5,666,578.21
Trust Fund Nos.	4298 -	4307	362,799.60

6,029,377.81

CERTIFICATE BY RESPONSIBLE ACCOUNTING OFFICER

This summary Warrant presented above is fully supported by Vouchers and Invoices which have been duly certified as to the receipt of goods and/or rendition of services and as to prices, computations and costings and the amounts shown were due for payment. The detailed Warrant is available upon request.

L M Weatherstone
Divisional Manager of Finance

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCESMeeting Date: **31 January 1995**Item: **46****B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE****STATEMENT OF BANK BALANCES AS AT 31 DECEMBER 1994**

GENERAL FUND	108,898.48 CR
TRUST FUND	124,577.56 CR

233,476.04 CR

FORM 2

GENERAL

Balance - Cash Account as at 30 November 1994	459,808.31 CR
Receipts for period ended 31 December 1994	5,549,722.30 DR

5,089,913.99 DR

Payments for period ended 31 December 1994	5,667,455.12 CR
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577,541.13 CR

Limit of overdraft arranged with bank	\$800,000.00
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RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the Cash Book and Bank Statements have been reconciled in all funds as at 31 December 1994.

L M Weatherstone
Divisional Manager of Finance

C. INVESTMENTS

Hereunder is the list of amounts invested:

Bank Bills

<u>Period</u>	<u>Due Date</u>	<u>Rate</u>	<u>Account</u>	<u>Amount</u>
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Term Deposits

127 Days	03.01.95	6.05%	Sewerage Fund	500,000.00
91 Days	09.01.95	6.32%	Sewerage Fund	500,000.00
120 Days	13.01.95	6.58%	General Fund	400,000.00
30 Days	13.01.95	7.80%	General Fund	260,000.00
30 Days	13.01.95	7.80%	Sewerage Fund	1,340,000.00
147 Days	24.01.95	6.07%	Sewerage Fund	326,737.47
147 Days	24.01.95	6.07%	General Fund	43,262.53
64 Days	25.01.95	7.40%	General Fund	500,000.00
88 Days	27.01.95	6.91%	Sewerage Fund	500,000.00
182 Days	06.02.95	6.27%	General Fund	653,262.53
182 Days	06.02.95	6.27%	General Fund	1,346,737.47
85 Days	09.02.95	7.46%	General Fund	650,000.00
90 Days	15.02.95	7.54%	Sewerage Fund	500,000.00
185 Days	27.02.95	6.27%	General Fund	300,000.00
185 Days	27.02.95	6.27%	General Fund	700,000.00
183 Days	03.03.95	6.36%	Sewerage Fund	839,582.37
183 Days	03.03.95	6.36%	General Fund	260,417.63
184 Days	08.03.95	6.33%	General Fund	380,000.00
180 Days	13.03.95	6.57%	General Fund	900,000.00
185 Days	20.03.95	6.58%	Sewerage Fund	700,000.00
90 Days	22.03.95	8.31%	General Fund	490,000.00
90 Days	22.03.95	8.31%	General Fund	680,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
397 Days	03.07.95	6.20%	General Fund	500,000.00
730 Days	06.07.94	5.91%	General Fund	2,000,000.00
750 Days	26.07.94	5.86%	General Fund	2,000,000.00
730 Days	28.07.94	5.86%	General Fund	500,000.00
365 Days	15.09.95	7.80%	General Fund	1,000,000.00
396 Days	09.10.95	7.35%	General Fund	3,500,000.00

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

Meeting Date: 31 January 1995

Item: 46

Australian Treasury Corporation

03.08.95	5.31%	Workers' Comp Board	200,000.00
03.08.95	7.26%	Workers' Comp Board	750,000.00
Short Term Investments		General Fund	1,260,000.00
			\$25,170,000.00

RESPONSIBLE ACCOUNTING OFFICER

I hereby certify that the investments listed above are the total of all money that have been invested and that the investments have been made in accordance with the Act, Regulations and Council's investment policies.

L M Weatherstone
Divisional Manager of Finance

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NAX.F09

****** END OF ITEM 46 ******

ITEM: 47 **LEGAL SERVICES - EXPRESSIONS OF INTEREST****FILE NUMBER:** GT020/247 PT01/GMA

REPORT:

Expressions of interest for provision of legal services to the Council were called late last year. There were 30 expressions lodged and these have now been evaluated in accordance with the criteria established by the Legal Consultative Committee. As a result they have been placed into three categories:

- Large organisations with specialist services capable of providing all services required by the Council.
- Suburban/local organisations capable of providing most of the Council's required legal services and
- Debt recovery specialists.

Based on the valuations a short list has been prepared of three organisations in the first category, three in the second and two in the third.

A copy of the valuations and scores has been provided separately for the information of Members.

If a presentation and interview is to be utilised to finalise the selection then this could be expected to take approximately eight hours. To ensure continuity this should be done over one full or two half days.

If the selection panel is determined at the Committee Meeting then the interviews could be held and a recommendation then made to the February Ordinary Meeting.

RECOMMENDATION:

A panel of Members be chosen to undertake interviews of short listed organisations for provision of legal services to the Council.

ATTACHMENTS:

AT-1 Evaluation of tenders.

FN:OG131NAX.G17

****** END OF ITEM 47 ******

ITEM: 48 SALE TO FITZGERALD MEMORIAL HOSTEL INCORPORATED**FILE NUMBER:** GR050/001/PT03, GC285/025/PT01/CSV

REPORT:

Council resolved at its meeting of 13 July, 1993, to sell land and partially completed buildings on Lot 211 DP806061 at Windsor to the Fitzgerald Memorial Nursing Hostel Incorporated with the sale to include a delayed settlement period during which period, interest at the rate of 5%, would be paid to Council.

Settlement was set down for 31 December, 1994. The Fitzgerald Memorial Hostel has advised that construction works are behind schedule and have requested an extension of 6 months on the settlement period. The Hostel has indicated that its cash flow, at the requested time for settlement, will enable settlement to proceed. In the interim period, the interest rate of 5% shall continue to apply.

The extended period is supported on the above terms.

RECOMMENDATION:

1. That settlement on the sale of Lot 211 DP806061 be extended to 30 June, 1995 with interest at 5% (five) applying until settlement completed.
2. That the Fitzgerald Memorial Hostel Incorporated be advised of the recommendation.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C04

****** END OF ITEM 48 ******

ITEM: 49 LEASE OF VACANT LAND - PITT STREET, WINDSOR**FILE NUMBER:** GC283/135 PT01/CSV

REPORT:

Council owns and leases several properties for turf farms on the Windsor Peninsula (Pitt Street). There is currently one vacant lot (Lot K DP38709) which is presently not leased and is in poor condition.

It is considered that the lot could best be utilised for the keeping of stock. Mr Chris Wells has offered to lease the property to enable the keeping of two Clydesdale horses on the site. Mr Wells intends to commence operating a tourist venture in Windsor utilising the horses and a wagon and this location would be geographically ideal.

The lot is currently unfenced and if the lease is approved by Council, the lessee would suitably fence the lot at his expense, plough and re-seed the land. Reseeding will not only provide fodder for the animals but beautify the lot by removing the existing infestation of weeds and long grass.

Having regard to the capital expenditure to be incurred by the lessee it is considered reasonable that a fee of \$10 per week per animal apply and that the lease rest on correspondence with two months notice to be given by either party to terminate the agreement.

RECOMMENDATION:

1. Lot K DP38709 (40 Pitt Street, Windsor) be leased to Mr Chris Wells for the purposes of keeping Clydesdale horses at the rate of \$10 per week per horse.
2. The lease rest on correspondence with two months notice to be given by either party to terminate the agreement.
3. The lot be kept in a clean and tidy condition by the lessee at all times.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C06

****** END OF ITEM 49 ******

ITEM: 50 REQUESTED AMENDMENT TO S88B INSTRUMENT - LOTS 1 AND 2 DP772156, BELLS LINE OF ROAD, BILPIN

FILE NUMBER: P243/2705/PT02/CSV

REPORT:

A request has been lodged by solicitors acting for the owner of Lot 1 DP772156 for the release of a restriction imposed by a S88B Instrument on the subject lot. Council is the party nominated in the instrument as having the power to vary or amend the instrument.

In 1973, the then Colo Shire Council consented to the subdivision of lands on Bells Line of Road at Bilpin. Pursuant to that consent, a Section 88B instrument was created which "tied" lots 2 and 7 of the then DP245217. In essence lots 2 and 7 were to be considered as one. The actual reason for the restriction is not known.

Subsequently, in 1986, Hawkesbury City Council approved a further subdivision of the land, notwithstanding the restriction in DP245217 and lots 1 and 2 DP772156 were created. However, the restriction remains on the title of lots 1 and 2 DP772156 but is now redundant in view of the 1986 approval.

The owner of the lots is now selling Lot 1 and it is a condition of sale that the restriction be removed.

As the restriction no longer has any relevance, its removal from the S88B instrument is supported. Costs in this matter will be borne by the land owner.

RECOMMENDATION:

1. Council consent to the removal of the restriction imposed by the S88B Instrument in DP245217 which tied lots 2 and 7 to each other.
2. All necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C08

**** END OF ITEM 50 ****

ITEM: 51 ALFRESCO DINING - THOMPSON SQUARE AND GEORGE STREET, WINDSOR

FILE NUMBER: GC283/134/CSV

REPORT:

Submissions have been received from five operators of businesses within Thompson Square, Windsor to formalise their use of either part of the footway or roadway or both adjoining their shop premises, for alfresco dining purposes.

Some retailers within this precinct have been placing tables and chairs on the footway and roadway and it is understood that they have traded successfully with patrons enjoying the atmosphere created. As a measure to support the retailers and encourage further activity within this historic and tourist orientated precinct of Windsor, it is suggested that more formal arrangements be entered into with the respective operators. Such agreements would also protect the interests of both the Council and the retailers in terms of public risk insurance. Discussions have subsequently taken place with the retailers in regard to proposed terms and conditions and following advice from Consultant Valuers, appropriate rentals have also been discussed. Proposed conditions include the matters adopted by Council in July 1993 as policy in respect of alfresco type dining on Council owned/controlled areas ie.

- (i) pedestrians must be able to easily pass by without being forced onto the roadway;
- (ii) no exposed hot food counters, boilers or urns to be placed on public areas;
- (iii) the proprietor must satisfy Council that there is in place a public liability cover by way of a Certificate of Currency indemnifying the proprietor and Council in respect of occupancy of Council's land to the value of \$5m; and
- (iv) that regular inspections be undertaken to effectively control the area set aside for alfresco dining.

Other general proposed terms and conditions include:-

- 1. Area to be leased.
- 2. Times the arrangement is effective.
- 3. Term of the arrangement and commencement date.
- 4. Licence fees and any other charges which may apply including fee review provisions.
- 5. Barriers used to restrict access to the area.
- 6. Responsibilities in regard to the cleaning and upkeep of the subject area.

7. Other insurances required including worker's compensation and contents insurance.

In regard to the retailers, those businesses which have requested formal agreements include the following and details of their proposals and rental are as follows:-

Business	Proposal	Rental
The Macquarie Arms Hotel 99 George Street	Operate alfresco dining daily from 10.00am - 12.00am using 6 (six) tables providing seating for 24 persons. The tables are located on the footway in Thompson Square.	\$25 per week
Windsor Seafoods 74 George Street	Locate on the roadway and footway in front of their premises approx 10 tables, 40 chairs, 5 or 6 bins and a of plants in an area of 60m ² . Hours proposed are 11.30am to 9.30pm Saturdays, Sundays, Public Holidays and some Friday nights.	\$25 per week
Trentinos on George 95 George Street	Locate on the footway in front of their premises approx 5 (five) tables providing seating for 20 people. Hours proposed are 10am to 3pm and 6pm to 10pm on trading days.	\$20 per week
Great Australian Ice Creamery 66 George Street	Propose to pave and landscape the grassed area in front of their shop premises ie. adjacent to the Bridge Street round-a-bout. At least 6 (six) tables providing seating for approx 24 persons, will be located on the area during normal trading hours ie 10am to 10pm daily.	\$20 per week
Kate's Place 89 George Street	Proposes to place max two tables providing seating for 4 (four) people during normal trading hours ie 10am - 5pm daily.	\$10 per week

It should be noted that in terms of the proposals to permit 'outdoor' casual eating there is an element of liability exposure, particularly in relation to the ice creamery and seafood premises. It is felt that in these two situations the proprietors should provide suitable patrons' protection barriers with design and appearance to be approved by the Divisional Manager of Engineering Operations. As a further safeguard, suitable traffic calming options should be investigated having regard to the proximity of persons dining on the footpath/road area and passing traffic.

A plan of the precinct will be displayed at the meeting, highlighting the respective proposals. With regard to the proposal submitted by the Great Australian Ice Creamery, the proprietor proposes to pave, landscape and maintain the area to the Councils satisfaction, on the basis that the Council supplies the pavers and bins.

Despite the potential improvements to the amenity of the area resulting from the proposal, the proprietor is securing additional floor space and exclusive use of a public area and subsequently, it is considered that he should meet the full cost of the improvements. However, in view of the extent of the proposed works and ongoing maintenance responsibilities to be undertaken by the proprietor of the Great Australian Ice Creamery, a lesser rental of \$20 per week is recommended in this instance.

It is noted that the Roads Act provides for the leasing of public roads (including footways) for periods up to a maximum of five years. However, a Lease cannot be granted until public notice of the proposal is given and the public has twenty eight days to lodge submissions in respect of same. All affected lands owners and tenants would be advised of the proposals in writing and the matter could also be referred to the Traffic Committee. The Windsor Chamber of Commerce will also be advised of the proposal. It is suggested that the Leases be for a period of five years and the rentals be reviewed annually to the Consumer Price Index.

RECOMMENDATION:

Public notice be given in accordance with the Roads Act 1993, in respect of the proposals to lease part of the public road within George Street and Thompson Square, Windsor for a period of 5 (five) years and to the proprietors as noted in this report and in accordance with the general terms and conditions also outlined in the Report.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C13

****** END OF ITEM 51 ******

ITEM: 52 PROPERTY DEVELOPMENT STRATEGIES - UPDATE**FILE NUMBER:** GC285/002 PT02/CSV

REPORT:

Council will recall that it has previously considered reports in regard to the development/disposal of various properties within the entrepreneurial property portfolio. The purpose of this report is to provide Council with a update on the strategies it has previously adopted.

Wilberforce Shopping Centre

A concept plan for the extensions was supported by the Council at the December Meetings and at this stage, almost all of the additional floor space available has been allocated between existing tenants who have indicated their desire for increased floor space and new tenants. It is noted that 130m² of floor space is still available, however negotiations have commenced with a veterinary/pet food supplies company and it is likely they will take up the available floor space.

The Development Application has been lodged and the matter is currently before the Local Traffic Committee for assessment.

Redevelopment of 141 - 145 March Street, Richmond

Rezoning of the subject land is proceeding with the plan of the proposed rezoning due to be placed on public exhibition shortly. A specification for the development of this land has been prepared and expressions of interest will be invited following confirmation of the of the rezoning application.

4 Macquarie Road, Wilberforce

There has been little enquiry on this property which remains on the market for sale. It is hoped that the market will improve after the traditionally slow Christmas period.

978 Bells Line of Road, Kurrajong Hills

This lot at the corner of Bells Line of Road and Hermitage Road remains for sale. As Council will recall, the lot was previously offered for sale by tender with no satisfactory tenders being received. Subsequently there have been a number of enquiries and inspections conducted however a satisfactory purchase price has not been negotiated. The sale of the lot has been passed to a local agent who it is considered is in a better position to more aggressively market the property.

Land Adjoining McMahon's Park, Kurrajong

Contracts for the sale of the residential land have been prepared with a survey currently being conducted to accurately define the property and its accessway before marketing of the property commences.

42 Panorama Crescent, Freemans Reach

The portion of unformed public roadway adjoining the subject land is in the process of being closed. During the advertising period a number of submissions were received from residents in the area, requesting that consideration be given to developing the site as a playground. An investigation of open space/recreation lands in the Freemans Reach area has indicated that there is a shortage of this type of recreation facility. Funding is currently available for the installation of playground equipment.

It is therefore considered that the community would be better served by utilising the lot as a playground as opposed to its development as a residential lot, as was originally reported to Council.

Industrial Land - Groves Avenue, McGraths Hill

A specification for the development of the land covering options such as sale/lease/joint development has been prepared. It is proposed to formally invite expressions of interest in February 1995 when it is considered that maximum exposure to the market place will be achieved.

RECOMMENDATION:

1. The information be received.
2. 42 Panorama Crescent, Freemans Reach and the adjoining closed road reserve be developed as a playground with suitable playground equipment to be installed.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C14

****** END OF ITEM 52 ******

ITEM: 53 LOCAL GOVERNMENT ASSOCIATIONS - THREE-YEAR
MANAGEMENT PLAN**FILE NUMBER:** GM001/024 PT01/CSV

REPORT:

Councillors will be aware that the Associations previously forwarded their current Management Plan for the years 1994/1997 and have invited input from Council's as to the content of the document. Copies of the Plan have been previously circulated to all Councillors. Comments are requested no later than February 3, 1995.

The document is broad in its categories and it is considered that the targets and performance indicators are commensurate with achieving a solid working relationship between the Associations and the industry.

Accordingly, it is proposed to advise the Associations of this Council's endorsement. Any comments by members will be included in the response.

RECOMMENDATION:

That the Local Government Associations be advised of Council's endorsement of their Three-Year Management Plan for the period 1994/1997.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.C16

****** END OF ITEM 53 ******

ITEM: 54 EXEMPTION FROM RATING - THE ASSOCIATION OF
FRANCISCAN ORDER AT FRIARS MINOR - LOT 108 WOLLOMBI
ROAD, ST ALBANS

FILE NUMBER: P2359/880/FNC

REPORT:

The Franciscan Order own a 300 hectare property which was subdivided into 4 lots for rating purposes in 1992. Lot 25 in DP755265 was granted exemption from rating in 1992. A church has been constructed on Lot 108 DP755258. An exemption for this property has now been requested. The other two lots do not qualify for exemption under the Act. Application has been made on the basis that the property belongs to a religious body and is occupied and used as a church for public worship.

An inspection confirmed that the construction of the church commenced in August 1993, is now complete and open to the public. Final inspection was effected on 20 July 1994.

Rating details are:-

Assessment No.	4.15554.2000
Property	Lot 108 DP755258, Wollombi Road
Rates 1994/95	\$474.75

RECOMMENDATION:

Exemption from rating under Section 555 (e)(i) of the Local Government Act 1993 be granted to the Association of Franciscan Order for Lot 108 Wollombi Road from 20 July 1994 and that rates of \$448.74 (four hundred and forty eight dollars and seventy four cents) be written off for rates issued.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NBX.F07

****** END OF ITEM 54 ******

ITEM: 55 **PROPOSED SALE OF 1A GREENWAY CRESCENT, WINDSOR****FILE NUMBER:** P740/0015/PT02/CSV

REPORT:

Council has considered this matter at several meetings. At its meeting of 13 December, 1994, Council adopted the recommendation that "this matter be deferred until the next General Purpose Committee Meeting and that interested persons be advised of their rights to address the Committee".

In accordance with the recommendation, interested parties were advised in writing on 28 December, 1994, of their rights.

The report placed before Council at its meeting of 29 November, 1994, is reproduced below:

Council at its meeting of 11 October 1994 considered a report on the sale of the subject land to Mr B J Ghantous and recommended that:-

- "1. The land in question being Lot 161 DP716680 Greenway Crescent, Windsor be offered by public tender.*
- 2. There be a reserve of \$250,000 (two hundred and fifty thousand dollars).*
- 3. A restrictive covenant be placed on the title restricting any development on the site to a single storey and preventing any blocking of views from the St Matthews Anglican Church property.*
- 4. Any subsequent building be subject to discussions regarding its design with the Council's Heritage Adviser."*

Subsequently, Solicitors Abbott Tout prepared an extensive covenant in accordance with the recommendations and the property was advertised for sale. At the close of the tender period, one tender lodged by Triston Pty Ltd was received. Mr Ghantous is the principal of Triston Pty Ltd. The amount tendered was \$250,000.

The tenderer has included three extra special conditions that he has requested for inclusion in the contract for sale.

In brief, the conditions are:-

- 7. A warranty to be made by Council that legal access is available from Greenway Crescent and James Ruse Close.*
- 8. That subject to Development Consent the purchaser would be entitled to build a dwelling on areas identified by the tenderer. (2 (two) building platforms have been identified.)*

9. *To the extent permitted by law, Council shall permit a re-alignment of the boundaries of the subject land and the adjoining land owned by the tenderer.*

With regard to Condition 7, the tender specification made specific mention that access is "available from either Greenway Crescent or James Ruse Close". An inspection of the Deposited Plan attached to the tender documents also makes this self evident. Thus, a warranty need not be given.

With regard to Condition 8, Council's Consultant Architect having regard to factors such as flood heights, visual amenity and the proximity of heritage items identified a specific area for the building platform. The extension of this platform as requested by the tenderer is not in accordance with the tender specification and therefore should not be supported. In addition, legal representation has been made by the adjoining property holders, Mr & Mrs Hendrikson seeking further restrictions on the development of Lot 161 to protect their amenity. These restrictions would be in the form of amendments to the 88B instrument which would in essence ensure that no building could occur (without their consent) in front of their property.

It is considered that the imposition of further restrictive covenants on Lot 161 are not considered appropriate in this instance as Council has provided adequate recognition of this issue in its tender specification.

With regard to Condition 9 the tenderer may lodge a boundary adjustment application. It is not considered reasonable that Council be required to "permit a re-alignment of the boundaries" at the tender stage. Council will note that boundary adjustments are considered on their merits in accordance with the provisions of the Hawkesbury Local Environmental Plan 1989 including clauses 11(3), 13, 15(2), 25, 28 and 34. Of particular note in Clause 15(2) which stipulates that the number of dwelling houses erected on land subdivided shall not exceed the total number permissible prior to the adjustment. It is noted that the lot owned by the tenderer does not retain a building right due to its floodability no more than one building could be erected even if a boundary alignment is lodged and successful.

The acceptance of Condition 9 is not supported.

The tender specification stipulated that "Council reserves the right to accept non-conforming tenders". Subject to the deletion of the conditions 7, 8 and 9 imposed by the tender or it is recommended that Council accept the tender lodged by Triston Pty Ltd.

1. *THAT COUNCIL ACCEPT the tender lodged by Triston Pty Ltd in the amount of \$250,000 (two hundred and fifty thousand) for the purchase of land known as 1A Greenway Crescent, Windsor (Lot 161 DP716680) subject to the removal of conditions 7, 8 and 9 as specified by the tenderer.*
2. *As previously identified, funding from the sale be put toward extensions of the Windsor Library or a regional art gallery.*

3. *All documents be completed under Seal of Council.*

Additionally the committee added a further recommendation following the tabling a letter by Mr A Hendrikson.

1. That by the Ordinary Meeting there be further conditions for consideration taking into account the concerns set out by Mr Hendrikson by way of conditions of approval.

Subsequently, at the Ordinary Meeting of 13 December 1994 the following information was reported.

As reported to Council at the 29 November 1994 meeting, the tenderer imposed three extra conditions for the sale of the land with the tender he lodged. These conditions were largely not supported as they did not conform with the previous resolution and sale specification.

In terms of the letter tabled by Mr Hendrikson he has asked that this property be benefited from the restrictions as with the Church and as landowner be entitled to vary the covenants along with the Church. The reason the Church have been identified as receiving a benefit of the covenants is due to the historic nature of the site. As previously reported, the special conditions prepared and included with the specification limit the type, style and location of any development on the land. In particular, no development shall occur in front of Mr Hendrikson's land and Council, as the consent authority for developments, is clearly able to control the development of the land.

Whilst the concerns raised by Mr Hendrikson are noted, it is considered that the amenity of his block is adequately protected by the special conditions already imposed in the tender specification and the conditions for development as defined in the Hawkesbury Local Environmental Plan, 1989.

The request from Mr Hendrikson effectively "blots" the title to the land and will reduce the value of the land accordingly. Further, this extra requirement alters the tender specification and if included would need to be readvertised with an amended specification.

At this time further correspondence has been received from Mr Ghantous requesting that consideration be deferred to the next General Purpose Committee meeting so he may address Council.

Having regard to the preceding recommendations, the matter is again presented for consideration.

RECOMMENDATION:

1. COUNCIL ACCEPT the tender lodged by Triston Pty Ltd in the amount of \$250,000 (two hundred and fifty thousand) for the purchase of land known as 1A Greenway Crescent, Windsor (Lot 161 DP716680) subject to the removal of conditions 7, 8 and 9 as specified by the tenderer.
2. As previously identified, funding from the sale be put toward extensions of the Windsor Library or a regional art gallery.
3. All documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OG131NCX.C12

****** END OF ITEM 55 ******