



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

20 MARCH 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 20 MARCH 2006**

Meeting Commenced 7.05pm

Public Gallery: 21

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst
Councillor H K Fisher
Councillor B S Moran
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

An apology was received and accepted from W McAndrew and Councillor M M Collins

06- 73 RESOLVED

MOVED: Councillor H K Fisher **SECONDED:** Councillor M J Wilson.

Also in attendance

General Manager, Mr Paul Anderson
Manager Environmental and Planning Services, Mr Andrew Muir
Finance Manager, Mrs Carol Farnsworth
Minutes Secretary, Miss Casey Clarke
On behalf of Engineering Manager, Mr Chris Schumacher

CONFIRMATION OF MINUTES

06- 74 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 20 February 2006 were taken as read and confirmed by Councillors H K Fisher and M J Wilson

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Councillor B S Moran declared an interest in Item 7 - EPS DA 372/04 due to a family member adjoining the subdivision.

Paul Anderson, General Manager declared an interest in Item 9 - EPS DA 57/06 due to the applicant being his wife and vacated the Chambers.

QUESTIONS FROM THE PUBLIC GALLERY

At 7.05pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

QUESTIONS

MR HAWLEY - GARDENS OF STONE

1. Is Council going to accept the Gardens of Stone proposal given the fact that it will sterilize over \$1.2 billion worth of coal. Shouldn't Council dismiss out of hand?

Council is considering a report on the issue (Item 8) this evening. Council is consulting with affected stakeholders and it will be recommended that an address be received by the Colong Foundation. It is envisaged that Council will make no decision in regard to its position until it has a chance to review all the facts.

MR LEN ASHWORTH

1. Is Council aware that public telephone boxes have now been removed from Wrights Road (opposite Methven St) and from East Street South Littleton and it had earlier been that the booths would be repair after vandalism? Does Telstra have plans to remove any of these facilities?

A report has been finalised for report to the next meeting of Council. This report tables Councils investigation and response from Telstra with relation to the removal of Telstra Payphone Infrastructure in the South Littleton area. This report highlights that Telstra will remove public payphones which do not provide a return.

2. If work has been completed on the Farmers Creek Flood Mitigation near the showground, what is delaying removal of the construction site fence and buildings and remediation of the surrounding Watsford Oval area?

Work has been completed on the first stage of Farmers (northern side) Nov/Dec 2005. It is the intention of Council to undertake works commencing on the opposite side of Farmers Creek (southern side) April/May 2006. The temporary site fence shall remain in place to secure the current work compound and southern side of Farmers Creek as a matter of public safety. All temporary fencing shall remain in place during the course of construction and will be removed on completion of Flood Mitigation Works. It is intended to rehabilitate Watsford Oval on completion of this work.

Retaining the temporary fencing in place during the "non construction period" is more cost effective and provides a safer environment than removal and reinstatement. The fencing also acts as a barrier to prevent pedestrian access whilst the pedestrian bridge is reinstated at completion of Stage 2.

3. Can Council do away with this bloody silly and ill-advised written question system?

The 'system' of written questions provides staff with an opportunity to properly research answers and have such included in the minutes of Council so the community can follow the progress of the issue. It must be remembered this process does not prevent questions being asked but provides a greater opportunity for the community to be informed of the answers.

I offer my apologies if Mr. Ashworth finds such a system bloody silly and ill-advised but I would argue such provides greater efficiency. The community should also remember 99% of all questions can be asked to staff and not have to wait for the council meeting or Agenda.

MR COLIN RIBAUX - GARDENS OF STONE

1. Is Council aware of a proposal to take back control Turon River and Gardens of Stone National Parks?

Council officers were informally advised of such a proposal today.

2. Does Council plan to accept this proposal (presumably GoS 2)? Should Council reject it out of hand?

Council is considering a report on the issue (Item 8) this evening. Council is consulting with affected stakeholders and it will be recommended that an address be received by the Colong Foundation. It is envisaged that Council will make no decision in regard to its position until it has a chance to review all the facts.

MR CHARLIE NORTH

1. Is Mayor aware of more trouble at Lithgow Street over the line? I have repeatedly asked about? Referenced in Saturday Mercury.

Council is not aware of any line marking problems in Lithgow Street. No letters of complaint have been received by Councils Engineering Services Department regarding line marking issues or concerns.

2. Council improvements be made to repair work 97 Main Street near steps at ramp?

Council officers have inspected the footpath and ramp areas adjacent to 97 Main Street Lithgow. No Faults were detected with the footpaths or the kerb or gutter structural integrity.

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GENERAL MANAGER REPORTS

ITEM: 1 EXEC - 20/03/06 - CONFIDENTIAL REPORT - OH&S MANAGEMENT SYSTEM CONFIDENTIAL

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

SUMMARY

The Occupational Health and Safety Act 2000 states that an Employer must ensure the health, safety and welfare of their employees when at work.

Lithgow City Council has recently agreed to utilise the services of a company named Australian OH & S Management Services (ARMS), to develop and implement a fully integrated OHS Management System compliant with the OHS Act 2000, in liaison with Council's OHS/Risk Management Officer. The OHS Management System will be tailored to meet Lithgow City Council's specific needs and will incorporate a provision for training for all of Council staff in the new policies and procedures.

RECOMMENDATION

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(2)(d)(i) of the Local Government Act 1993.

06- 75 RESOLVED

THAT Council note the commercial agreement between Lithgow City Council and ARMS for a Local Government specific OH&S System.

MOVED: Councillor B P Morrissey

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM: 2 EXEC - 20/03/06 - CONFIDENTIAL REPORT - STRUCTURE -
RECRUITMENT OF SENIOR STAFF CONFIDENTIAL**

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

REFERENCE

NIL

SUMMARY

This report outlines a proposed methodology to be used for the recruitment of the Senior Staff positions as outlined in the report regarding the organisation structure.

RECOMMENDATION

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(2)(a)(c) of the Local Government Act 1993.

06- 76 RESOLVED

THAT Council agree to the use of external management consultants to assist with the recruitment and selection of Senior Staff on the proposed management structure.

MOVED: Councillor B P Morrissey

SECONDED: Councillor H K Fisher.

CARRIED

ITEM: 3 EXEC - 20/03/06 - MODERNISED MANAGEMENT STRUCTURE

SUMMARY

The purpose of this report is to:

* Modernise the management structure and adopt an organisational structure pursuant to the provisions of Section 332 and 333 Local Government Act 1993 (LGA 1993) and in accordance with the provisions of the Proclamation establishing Lithgow City Council.

COMMENTARY

The modernising agenda as endorsed by Council had three crucial dimensions:

1. Modernising Service Delivery – by making it more responsive, tailored to localise and specific needs through the delivery of “best value” services;
2. Modernising Governance – by improving the means of decision making through consulting and engaging the community;
3. Modernising Management – by making senior staff strategic in focus and Managers accountable for broad operational outcomes and not functional objectives, by encouraging working across departmental and organisational boundaries and last and definitely not least importantly to be outcomes and customer focussed.

The modernising agenda therefore demands a new organisational design for the new demands and challenges. A new design to meet the aspirations of the community for better government, better services and a prosperous future. But design alone won't create progress. Aligning new roles and responsibilities is necessary, but not in itself sufficient for real and meaningful progress on the road to modernisation. New behaviours and a new culture of trust, teamwork and accountability will be necessary to make the design work.

Ten principles have been established and will drive the modernising agenda at LCC:-

1. Facilitating Local Government – the task of Local Government is to steer, not row the boat.
2. Community Owned Local Government: Empowering Rather than Serving – to really work programs and services need to be owned by the people they are serving.
3. Competitive Local Government: Injecting Competition into Service Delivery – the issue is not public versus private, it is competition versus monopoly.
4. Mission Driven Local Government: Transforming Rule-Driven Organisations – never tell people how to do things. Tell them what you want them to achieve and they will surprise you with their ingenuity.

5. Results Orientated Local Government: Outcomes, Not Inputs – if you focus and keep track of the results – you can dispense with a lot of red tape.
6. Community Driven Local Government: Meeting the Needs of the community, not the Bureaucracy – quality is only ever determined by the customer.
7. Enterprising Local Government: Earning Rather than Spending – we have to guarantee future revenues by creating new revenue sources.
8. Anticipating Local Government: Prevention Rather than Cure – we must seek to prevent problems rather than delivering services to correct them.
9. Decentralised Local Government: From Hierarchy to Participation and Teamwork – no matter how smart a boss is or how great a leader, he/she will fail miserably in tapping the potential of employees by working against them rather than with them.
10. Market Orientated Local Government: Leveraging Change through the Market – Local Government needs to function more as facilitators and brokers and seed capitalists in existing and new market places.

Consideration is now given to two aspects of the modernising agenda, modernising governance structures and modernising management structures.

Modernising Governance Structures – Community Engagement and Consultation

Governance is the process by which we collectively solve our problems and meet the needs of the community. Government is the instrument we use.

Many of our communities in the future, due to limited and declining resources, ambiguous solutions and narrowing options will need to make many community judgements. That is, the selection of choices from among alternatives.

LCC will need to display a new style of governance to successfully meet many of the challenges ahead.

The table below provides a summary of the key governance features required by a modernised LCC

Governance in a Modern LCC

Modernised LCC	Non-Modernised LCC
Listens	Tells
Communityship	Selfishness
Share power	Hive power
Empowered Community's	Apathetic Community's
Consensus building	Polarization
Collaboration	Confrontation
Vision setting	Future blind
Learning	Advising

Dialogue Comprehensive solutions “its our problem” results orientated mission driven enterprising focus proactive problem solving decentralised authority flexible	Monologue Narrow solutions “its governments problem” input orientated rule driven spending focus reactive problem solving hierarchical authority rigid
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Achievement of these governance features will require changes in how Council’s bureaucracy thinks, functions and operates, otherwise any efforts to introduce real community consultation and participation will be severely limited. Also, to change institutionalised habits and practices we will require time, immense commitment and effort.

Resources will need to be allocated for community engagement and participation efforts.

Council in the first instance needs to develop and adopt a set of core values for the practice of community participation. These core values underpin and guide the development and implementation of all future community participation guidelines and processes.

A suggested Statement of “Core Values for the Practice of Community Participation” is described below:-

1. All community members should have a say in decisions about actions that affect their lives.
2. Community participation includes the promise that the community contribution will actually influence the decision.
3. The Community participation process communicates the interests and meets the process needs of all participants.
4. The Community participation process seeks out and facilitates the involvement of those potentially affected.
5. The Community participation process involves participants in defining how they participate.
6. The Community participation process communicates to participants how their input affected the decision.
7. The Community participation process provides participants with the information they need to participate in a purposeful and meaningful way.

For Council to make it all happen, an integrated approach will be required, in particular the bringing to bear of all those aspects of management which ultimately make anything happen in a successful organisation.

The following framework will assist:

- * Style
- * Shared Values
- * Strategy
- * Systems
- * Staff
- * Skills
- * Structure

Style & Shared Values - This is the culture and vision. Responsiveness by definition requires flexibility. A culture that engenders a close affinity with the Community is necessary. This will not happen by accident; it must be nurtured and actively encouraged.

A vision of where Council wants to be will need to be established and supported by the commitment of Councillors and senior management.

Strategy - Whilst a strategy is not a panacea, it is necessary, particularly in the early stages to ensure there is effective and efficient progress.

The strategy will place a high value on consultation efforts. Advice and guidelines with clear standards will be created.

Systems - Whilst having the right culture is critical; various systems will be required to ensure LCC as a whole is fully effective.

Staff and Skills - It is essential that staff have the necessary support, training and development to be able to effectively put the vision and strategy into effect.

Structure - In considering the various options for decentralised systems, considerations of natural community will at times be overriding.

It must be remembered that whatever approach is taken, it will take time, energy and resources to make it work.

The work will come from not just in servicing the community committees and groups, but in dealing with the issues that come out of them. The effort required is a smart investment, for this must be compared with the cost of not dealing with those issues.

Consideration needs to be given to decentralise spending. Small local Community budgets can be very powerful, disproportionately to their absolute size. This budgetary

commitment effectively levers in community effort and resources.

Pre-requisites for Success

There is no absolute recipe for success, but here is a selection of pre-conditions which would appear to be necessary to maximise the opportunities:

- * ensure absolute commitment from Council and staff;
- * possess a willingness to live with the outcomes;
- * commit to the approach holistically, so it can continue even if an individual consultation goes wrong;
- * be honest about what you are trying to achieve and how much notice will be taken of the results. In other words, do not ask people their opinions if we are not going to do anything about it;
- * be willing and committed to challenge (without strings attached) our own and Council's long standing beliefs;
- * write and communicate in plain English;
- * be creative and design all materials well;
- * communicate, communicate, communicate – ensure all efforts are co-ordinated and "everyone" knows what is going on;
- * institutionalise consultation into mainstream planning and budgetary processes so it becomes ongoing;
- * use a wide variety of methods that best suit our circumstances – this will be cost effective in the long term;
- * don't be tempted to take short cuts – when you get good at it look for more efficient methods and share the experiences;
- * enjoy the experience.

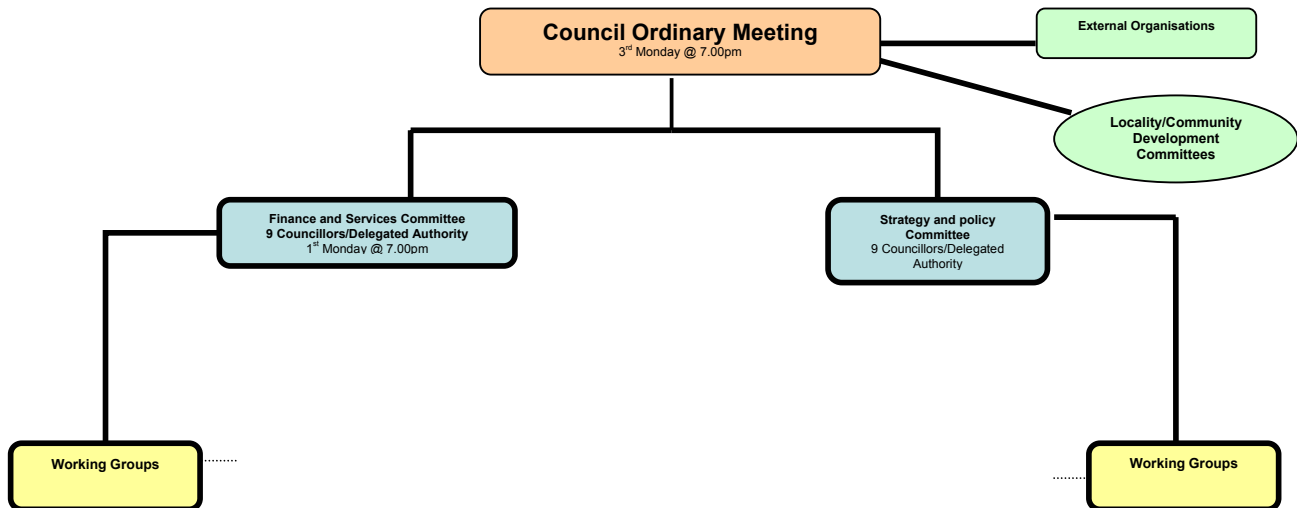
Proposed Community Consultation Structure

Council adopted a number of recommendations pertaining to Council meetings, Council Committees and community consultation structures with the adoption of the code of meeting practise.

It is important that we continue to move forward with the full implementation of these arrangements.

The governance structure encompassing the changes is fully described below at Chart 1 – Lithgow City Council Committee Structure.

Chart 1 - Lithgow City Council Committee Structure



Community Development Committees (CDC's) where possible should cover a defined and/or natural geographic area of interest and community, and only established upon formal request. They could then be provided with their own individual web sites and e-mail facilities, thus providing an efficient and effective communication link.

Every community is unique, so the framework, by which CDC's are established, needs to reflect this diversity. Training for committee members is important, particularly in the early stages. Each committee would be supported by specific and dedicated staff and have a budget for administrative overheads that reflects its role and responsibilities.

CDC's can offer:-

- * ability for local decisions to be made truly locally;
- * ability to articulate community opinions in a way that local interests and opinions can be promoted more effectively and be more influential in shaping decisions on wider issues;
- * real and meaningful participation in Local Government affairs, by providing a user friendly and accessible way for Community's to become involved;
- * a focus for local activities, initiatives, and partnerships which can provide a catalyst to reinvigorate local communities;

- * a valuable Community watchdog role in respect of local services;
- * ability to tap into the vast store of local knowledge and creativity to enhance community problem solving;
- * ability to act as an information conduit to Council;
- * ability to act as a forum for deciding priorities and actions which reflect local needs and aspirations;
- * ability to act as a means through which information can be provided to Community's;
- * ability to strengthen the mandate of Council when dealing with external bodies such as Federal and State Governments;
- * to be a forum by which information and learning can be transmitted to all the Community; and
- * to encourage self-help activities that involve local people in improving the quality of life and in developing social and economic initiatives.

Modernising Management Structures (Organisation Structure)

The organisation structure of LCC is the formal system of working relationships that divide up and co-ordinate both the tasks to be achieved and the resources – human and material – needed to do them. High achievement and productivity depends on both resources and structures being appropriate to the tasks at hand. One without the other will be insufficient to ensure performance success.

Structure must be addressed from a contingency perspective. The goal is to help management identify and implement structures that best fit the demands of various situations. When structure “fits” or matches well with situational challenges, the organisation is best prepared to achieve its performance objectives. From a contingency viewpoint, there are at least five major influences on structure: external environment, strategy, technology, people and size. The structure must also take into account the allocation of overheads and actual “doing” of works and be mindful of the natural span of control individual functions. The structure should also represent what we as an organisation are trying to deliver to the community and be closely aligned around “like” functions.

1. Structure should be appropriate to the external environment – Environments pose different challenges to organisations depending on the complexity, variability and uncertainty of their major components.

2. Structure should follow strategy – Structure must be consistent with and support the defined goals and objectives of the organisation and its strategy for achieving them.

3. Structure needs to reflect the technology of the organisation – Availability and degree of technology is a major element in efforts to increase productivity.

4. Structure should be appropriate to the people within the system – People vary in their skills, interests, needs and personalities, and structures must accommodate these individual differences to maximise support for individual efforts.

5. Structure should accommodate organisational size – As organisations grow they tend to become more complex in terms of people, technologies, functions and environments. These complexities, along with pressures of size, create additional need for structural accommodation.

Proposed Organisation Structure for LCC

LCC needs to modernise its management structures and adopt a new organisational structure pursuant to the provisions of Section 332 and 333 LGA 1993, and the provisions of the Proclamation establishing LCC.

The recommended organisation structure as fully depicted, takes into account of the following drivers and external factors (appendix 1)

- * Legislative framework including
- * Local Government Amendment (Employment Protection) Act 2003;
- * Local Government Amendment (Council and Employee Security) Act 2004;
- * Local Government (General) Amendment (Employment Protection) Regulation 2004;
- * Lithgow City Council Proclamation dated 24th May 2004; and,
- * Local Government Act 1993;

To ensure LCC is able to effectively and efficiently discharge its functions and duties, the organisation structure comprises two Directorates. Each Group Manager/Director heads specific areas of responsibility and is supported by Unit Managers with extensive operational delegations and specialist knowledge and skills to develop, implement and manage relevant operational and organisational issues.

Council's Directorates to be headed by Group Managers/ Directors (designated senior staff positions pursuant to Section 332(1) and appointed after external advertising) are:-

1. Community & Corporate
2. Regional Services.

Group Managers will be majority strategic in focus (at least 80% of their time), obsessed by results and ensure agreed and established outcomes are closely monitored and secured at the operational level. Each Group Manager will require skills and a knowledge of organisational and business planning, budgeting, workplace reform, competitive service testing, performance reporting, best practice and best value service delivery models.

Group Managers upon appointment and in consultation with the General Manager will determine the Directorate organisational structure (opportunity will exist for adjustments to the allocation of functions on a case by case basis). Additionally, in the first six months of operation each Group Manager will be expected to undertake a complete efficiency audit of their respective operations. Underpinning these audits will be the expectation that efficiency gains are not delivered at the expense of quality of service delivery. Service cuts will not count as efficiency gains. Rather, efficiency in service delivery will involve making the best use of the resources available. Efficiencies are achieved through reforms that:-

- * maintain the same level of service provision while reducing the resources needed or deploying fewer employees;
- * result in additional outputs, such as enhanced quality or quantity of service, for the same resources; or
- * remodel service provision to enable better outcomes.

Efficiency gains can be “cashable”, that is where there is a direct financial saving or benefit, with money released that can be spent elsewhere or recycled within a service to deliver better results. They can also be “non-cashable”, that is where the gains do not necessarily lead to lower costs, but which lead to improved performance for the resources used.

The recommended structure is reasoned on a range of rationales and is:

- * working towards Group Managers being strategic in focus;
- * working towards growing Managers as operational experts;
- * working towards a service delivery/outcomes focus structure;
- * working towards “whole of organisation” functional areas being impartial and effective thereby ensuring organisational integrity;
- * working towards prime internal services, regulatory and prime customer contact areas respectively together.

Functions and roles reporting directly to the General Manager are principally those that capture organisational wide responsibilities, and exhibit characteristics that require impartiality and thus must be detached from specific Directorates.

The Organisational Development role is an important one, and will be structured to investigate all matters with respect to the growth and Development of our organisation including the ever important change management process, dispute resolution and administrative practices.

These structural reforms, and the emphasis they place on organisational integrity, good governance and the proper functioning of Council, projects a strong and positive message regards the setting of high standards of governance at LCC.

Cross-functional teams for decision-making and problem solving will be created for a number of functions and services, like Economic Development, Strategic Planning, Information Technology, although the reporting will lie with a particular Manager and Group Manager / Director. This will stimulate interfunctional co-operation and provide a mechanism for handling complex and diverse policy areas in a balanced manner.

These teams display a series of other strengths:-

- * teams bring different perspectives to bear on problems or opportunities from different parts of the organisation,
- * team members who are confronted with different perspectives begin to think “outside the square” of their own division,
- * teams break down turf walls and the silo mentality, fostering collaboration across divisions,
- * teams build lasting networks throughout an organisation. Ideas and information flow more rapidly and action becomes easier.
- * teams hold employees to high standards, acting as a more acceptable quality control mechanism than typical evaluation and control systems.

It is additionally important to recognise that the structure acknowledges and takes account of current day situational challenges and the key focus areas already identified by Councillors, and further those functions directly and significantly impacted by the amalgamation process. For example:-

Economic Development

Economic development and employment growth was identified as a priority at the Councillors. LCC desires to attract investment and generate wealth, and to do this, we need to deliver liveable, vibrant, prosperous and sustainable environments.

And this requires change; change in decision making processes and in how we manage development and engage with potential developers; about vision and leadership; about instilling a sense of urgency in the importance of LCC as a motivating and creative force.

A closer strategic and working partnership needs to be created with the numerous economic Development committees, and a full operational review of the working relationship needs to be undertaken. The review needs to focus on achieving the increased capacity to attract business, employment and population growth.

Responsibility for economic development promotion and responding to all enquiries and information requirements from prospective developers and investors will reside within a unit reporting to a group Manager who has no specific approval or regulatory function and create the "chinese wall" in operational function..

Water, Waste Water and Waste

Strategic planning, development and management of water, waste water and Waste infrastructure in LCC over the next 10 years will be extremely important. Major projects involving significant capital expenditures will require focus, vision, lateral thinking and leadership. For example:-

- * Water & Waste Water infrastructure expansion to promote population and industrial growth,
- * Upgrades of Wallerawang and Portland Waste Water Treatment Plants,
- * Water supply to other urban and rural residential areas,
- * Design and construction of the Blackman's Flat landfill.

Increasing complexity of the policy environment for water management is also an area that demands increasing professional analysis, for example socio-economic impacts of water trading operations on regional communities, National Water Initiative, Australian Water Fund, the NSW Water Management Act, Country Towns Water Supply and Sewerage Program and Department of Energy, Utilities and Sustainability best practice business planning.

Community Visioning

Community visioning was identified as a priority by Councillors.

Community visioning is an exercise in direct democracy that can involve a large number of the Community if undertaken successfully. It is a strategy that truly engages the Community in expressing what they know best: their values, hopes and fears.

A partnership encompassing Local Government, non-profit organisations, business, schools and individual Community collaborates in charting the desired future of the community through a collaborative process of “visioning”.

Borrowing a nautical metaphor; if traditional planning makes tactical corrections to the course by manipulating the boat's sails and rudder, then visioning makes strategic decisions about plotting the course itself. It often occurs that planning is undertaken without first choosing a destination that reflects the aspirations of the community, thus leading to undesirable outcomes.

Visioning is intended to reduce the likelihood of this erroneous pattern by using a community-wide participatory process to develop a long-range, goal-oriented framework within which specific planning exercises can be conducted. While visions are long-range goals, it is important to note that they are not static. They are expected to change as the community and its leadership changes, or adapts to new circumstances and knowledge arising from the implementation of its original vision.

The end result of the visioning process is an agreed community framework that is designed to produce action; to guide and improve policy and decision-making; to stimulate creative and powerful partnerships, and to help resolve debates between competing community interests. Once adopted, the vision plan will allow Council in its decision-making capacity, to be confident that its actions will be embraced and supported.

Visioning demonstrates the tremendous potential of a community's ability to work towards common and diverse goals.

The need to undertake a region wide community visioning program needs to be afforded appropriate recognition in our next three year management plan.

Organisational Development

For at least the next two years this area will require significant focus and attention to detail.

Reporting directly to the General Manager, OD will have organisational wide responsibilities and have the delegation of developing and implementing the LCC Employee Development Strategy.

As indicated previously, organisational design and structure alone won't in itself create progress, new behaviours and new cultures of trust, teamwork and accountability are required to make the design function effectively.

The Employee Development Strategy will compliment the organisation structure and set out a comprehensive approach to help ensure that LCC has the right numbers of people in the right places, with the right skills to deliver improved ("best value") services, greater efficiency and better community focus in mainstream services.

Five priority areas are critical to developing LCC's employees. The key challenges under each of these priorities are set out below:-

Priority 1 – Developing Leadership Capacity

1. Improving the quality of managerial leadership, including the capacity of existing teams, planning the development of future leaders, spreading leadership values throughout LCC.

Priority 2 – Developing the Skills and Capacity of the Workforce

2. Raising performance and skill levels in key areas such as project and program management, change management, business planning, procurement, service standards, partnership working and learning from "best management".
3. Achieving an ongoing increase in the skills of all staff, including establishing "skill pathways" to raise levels of training, development and performance and multi-skilling to increase productivity and flexibility.

Priority 3 – Developing LCC

4. Identifying successful approaches to managing productivity and performance and adopting them to deliver continuous improvement to services.
5. Creating a high performance people management culture across LCC, by using quality people management as the foundation for improvement.
6. Developing a successful partnership approach to employee relations.
7. Building and using a more flexible workforce, able to deliver high quality, efficient community focussed services. This includes remodelling the workforce, achieving greater movement across professional and skills boundaries and taking advantage of new technology to develop “win-win” outcomes from flexible working arrangements that achieve improvements in delivery and better work-life balance.

Priority 4 – Resourcing LCC

8. Developing better workforce planning and successfully addressing recruitment, retention and employee demographic issues..
9. Improving the supply of people in shortage areas, and finding ways to attract a bigger number of talented people into LCC, including addressing the “image” of local government among potential recruits.

Priority 5 – Remuneration Policy

10. Modernising pay and reward structures to support high-performance, highly skilled and flexible workforce with the necessary motivation to deliver improved services.
11. Achieving fairness in pay and rewards over time, fairness in relation to job size and transparency in pay and rewards management.
12. Identifying the right approach to overall pay levels in LCC, given the resources available. Finding ways to increase productivity and efficiency to support any increased pay levels.

Information Technology (e-LCC)

A new Council "team" needs to be created by bringing together different parts of Council. This will change the culture and take advantage of potential synergies.

The Information Technology Centre will combine the activities of records, GIS, land information management, web and portal co-ordination, Intranet Management, telephone administration, networking and systems management, document management including video, film and picture, internal communication. Strategic business plans need to be developed as a matter of some importance.

The creation of this centre will enable greater strides towards the key strategic project of introducing a records and documents management solution which brings the vision of moving to a paperless environment a step closer.

Every division/program of Council will be encouraged to appoint a contact to participate in e-LCC initiatives. These are the people who identify needs, challenges and possibilities for specific work areas. Their objective is to recognise methods to improve service and access to Council, that is, through enthusiasm and creativity solve problems and create service opportunities using modern technological pathways.

For the community to benefit, e-LCC must be relevant, accessible and easy to use, but it must also offer a comprehensive service with which Community feels confident. For example:

- * create an efficient, transparent and service oriented administration which will benefit both Community and businesses,
- * strengthen our communities through the full use of IT and by creating innovative participation possibilities,
- * promotion of business partnerships and improved community positioning in the competition between regions by the use of IT,
- * staff must be able to fully understand the possibilities of a portal and web technology,
- * all IT purchases (software and hardware) must be evaluated according to the ability to participate in Council's web strategy,
- * portal and web site requires a centralised style guide or template to preserve corporate integrity.

Vision for e-LCC

e-LCC will be fundamentally innovative, responsible and technologically empowered in its approach to business processes, where:-

Information technology helps Council become faster, flatter and friendlier and our employees are able to get work done easier and more inexpensively, where use of a portal and web is a core competency;

All Councillors, employees, Community and business partners can conduct business online, anytime, anyplace;

Information technology systems and applications are largely web based, robust yet simple and user friendly;

Community and external customers access Council services and information conveniently on the web; and

The core values of development will be end-user requirements and involvement, innovation, collaboration and managed risk taking.

e-LCC must adopt the vision that the Internet will be the dominant means of enabling ready and free access to government information, services and processes. The e-LCC vision therefore should be to provide a one-stop shop for all government and local government services through the Lithgow regional portal.

e-LCC must be driven by a desire to put the community first. Four key themes are:-

1. easy and free access to information,
2. the ability to give information to the Council quickly and simply,
3. the ability to request services without inconvenience at any time and from any place;
4. the ability to make payments and conduct business swiftly and securely.

The objectives of e-LCC are:-

Better service, more convenient, lower costs, more reliable,
Cost-effectiveness and efficiency, lower transaction costs and delivery,
Leadership, support the knowledge society through public sector innovation,
Improved reputation for LCC as an information age innovator,
Greater participation and engagement by people in government.

CONCLUSION

LCC is in a position to establish its own reputation and create its own destiny.

LCC must set visions, goals and governance methods and structures that look with a fresh and courageous mind into the future to establish a healthy, vibrant and prosperous community.

Today's realities dictate that we should be judged on whether we can work smarter and harder – and how we can do more with less.

Local Government is like obesity – where you need to lose weight. That is, consume less and exercise more.

(a) Policy Implications

Modernising Governance Structures and a new organisational structure satisfies Council's Policy of continuous improvement and delivery of services to the community.

(b) Financial Implications

Modernising Governance Structures and the organisation structure may have an impact on the financial services of Council in two (2) ways:

- a) wages and salaries
- b) on cost and overheads

Establishment of new governance arrangements will be completed within existing recurrent budgets.

Establishment of the new organisation structure will be completed within existing approved recurrent wages and salaries budgets.

(c) Legal Implications

Modernising Management Structures – Organisation Structure

A number of legislative requirements are noted and implicated:-

- * Local Government Act, 1993 Sections 218CA, 332, 333, 337, 338, 339 and 340;
- * Local Government (Employment Protection) Act 2003;
- * Local Government (Council and Employee Security) Act 2004;
- * Local Government (General) Amendment (Employment Protection) Regulation 2004;
- * Lithgow City Council Proclamation.

06- 77 RESOLVED

THAT the General Manager's Report "Modernising Governance and Management Structures" be endorsed and further that the organisation structure as detailed be adopted pursuant to Section 332 and 333 LGA 1993.

MOVED: Councillor M J Wilson

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:4 EXEC - 20/03/06 - MEMORANDUM OF UNDERSTANDING BETWEEN MID WEST REGIONAL COUNCIL AND LITHGOW CITY COUNCIL FOR DISTRIBUTION OF ASSETS AND LIABILITIES OF THE FORMER RYLSTONE SHIRE COUNCIL.

REFERENCE

NIL

SUMMARY

This report provides Council with information regarding the final distribution of assets and liabilities of the former Rylstone Shire Council between Lithgow City Council and Mid West Regional Council,

COMMENTARY

As Council is aware, Council amalgamations in our region were undertaken on the 26 May 2004. Under these amalgamations the former Rylstone Shire Council was dissolved and approximately 30% in area become a part of the Lithgow City Council. The proclamation that created the "New Council" also required the member Councils to agree on the distribution of assets and liabilities of the former Rylstone Shire Council.

The General Manager has met with and negotiated a settlement of assets and liabilities with the Acting General Manager of Mid West Regional Council. The "split" would appear to be a fair and equitable distribution and will become the final piece of the jigsaw in the amalgamation process. Considering the financial position of the former Rylstone Shire Council and the extent of liabilities in the general funds it is not a surprise that the final distribution will see a "nil" distribution being sought.

The Memorandum of Understanding of the two (2) Councils is nearing final completion and re wording and is able to be executed by the Mayor and General Manager.

POLICY IMPLICATIONS

There are no policy implications arising for this report.

FINANCIAL IMPLICATIONS

The financial distribution of assets and liabilities is such that the amalgamations process will be complete and Council should have no further liabilities with the former Rylstone Shire Council.

LEGAL IMPLICATIONS

The proclamation creating Lithgow City Council and Mid West Regional Council and dissolving Rylstone Shire Council required the two (2) Councils to distribute the assets and liabilities of the former Rylstone Shire Council. This report satisfies this require.

CONCLUSION

The distribution of the assets between Mid West Regional Council and Lithgow City Council is the final step of the amalgamation process and the legal requirement of the proclamation whilst created Lithgow City Council on 24 May 2004. The distribution of assets and liabilities should not be seen as a "divorce settlement" but rather a finalisation of the former Council in totality.

ATTACHMENTS

NIL

06-78 RESOLVED

THAT Council note the finalisation of the Assets and Liabilities of the former Rylstone Shire Council and the ongoing of a Memorandum of Understanding between Lithgow City Council and Mid West Regional Council.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ENGINEERING SERVICES REPORTS

**ITEM:5 ENG - 20/03/2006 PROGRESS REPORTS WORKS TO DATE FOR
 WEEKENDING 10 MARCH 2006**

REFERENCE

NIL

SUMMARY

NIL

COMMENTARY

The following report details works to be undertaken by the Engineering Services Division for weekending 10 March 2006.

LITHGOW DEPOT WORKS REPORT FOR LITHGOW DEPOT FOR WEEKENDING 10 MARCH 2006

- Drainage alterations at Strathlone Estate
- Restoration of Commonwealth Avenue after water main renewal
- Pickup & deliver goods from Sydney
- Completion of driveway and kerb repairs in First/Second Street after main renewal
- Mechanical sweeping of Lithgow Streets
- Brick kerb repairs in Main Street CBD area
- Repairs to drain cover at Dog Track
- Coldmix patching of Lithgow Streets
- Domestic water deliveries
- Maintenance grading of:- Snows Road, Water Treatment Plant Road, Banners Lane, Hartley Vale Road, Sir Thomas Mitchell Drive

WALLERAWANG DEPOT WORKS REPORT FOR WALLERAWANG DEPOT FOR WEEKENDING 10 MARCH 2006

- Maintenance Grading: Marsden Swamp Road, Peachtree Road, Cullenbenbong Road, Glen Davis Road and Town Roads, Resheet roads in Rydal, Cheethams Flat Road, Norman Lee Drive, Martins Road, Jerry Meadows Road, Wattle Mount Road and Hutchinsons Road.
- Clean Drains: Marsden Swamp Road, Cullenbenbong Road, Curly Dick Road.
- Electrical and Telephone Conduits Carey Avenue
- Maintenance Patching: Wallerawang Portland Streets and Rural Sealed Roads.

DAM STATUS REPORT

As at Monday, 13 March 2006 the following dam levels were recorded:-

- Farmers Creek Dam = 100% - 450 megalitres (450 megalitres = 100%)
- Oberon Dam = 47% - 21,197 megalitres (45,100 = 100%)
- Lake Lyell - dam storage of 13,279 megalitres (41% storage)
- Thompson's Creek Reservoir - dam storage of 9862 megalitres (36% storage)
- Lake Wallace - dam storage 1440 megalitres (65% storage)

These figures are updated regularly on Delta's website www.de.com.au

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 79 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:6 ENG - 20/03/2006 - WATER STORAGE RESERVOIRS - CHLORINE
 DOSING EQUIPMENT**

REFERENCE

NIL

SUMMARY

Details of three (3) options for installation of chlorine dosing equipment at the Wallerawang and Lidsdale water supply reservoirs.

COMMENTARY

Council has been working in conjunction with State Water Corporation (formerly Fish River Water Supply) in regard to a joint supply and installation of appropriate chlorine dosing equipment at a number of water supply reservoirs within the Lithgow Local Government area.

Previously, Council agreed to join this project with State Water Corporation to ensure value for money and streamlining of chlorine dosing equipment and methods to ensure satisfactory water quality to residents of the Lithgow Local Government area.

Council originally contributed \$40,000.00 to this project, however, at the beginning of the project, the Department of Commerce (Project Managers) determined that the electricity supply to the Lidsdale Reservoir was unsatisfactory, and needed to be upgraded to grid supply rather than the existing solar powered supply located on site. The funding earmarked for this project was then expended on upgrading of the power supply to ensure that appropriate equipment could be installed at this site.

The Department of Commerce called for tenders, and reviewed tenders, and have appointed Liquitek Pty Ltd to complete this project.

Liquitek have provided three (3) options for supply and installation of appropriate chlorine dosing equipment for the Wallerawang and Lidsdale Reservoir.

Option 1

The current system measures the residual chlorine in the reservoir, and by using this reading, the chlorine dosing pump is adjusted accordingly to achieve the desired chlorine residual in the reticulation system. This system will operate effectively if the system has a fixed output flow, however, as the flow from both the Wallerawang and Lidsdale Reservoirs is variable dependant upon the water demand of the villages, this system may not operate effectively. To replace the current equipment with a similar model, the cost will be approximately \$15,070.00 (including GST).

Option 2

The proposal for Option 2 is to flow pace the chlorine dosing from a flow meter, which will require the installation of a new flow meter on the outlet pipe of both reservoirs to control the flow dosing of the pump in accordance with appropriate flow rates (This is the system that State Water Corporation have installed at the Glen Davis Reservoir).

For this option, the current chlorine residual analyser could be removed, however, it is advantageous to continue operating this analyser to determine the amount of residual chlorine in the reservoirs, and assist in determining the dosing rate at the pump. If the analysers are removed, recording of the chlorine residuals at the reservoirs will be required to be undertaken manually by Council's Water Operators to ensure adequate chlorine dosing rates. Supply and installation of two (2) new ultrasonic flow meters will cost approximately \$37,400.00 (including GST), and these units can be installed from the outside of the reservoir and attached to the outlet pipes. Some minor modifications will need to be undertaken on the control panel, and the current flow switch will no longer be required, as the new flow meters will provide the necessary flow signals for appropriate dosing. A cheaper flow measuring device could be installed for approximately \$20,350.00 (including GST), however this device will require an upgrade of the pipe line from its current diameter of ½ inch to 1 inch to allow this device to connect into the pipeline.

Option 3

This Option incorporates a completely automated system, which will act as a quality and quantity control chlorine dosing system. This option requires both a flow meter and a chlorine residual analyser, and will operate via a logic controller providing an information signal to the dosing pump ensuring the appropriate levels of chlorine dosing required based on flow rates. Again, minor modifications to the control panel are required, with the major expense being the purchase of the residual analysers, flow meters, and logic controllers. The cost for this option is approximately \$59,070.00 (including GST).

It would appear appropriate for Council to proceed with Option 3, and to replace the current unsatisfactory chlorine dosing method with an automated modern system that will ensure adequate disinfection of the water supply from the Wallerawang and Lidsdale Reservoirs, rather than continuing to repair the current outdated and ineffective equipment currently manually operated by Council's Water Operators on an as needs basis.

It is anticipated that proceeding with this option will ensure that Council's water supply meets the Australian Drinking Water Guideline limits, and will reduce the chances of any further failures that may lead to further boil water alerts, as recently experienced in the Wallerawang area.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Depending on the Option Council selects for this project, funding of either \$15070 (Option 1), \$37400 (Option 2), or \$59070 (Option 3) will need to be included in the March quarterly review.

LEGAL IMPLICATIONS

Nil

06- 80 RESOLVED

THAT advise Department of Commerce to engage Liquitek Pty Ltd to proceed with Option 3 (new analysers, flow meters and logic controllers) for installation of chlorine dosing systems at the Wallerawang and Lidsdale Reservoirs at a cost of approximately \$59,070.00 (including GST).

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:7 ENG - 20/03/06 - DA 372/04 FINALISATION OF COUNCIL
SUBDIVISION CARY AVENUE WALLERAWANG**

SUMMARY

Council has recently had the power installed to the 14 Lot Subdivision Cary Avenue Wallerawang; this being the last major construction works for the subdivision. Council is now awaiting the 'Notification of Arrangement' from Integral Energy to satisfy one last condition that form part of the Development Consent 372/04. It is expected that Integral Energy will return all authorized paper work to Council within the next 2 weeks.

Council is also required to execute documents such as the Linen Plan and 88b instruments in order to legally register individual titles for sale by auction to proceed.

It is now necessary for Council to undertake the following in order to finalize the execution of sale for said subdivision:

Councillor B S Moran declared an interest in this item and vacated the Chambers.

06- 81 RESOLVED

THAT:

1. Council delegate the Mayor and General Manager an authorisation to execute all documentation for the finalisation of subdivision.
2. Council affix the common seal to the 88b instrument and Subdivisional Linen Plan for registration purposes.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ENVIRONMENT & PLANNING SERVICES REPORTS

ITEM:8 EPS - 20/03/06 - THE GARDENS OF STONE PARK PROPOSAL STAGE 2

SUMMARY

Council attended the launch and received a copy of the Gardens of Stone Park Proposal Stage 2 which seeks to extend the Gardens of Stone and Blue Mountains National Parks and create the Gardens of Stone and Western Escarpment State Conservation Areas. This Proposal was prepared on behalf of The Colong Foundation for Wilderness, Blue Mountains Conservation Society and The Colo Committee. A request has now been received from The Colong Foundation to meet with Council to discuss the proposal.

COMMENTARY

The following correspondence has been received from Mr Keith Muir of The Colong Foundation for Wilderness relating to the Gardens of Sone Park Proposal Stage 2.

"Please find enclosed a copy of the Gardens of Stone Stage Two report outlining proposals for a new Gardens of Stone State Conservation Area and Western Escarpment State Conservation Area, and extensions to the Gardens of Stone and Blue Mountains National Parks.

Could you please inform Councillors that this reserve proposal seeks to protect the remaining unreserved parts of the Gardens of Stone area and the Western Escarpment in your Council area, while recognising the realities of existing coal mining activities.

The proposal aims to significantly extend the reserve system into the Lithgow region. Through this scheme the Zig Zag Railway, the State Mine Heritage site, the proposed Emirates six star eco-resort can be integrated with further conservation of other significant natural and cultural heritage sites.

We hope that the Lithgow community does not consider this Gardens of Stone proposal to be a threat but as presenting an opportunity for Lithgow to become a significant tourism destination in its own right.

The Colong Foundation for Wilderness would welcome your Council's support for the Gardens of Stone proposal and a meeting with you to discuss this proposal".

In addition, Council Officers attended the local launch of the Proposal on 1 December 2005 and have written to potential local stakeholders to ascertain their comments on the Proposal. It is envisaged that a complete Report on the Proposal in particular, the launch, the formal process of establishing parks and conservation areas and comments from stakeholders will be provided to Council at a future meeting following the address from The Colong Foundation.

POLICY IMPLICATIONS

The policy implications will be explored in a future Report.

FINANCIAL IMPLICATIONS

The financial implications will be explored in a future Report.

LEGAL IMPLICATIONS

The legal implications will be explored in a future Report.

RECOMMENDATION

THAT the Colong Foundation be invited to address Council at its Policy and Strategy Committee meeting of 3 April 2006.

06- 82 RESOLVED

THAT:

1. The Colong Foundation be invited to address Council at its Ordinary Meeting of Council to be held on Tuesday 18 April 2006 at 6.00pm.
2. The State Member to be invited to attend the address by the Colong Foundation.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:9 EPS - DEVELOPMENT APPLICATION No 57/06 - MRS M ANDERSON

REFERENCE

DA/CC 57/06

SUMMARY

To advise Council of the lodgment of a development application for a new dwelling by Mrs M Anderson and to recommend approval of the application.

COMMENTARY

A development application has been lodged by Mrs M Anderson for a new dwelling at 8 Birch Close, Lithgow. A copy of site plan relating to the application is attached to the business paper. Mrs Anderson is of course the wife of the General Manager Mr Paul Anderson. Whilst an application such as this could normally be dealt with under delegated authority, it is increasingly seen as good practice in the interests of an open and accountable exercise of planning functions for development applications lodged by Councillors, senior Council officers or close family members to be referred to Council or its nominated committee for determination. This assists in providing confidence to the wider community that Senior officials do not have any influence over the development application in which they have an interest in. Therefore, the application has been referred to the Council for determination.

The application was notified to adjoining neighbours and no objections have been received.

POLICY IMPLICATIONS

The South Bowenfels DCP is the most relevant Council Policy relating to the application. The DCP provides controls that should be complied with. However, the DCP allows for minor variations where justification is provided. In such circumstances it should be demonstrated that the objectives of the DCP and the particular standard to be varied can be achieved without detriment having regard to good planning principles. The DCP provides that any applicant wishing to vary a standard must request the variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation.

This particular proposal seeks a minor variation to the front setback from 6 metres to 4.3 metres in relation to a small section of the structure in the western corner of the lot. Whilst only minor, justification is still required for the variation and in this regard Allworth Homes has provided a detailed submission on behalf of the applicant which adequately justifies the minor building line variation having regard to the relevant objectives and performance criteria of the DCP. Particularly as the lot is of an unusual shape, this minor variation to the front setback is supported.

FINANCIAL IMPLICATIONS

No specific financial implications arise as a result of this report.

LEGAL IMPLICATIONS

The main legal implications relate to Section 79C of the Environmental Planning and Assessment Act. Section 79C provides that in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument,

Comment

The primary planning instrument is Lithgow Local Environmental Plan 1994. The site is zoned Residential 2 (a) under the LEP and is permissible in the zone. State Environmental Planning Policy Ni 58 also applies to the site but as the development will be connected to reticulated sewerage and stormwater, the proposal does not require referral to the Sydney Catchment Authority and can demonstrate a neutral or beneficial impact on the catchment.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)

Comment

The Regional Plan Sustaining the Catchments technically applies to the site but at this stage compliance with SEPP No 58 is the key criteria.

(iii) any development control plan,

Comment

See comments above in Policy Implications.

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Comment

N/A

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Comment

The impacts of the development on the environment are negligible.

(c) the suitability of the site for the development,

Comment

The site is suitable for low density residential development and the proposal is designed well for the site.

(d) any submissions made in accordance with this Act or the regulations,

Comment

Nil.

(e) the public interest.

Comment

No wider public interest issues arise.

Paul Anderson declared an interest in this item due to the applicant being his wife. He vacated the Chambers.

06- 83 RESOLVED

THAT Development Application No 57/06 be approved subject to the following conditions:

1. All excavations associated with erection or demolition of a building must be property guarded and protected to prevent them from being dangerous to life or property.
2. If the soil conditions require it:
 - a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - b) adequate provision must be made for drainage.

In this regard, should any proposed retaining walls exceed 600mm in height, a separate Development Application and Construction Certificate Application is to be made to Council, with Structural Engineers details of the proposed retaining walls submitted with application.

3. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of person in charge of the work site and telephone number of which that person may be contacted outside working hours.
 - c) stating name and contact details of the Principal Certifying Authority (PCA) being, Lithgow City Council
 - d) stating Construction Certificate No. 57/06
4. That the external cladding and roofing of the dwelling are of a natural tone, non-reflective condition.
5. Prior to the Principal Certifying Authority issuing an occupation certificate, completion of all requirements listed in the relevant **BASIX Certificate** for the subject development shall be completed/installed. Documentary evidence (receipt for insulation, water saving devices etc) to indicate compliance with all of the **BASIX** commitments, shall be submitted to Council prior to the issue of an occupation certificate.

6. That minimal site disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council.
7. That suitable sediment control measures are put in place in accordance with Council's guidelines to prevent soil erosion and the transport of sediment off the site during rainfall and run-off. These measures are to be in place prior to commencement of any works on the site.
(Note: Measures could include the installation of geotech style fabric or a staked hay bale wall located downslope of the construction site or adequate sediment detention basins at the lowest point of the site to collect all run-off, and earthen contour banks constructed so as to have adequate sediment retention capacity). You should discuss the method of control with Council prior to commencement of construction.
8. That site and building works (including delivery of materials to the property) are carried out between the hours of 7.00 am to 6.00 pm only on Mondays to Saturdays. No building or site works are to be carried out on Sundays and Public Holidays.
9. The building works are to be inspected during construction, by the Council and documentary evidence of compliance with the relevant terms of the approval/standards of construction detailed in the Building Code of Australia, is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages: **(Note: copies of the stated documentary evidence are to be submitted to the Council upon completion of each specified stage of construction and prior to occupation of the building.):**
 - a) Footings;
 - b) Wall and roof frame;
 - c) Wet area flashing;
 - d) Stormwater drainage prior to covering connections;
 - e) Final.
10. That temporary toilet accommodation be provided on site to Council's satisfaction.
11. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. The proposed method of termite treatment is to be submitted to and approved by Council prior to commencement of work. **A durable notice must be permanently fixed to the building in a prominent location, such as in a meter box or the like, indicating:**
 - a) the method of protection; and
 - b) the date of installation of the system; and
 - c) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
12. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame

inspection (**alternatively, full design details are to be submitted prior to commencement of construction**). Details shall include:

- a) job address and builder's name;
- b) design wind velocity;
- c) terrain category;
- d) truss spacing;
- e) roof pitch;
- f) material of roof;
- g) roof batten/purlin spacing;
- h) material of ceiling;
- i) job number

13. That an automatic smoke alarm system is installed in the Class 1 building in accordance with the requirements of Part 3.7.2 of the Building Code of Australia, Housing Provisions. The smoke alarm or alarms should be installed in location/s so as to awaken sleeping people when there is a fire. Details of the design are to be submitted to Council for approval prior to installation. **Certification is to be provided to Council or accredited certifier from a competent person on completion of the installation – form attached.** The system must:
- a) be connected to a permanent 240 volt power supply; and
 - b) be provided with a battery backup to activate the alarm unit in the event of failure of the permanent power supply.
14. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740-1994 "Waterproofing of Wet Areas within Residential Buildings". **Any alternative method must be approved by Council prior to installation.**
15. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

MOVED: Councillor M J Wilson

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:10 EPS - LAND AND ENVIRONMENT COURT APPEAL - DA 125/05

REFERENCE

DA 125/05.

SUMMARY

To advise of an appeal lodged in the Land and Environment Court against Council's refusal of development consent for a 38 lot residential subdivision at Tweed Road, Lithgow.

COMMENTARY

Council has been served with an application by RE Charles Pty Ltd advising of an appeal to the Land and Environment Court against Council's refusal of development consent for a 38 lot residential subdivision on Lots 11 & 22, DP 601501 and Lot 1, DP 549480 Tweed Road, Lithgow. The matter will now be referred to Council's Solicitors with the first telephone call over to take place on 10 April 2006.

The Land and Environment Court Act enables Council to join parties to an appeal where sufficient interest from the community or other parties exist. In Council's consideration of this matter, 17 submissions opposing this development were received. These submissions related to traffic, infrastructure, pollution, drainage, demand for residential lots, non compliance with the provisions of the draft South Bowenfels DCP, amenity issues, the slope of the land, inaccuracies in the Statement of Environmental Effects and isolation of a dwelling between two roads. On the basis of these submissions and the content contained within, it is considered Council should seek to join these parties to the appeal to assist in the defence of the matter.

POLICY IMPLICATIONS

No specific policy implications arise as a result of this report.

FINANCIAL IMPLICATIONS

Legal costs, unable to be estimated at this stage, will be incurred as a result of the appeal.

LEGAL IMPLICATIONS

The appeal has been commenced in accordance with the provisions of Section 97 of the Environmental Planning and Assessment Act.

06- 84 RESOLVED

THAT:

1. The information be received and the appeal noted.
2. Council consider joining those people who lodged a submission against the development application as parties to the appeal.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:11 EPS - 20/03/06 - ALLEDGED POLLUTION INTO MARRANGAROO CREEK

SUMMARY

To address a question asked by Mr B Cutcliffe.

COMMENTARY

At its meeting of 20 February 2006, Mr B Cutcliffe raised an issue relating to the disposal of water samples taken from the Marrangaroo Creek on 22 September 2005. At the meeting Mr Cutcliffe was advised that as his representations were not in the form of a question, he was informed that he could meet with the General Manager to discuss the issue. The General Manager and Environmental and Planning Services Manager subsequently meet with Mr Cutcliffe on 24 February 2006 to discuss the matter. At the meeting it was explained to Mr Cutcliffe that the samples were collected by staff not qualified to carry out this scientific work and that the normal protocol including the chain of custody was not followed and as a result the integrity of the samples were compromised and of no value. Mr Cutcliffe was also advised that in relation to the alleged incident the collection of the samples was unwarranted.

Mr Cutcliffe appeared to be satisfied with the explanations provided and the matter requires no further action.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

06- 85 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

CORPORATE SERVICES REPORTS

ITEM:12 CORP: 20.03.06 LEASE OF 25 ESKBANK ST LITHGOW TO KABLE

REFERENCE

Nil

SUMMARY

This report will seek Council approval to attach the Common Seal to a lease for the Council premises at 25 Eskbank St, Lithgow to Ms T Kable.

COMMENTARY

A lease has been completed and forwarded by Councils solicitors, Le Fevre and Co in relation to a lease for Part Lot 5 DP 840077, being a shop front premises, at 25 Eskbank St Lithgow.

The lease is for a period of two years with an 'Option to Renew' for a further two years.

PROPOSED DETAILS OF THE LEASE:

- Commencing Date: 17 September 2005
- Terminating Date: 16 September 2007
- Further option to renew: 2 year period
- Annual Rental: \$5,200 (GST Exc) \$433.33 per month
- Max term under lease: 4 renewals
- Property manager: L J Hooker

Policy Implications

Nil

Financial Implications

Rental income of \$5,200 (GST Exc) per annum.

Legal Implications

Nil

06- 86 RESOLVED

THAT Council affix the Common Seal to the lease to Ms T Kable, for Part Lot 5 DP 840077 known as 25 Eskbank St Lithgow, from the date of occupancy 17 September 2005 to 16 September 2007.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS WITHOUT NOTICE

COUNCILLOR H K FISHER

1. Mr Mayor can Council have someone investigate the dirty and smelly water in Guy Street, Lithgow? Residents have complained about this for some time and ask when this can be rectified?

COUNCILLOR M F TICEHURST

1. Mr Mayor is Council aware of the State Government approving the Newnes development?
2. Mr Mayor are you aware that the Minister announced today the rate pegging for the next financial year?

COUNCILLOR N L CASTLE

1. Can a report be made available regarding the current (but new) pricing structure for water and the rationale behind it?

In the 2005/06 Management Plan Council saw the need to improve the effectiveness of non – metropolitan water, sewerage and liquid trade waste services, by the introduction of 'Best Practice' pricing fair cost sharing of the services. Through the NSW Government, Department of Land & Water Conservation and National Competition Policy all NSW Councils are progressively adopting similar models.

The purpose of restructuring the water and sewerage charging policy was to provide an equitable 'Access Charge' (Levy) on the rate notice and 'Usage Charge' on the water account, to provide a financial benefit to the low water users, for example two individuals on a pension and impose a high usage charge on the heavy water users in the community, for example a family of six. The ultimate aim is to make provision for the escalating costs associated with routine expenditure and previously identified expenditure on infrastructure. The water and sewerage tariffs must raise sufficient annual income to ensure the service is delivered and future infrastructure costs are provided for.

With increasing demand being placed on the finite water resources of NSW it is vital that we use the resource efficiently and introduction of best practice pricing is an essential step to achieve this objectives in non metropolitan NSW.

Customers benefit from appropriate pricing as they can balance the benefits and costs of their use of water service. They can make a rational decision on how much water to use, dispose of or recycle.

The main point of best - practice pricing is the removal of significant cross subsidisation of water charging within the community. When all users were paying the identical levy on the rate notice, individuals such as a lone pensioner are subsidising water consumed by others such as a family of six.

The attached table shows a comparison of water paid by a couple on a pension for the past years, and charges paid by the average residential consumer for water from 1994/95 through to 2005/06.

2004/2005 WATER CHARGES: LEVY AND USER

Water Levy: Residential infrastructure charge on rate notice **\$260.00**
 Business infrastructure charge on rate notice **\$410.00**

Water Usage: All users **Water account**
 0-500kl 0.51/kl
 500-2000kl 1.32/kl
 2001-5000kl 1.50/kl
 5001kl + 2.02/kl

To introduce best practice pricing Council adopted the following fees with the main components being an 'Access Charge' on the rate notice and a 'Usage Charge' on the Water Account.

The access charge is dependent on the size of the water meter servicing the property. In the case of a residential property all meters are 20mm.

2005/2006 WATER CHARGES: ACCESS AND USAGE

Water Access Charge: Residential infrastructure charge on rate notice **\$200.00**
(A decrease on the rate notice of \$60.00)

Business on size of meter	20mm	\$200.00
	50mm	\$350.00
	100mm	\$750.00

Water Usage Charge:	0-500kl	.85/kl
	500kl +	1.60/kl

Public Consultation

Advertising, media releases and exhibition of the adopted Water, Sewerage and Trade Waste Policies, with the 2005/2006 Draft Management Plan, took place during May - June 2005. No community responses were received with regard to the policy.

NSW COUNCIL COMPARATIVE INFORMATION FOR AVG RESIDENTIAL PROPERTY: LITHGOW	
LEVY AND WATER USAGE ACCOUNT COMBINED	
1994/95	\$455.53
1995/96	\$421.62
1996/97	\$406.97
1997/98	\$422.29

1998/99	\$378.19
1999/00	\$371.70
2000/01	\$401.83
2001/02	\$368.00
2002/03	\$420.00
2003/04	\$398.60
2004/05	\$429.32
2005/06	\$488.15

WATER CHARGES: LITHGOW PENSION COUPLE

	WATER ACCOUNT			RATE LEVY	TOTAL WATER
	CONSUMPTION KL	CHARGE	TOTAL		
2000/01	213	0.38	\$80.94	\$250.00	\$330.94
2001/02	259	0.38	\$98.42	\$250.00	\$348.42
2002/03	278	0.38	\$105.64	\$250.00	\$355.64
2003/04	315	0.44	\$138.60	\$260.00	\$398.60
2004/05	332	0.51	\$169.32	\$260.00	\$429.32
2005/06	300	0.85	\$255.00	\$200.00	\$455.00

WATER CHARGES: LITHGOW FAMILY OF FOUR

	WATER ACCOUNT			RATE LEVY	TOTAL WATER
	CONSUMPTION KL	CHARGE	TOTAL		
2000/01	339	0.38	\$128.82	\$250.00	\$378.82
2001/02	375	0.38	\$142.50	\$250.00	\$392.50
2002/03	435	0.38	\$165.30	\$250.00	\$415.30
2003/04	292	0.44	\$128.48	\$260.00	\$388.48
2004/05	360	0.51	\$183.60	\$260.00	\$443.60
2005/06	360	0.85	\$306.00	\$200.00	\$506.00

WATER CHARGES: LITHGOW FAMILY OF SIX

	WATER ACCOUNT			RATE LEVY	TOTAL WATER
	CONSUMPTION KL	CHARGE	TOTAL		
2000/01	463	0.38	\$175.94	\$250.00	\$425.94
2001/02	496	0.38	\$188.48	\$250.00	\$438.48
2002/03	525	0.38	\$199.50	\$250.00	\$449.50
2003/04	521	0.44	\$229.24	\$260.00	\$489.24
2004/05	472	0.51	\$240.72	\$260.00	\$500.72
2005/06	495	0.85	\$420.75	\$200.00	\$620.75

The Meeting closed at 7.43pm.

Council then resolved to move into Closed Council at 7.45pm.

Council then resolved to move back into Open Council at 8.00pm.

06- 87 RESOLVED

THAT Council move back into Open Council at 8.00pm and that all actions be made public.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED