



general
purpose
committee

3
section

organisation
and
resources

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ITEM: 59 **Fire Brigade Constitution****FILE NUMBER:** GF010/043 Pt5/GMA/OGF29NAX.G06

REPORT:

With the implementation of the Rural Fires Act 1997 it became necessary to review the Constitution currently used by the Council's Rural Fire Brigades. A new Constitution has been prepared in consultation with the brigades and the Hawkesbury Branch of the Rural Fire Service Association.

The Constitution indicates the objectives of the Rural Fire Service Brigades, membership in the categories of Active Fire Fighter, Supportive Member, Junior Member, Life Member, Probationary Member; the Rights of Membership and Procedures and Requirements for all attaining that; Conditions of Membership, including a Discipline and Grievance Process, Positions Within the Brigade Structure and their Responsibilities, Audit and Details of Meetings.

A copy of the Proposed Constitution is a separate attachment to this report.

RECOMMENDATION:

That the Constitution for the Hawkesbury Rural Fire Service Brigades be adopted.

ATTACHMENTS:

AT-1 Proposed Constitution distributed separately

oooO END OF ITEM 59 Oooo

ITEM: 60 Threat to Library Services Through New Federal Legislation**FILE NUMBER:** GL010/004 Pt02/GMA/OGF29NAX.G05

REPORT:

The Federal Government has released an exposure draft of a Bill to amend the Copyright Act to extend existing provisions to cover electronic data transfer. There are concerns of consequences for research copying facilities provided by libraries. Councils are urged to raise this issue with their local Federal Members of Parliament.

The Copyright Amendment (Digital Agenda) Bill will shortly be introduced into Federal Parliament. An Exposure Draft was released earlier this year. The objects of the Bill include 'to provide reasonable access and certainty for end users of copyright material on line' and 'to ensure cultural and educational institutions can access copyright material on line' and to ensure cultural and educational institutions can access copyright material online on reasonable terms including the provision of adequate remuneration to creators and investors.

The Government has indicated it wishes to maintain the existing balance between the public interest in reasonable access to information and the legitimate economic interests of copyright owners by extending the concept of fair dealing to the proposed right of communicating to the public and to maintaining the special exceptions for libraries and archives in the digital environment.

Libraries generally support the extension of existing legislative provisions to the electronic environment. At the moment, the conditions under which parts of documents can be copied for research purposes are governed by legislation and the Bill proposes the existing arrangements continue.

The Copyright Agency Limited is however proposing that these provisions should not be continued in an electronic environment. If libraries do supply documents at all, this should be subject to the terms of a licence, including a copyright fee administered by a collecting society.

Strong representations have been made to Government by the agency and its supporters favouring this proposal, which if adopted would have an impact on cost structures for libraries and would disadvantage people in country areas who do not have ready access to materials except through their local library.

Councils are urged to raise this issue with their local Federal Members of Parliament, indicating support for the provisions of the Bill as outlined in the Exposure Draft circulated in March 1999.

For further information contact Brendan Hartnett at the Local Government & Shire Associations on phone: 02 9242 4000.

RECOMMENDATION:

That Council advise the Federal Member for Macquarie, Mr Kerry Bartlett MP, that it is in support of the provisions of the Copyright Amendment (Digital Agenda) Bill as outlined in the Exposure Draft circulated in March this year.

ATTACHMENTS:

There are no supporting documents for this report.

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Item: **61****ITEM: 61** **Monthly Financial Report - May 1999****FILE NUMBER:** GF011/005 PT4/FNC/OGF29NAX.F04**REPORT:****May 1999****A. Expenditure Warrant Number 11 of 1998/99**

Summary of Accounts Paid:

Cheque # 62910- 63346	\$1,441,946.21
EFT # 9696 - 9974	\$1,639,003.80
Family Day Care Payments	\$28,165.90
RTGS Transactions	\$1,500,000.00
Cancelled Cheques	\$-1,943.95
Misc - Bank Charges, Dishonours etc.	\$3,556.35
	<u>\$4,610,728.31</u>

B. Cash Book Reconciliation - May 1999

Cash Book Balance as at 1 May 1999	\$-380,251.96
Add: Receipts for month of May	<u>\$5,405,367.61</u>
	\$5,025,115.65
Less: Payments for month of May	<u>\$-4,610,728.31</u>
Cash Book Balance as at 31 May 1999	<u>\$414,387.34</u>

C. Statement of Bank Balances - May 1999

Bank Statement Balance as at 31 May 1999	\$72,740.70
Less: Unpresented Cheques	<u>\$-328,704.33</u>
	\$-255,963.63
Add: Outstanding Deposits	\$673,207.25
Statement Credits not receipted	<u>\$-2,856.28</u>
	<u>\$414,387.34</u>

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Item: **61****D. Investments - May 1999**

Investment Type	Balance 30-Apr-99	Deposits	Withdrawals	Interest Paid	Balance 31-May-99
Managed Funds	22,045,507.48			71,759.15	22,117,266.63
On Call Funds	2,950,000.00	1,500,000.00	525,000.00		3,925,000.00
Term Investments	950,000.00				950,000.00
TOTAL	25,945,507.48	1,500,000.00	525,000.00	71,759.15	26,992,266.63

Responsible Accounting Officer

The summary warrant is fully supported by vouchers and invoices which have been duly certified.

The detailed warrant is available upon request.

The Cash Book and Bank Statements have been reconciled as at 31 May, 1999.

The investments outlined above are the total of all funds that have been invested. All investments have been made in accordance with the Act, Regulations and Council's investment policies.

The Rate Book has been reconciled as at 31 May, 1999.

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 61 Oooo

ITEM: 62 **Leasing of Loder House - George Street, Windsor****FILE NUMBER:** GC283/043 PT04/CSV/OGF29NBX.C04

REPORT:

Advice has been received from Mr S and Mrs L Battye, tenants of Loder House, that they are proposing to sell the restaurant operating within the premises.

It is noted that the proposed purchaser is Ms Sue Johnston who, in an interview with Council officers, revealed extensive experience in the tourism and hospitality industry and is currently Catering Manager at Castle Hill Tavern. Ms Johnston intends to continue trading as the "Linden on George". The current Lease is due to expire at the end of July and accordingly it is proposed to offer Ms Johnston a new three (3) year agreement with an option to renew for an additional three (3) years and at a commencing rental of \$24,000 (twenty four thousand). Rental is to be subject to yearly Consumer Price Index reviews and reviewed to market at the commencement of the option period and the tenant is responsible for 50% of Council, water and sewer rates and 100% of water usage and garbage charges.

It is pointed out that the premises are in fact owned by the Department of Planning and leased to Council on a nil rental basis subject to Council being responsible for maintaining the building. Subsequently, a Sub-Lease is to be offered to the new tenant.

RECOMMENDATION:

That a Sub-Lease be entered into with CJ's Catering (Ms Sue Johnston) in respect of Loder House, George Street, Windsor, subject to the following principle terms and conditions:

1. The tenure being three (3) years with an option to renew for a further three (3) years.
2. Commencing annual rental to be \$24,000 (twenty four thousand dollars) per annum.
3. Rental to be reviewed to the Consumer Price Index on an annual basis and to market at the commencement of the option period.
4. The tenant being responsible for 50% of Council, water and sewer rates and 100% of water usage and garbage charges.
5. The tenant to provide evidence of appropriate insurances including public liability, workers compensation/personal risk, plate glass insurance.

Further, that all associated documentation be completed under the Seal of Council.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 62 Oooo

ITEM: 63 **Proposed Lease of Council Property - 520 Windsor Road, Vineyard**

FILE NUMBER: GC283/148/CSV/OGF29NBX.C03

REPORT:

An application has been received from Mr David Keene of Kellyville Christmas Tree Farm to lease 520 Windsor Road, Vineyard (Lot 22 DP 513364) for the purposes of growing pine trees.

Given the growing/harvesting cycle of the trees, a 6 (six) year lease has been requested. It is intended to provide a 6 (six) year option in Council's favour, so if the land is required by Council at the expiration of the initial 6 years, the further 6 year option will not have to be offered to the lessee.

Water is currently not connected to the site but is available. The proposed lessee plans to improve the land by connecting and installing the water service as well as appropriately fencing the site at his cost. It is noted that Sydney Water charge a \$325.00 application fee plus costs to have water connected.

The majority of the site is affected by an easement for electricity in favour of Transgrid, and accordingly, the lease is subject to Transgrid's conditions being met by the lessee. It is noted that the property has been offered for lease for some time, with the easement and lack of services proving to be an obstacle for many potential lessees.

The land is zoned Rural 1(c) and lodgement of a Development Application is required. Accordingly the lease is subject to development approval being granted, with the lessee to be responsible for the cost of such.

The proposed rental is \$3,120.00 per annum reviewable annually by Consumer Price Index. At the commencement of the option the rent will be reviewed by agreement of the parties. The lessee will be responsible for all outgoings on the property, including Council rates and water rates and usage charges.

RECOMMENDATION:

That:

1. A lease be granted to Mr David Keene for 520 Windsor Road, Vineyard for a term of 6 (six) years with a 6 (six) year option in favour of Council and at a commencing rental of \$3,120.00 (three thousand, one hundred and twenty dollars) per annum reviewable annually by CPI. At the expiry of the principal term, the rent is to be reviewed by agreement between the parties.
2. The lease to be subject to development consent being obtained and compliance with conditions set out by Transgrid.

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3. All necessary documents be executed under the Common Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 63 Oooo

ITEM: 64 **Proposed Road Closure - Off Upper Colo Road, Upper Colo****FILE NUMBER:** GR080/060/CSV/OGF29NBX.C01

REPORT:

An application has been received from RN & NR Tolsons Management Pty Ltd to close a section of unnecessary road off Upper Colo Road, Upper Colo between their properties, Lot 12 in Deposited Plan 865893 and Lot 2 in Deposited Plan 860337. The purpose of the application is to rationalise the boundaries of the lots.

Public consultation was undertaken with an objection being received from the Colo River Valley Tourism Association. The objection was based on the historical merits of a section of the road which comprises hand built sandstone construction. Negotiations at a site meeting resulted in an amended application proposing to close the section of road adjoining Singleton Road/Putty Road with the section accessible from Upper Colo Road and incorporating the sandstone construction remaining open to the public. The maintenance of the lower section of the road, accessible from Upper Colo Road will be the responsibility of the adjoining owner, with the road surface to be kept in a reasonable condition, any damage caused by run off etc. is to be rectified, the growth of vegetation is to be controlled and the hand built sandstone walls are to be maintained. Mr Tolson has agreed to this requirement.

The area to be closed is approximately 6563m², is heavily timbered, steep and rocky and the line of the old road lies along the boundary. Integral have requested that a nine metre wide easement be created along the location of the existing overhead power lines. It is proposed that the area of closed road will be consolidated with Lot 2 in DP 860337.

Council's valuer has advised that the offer of \$2000.00 (two thousand dollars) made by the applicant to be fair and reasonable for the subject land.

RECOMMENDATION:

That:

1. Council support the closure a section of unnecessary road off Upper Colo Road, Upper Colo between Lot 12 in Deposited Plan 865893 and Lot 2 in Deposited Plan 860337 comprising an area of 6563m².
2. Council as the roads authority apply to the Department of Land and Water Conservation for the closure of the unnecessary section of road, to be vested in Council as operational land, and transferred to RN & NR Tolsons Management Pty Ltd.

3. The applicant RN & NR Tolsons Management Pty Ltd, enter into a Deed of Agreement to:
- (a) Meet all costs associated with the application.
 - (b) Consolidate the closed road area with the adjoining property Lot 2 in DP 860337
 - (c) Pay the Council consideration of \$2000.00 (two thousand dollars) for the closed road area.
 - (d) Create an easement for electricity and river gauging station to the satisfaction of the relevant authorities.
 - (e) accept that the maintenance of the lower half of the road which is to remain open to the public and the appropriate legal instrument be created to that future owners of Lot 2 in DP 860337 remain responsible for the maintenance.
4. All necessary documents be executed under the Common Seal of Council.

ATTACHMENTS:

AT-1 Location Plan

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Item: **64**

LOCATION PLAN

oooO END OF ITEM 64 Oooo

ITEM: 65**Proposed Closure of Unformed Road, Off Cattai Road, Cattai and Amalgamation of Crown Reserve 83421 with Scheyville National Park****FILE NUMBER:** PK/235/CSV/OGF29NBX.C02

REPORT:

National Parks and Wildlife Services have recently reconfirmed their interest in amalgamating Crown Reserve 83421, also known as Cattai Reserve or Long Neck Lagoon Oval, and the unformed public Council Road which adjoins the reserve, with Scheyville National Park. The Crown reserve is currently under the care, control and management of Council.

Following representations by the Long Neck Lagoon Trust, National Parks and Wildlife Service (NPWS) and the Hawkesbury Sports Council, Council resolved at its Ordinary meeting of the 9th April 1996 to advise the Department of Land and Water Conservation that the reserve was no longer required by Council and consideration be given to the land being included in the Scheyville National Park. However, the new boundaries of Scheyville National Park were gazetted prior to contact being made with the Department.

In order to amalgamate the unformed public Council road with the National Park, it is required to be formally closed and accordingly public consultation has been undertaken with the owners of a number of properties which have access from Millers Road and back onto the unformed road. Six objections have been received and a summary of the objections are as follows;

- the access has been in use by the family since 1860's
- proposed building of shed at rear of property for truck, requiring access from rear
- detrimental effect on value of properties and subdivision potential
- used as access during wet weather
- overhead power lines at front of property restrict access by tall vehicles via front of property (I believe that some of the residents are water carters, truck drivers)
- concern expressed re loss of public park land, only reserve in the area.
- concern expressed re having National Park as neighbour, loss of value
- road was originally formed to some degree but fell into disuse after the construction of better road through the reserve by the Cricket Club.

It is noted that the properties are zoned rural 1(c) and are approximately 2.4 hectares in size.

AGL Gas Networks have agreed to lift their objection to the closure subject to the provision of an easement for gas service.

It is considered that the level of future use would not warrant the upgrading of the road by Council and that an additional intersection onto Cattai Road would also not be supported.

RECOMMENDATION:

That:

1. Council support the closure of the unformed public road and following its closure, the land be classified as operational land and transferred to the National Parks and Wildlife Service.
2. Council support the transfer of Crown Reserve 83421 (Cattai Reserve/Long Neck Lagoon Oval) to the National Parks and Wildlife Service subject to the reserve being incorporated within the Scheyville National Park.

ATTACHMENTS:

AT-1 Location Plan

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LOCATION PLAN

oooO END OF ITEM 65 Oooo