



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

18 SEPTEMBER 2006

AT 7.00pm

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 18 SEPTEMBER 2006**

Meeting Commenced 7.03pm

Public Gallery: 25

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst (Absent)
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

NIL

Also in attendance

General Manager, Mr Paul Anderson
Acting Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Kathy Woolley
Minutes Secretary, Miss Casey Clarke

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 21 August 2006 were taken as read and confirmed by Councillors W McAndrew and B S Moran

**06- 295 RESOLVED
CARRIED**

Confirmation of the Minutes of the ExtraOrdinary Meeting of Council held on the 4 September 2006 were taken as read and confirmed by Councillors B S Moran and M J Wilson

**06- 296 RESOLVED
CARRIED**

DECLARATION OF INTEREST

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

NIL

QUESTIONS FROM THE PUBLIC GALLERY

At 7.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

QPG - GAYE MASON

1. Mr Mayor I refer to Item 5 - Centroc Meeting. Would you please update us of the situation with the Bells Line Expressway?

The Mayor gave an update in relation to this matter and referred to the report at the previous meeting of Council.

2. Mr Mayor are there any plans in place to undertake major repair work on Sandford Avenue between Crane Road and Tank Street? If so, when is this likely to occur? If not, can it please be done soon?

A total amount of \$130,000 has been included in years 2 and 3 of the 3 year financial plan for works on Sandford Avenue being \$65,000 in 2007/08 and \$65,000 in 2008/09. Of course these funds need formal Council endorsement for each of these financial years.

3. We have just been involved in the Strategic Planning process. Part of that was to nominate where development should be located. In the past the Land and Environment Court has overturned councils decisions about proposed developments. Will our Strategic planning be taken into account in the future where this court becomes involved?

As one of its outputs, the Strategic Plan will provide information to inform a new Local Environmental Plan. The provisions of a Local Environmental Plan are subject to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act whether or not a development application is considered by Council, the State Government or the Land and Environment Court.

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GENERAL MANAGER REPORTS

ITEM:1 GM - 18/09/06 - OH&S POLICY

REPRT FROM: DANNY OLDFIELD - RISK AND SAFETY OFFICER

SUMMARY

To advise Council of the review of the OH&S policy at Lithgow City Council.

COMMENTARY

Lithgow City Council has been reviewing all OH&S policies and procedures to ensure that our management system is compliant with Australian Standard 4801 and the State Cover OH&S Audit tool. Council's Risk and Safety Officer has been consulting with Divisional areas of council to formulate a policy which is legally compliant with the OH&S Act 2000 and its subsequent Regulation 2001.

The policy forms part of council's overall management system and is the only document that requires formal approval from council, all other system inclusions take the form of Standard operating procedures and are managed day to day by the General Manager

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

This document is to be placed on public exhibition for 28 days

CONCLUSION

Council is committed to providing a safe place of work for all staff, contractors and visitors to Lithgow City Council. We understand our Legal and moral obligations to the community and support the continual improvement in OH&S performance.

06- 297 RESOLVED

THAT:

1. The council adopts the revised OH&S Policy in draft format to ensure it meets its legal requirements under the OH&S Act 2000 and subsequent Regulation 2001 and place the document on public exhibition for a period of 28 days.
2. A further report be provided at the conclusion of the exhibition period.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:2 GM - 18/09/06 - LITHGOW RAILWAY STATION

REFERENCE

NIL

SUMMARY

This report outlines correspondence received from the Minister of Transport John Watkins MP.

COMMENTARY

The Minister of Transport referred to correspondence received by him from Gerard Martin, Member for Bathurst on the 9 January 2006 on behalf of Lithgow City Council concerning the Lithgow Railway Station. He apologised for the delay in responding.

He advised that there are no plans at present to change the business hours or staffing levels for Lithgow Station.

Regarding the possibility of including express train services, RailCorp has advised the Minister that there is no scope to increase the number of express services to Lithgow. The frequency of trains is such that to further increase the number of express services would reduce services to an unacceptable level at some minor stations.

The Minister is committed to ensuring safer, cleaner and more reliable services - across all modes of transport.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 298 RESOLVED

THAT the information be received.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:3 REG - 18/09/06 - PLANNING AGREEMENTS

REPORT FROM: ENVIRONMENTAL PLANNER - P MOPPETT

SUMMARY

To recommend the endorsement of Planning Agreements prepared as part of four development applications in Lithgow in relation to contributions and/or works for open space and community facilities.

COMMENTARY

A planning agreement is a negotiated voluntary agreement or other arrangement between a planning authority and a developer under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

An explanatory note shall be prepared for each agreement which includes detail regarding the proposed planning agreement. The explanatory note accompanies the planning agreement and is exhibited and registered with the planning agreement.

Council has considered a number of agreements to date, and carried out the appropriate notification process with no submissions being received. There are currently four agreements ready for endorsement by Council, as follows:

DA NO.	DESCRIPTION	NAMES OF PARTIES	LAND
66/05	For open space and community facilities in a residential subdivision	Lithgow City Council & Strathlone EstatesP/L	Lots 10, 11 DP 1074721, Gt Western Highway, South Bowenfels
67/05	For open space and community facilities in a residential subdivision	Lithgow City Council & Strathlone EstatesP/L	Lots 10, 11 DP 1074721, Gt Western Highway, South Bowenfels
489/05	For open space and community facilities in a residential subdivision	Lithgow City Council & G & P Cox	Lot 25 DP 30958 Magpie Hollow Road, South Bowenfels
125/05	For open space and community facilities in a residential subdivision	Lithgow City Council & R E Charles	Lot 11 DP 815871 Lot 22 DP 601501, 52 Tweed Road, Lithgow

POLICY IMPLICATIONS

No specific policy implications arise as a result of this report. The Planning Agreements have been compiled in accordance with the Draft Planning Agreement Policy through negotiation with Council. Normally negotiation would occur prior to issue of development consent. However Council has the opportunity to process the agreements post consent as long as an offer has been made by the applicant during the DA assessment process. In this instance the consents have been issued and the agreements advertised. They are now due for endorsement by Council and the developer.

FINANCIAL IMPLICATIONS

The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution, the dedication of land free of cost, or the provision of a material public benefit in the form of infrastructure, facilities, amenities and services.

LEGAL IMPLICATIONS

The Planning Agreements are subject to the requirements of the Environmental Planning & Assessment Act 1979, and the provisions of Council's Draft Planning Agreement Policy.

06- 299 RESOLVED

THAT Council endorse the Planning Agreements as presented and proceed to issue of the final documents, notification to the Minister and registration in Council's Public Register.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:4 COMM - 18/09/06 - LEASE OF SUITE 2 HARTLEY BUILDING MORT
ST, LITHGOW**

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE –
K.WOOLLEY**

REFERENCE

Item17 Finance and Services Committee – 7 August 2006

SUMMARY

This report seeks Council's formal resolution to apply the seal to the lease documents for Suite 2 Hartley Building Mort St Lithgow as referred to in the report which Council adopted on 7 August 2006.

COMMENTARY

Mission Australia will lease the premises and the value of the lease has been negotiated at market value as assessed by the Manager Internal Services.

The lease documents have been prepared as per the resolution of the 7 August 2006 meeting and need to be executed under seal.

Mission Employment have requested termination of the lease on the 30 June 2009 rather than the 30 August 2009 as they had previously advised and resolved by Council on 7 August 2006. This is due to their contractual arrangement with the Government. This alteration is reflected in the recommendation concluding this report for council's consideration.

Policy Implications

Nil

Financial Implications

Annual Rental on combined lease \$45,223.33(GST Excl.) \$3,768.61 per month

Legal Implications

Lease agreement for a period of three years from 1 September 2006

06- 300 RESOLVED

THAT Council affix the Common Seal to the lease to Mission Australia for Suites 1 and 2 Hartley Building with the lease period reflecting tenancy from 1 September 2006 to 30 June 2009.

MOVED: Councillor B S Moran

SECONDED: Councillor A E Thompson.

CARRIED

REPORTS FROM DELEGATES

ITEM:5 DEL - 18/09/06 - RECENT CENTROC MEETING

REPORT FROM: COUNCILLOR NEVILLE CASTLE, MAYOR

REFERENCE

NIL

SUMMARY

This outlines the recent meeting of CENTROC.

COMMENTARY

At the most recent CENTROC meeting a number of issues were discussed.

The first of these issues was the Bells Line Expressway and CENTROC continuing support of this project. We were given an update by the Mayor of Blayney who was in attendance along with our representatives at the meeting with Minister Roosedaal, following the Cabinet meeting in Bathurst.

The Meeting also looked at the possibility of de-averaging of the cost for Telstra which could be disastrous for some of our smaller communities. Broadband and peoples ability to connect was a topic of conversation and concern for many.

CENTROC had an interesting presentation from the Manildra Group. This group apart from producing flour, particularly at their main site in Manildra, also produce ethanol and biodiesel. The ethanol plant is near Nowra, on the South Coast and their blending plant is at Clyde in Sydney. They spoke to us about a lot of misinformation that has been banded around by those against ethanol and biodiesel and from their point of view they see that there is nothing inhibiting large scale use of these products. It is interesting to note that vehicles in Brazil are running on 100% ethanol on motors that they built in Melbourne.

CENTROC as a group is now making savings for its member councils of nearly \$2 million per year. This is a far cry from six years ago before CENTROC had a Projects Officer when CNETROC was little more than a talk fest.

We also discussed the report put before CENTROC from our General Manager; Mr Paul Anderson regarding the proposed new state imposed LEP provisions. After much discussion it was agreed that "one size fits all" solution does not seem feasible nor realistic and as such CENTROC Councils will be encouraged to campaign to have individual councils responsible for setting lot sizes and entitlements at the local level rather than being imposed.

Council may wish to consider having a late item to the LGA Conference on this issue.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 301 RESOLVED

THAT:

1. The information be received
2. Council put a late motion to the LGA Conference regarding the LEP and lot sizes and entitlements.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:6 DEL - 18/09/06 - FURTHER FIGURES FROM PACT

REPORT FROM: COUNCILLOR NEVILLE CASTLE, MAYOR

REFERENCE

NIL

SUMMARY

This report outlines further figures from the PACT meeting.

COMMENTARY

Following correspondence from Superintendent Wookey, Chifley Local Area command, I can confirm that the figures in the previous report to council were in fact those of the Chifley Local Area Command.

These figures are the official figures which are released by the Bureau of Crime Statistics. Superintendent Wookey has provided for us (as a confidential report) information regarding the Lithgow, Portland, Capertee and Wallerawang and figures which were derived from the Police Computer system reports. These figures indicate for Lithgow there has been an increase in assault of approx 25% over the last three years and an increase in malicious damage of approx 20% in the same period.

However, malicious damage includes incidents such as spray painting and we should realise that a number of offences were attributed to one person who has since been arrested. All other categories of crime have either stayed the same or improved in that time.

It was advised from the Lithgow Police Station that the trail bikes have been used more than four (4) times over the past two weeks and that Council is responsible for the servicing of the trail bikes.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information be received.

06- 302 RESOLVED

THAT:

1. The information be received.
2. A report to come back on the full compliment of staffing numbers at Lithgow?

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - COUNCILLOR BRIAN MORRISSEY

1. Have we received any further advice from Central West ABC regarding any inappropriate threats from a "senior Lithgow Council official" against a "female journalist"? If this allegation is wrong, our Council has been wrongly impugned, brought into disrepute and our officers have been most unjustly attacked. Is this matter being investigated by the Code of Conduct for disciplinary action?

Council staff have discussed the matter with ABC in Orange who are unaware of the matter and have been investigating the matter.

2. Will our Council come under the Work Choices regime or will be deemed to be a non trading corporation under the Act? If a decision has not been made on this when will it be made? The LGSA believes (Local Agenda p7) that if Workchoices goes ahead as proposed by the Federal Government, there could be losses experienced by those employed by councils. When will this confusion be resolved in the interests of our workers?

At this stage the advice is unclear, however, based on previous precedent law it would appear unlikely we may be subject to the legislation. All will become some what clearer after the High Court challenge is finalised. I have endeavored to ensure the staff are updated and informed and have permitted employment groups to meet and discuss the matters.

I have recently signed referral agreements. for commission matters and unfair dismissals with the LGSA, USU, DEPA and LGEA.

3. Would Senior Officers report on the Government's gazettal this year of a draft standard LEP template prohibiting the establishment of schools in rural zones? Many Catholic and other non government schools are already located in rural zoning in the State on the fringes of residential development for the reason that rural areas are the location where sufficient land can be found and purchased for new schools. Land has been purchased in advance in rural zones for school development to meet urban growth. It is almost impossible to find sufficient land in residential areas and to compete on land prices with developers.
Would the General Manager through the State Member make representations to the Minister of Planning to seek clarification of this matter?

This matter is currently being investigated and will be reported to the next Policy and Strategy Committee Meeting.

4. Mr Mayor are you aware of a letter received by Councillor Ticehurst from the Three Tree Lodge Lithgow Inc in relation to Councillor Ticehurst contacting their bankers? I have a copy of this letter and wish for it to be tabled. Mr Mayor I believe this to be an improper attempt to interfere with an organisation and I believe this infringes the Code of Conduct.

The letter was tabled for Council information.

06- 303 RESOLVED

THAT Council report this matter to the Code of Conduct Committee.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor M M Collins.

Councillor Wayne McAndrew declared a pecuniary interest in this item due to being on the Board of Three Tree Lodge and vacated the Chambers.

5. Mr Mayor is Council in receipt of a letter from Mr Bird regarding Marrangaroo and rates? If so, can I please be given a copy of the General Managers response?

The General Manager advised that a copy will be given to Councillor Morrissey.

QWN - COUNCILLOR WAYNE MCANDREW

1. Mr Mayor I refer to the 10 points that were resolved at the last Council meeting that requested Councillor Ticehurst to provide Council with information. Can you please tell me if this information has been supplied to Council and where we are up to with regard to this issue?

The General Manager advised that no response has been received by Councillor Ticehurst as yet. A further letter has been sent by the Mayor to Councillor Ticehurst requesting the information with no response.

2. Mr Mayor I would like to pass on the thanks from the Workman's Football Club in regards to the help Council provided them for the Group Ten Grand Final. The security was ever an issue and the day was run extremely well.

The Mayor advised that the Council were also thanked at the Workman's Football Club presentation held recently.

06- 304 RESOLVED

THAT Council pass their thanks on to the relevant staff members.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor H K Fisher.

QWN - COUNCILLOR M J WILSON

1. Mr Mayor can an update on the stables in Bridge Street please come back to Council?

This matter will be taken on notice and be reported at the next meeting.

2. Mr Mayor are we going to replace our Heritage Advisor? If not, how is Council going to deal with the heritage matters?

This matter will be taken on notice and be reported at the next meeting.

3. Mr Mayor the Furnace, Fire and Forge Book launch was held last Friday and I would like to thank Council and Casey Clarke for their hard work in the organising of the launch.

06- 305 RESOLVED

THAT Council pass their thanks on to the relevant staff members.

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor H K Fisher.

QWN - COUNCILLOR M M COLLINS

1. Mr Mayor can Council please investigate Wolgan Road, Lidsdale as I believe it is in need of patching?

This matter will be investigated as soon as possible.

QWN - COUNCILLOR H K FISHER

1. Mr Mayor can Council investigate the road in Ordnance Avenue, Lithgow are it is apparently in a bad condition and needing work?

This matter will be investigated as soon as possible.

2. Mr Mayor is Council aware that work has been done by the Trotting Fraternity on the stables in the showground? This work is being done at their own costs and a letter has been received by the fraternity from Council advising them that the demolition of some of the stables will be done at their costs? Is this correct?

The Mayor advised that he was not aware of this work taking place but will have the matter investigated further with a report to come back.

3. Mr Mayor are you aware of latter received by Council from the Ex Servicemen's Club regarding the cenotaph? Can a report come back on this issue and especially the different quotations received by the RSL and Council?

The Mayor advised that the General Manager and himself will be meeting with the RSL on Thursday 21 September 2006 to discuss this issue and a report will be forthcoming.

QWN - COUNCILLOR B S MORAN

1. Mr Mayor is Council aware of the sad passing of Mr John Wellings? Can a letter of sympathy be sent to his family?

The Mayor advised that Council is aware of this and flowers have been sent on Councils behalf to the Family of Mr Wellings. A letter will be forwarded.

QWN - COUNCILLOR A E THOMPSON

1. Mr Mayor I refer to some questions I raised previously in relation to Trade Waste, can a report come back on the compliance of this for businesses?

The Mayor advised that these will be answered at the October Committee Meetings.

2. Mr Mayor can you please explain as to why the crime figures received by Councillors were of a confidential nature?

The Mayor advised he will take this up with Superintendent Wookey and a report will be forthcoming so as further discussions can take place.

The meeting closed at 7.30pm.