



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 08 February 2005

location: council chambers

time: 5:00 p.m.

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ordinary

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confirmation of minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**SECTION 1 - Confirmation of Minutes**

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section 4

reports  
for determination

**SECTION 4 - Reports for Determination**

**COMMERCIAL STRATEGY - (CORPORATE RESPONSE UNIT)**

**Item: 22**                    **RES B - Commercial Development Enterprise Panel (73824, 91811)**

**Previous Item:**            188, Ordinary (14 December 2004)

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**REPORT:**

**Background**

At the Ordinary Meeting of 14 September 2004, Council resolved to establish Commercial Development Enterprises (Enterprise Panel) for the purpose of pre-qualifying potential contractors that would identify and take ownership for specific Council-sponsored projects and be held accountable for the implementation and success of such projects through performance-based agreements.

At the Ordinary Meeting of 14 December 2004 and in response to an Expression-Of-Interest (EOI) received, Council resolved to appoint the Windsor Business Group Inc (the Group) to the Enterprise Panel and to enter into negotiations with the Group with a view to forming a contractual relationship for the delivery of certain projects - subject to commercial merit as considered by Council.  
(Note: these negotiations are currently in-progress).

**Recent Developments**

The Commercial Response Unit (CRU) has since received an EOI from the Hawkesbury City Chamber of Commerce Inc (the Chamber) for appointment to the Enterprise Panel along with a proposal to engage with Council on several projects.

The CRU has considered 2 (two) projects as having sufficient commercial merit to explore further with the Chamber, namely:

1. Customer Service Quality Certification Program; and
2. Business Excellence Awards

These projects have been previously identified by the CRU Business Plan "GAME-PLAY", as key actions in support of strategies that seek to *Foster a Winning Attitude* and to *Build Centres of Excellence*.

While there is still further work to be done by the Chamber in developing specific project plans, it is proposed that the CRU continue to negotiate with the Chamber over the coming months to resolve any commercial matters and that Council make available a certain amount of funds to implement these projects subject to the execution of a suitable performance-based supply agreement between Council and the Chamber.

**RECOMMENDATION:**

That:

1. The Hawkesbury City Chamber of Commerce Inc (Chamber) be appointed to the Enterprise Panel.

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2. Negotiations be entered into with the Chamber of Commerce for a performance-based supply agreement for the Chambers, Commercial Development Enterprises (CDE) Projects subject to Council's commercial and legal requirements being met.
3. The CRU manage all negotiations and contractual arrangements with the Chambers, Commercial Development Enterprises Projects with a view to executing a suitable agreement.
4. Up to \$25,000 (twenty thousand dollars) be made available from the CRU budget for the purpose of procuring goods and services arising from the Chambers, Commercial Development Enterprises Projects above and subject to a further report to Council.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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### ENVIRONMENT AND DEVELOPMENT

**Item: 23                      ENV B - Recommendation from the Floodplain Risk Management Committee - (86589)**

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#### **REPORT:**

The Floodplain Risk Management Committee resolved at its meeting held on 13 September 2004 to report the following matter to Council.

**1.      45<sup>th</sup> Annual Conference of the Floodplain Management Authorities of NSW - 22 to 25 February 2005 at Narooma**

The Conference is being organised by Council's Convention Bureau in conjunction with Council's Infrastructure Planning Engineer, Mr Royce Toohey, who is the Conference Chairman, and Councillor Rob Pollock. The support and involvement of Eurobodalla's Mayor, Councillor Fergus Thomson, has also been obtained.

The proposed theme of the Conference is "Lessons from the Past". This is a most timely theme, given the 80 (eighty) and 50 (fifty) Year Anniversaries of the major NSW floods in 1925 and 1955. Often in drought periods such as we are currently facing, it is a challenge to depict the devastation floods can bring to life and property.

Whilst the Conference is located in Narooma, Eurobodalla Council is responsible for a number of significant waterways that impact upon communities, including the Moruya River, the Clyde River and the Tomaga River. As noted above, 2005 is the 80<sup>th</sup> anniversary of significant flooding in NSW. In fact in that year, Moruya suffered its highest recorded flood, whilst 1975 was the last significant flood there.

It is intended that there will be 3 (three) streams of papers, these being:

- Planning;
- Flood Detection; and
- Structural Works.

The main venue for the Conference will be the Narooma Golf Club, which is able to provide a main auditorium along with 2 (two) other areas for presentations; as well as an area for refreshments and displays. It is proposed that a book of business paper abstracts, together with a CD of all the actual papers will be provided to delegates at the Conference replacing a binder full of paper reports.

An invitation is being sent to the Minister for Infrastructure, Planning and Natural Resources to open the Conference. An invitation is also being sent to the current Federal Minister for Transport and Regional Services to attend the Conference.

#### **RECOMMENDATION:**

That Councillor Devine and Councillor Porter attend the FMA Annual Conference in Narooma during 22-25 February 2005, and report back on their findings.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 24**                      **ENV B - Draft Local Environmental Plan 6/03 - Amendment 148 to Hawkesbury Local Environmental Plan 1989 - 6 Ham Street, South Windsor - (79339, LEP6/03)**

**Previous Item:**            149, Ordinary (9 September 2003)

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### REPORT:

Council resolved at its Ordinary Meeting of 9 September 2003, to build a new South Windsor Family Centre in Stewart Street near to the subject land. The South Windsor Family Centre will have a purpose built space to house services for families and children, as well as a large community hall to replace the existing hall located at Ham Street.

The existing Ham Street Hall is limited in its capacity to respond to the diverse and increasing needs of the residents of South Windsor and surrounding areas. It is not wheelchair accessible, has limited storage facilities and is located on a small block surrounded by medium density housing. Hours of operation are restricted due to noise issues. While the existing Ham Street Hall site has served the community for a number of years, its limitations have, and will continue to, reduce its use and effectiveness as a community meeting space.

### Proposed Rezoning

In light of the above, it is proposed to rezone Lot 11, DP 759096, No.6 Ham Street, South Windsor from Special Uses 5(a) - Community Purposes to Housing, to enable future residential development to occur on the land once the hall has been decommissioned.

### Section 62 - Consultation with Government Agencies

The draft local environmental plan was referred to the following government agencies for comment and requirements:

- Australian Gas Limited
- Environment Protection Authority
- Integral Energy
- Roads and Traffic Authority
- Telstra
- Sydney Water

A reply was received from Sydney Water who raised no objection to the rezoning and provided advice regarding their requirements for the future development of the land (e.g. Section 73 Compliance Certificate, Basix, etc.). No other replies were received.

### Exhibition of the Draft Local Environmental Plan

The Draft Local Environmental Plan was exhibited from Wednesday, 10 November to Friday, 10 December 2004. No submissions to the rezoning proposal have been received.

### RECOMMENDATION:

That the draft Local Environmental Plan as exhibited be adopted and referred to the Minister for gazettal.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 25**                      **ENV B - Section 82A Application - 31 & 31A Flinders Place, North Richmond - DA0403/04 - (79347)**

**Previous Item:**            51, Ordinary (9 November 2004)

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**REPORT:**

**Introduction**

Council refused a development application proposing 8 (eight) residential units on 9 November 2004. The applicant lodged a request on 24 November 2004 for Council to review its decision pursuant to Section 82A of the Environmental Planning & Assessment Act, 1979.

The applicant also lodged an appeal to the Land & Environment Court which was served on Council on 29 November 2004. Council's solicitors have been instructed to defend the appeal.

The purpose of this report is to allow Council to consider the Section 82A application. The applicant is entitled to make this application and Council is legally entitled to determine it notwithstanding the Court appeal.

**Report**

At the Ordinary meeting held on 9 November 2004 Council resolved that the application be refused for the following reasons:

1.    *The proposed development is prohibited under the provisions of Hawkesbury Local Environmental Plan 1989.*
2.    *The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.*
3.    *The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.*
4.    *The design of the proposed development will not provide an acceptable level of amenity for future residents.*
5.    *The proposed development is inconsistent with the established character of the locality.*
6.    *The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular the "Residential Chapter".*

The applicant has made a 4 (four) page submission in support of the S82A request and a complete copy is attached to this report. The following comments are provided in response to the matters contained in that submission.

**1.    Solar Access to Units**

This was not raised as a specific matter in the grounds for refusal.

**2.    Extent and Quality of Open Space**

The open space may comply with the numerical requirements of the Development Control Plan, however, as previously reported, is considered unsatisfactory due to solar access and privacy impacts of these elevated terraces and decks.

**3.     *Established Setback From the River***

No development of this bulk and size exists or has been approved in the immediate locality.

**4.     *Acoustic and Visual Privacy***

Acoustic and visual privacy remains of concern due in part to the elevated terraces and decks and the relationship of the car parking area to at least one bedroom within the proposed development.

**5.     *Stacked Parking***

Stacked parking as proposed is considered unacceptable for this site.

**6.     *Distance to Street Frontage***

This matter goes to the amenity of the future occupants and remains a concern.

**7.     *Applicability of SEPP 65 to the Application***

In our view, State Environmental Planning Policy No. 65 - Design of Quality Residential Flat Development (SEPP 65) does indeed apply to the development. The applicant lodged the application as such and has never questioned this during the processing of the application.

**Conclusion**

Having considered the request pursuant to Section 82A of the Act, the reasons for refusal remain valid. No additional information or design changes have been supplied which would warrant Council reversing its previous decision.

**RECOMMENDATION:**

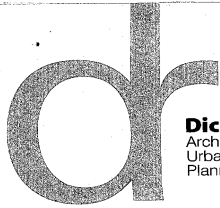
That:

1.     Council resolve to review its determination of 9 November 2004.
2.     Having reviewed its determination of development application DA0403/04 in accordance with the provisions of Section 82A, Council resolve to confirm its previous determination of 9 November 2004, refusing the application.

**ATTACHMENTS:**

**AT - 1**     Correspondence from Dickson Rothschild requesting a review of Determination

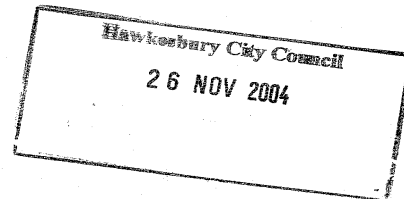
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**Dickson Rothschild**  
Architecture  
Urban Design  
Planning

24 November 2004

Hawkesbury City Council  
Attention: General Manager  
P.O. Box 146  
WINDSOR NSW 2756



**URGENT**

Dear Sir

Re: DA0403/04 Development Application at Lot 1 and Lot 2 DP 1010228,  
31 & 31a Flinders Place, North Richmond, NSW

This letter is submitted in relation to the above development application and Council determination of the application at the meeting on 9 November 2004.

On behalf of the Applicant, we request a review of the determination under Section 82A of the Environmental Planning and Assessment Act 1979. We also request that this application be considered by Council at its next meeting prior to Christmas 2004.

We submit the following information as part of this s82A application. This information is in response to issues that were raised by Councillor Conolly who was not available to attend our presentation to the meeting of 4 November 2004 where detailed information regarding the proposal was presented.

These issues raised by Councillor Conolly were as follows:

**1. Solar Access to Units**

Clr Conolly claimed that solar access does not satisfy the DCP. In fact, he stated that "all units are poor apart from one unit".

*Response*

The design maximises solar access to the units, whilst taking full advantage of the opportunity for views to the Hawkesbury River and addressing the site constraints. Skylights have been used as solar collectors to optimise daylight access to the living areas of the units. All skylights receive sunlight between the hours of 9am and 2pm on June 21<sup>st</sup>.

Sunlight is available to more than 50% of the private open space for at least 2 hours between 9am and 3pm on June 21<sup>st</sup>.



**SCANNED**

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dr

The development will not reduce the solar access to the solar collectors of an adjoining property to less than 4 hours a day in mid winter.

Sunlight is available to the clothes drying area for at least 4 hours on June 21<sup>st</sup>.

All of which is in compliance with DCP Part C 6.4 Solar Access.

### 2. Extent and Quality of Private Open Space

Clr Conolly claimed that the quantity of private open space (20% of site area) provided in the proposal does not comply with the DCP.

#### *Response*

The proposal complies with the required percentages for landscaping and private open space. Provided below are the details of this compliance:

| Item               | DCP Minimum Requirement                         | Proposed (% of site area) |
|--------------------|-------------------------------------------------|---------------------------|
| Landscaping        | 30% of total site area for pervious landscaping | 1,732sqm (46%)            |
| Common Open Space  | No set requirement                              | 31%                       |
| Private Open Space | 20% of total site area                          | 738sqm (20%)              |

Further more in accordance with DCP Part D 1.7 all above ground level balconies/terraces are in excess of 30 square metres with a minimum dimension of 2 metres.

The private open space area is on the same level and directly accessible from the dwelling's main living area, is located to receive good solar access within the site constraints and planters and screens are provided to protect privacy which accords with the DCP objectives.

### 3. Established Setback from the River

Clr Conolly stated that the proposed setback is inappropriate for the site and setting.

#### *Response*

Council has set no statutory nor non-statutory, numeric requirement in regard to setback from the river. As detailed in our original Statement of Environmental Effects as well as in the supplementary, supporting documentation, the proposed setback follows the predominant building line for adjacent and localised developments along the same river frontage.

It is important to note that there exists approved DAs on both lots of the subject site (31 and 31a Flinders Place) for two, two- three storey duplexes, with pitched roofs, large double garages for each residence, with accommodation above garages for 31 Flinders

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Place, within a very similar setback to that proposed. It is submitted that should these existing approvals be developed, it would present a far greater visual intrusion upon the riverine corridor due to its height and bulk.

**4. Acoustic and Visual Privacy**

Clr Conolly raised concerns regarding the visual and acoustic privacy of existing and new residents.

*Response*

Clr Conolly did not point out any detailed privacy concerns and who in particular would actually be affected.

Amendments to plans had been previously made to mitigate any concerns raised by the Council Planners. External privacy has been addressed with the use of appropriate distances, landscaping and privacy screens which meet the DCP guidelines and other acceptable standards. The relevant Council Officer's report on the application makes no specific comment on breaches on any privacy standard.

**5. Stacked Parking**

Clr Conolly claimed that the proposed parking regime was an inappropriate solution to the site's physical constraints.

*Response*

A Traffic and Parking Report has been submitted to Council. The report concludes that the proposed stacked parking will not cause any unacceptable parking implications. It should also be noted that the DCP does not expressly prohibit stacked car parking, and it has been used as an acceptable solution in other developments within the Hawkesbury City Region.

**6. Distance to Street Frontage**

Clr Conolly expressed concern for the distance residents would have to traverse to reach Flinders Place. He stated a distance of some 13m was necessary.

*Response*

It should be noted that the approved dwelling for 31a Flinders Place has its residential component within this zone and would have a similar climb to the street as that proposed in the subject development application. It is submitted that this is really a market related issue, and not relevant to Council's assessment.

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7. Applicability of SEPP65 to the Application

Clr Conolly questioned the applicability of SEPP 65 for this application.

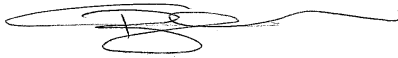
*Response*

Though not strictly applicable to the form of development proposed, both SEPP65 and in particular the accompanying Residential Flat Design Code are useful tools for determining the functionality of a building as it provides useful benchmarks to assess its environmental and design quality. As such, a SEPP 65 Design Verification Statement was prepared and submitted with the original and amended applications. Council is in receipt of these documents.

We thank Council for its consideration of this Section 82A application. It should be noted that the applicant has determined to proceed with an appeal to the NSW Land and Environment Court should this application prove unsuccessful.

We look forward to your decision.

Yours faithfully  
Dickson Rothschild Pty Ltd



 Nigel Dickson  
Managing Director

cc Michael Vanderburg  
All Councillors

Macquarie Vale Homes  
Hawkesbury City Council

oooo END OF REPORT Oooo

**ASSET MANAGEMENT**

**Item: 26                    INF B - The Native Vegetation Act 2003 - (79354)**

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**REPORT:**

Comments have been invited on the way native vegetation will be managed in NSW. The Draft Native Vegetation Regulation 2004 and supporting documents have recently been on public exhibition. The draft Regulation and supporting information will guide the implementation of the Native Vegetation Act 2003.

Implementation of the native vegetation reforms is built on a collaborative approach between farmers, conservationists, scientists and the NSW Government. It is a major overhaul of the old system and represents a groundbreaking approach to the development of government policy. It will result in a system which:

- balances the needs of farmers and the needs of the environment;
- is responsive to local conditions;
- can be improved over time as new information is discovered; and
- gives greater certainty than has been possible in the past.

The *Native Vegetation Act 2003* sets a framework for:

- ending broadscale clearing unless it improves or maintains environmental outcomes;
- encouraging revegetation and rehabilitation of land with native vegetation; and
- rewarding farmers for good land management.

For our farmers, these reforms:

- provide long term security - property vegetation plans clarify farmers rights to manage native vegetation and incorporate threatened species assessment in one system, for up to 15 (fifteen) years; these rights cannot be affected by changes to the Threatened Species lists or environmental planning instruments;
- improve farm management flexibility - property vegetation plans allow farmers to use offsets to balance negative impacts of proposed clearing;
- flexibility to clear unprotected regrowth and manage routine agricultural activities without the need for government approval;
- encourage local decision making, with the establishment of statutory Catchment Management Authorities;
- invest \$436 million over 4 (four) years to fund on-ground work to conserve and repair damaged rivers and landscapes; and
- bring world-class science and information presented in a practical way to help solve water quality, salinity, biodiversity and soil conservation problems across NSW.

For the people of NSW, these reforms:

- end the broadscale clearing of native vegetation unless it improves or maintains environmental outcomes;
- support the work of farmers to conserve and repair rivers and landscapes;
- allow farmers to continue to produce food and fibre and make their vital contribution to local economies;
- deliver funding to on-ground conservation and repair of rivers and landscapes and minimise bureaucracy and red tape; and

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- direct resources to protecting the landscapes rather than focus on individual plants and animals.

Property vegetation plans are voluntary and clearing may still be assessed through a development application should this be preferred.

The draft *Native Vegetation Regulation 2004* details how the *Native Vegetation Act 2003* will work on the ground. It covers:

- the relationship with development consents;
- the form and content of property vegetation plans and how they will be recorded;
- a definition of routine agricultural management activities, for which clearing approvals are not required;
- provisions for clearing associated with maintenance of public utilities;
- a methodology for assessing whether a clearing proposal passes the 'improve or maintain' test required by the Act; and
- special provisions for State Protected Lands.

### 1. The Draft Native Vegetation Act 2004:

The new Act provides greater flexibility for landholders by enabling them to:

- clear unprotected regrowth without approval;
- clear for routine agricultural management activities without approval; and
- continue existing cultivation, grazing or rotational farming practices where these activities do not involve the clearing of remnant vegetation.

### 2. Routine agricultural management activities do not need consent

Routine agricultural management activities are defined in the Act to include the control of noxious weeds and animals, the construction, operation and maintenance of rural infrastructure such as roads and fences, the clearing of vegetation planted for commercial purposes and the lopping of trees for stock fodder.

These activities can be undertaken on any part of a farm, including areas in which there are remnant vegetation and protected regrowth. If the clearing is no more than the minimum extent necessary to carry out the activity approval will not be required from either the Department of Infrastructure, Planning and Natural Resources, or the local Catchment Management Authority.

### 3. The introduction of financial incentives for landholders

Financial incentives may be available to landholders for the management of native vegetation on their land. Financial incentives for native vegetation management will be available through Catchment Management Authorities.

Landholders can apply for financial incentives by preparing a property vegetation plan with their local Catchment Management Authority.

### 4. An end to broadscale clearing

The NSW Government is committed to ending broadscale clearing (clearing of remnant native vegetation or protected regrowth). This does not mean an end to all clearing. The new Act protects the most important vegetation by limiting the circumstances under which clearing approval can be granted. Under the new Act approval for clearing protected regrowth and remnant native vegetation cannot be granted unless it can be demonstrated that the clearing will improve and maintain environmental outcomes.

### 5. The application process for clearing native vegetation has been streamlined

A landholder wanting to clear native vegetation now has two options:

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- submit a development application, or
- request a property vegetation plan through their local Catchment Management Authority.

Both options require the Catchment Management Authority to assess the proposal under the new legislation. The Act has streamlined the assessment criteria and this will speed up the process. Also, it is anticipated that amendments to the threatened species legislation will reduce the need for approvals/licences under that legislation if a property vegetation plan is obtained.

### **6. Property vegetation plans provide certainty and flexibility**

Property vegetation plans will give landholders greater certainty because they contain provisions allowing clearing for up to 15 (fifteen) years. Property vegetation plans enable landholders to propose offsets that may support a clearing proposal for the purpose of meeting the 'improve or maintain' environmental outcomes test. Such offsets can extend beyond 15 (fifteen) years.

The Native Vegetation Act 2003 does not currently apply to the Hawkesbury Local Government Area as all Local Government areas in the Sydney region have been excluded because they are largely urban.

Wollongong has successfully made a submission to be included within the Act, due largely to assist in the protection of their escarpment areas.

### **RECOMMENDATION:**

That a late submission be made requesting Hawkesbury Local Government Area be included within the Native Vegetation Act 2004 as it has extensive areas of natural value and as such should not be regarded as an urban region.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**CORPORATE AND COMMUNITY**

**Item: 27**                    **ORG A - Tender for the Provision of Legal Services - (79351, 79337)**  
**CONFIDENTIAL**

**Previous Item:**            60, General Purpose Committee (2 November 2004)

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**Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

**ORDINARY MEETING****Meeting Date:** 8 February 2005**Item: 28                      ORG A - Payment to Hawkesbury Sports Council Inc. - (107, 73611)****REPORT:**

Set out below are the summarised financials as at 31 December 2004, of Hawkesbury Sports Council Inc (HSCI) that Council resolved to allocate funds for 2004/2005.

| Organisation                   | Income       | Expenses     | Surplus<br>(Deficit) |
|--------------------------------|--------------|--------------|----------------------|
| Hawkesbury Sports Council Inc. | \$427,231.44 | \$291,863.57 | \$135,367.87         |

HSCI has reported an operating surplus for the period ending 31 December 2004 of \$135,367.87 (one hundred and thirty five thousand, three hundred and sixty seven dollars and eighty seven cents). HSCI continues to maintain, manage and improve Council's sporting facilities including mowing, cleaning, repairs and security as well as collecting fees from users of the facilities.

Council's funding allocation for 2004/2005 to HSCI was \$781,109.00(seven hundred and eighty one thousand, one hundred and nine dollars) which included \$215,000.00 (two hundred and fifteen thousand dollars) for Capital expenses.

HSCI's report to HCC is as follows:

*"Provide efficient allocation of financial and physical assets.  
Funds managed within budget and assets maintained and improved as per scheduled program.*

*Audited accounts presented to HCC for inclusion in their audit.  
Detailed monthly reports provided to committee & HCC  
Provide quality grounds to meet current and future demands.  
Grounds available to meet scheduled games and events.  
Grounds maintained to best possible standard depending on available funding.  
Provide forward planning directions to meet growing demand for sporting facilities.  
Forward plans and programs reviewed quarterly.  
Ongoing discussions with HCC regarding need for additional grounds.*

*The Turnbull Oval amenities extension is progressing slowly and hopefully should be completed in time for the winter season. Work is programmed to commence on the canteen extension at Oakville Oval, draft plans for Colbee & Woodbury amenities extensions are currently under discussion.*

*Limitations on pre-season training may need to be imposed due to lack of rain. An assessment will be carried out in the next couple of weeks.*

*Future capital works projects will be determined following the upcoming Section 94 review meeting and the clarification of available funds to complete current projects."*

(Information supplied by Diane Taite from HSCI)

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**RECOMMENDATION:**

Council endorse the Financial Reports provided by the Hawkesbury Sports Council Inc. for the period 1 July 2004 to 31 December 2004.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 29                      ORG B - Documents for Execution Under the Common Seal of Council - (73565, 74069, P19568, 77772, 84986, P19568)**

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**REPORT:**

Lease  
GC283/024

Shop 10, Wilberforce Shopping Centre is currently occupied by Mr Lao and Mr Tran, trading as Wilberforce IGA. The current lease has expired and Messrs Lao and Tran have confirmed their intention to enter into a new lease of 3 (three) years with a 3 (three) year option. A valuation has been obtained. Commencing rent shall be \$20,300 (twenty thousand and three hundred dollars) plus outgoing and GST, reviewed annually in accordance with the CPI for Sydney. The tenants will continue to be responsible for 8.6% (eight point six percent) of the Council Rates and 10.8% (ten point eight percent) of all other outgoing. The tenants will also be responsible for the costs associated with the registration fees and stamp duty pertaining to the leases.

Lease  
GC283/139

Shop 1, Wilberforce Shopping Centre is currently occupied by Mrs Ann Cameron, trading as Timeless Thoughts. The current lease has expired and Mrs Cameron has confirmed her intention to enter into a new lease of 1 (one) year with 2 (two) further options of 1 (one) year each. A valuation has been obtained. Commencing rent shall be \$9,620 (nine thousand, six hundred and twenty dollars), plus outgoing and GST, reviewed annually in accordance with the CPI for Sydney. The tenant will continue to be responsible for 2.9% (two point nine percent) of the Council Rates and 3.7% (three point seven percent) of all other outgoing. The tenants will also be responsible for the costs associated with the registration fees and stamp duty pertaining to the leases.

**RECOMMENDATION:**

That the seal of Council be affixed to the following documents:

1. Lease Agreement with Mr Lao and Mr Tran for Shop 10, Wilberforce Shopping Centre for the term of a 3 (three) year lease with a 3 (three) year option and rental commencing at \$20,300 (twenty thousand and three hundred dollars), plus outgoing and GST reviewed annually in accordance with the CPI for Sydney. The tenants will continue to be responsible for 8.6% (eight point six percent) of the Council Rates and 10.8% (ten point eight percent) of all other outgoing, plus GST. The tenants will also be responsible for the costs associated with the registration fees and stamp duty pertaining to the leases.
2. Lease Agreement with Mrs Ann Cameron, trading as Timeless Thoughts for Shop 1, Wilberforce Shopping Centre for a lease of 1 (one) year with 2 (two) further options of 1 (one) year each with the commencing rent being \$9,620 (nine thousand, six hundred and twenty dollars), plus outgoing and GST, reviewed annually in accordance with the CPI for Sydney. The tenant will continue to be responsible for 2.9% (two point nine percent) of the Council Rates and 3.7% (three point seven percent) of all other outgoing, plus GST. The tenants will also be responsible for the costs associated with the registration fees and stamp duty pertaining to the leases.

**ORDINARY MEETING**

**Meeting Date:** 8 February 2005

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 February 2005

**Item: 30**                      **ORG B - Hawkesbury Creative Arts Centre - Rent Arrears - (79342, 73657)**

**Previous Item:**            181, Ordinary (14 December 2004)

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### REPORT:

At the Ordinary Council Meeting held on 14 December 2004, a report was prepared for Council recommending that consideration be given to waiving rent arrears of \$5,505.50 owed by the Hawkesbury Creative Arts Centre Inc. (HCAH) for Council premises at 20 Fitzgerald Street, Windsor.

After considering this matter Council resolved to:

1. *Council negotiate a payment schedule with the Hawkesbury Creative Arts Centre Inc. to pay in full or part thereof the rent arrears of \$5,505.50 (five thousand, five hundred and five dollars and fifty cents) over a period until 31 December 2005 and the matter be reported back to Council*
2. *The Hawkesbury Creative Arts Centre be allowed to occupy 20 Fitzgerald Street on a rent-free basis from 14 December 2004 until the opening of the Hawkesbury Regional Art Gallery.*

Council staff subsequently met with representatives of the HCAC on 17 December 2004, to negotiate a payment schedule for the rental arrears. A number of matters were discussed at this meeting with the HCAC indicating that they would review their financial position and provide advice to Council staff as to their capacity to pay-back the rental arrears.

However, the representatives of the HCAC felt strongly that the Council Report of the 14 December 2004, incorrectly outlined the circumstances leading up to the accumulation of the rental arrears on the Fitzgerald Street premises occupied by the HCAC. It would appear that the HCAC had received verbal advice from Council staff that they would not be required to pay rent on the Fitzgerald Street premises. The HCAC indicated that they had ceased to pay rent only after they had received this advice and that this was the reason why the arrears had accumulated over the preceding 11 months. The HCAC felt that the Council report may have implied that the rental arrears were the result of financial difficulties being experienced by the Centre.

The details of the circumstances surrounding this misunderstanding have been provided to Councillors in a memorandum prepared by the General Manager.

In view of these circumstances, Council may wish to review its Resolution of 14 December 2004. It would appear that the HCAC did receive verbal advice from Council Staff that the rent on the Fitzgerald Street premises had been waived. As a consequence of this advice, the HCAC ceased paying rent. Understandably, the HCAC is dismayed that, at this late stage, Council had resolved to undertake action to recoup this rent.

### RECOMMENDATION:

That Council waive the outstanding rental arrears of \$5,505.50 (five thousand, five hundred and five dollars and fifty cents) owed by the Hawkesbury Creative Arts Centre Inc. (HCAH) for the rental of 20 Fitzgerald Street, Windsor.

**ORDINARY MEETING**

**Meeting Date:** 8 February 2005

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury City Awards Committee - 9 December 2004 - (80225)**

The meeting commenced at 6:35pm by Chairperson Bart Bassett

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|                   |                                           |                                |
|-------------------|-------------------------------------------|--------------------------------|
| <b>Present:</b>   | Councillor Bart Bassett                   |                                |
|                   | Councillor Rex Stubbs                     |                                |
|                   | Councillor Dianne Finch                   |                                |
|                   | Lesley Walker representing Barry Adams    | Richmond Club                  |
|                   | Sharon Stone representing Barry Crockford | Hawkesbury Chamber of Commerce |
|                   |                                           | Hawkesbury Gazette             |
|                   | Paul Roberts                              | Community Representative       |
|                   | Jean Peare                                | Hawkesbury City Council        |
|                   | Esther Perry representing Graeme Faulkner | Hawkesbury City Council        |
|                   | Joseph Litwin representing Geoff Banting  |                                |
| <b>Apologies:</b> | Graeme Faulkner                           |                                |
|                   | Geoff Banting                             |                                |
|                   | Barry Adams                               | Richmond Club                  |
|                   | David Bertenshaw                          | Hawkesbury Sports Council      |
|                   | Jan Barkley Jack                          | Community Representative       |

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**REPORT:**

**1. Apologies accepted**

Moved by Councillor Bart Bassett, seconded by Councillor Rex Stubbs

Motion carried.

**2. Minutes of last meeting from Thursday 11 December 2003 accepted**

Moved by Councillor Rex Stubbs, seconded by Councillor Dianne Finch

Motion carried.

**3. Matter arising from last minutes**

Nil

**4. Award Consideration**

Unanimous decision to vote by selection through elimination and show of hands.

**5. Citizen of the Year**

Unanimous decision for Brett Barnes to be selected as Citizen of the Year.

**ORDINARY MEETING**  
Reports of Committees

**6. Sportsperson of the Year**

Les Sheather to be chosen as Sportsperson of the Year winner by majority vote.

Joel Brunker to be added to the nominees for Young Citizen of the Year.

Moved by Councillor Rex Stubbs, seconded Councillor Bart Bassett

Motion carried.

**7. Young Person of the Year**

Unanimous decision for Amy Knox to be selected as Young Citizen of the Year.

**8. Community Arts**

Unanimous decision for Heather Winch to be selected as Community Arts Award recipient.

**9. Commemorative Plaque**

Unanimous decision for Edgar Percival to be selected as Commemorative Plaque winner.

**10. Special Achievement Award**

Both organisations nominated, i.e. Richmond Youth Mapping Project and Windsor Red Cross, to receive the Special Achievement Award.

Moved by Councillor Dianne Finch, seconded Councillor Rex Stubbs

Motion carried.

**11. Community Organisation of the Year**

Unanimous decision for St John Ambulance to be selected as recipient of Community Organisation of the Year.

**12. General Business**

New arrangements for Hawkesbury Civics and Citizenship Committee have been adopted by Council. The Hawkesbury Awards committee is effectively disbanded.

Invitations to representatives of organisations will follow in the new year. Council encourages community representatives to apply through advertisements in the local paper.

Meeting closed at 7:20pm

**oooO END OF REPORT Oooo**



ordinary  
meeting

end of  
business  
paper

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