



general purpose committee

Section 3 Organisation and Resources

GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

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Meeting Date: 26 November 1996

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ITEM: 24 LOCAL GOVERNMENT ELECTIONS**FILE NUMBER:** GC070/004

The Department of Local Government has received a number of suggestions to improve the Local Government Elections procedure and has published a paper in this matter.

The Local Government Association has also considered the matter and provided comment which is recommended for adoption by the Council. The Discussion Paper has been distributed separately, the following being the recommended position on the various matters (as proposed by the Local Government Associations)

Returning Officers

That the Electoral Commissioner be free to appoint the most appropriate person to be Returning Officer or Assistant Returning Officer, including the Council's General Manager or other senior staff. The Local Government Associations' view is that the General Manager or other senior staff should be appointed Assistant Returning Officer.

In this matter the Associations' note that only 63% of Councillors were satisfied with the performance of Returning Officers. Their concerns included; no previous experience; poorly trained; far higher costs than using the Council's General Manager; worked only part time so many enquiries left unanswered; poor communications with Council; not available for the press or public or candidates to respond to appropriately; advice given was in error; no local knowledge; provided inadequate control of ballot papers; provided no training for other staff; distribution of preferences not carried out in accordance with the Act and provided little communication for candidates during prolonged counting processes.

Qualification for Civic Office

The Associations' position is to prevent a bankrupt person for standing for civic office and to have clarified that to be duly nominated a person must be enrolled as an elector for the area and must be qualified to hold civic office.

Nomination of Candidates

The Associations' endorsed the Department's preferred option to allow nomination deposits to be paid by cheque from building societies and credit unions. Support is also given to allow persons to nominate up to the number of candidates to be elected, instead of just one. Further, that it be mandatory for candidates to declare membership of political parties and for those who are not grouped to sign a statutory declaration they are not part of a group and do not have membership of any registered electoral party. The Shires Association also considered that there should be legislation to remove all reference to political parties in Local Government elections.

Candidates Resumes

Support the request for the Electoral Commission to develop guidelines to enable resumes to be of greater assistance to voters and in this regard the Associations' survey indicated 56% of Councils were not satisfied in this matter.

Groups and Disclosure of Electoral Funding

Support for an amendment to the Act to allow groups to make declarations of electoral contributions and expenditure; extend the period for lodging declarations; clarify legislation to make it clear that group voting applies to all council elections, not just elections where there are no wards; reduce the amount of election expenditure requiring declaration for single donations to \$100 and ungrouped candidates sign a statutory declaration that they are not part of a group.

Non Resident Voting

The view is that the status quo remain, ie non residential role should lapse at the conclusion of each election and that only one owner be entitled to vote.

Ballot Papers

Requesting an amendment to the Act to have a watermark placed on ballot papers so that a vote is not informal if, by error, the initial of the electoral official is omitted. Further to have a candidate's party appear next to their name.

Postal or Pre Poll Voting

Support for an enhanced procedure allowing non residents when enrolling before an election to simultaneously apply for a postal vote if they wish.

Voting on Election Day

Support for the Electoral Commissioner fixing by-election dates instead of the Returning Officer and omitting the requirement for a witness to verify an elector's statement in regard to apparent non-voting in the penalty notice of failure to vote.

Counting Votes

Support for treating a tick or a cross as a first preference where one candidate is to be elected from any number of candidates and an introduction of a penalty for the introduction of encouraging the use of ticks or crosses.

Wards

That populations within ward boundaries must meet the 10% limit.

Election Costs and Publicity

Both Associations have registered their strong concern over this matter, particularly the excessively high administrative cost charge to council and lack of justification from the Electoral Commissioner and disappointingly low level of training that applied only to Returning Officers. The Associations are strongly of the view that if the State persists with the descriptive requirements involving the Electoral Commissioner generally in the entire running of the elections then the State should fund the matters.

Statute Law Revision

The Associations' support the view of having anomalies removed.

"Above the Line" Voting

The Associations' support this matter and contend that it should apply in all situations. This matter is not supported by the Shires' Association because they see it promoting the entry of political parties into Local Government.

Councillor Disqualification

The Associations contend that the Local Government Act should be amended to clarify who is responsible for taking action in the event of a claim being made about the validity of an election result.

Concern About Performance of the Office of the Electoral Commission

The Association's surveyed the matter and found that only 54% of Councils were satisfied with performance, 43% not satisfied. Areas of concern including contradictory information from staff of the electoral office, late notification of instructions, poor communication, confusion on counting procedures resulting in a number of recounts, instructions issued with errors, no assistance available before the commencement of Returning Officers and no information about *above the line* voting processes.

RECOMMENDATION:

That the Council endorse the Local Government Associations' position in this matter.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 24 Oooo

**ITEM: 25 ROAD CLOSURE AND OPENING - LOWER COLO ROAD,
LOWER PORTLAND****FILE NUMBER:** GC281/061 PT01/CSV/OGK26NBX.C03

REPORT:

An application has been received from Bowdens Surveyors, on behalf of Mr R Mackie and Mrs K Jones, for the closure and transfer of six (6) unnecessary sections of Lower Colo Road, Lower Portland which adjoin Lots 371-373 DP 849807 and Lot 73 DP 751656. A plan of the proposal shall be displayed at the meeting.

The applicants, Mr Mackie and Mrs Jones, have Council approval for the subdivision of their property into four lots. A recent survey shows that the road formation of Lower Colo Road, at this location, is not contained wholly within the road reserve and encroaches upon the applicant's property in six (6) sections.

Mr Mackie and Mrs Jones are prepared to transfer the six (6) encroached lots to Council for road purposes, in exchange for the closure and transfer, by Council, of six (6) unused sections of Lower Colo Road to Mr and Mrs Mackie. The plan of survey prepared by Bowdens Surveyors identifies the areas of land encroached by the road formation as Lots 1 to 6, and the areas of unused road reserve as Lots 7 to 12. This proposal shall regularise the boundary of the road reserve in accordance with the physical road formation.

Owners of property adjoining the proposal have been notified in writing of the road closure application and an advertisement was placed in a local newspaper. At the close of the advertising period no submissions were received.

It is proposed to apply to the Department of Land and Water Conservation for the closure of Lots 7 to 12. Upon approval from the Department for the closures, Lots 1 to 6 are to be transferred by Mr Mackie and Mrs Jones to Council and gazetted as public road. Following vesting of the closed road areas, lots 7 to 12, to Council by the Department, same are transferred by Council to Mr Mackie and Mrs Jones.

It is a standard requirement that closed road areas are consolidated with the adjoining property owned by the applicants. This shall be achieved by lodgement and registration of the linen plan of subdivision, by the applicants, with the Land Titles Office. Arrangements shall be made for the lodgement of the transfers and production of the certificates of title for Lots 7 to 12, at the Land Titles Office, concurrently with the lodgement of the linen plan of subdivision.

It is considered appropriate that Council be responsible for the costs associated with the road closure application to the Department of Land and Water Conservation, and the transfers of Lots 1 to 12. Funding has been identified from the loan reserve for road construction.

It is noted that the total areas and values are similar.

RECOMMENDATION:

1. Council support the closure of six (6) unnecessary sections of Lower Colo Road, Lower Portland, identified as Lots 7 to 12 in the plan prepared by Bowdens Surveyors, reference 22145/14.
2. Council as the roads authority apply to the Department of Land and Water Conservation for the closure of Lots 7 to 12, to be vested in Council as operational land, and transferred to Mr R Mackie and Mrs K Jones.
3. Lots 1 to 6 as identified in the plan prepared by Bowdens Surveyors, reference 22145/14, be transferred from Mr R Mackie and Mrs K Jones to Council for road purposes, and dedicated as public road pursuant to Section 10 of the Roads Act, 1993.
4. The applicants, Mr R Mackie and Mrs K Jones, consolidate Lots 7 to 12 with their adjoining owned land, by lodgement and registration of the linen plan of subdivision as prepared by Bowdens Surveyors, reference 22145/15.
5. Council meet the costs of the road closure application to the Department of Land and Water Conservation, and the transfers of lots 1 to 12.
6. All necessary documents be completed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 25 Oooo

ITEM: 26**WINDSOR MALL - BAZAAR PROPOSAL****FILE NUMBER:** GR120/016 PT02/CSV/OGK26NBX.C01

REPORT:

Council at the November Ordinary Meeting considered the following report outlining a proposal to conduct a festival/bazaar in Windsor Mall on Thursday evening.

“A report was prepared for the September General Purpose Committee Meeting in regard to a proposal for establishing a bazaar in Windsor Mall and was subsequently withdrawn to allow further consultation with the Windsor Chamber of Commerce and retailers in the Windsor Commercial Centre.

The proposal, which has been introduced by the proprietor of Magic Rainbow, is to establish markets which create a festival/bazaar type atmosphere and having a different theme to the Sunday markets. It is proposed to hold the bazaar on a Thursday evening and to create a festive atmosphere with buskers, jugglers and clowns etc. Stalls would have alternative and unusual crafts, organic vegetables and local businesses would be encouraged to participate, with the aim of the organisers to involve as many local residents as possible as stallholders. Additionally, they propose to make provision for local community groups and service organisations to promote their services within the bazaars. The activities would occur in the section of the mall near the paddle wheel and Magic Rainbow.

Should the proposal be supported, it is suggested that a rental of \$10 per stall apply which is the same rate as the Sunday markets. The applicant recently addressed a meeting of the Windsor Chamber of Commerce to outline the proposal and correspondence has been received from the Chamber confirming that they have agreed to a two month trial period for the bazaar. At the time of preparing the report, verbal advice had been received that petitions can be expected from both proponents and objectors to the bazaar and it is also pointed out that the Windsor Mall Craft Group have indicated their objection to the proposal.

In view of the fact that the bazaar is proposed to be held between the hours of 5.00pm and 8.00pm on Thursday nights when most retailers are closed for business and the fact that stallholders are not proposing to sell goods which are in direct competition with retailers in this vicinity, it is recommended the trial period be supported subject to conditions.

RECOMMENDATION:

That the proposal to conduct a festival/bazaar in Windsor Mall on Thursday afternoons be supported subject to the following terms and conditions:

- 1. The approval be for a trial period of two months only.*
- 2. Payment of a rental equivalent to \$10 per stall.*
- 3. A maximum of 10 (ten) stalls to be allowed at any one time, with access to shops open for*

business not being impeded.

4. *The organisers and stallholders being responsible for the cleanliness and clearing of any litter within their specified areas.*
5. *Pedestrian access within the mall not to be impeded.*
6. *No exposed hot food counters, boilers or urns to be placed on public areas.*
7. *The organisers having in place public liability cover by way of a certificate of currency indemnifying themselves and Council in respect of the use of the mall and in the amount of not less than five million dollars.*
8. *Any necessary documentation being completed under seal of Council."*

Council resolved not to support the proposal and the applicant, Ms Lydia Gadd, has subsequently forwarded the following correspondence requesting reconsideration of the proposal. Ms Gadd will also be in attendance to address the meeting.

"Dear Councillors,

I am writing to you to ask that you reconsider the application, made by us for an evening Bazaar and music.

It appears that someone may have given you the wrong impression of what we are aiming to create. There are many types of people that make up a community, one of our main goals is to unite all people with acceptance and non-judgement of each other. It seems that exactly what is happening is judgement of people's character based on how they may dress, or their personal interests.

What we are trying to offer our community is a variation of the Sunday markets, and just about everyone we discuss this with is excited about our concepts to help Windsor, particularly in light of how much the new shops in Richmond will affect our livelihoods.

We are not involved in drugs, bad language or manner, or harming creatures of any kind, which is the impression we know that you have been given. We will not be encouraging alcohol into the mall, which we know has been of some concern. If that problem exists it is not in any way connected to us.

Any reference that has been made to us and the Earth Bazaars at Deerubbun is unfair. We have worked so hard, given so much of ourselves to create something for this community. Most of the organisation has been done by myself alone and one or two others. We even now have people asking when the next one will be. We encourage free expression and community involvement which is gradually happening. And, yes we have had teething problems, and anyone who has brought along alcohol has been asked not to bring it next time as we are trying to create a safe environment for families. We are planning a music day next year to raise money to put swings for the children at this park. And we are always open to discussing with anyone ways in which to improve this day. Admittedly we cannot cover the whole grounds all day and would appreciate some input into pointing out any unsavoury elements, instead of hearing about slanderous comments, when we

would have been open to constructive criticism.

It is very disheartening to hear that such remarks may have affected our decision on this evening event . The Chamber of Commerce is behind us, forty plus shops, and the community. Is it possible for us to come to some amicable arrangement to give us a chance to offer something new for our community.

Thank you.

L A Gadd”

RECOMMENDATION:

That consideration be given to the proposal to establish a festival/bazaar in Windsor Mall on Thursday evenings.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 26 Oooo

ITEM: 27 ROAD CLOSURE AND PURCHASE APPLICATION - TIZZANA ROAD, EBENEZER**FILE NUMBER:** P2006/220 PT02/CSV/OGK26NBX.C04

REPORT:

An application has been received from Mrs P Lees, and Mr and Mrs T Gray for the closure and purchase of an unnecessary section of Tizzana Road, Ebenezer, which adjoins their property. The applicant's property is identified as Lot 6 in DP 227211 being 546 Tizzana Road, Ebenezer. A plan of the proposal shall be displayed at the meeting.

The area of road proposed to be closed comprises approximately 5,855 square metres of vacant road reserve which is dissected by Jubilee Creek. If acquired, the subject land would regularise the boundaries of the applicant's existing property and provide the applicant's with an improved road frontage. The applicants have expressed an interest in acquiring this area of land to keep it tidy and free of rubbish, including burnt out motor vehicles.

Prior to the reconstruction of Tizzana Road to its present location several years ago, the road formation previously wound through the area proposed to be closed. This residue of road reserve is therefore considered to be unnecessary.

Owners of properties adjoining the proposal were notified in writing and an advertisement was placed in a local paper. At the close of the advertising period three submissions were received objecting to the application. These objections are summarised as follows:-

- * would like the area of land left as it is.
- * that the land can not be built on due to flooding.
- * heavy trucks and buses use this area for turning.
- * the creek is an outlet for flood water.
- * concern about additional caravans.
- * the site is a drainage outlet for Ebenezer Lagoon and the surrounding valley.
- * the site becomes inundated at times of flooding and would sweep away planned structures.
- * the site should enjoy the same protection as the surrounding wetlands.
- * Jubilee Creek bears historical significance.
- * concern about river bank instability.
- * wattle regrowth on the site forms a visual barrier to the caravan park.
- * Council would be selling land for development and condoning the practise of building on flood prone land.

The subject area is zoned 7(d1) (Environmental Protection (Scenic)) and it is noted that the objectives of this zone include measures for appropriate environmental preservation and development controls.

The construction of a dwelling home would not be permitted on the closed road area: first, due to the flood liability of the land and, secondly, Clause 15(5) of the Hawkesbury Local Environment Plan, 1989, does not permit the erection of a dwelling home on an allotment created by the closing of a road within the 7(d1) zoning.

The applicants currently operate Tizzana Downs Caravan Park on Lot 6, with approval for seven (7) caravan sites. The removal of any trees on the closed road area would be subject to Council's Tree Preservation Order.

It is a standard condition that the applicant is required to consolidate the closed road area with their adjoining property as one whole lot, therefore not creating a separate allotment. The Applicant's existing property, Lot 6, comprises an area of 2.484 hectares. The minimum allotment size within the 7 (d1) zoning is 10 (ten) hectares and severance by a creek is not considered an appropriate basis for subdivision

The title for the closed road area would be on either side of the creek bank and therefore not include Jubilee Creek. Council would require an easement for support along the entire frontage of the closed road area. It is further proposed to set back a section of the closed road area at the road boundary to make provision for a vehicular turning area.

Consultant valuers have assessed the value of the closed road area to be in the vicinity of \$10,000 (ten thousand dollars). The applicants have formally offered to purchase the closed road for \$8,000 (eight thousand dollars). This offer is considered to be indicative of the sites current market value, as the only interested and most likely purchasers for this site, being the adjoining owners, are the applicants.

RECOMMENDATION:

That:

1. Council support the closure of an unnecessary section of Tizzana Road, Ebenezer, adjoining Lot 6 in DP 227211 and comprising an area of approximately 5,855 square metres, in accordance with Council plan reference 2006-15.
2. Council as the roads authority apply to the Department of Land and Water Conservation for the closure of the unnecessary section of Tizzana Road, to be vested in Council as operational land, and transferred to Mrs P Lees, and Mr and Mrs T Gray.
3. The applicants, Mrs P Lees, and Mr and Mrs T Gray, enter into a Deed of Agreement to:-
 - (i) meet all costs associated with the application.
 - (ii) consolidate the closed road area with their adjoining property Lot 6 in DP 227211.
 - (iii) pay the Council consideration of \$8,000 (eight thousand dollars) for the closed road area.
 - (iv) create an easement for support along the frontage of the closed road area, to the satisfaction of the Director of Assets and Recreation.
 - (v) make provision for a vehicular turning area at the road boundary, to the satisfaction of the Director of Assets and Recreation.
 - (vi) accept that the closed road area shall be subject to Council's Tree Preservation Order.
 - (vii) accept that a dwelling home may not be erected on the closed road area.
4. All necessary documents be completed under the Seal of Council.

ATTACHMENTS:

ORGANISATION AND RESOURCES

Meeting Date: 26 November, 1996

Item: **27**

There are no supporting documents for this report.

oooO END OF ITEM 27 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 26 November, 1996

Item: **28****ITEM: 28** **MONTHLY FINANCIAL STATEMENTS - OCTOBER 1996****FILE NUMBER:** GF011/005 PT 04/FNC/OGK26NBX.F02**REPORT:**A. CASH EXPENDITURE WARRANT No. 4/1996SUMMARY - Accounts Paid

General Fund Cheque Nos.	47284 - 48003	EFT Nos: 75-274	4,553,952.21
Trust Fund Cheque Nos.	4646 - 4647		291,925.25
			4,845,877.46

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 castings and the amounts shown were due for payment. The detailed Warrant is available upon request.

L M Weatherstone
Responsible Accounting Officer

ORGANISATION AND RESOURCES

Meeting Date: 26 November, 1996

Item: **28****B. STATEMENT OF BANK BALANCES AND GENERAL MANAGER'S CERTIFICATE**

STATEMENT OF BANK BALANCES AS AT 31 OCTOBER 1996

GENERAL FUND	CR. 201,798.93
TRUST FUND	CR. 61,269.50

CR. 263,068.43

FORM 2

GENERAL

Balance - Cash Account as at 1st October 1996	CR. 558,374.20
Receipts for period ended 31 October 1996	DR. 4,021,725.84

DR. 3,463,351.64

Payments for period ended 31 October 1996	CR. 4,056,418.85
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CR. 593,067.21

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 October 1996.

L M Weatherstone
Responsible Accounting Officer

ORGANISATION AND RESOURCES

Meeting Date: 26 November, 1996

Item: **28**C. INVESTMENTS

Hereunder is the list of amounts invested:

Bank Bills

Interest

<u>Period</u>	<u>Due Date</u>	<u>Rate</u>	<u>Interest A/C</u>	<u>Amount</u>
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Term Deposits

67 Days	04.11.96	6.98%	General Fund	500,000.00
66 Days	04.11.96	6.99%	General Fund	500,000.00
91 Days	25.11.96	6.94%	General Fund	2,000,000.00
91 Days	25.11.96	6.93%	General Fund	2,000,000.00
91 Days	25.11.96	6.94%	Trust Fund	1,000,000.00
60 Days	10.12.96	6.81%	General Fund	1,000,000.00
371 Days	05.03.97	8.00%	General Fund	2,000,000.00
380 Days	26.03.97	8.12%	General Fund	3,000,000.00
547 Days	09.05.97	8.00%	General Fund	800,000.00
547 Days	09.05.97	8.00%	General Fund	200,000.00
594 Days	25.06.97	8.00%	General Fund	1,000,000.00
365 Days	03.09.97	7.02%	General Fund	1,500,000.00
365 Days	03.09.97	7.02%	Trust Fund	1,100,000.00
98 Days	11.12.96	6.92%	General Fund	2,500,000.00

Australian Treasury Corporation

04.08.97	8.45%	Workers Comp Board	950,000.00
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<u>Short Term Investments</u>	General Fund	3,085,000.00
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\$23,135,000.00

ORGANISATION AND RESOURCES

Meeting Date: 26 November, 1996

Item: **28**

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
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 28 Oooo