



LITHGOW CITY COUNCIL

MINUTES

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

04 DECEMBER 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 4 DECEMBER 2006**

Meeting Commenced 8.10pm

Public Gallery: 28

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 M M Collins
Councillor M J Wilson

APOLOGIES

An apology was received and accepted from A E Thompson and W McAndrew due to personal business.

06- 419 RESOLVED

MOVED: Councillor H K Fisher **SECONDED:** Councillor M M Collins.

Also in attendance

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

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Finance and Services Committee Meeting of Council held on the 6 November 2006 were taken as read and confirmed by Councillors B P Morrissey and M J Wilson

06-420 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 6.05pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

QPG - MR C JONKERS

1. Mr Mayor I refer Council to page 1.1 of the Development Assessment Report, under heading 1.1.2 *The Subject Site*, in which it states that 3 of the main land parcels for the proposed Waste Management Facility are owned by "*Springvale Coal (to be transferred to Delta Electricity then Council*".

Can Council please explain to the residents of Blackman's Flat the relationship between Council, Springvale Coal, and Delta Electricity with regard to the site selection process and property acquisition details for the proposed Waste Management Facility in our residential township.

In regard to the site selection process the only relationship with Centennial Coal (Springvale) was providing access to Council officers and consultants to allow the consideration of alternatives. No relationship exists in regard to site selection with Delta. In regard to property ownership and acquisition 2.2 of the EIS states "Council owns Lot 42 DP 751636 and Lot 1 DP 1049889. Part Lots 67, 15 and 1 are to be transferred to Delta Electricity upon extinguishment of the mining lease by Springvale Coal and then transferred to Council, subject to satisfactory completion of the relevant option deed arrangements between Council, Springvale and Delta. Furthermore, Council is making application to close part of the Crown Road which traverses the DML Dam."

2. Mr Mayor given the relationship between Council, Springvale Coal and Delta Electricity (see page 1.1 of the Development Assessment Report, 1.1.2 *The Subject Site*), the suspicions of the Blackman's Flat community that the Site Selection process for the Solid Waste Landfill was neither open, honest, transparent, accountable or democratic, have now been confirmed.

Residents are convinced that economic interests and Council's close relationship with the coal mining and power generation industries dominated an unbiased assessment of the true social and environmental impacts on our residential township of Blackman's Flat.

We consider Springvale Coal (Lambert's Gully open-cut mine) and Delta Electricity to be the major contributors to the massive cumulative impacts our community is already being exposed to. We are therefore appalled that they would betray our town without asking us first and massively add to those cumulative impacts by making their land in our residential township available to Council by for its solid waste landfill.

We regard this as yet another example of the total lack of respect the mining and power generation industries have for the health, amenity, property values and environment of neighbouring property owners.

In addition, we feel Council's prior history of approvals of socially unacceptable developments for our residential township of Blackman's Flat, including Pine Dale Mine (2005); Lambert's Gully Mine (1998); Mt Piper fly-ash dam (1990); and Coal>Link Haul Road (1991), does little to instil confidence in our community that Council will ever do

anything to protect the rights of residents of our residential township, particularly where the coal mining, power generation, coal transport, and related industries are involved.

We therefore ask Council whether it is appropriate for Councillors involved in the coal mining, power generation, coal transport, or Coal Mining Union to take part in the approvals process for Council's Solid Waste Landfill in our residential township of Blackman's Flat?

This is a matter for Councillors to consider

3. Mr Mayor we request that Council defers approval of its Waste Management Facility (DA 388-05) proposal, so that Council can fully assess and report back to the Blackman's Flat community on whether the cumulative impacts from projects which it failed to assess or report on in the Development Assessment Report for this proposal may have made the Landfill proposal untenable..

We refer Council to page 3.13, *Section 3.16 - Cumulative Impacts*, of the Development Assessment Report, which omits any mention of cumulative impacts for the Blackman's Flat community from Delta Mt Piper Power Station, its massive fly-ash dams 800m upwind of our town, or the recently approved Modification of Mount Piper Power Station (MOD-1-1-2006-1) approved by Minister Sartor on 3 June 2006.

Every resident in Blackman's Flat who attended the public consultation or lodged a submission on this Landfill proposal raised serious concerns about the impacts on our health, safety, amenity, and environment of fly-ash dust from Mount Piper Power Station's massive fly-ash dam just 800m upwind of our town.

We therefore regard it as downright dishonest and misleading for Council and Geolyse to pretend that these facilities don't exist, and are not having a cumulative impact on our town.

We have all pointed out to Council that the dust blowing off Mount Piper fly-ash dam can sometimes be so bad we cannot see across the other side of the Castlereagh Highway; that Cullen Bullen Rural Fire Brigade members reported having been called out on at least 3 occasions to apparent bushfires which turned out to be dust blowing of Mt Piper fly-ash dam; that if you run your finger along any external surface of our houses in Blackman's Flat the dust is grey, look in our gutters and the sludge is grey, yet a couple of kilometres down the road the dust is brown.

We pointed out that this fly-ash dust is so fine it gets into every nook and cranny of our households, prematurely fouls our furnishings, wrecks our electronic equipment, rusts our roofs and gutters, and coats the duco of our cars - even when they are in the garage! Everything we touch or attempt to grow is covered in fly-ash dust - we are concerned that this must have long-term health effects for us.

And we pointed out other major impacts from Mt Piper as well, such as smoke stack emissions, the orange-flakes of ash and dust that rain down on our properties some nights, the squeal of bulldozer tracks and reversing beepers from heavy machinery on the ash dam and coal-stockpile, sirens from the power plant, and the associated traffic noise along the highway.

Further, the cumulative impacts associated with the recently approved Modification of Mount Piper Power Station (MOD-1-1-2006-1), which will increase its generating capacity from 1320mw to 1500mw (23% increase) are totally omitted. They will result in:

- A 1.7 million tonne per year increase in the amount of coal burnt, transported and handled in close proximity to our town, up from 3.5 million tonnes/year approved in the original 1982 DA, to 5.2 million tonnes/year after the Modification;
 - An equivalent 23% increase in carbon dioxide, sulphur dioxide, nitrous oxide, mercury, arsenic, dioxins and other emissions from the smokestack into the only air we have to breathe,
 - An increase in fly-ash production from 0.89 million tonnes per year to 1.54 million tonnes per year, at a time when fly-ash dust problems for our town are already unacceptable,
 - An increase in the ash-content of coal that will be burnt, up from 21% to 28%, at a time when fly-ash dust problems for our town are already unacceptable,
 - Additional dangerous cargoes hauled through our town to Mount Piper, including 10 additional truckloads of Sulphuric Acid, 6 extra truckloads of Chlorine, 2 extra truckloads of Sodium Hydroxide, and 2 extra truckloads of Carbohydrazide per year,
 - Not to mention an additional unquantified number of fly-ash tankers, diesel tankers for start-up fuel, construction traffic during the modification periods, and other associated traffic,
- In addition we are extremely disappointed that Council and Geolyse failed to acknowledge the cumulative impacts from Centennial Ivanhoe North Rehabilitation Project (DA 05_0103), the DA for which was lodged back in May 2006. Council is fully aware of it and knows it will result in 550,000 tonnes of coal mined over 2 years and transported by road via the Castlereagh Highway through our town to Wallerawang Power Station, Lambert's Gully coal washery, and Lidsdale Siding.

We regard this omission as similar to Springvale Coal lodging their DA for Lambert's Gully open-cut mine the day after submissions closed for Council's Waste Management Facility. Supporting documents for Invincible open-cut, Ivanhoe open-cut, Extension of Angus Place Colliery, and the Modification of Mt Piper have proven that Council was also fully aware of these proposals at the time the DA for the Landfill was being exhibited for public comment. Yet you hid them from us.

We are also sure Council is also fully aware that Baal Bone Colliery are just finalising a road coal haulage contract to Wallerawang power station through our town, that Mt Piper are proposing a Rail Loop and Coal Conveyor, and that Pine Dale mine have lodged a Modification proposing to haul coal thru our town.

We regard all these deliberate omissions from the development Assessment report as downright dishonest and misleading, akin to insider trading, and yet another reason why we are not happy with Council's supposedly independent consultant Geolyse, or Council's apparent collusion with Centennial and Delta (see page 1.1 - The Subject Site) over the Site Selection Process for this Landfill proposal.

We therefore request that Council defers any approval of the Waste Management Facility (DA 388-05), until Council and Geolyse have fully assessed and reported back to our community on the cumulative impacts which were misleadingly and dishonestly omitted from the Development Assessment Report, including the cumulative impacts associated with Mt Piper Power Station, Mt Piper fly-ash dam, the Modification of Mount Piper Power Station approved by Minister Sartor on 3 June 2006, the Centennial Ivanhoe North Rehabilitation Project (DA 05_0103), Pine Dale modification and other projects.

Any allegation that the EIS or Assessment Report were deliberately misleading or dishonest is incorrect. The cumulative impacts were addressed at Section 20 of the Environmental Impact Statement. The independent Development Assessment Report considers the issue of cumulative impacts at 3.16 concluding "the proposed development is not considered to be a primary contributor to cumulative impacts in the locality as adverse impacts can be appropriately managed on site."

4. Mr Mayor we ask Council to explain how it can possibly claim this Waste Management Facility will have a neutral or positive benefit for our town?

Recent noise reports by Metford Laboratories to the Pine Dale mine Community Consultative Committee demonstrated that noise levels were being massively exceeded every day in our town, except Sunday. And that was before Pine Dale mine got into full swing! Now Council wants to steal our only relatively quiet day, Sunday, off us as well, because the Tip proposes to operate 7 days a week. The 7% traffic increase and operational noise will also massively increase noise levels during the week. Where is the neutral or positive benefit?

The particulate matter monitoring apparatus at Pine Dale mine is regularly broken down, run out of filter paper, or other excuses to the point where during June and July it was operational for only 2 weeks out of seven. Yet they claim to be complying, its business as usual, and the EPA tells us that if we want to prove different we have to hire and pay for our own Environmental Consultant.

And how does one monitor odours, or count the number of flies, mice, rats etc now compared to after the landfill is approved? We have no confidence in the environmental monitoring, or in the accountability of monitoring reports, currently being presented to our community by industry in the Blackman's Flat area. Is this what we can expect from Council as well? Where is the neutral or positive benefit in sham environmental monitoring and reporting ?

As part of the SCA Streamwatch program Lithgow Environment Group has demonstrated that water quality standards are already massively exceeded in Lambert's Gully Creek and Nuebeck's Creek, the waterways into which Council proposes to discharge leachate from this Waste Management Facility.

For example the SCA has adopted 300 uS/cm trigger value for compliance with Electrical Conductivity (or Salinity) levels in its Water Quality Monitoring Program (*Recommendation 19: Audit of the Sydney Drinking Water Catchment, December 2003*). Salinity levels in Lambert's Gully Creek recently were 1240 uS/cm, in Nuebeck's Creek 1450 uS/cm, almost 5 times higher than the SCA trigger value, twice as high as the ANZECC Standards for drinking water. Where is the neutral or positive benefit in polluting creeks that are already massive exceeding SCA trigger values?

And lastly where is the neutral or positive benefit in totally wiping out our property values, because now matter how Council or Geolyse try and lie, cheat and scam their way around this issue, it has happened?

We therefore ask Council where the neutral or positive benefits from this proposal are for the community most affected in Blackman's Flat, because from our perspective any pretence by Council and Geolyse that they do exist is blatantly misleading, dishonest, and corrupt?

The Sydney Catchment Authority issued its conditional concurrence to the proposal, therefore under clause 10 of SEPP No 58 the SCA must have been satisfied that the proposal would have a neutral or beneficial effect on the water quality of rivers, streams or groundwater in the hydrological catchment. In terms of overall impacts the independent assessment report indicated that "the potential impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance. In cumulative terms the development will not be a primary contributor to adverse noise, dust

or odour generation in the locality. The subject site and proposed development are located at sufficient distance from the village of Blackmans Flat to ensure land use conflicts are minimized. With regard to all of the above, the subject site is considered suitable for the proposed development.

Further, the new waste management facility, adhering to current environmental controls and subsequent closure of existing scattered and aged waste facilities provides a better outcome for the LGA as a whole in terms of environmental and long term cost savings. In this regard, the proposed development is considered to be in the public interest."

No further comment on Mr Jonkers allegations in relation to misleading, dishonest or corrupt actions is considered to be warranted.

5. Mr Mayor the residents of Blackman's Flat believe we have done everything humanly possible through the extremely limited venues Council provided us to express our concerns about the fairness, justness and equity of this proposal.

We believe we have comprehensively demonstrated what your own consultants have advised you - that the noise, dust, particulate matter, odours, surface water and groundwater impacts, and traffic issues at this site are already excessive, will be exceeded at times, and that only by implementing the very highest standards of management can these impacts be contained, if at all.

This is clearly a very borderline proposal, and the Blackman's Flat community has no confidence in Council's ability to manage these impacts under normal circumstances, let alone have the ability, commitment or desire to implement the very highest possible standards of management at a facility which will be out of site and out of mind of the Lithgow area.

This community is already totally surrounded by encroaching heavy industries, none of which are compatible with a residential lifestyle, all of which are having a massive cumulative impact, all of which have totally wiped out our property values, are destroying our health, our amenity, and environment.

Council's Solid Waste Landfill will be the most offensive and greatest injustice of all.

Our town is not fit for human habitation now, we are saturated with all the filth you and the State Government have already dumped on us, and now you want to massively increase those impacts?

The stress Council and Department of Planning have created for the residents of our town over the last 2 years has been unbearable, our backs are against the wall, we are fighting for our lives, and we now have no other option but legal action. The travesty is that while we have to spend our hard earned savings to take legal action, Council can squander ratepayer funds without any accountability whatsoever to fight a case it has no chance of winning.

We therefore ask Council if it is aware of the implications of approving its Solid Waste Landfill in our residential township, which will be:

- 1. An appeal against this decision in the Land and Environment Court;**
- 2. Class Action against Council and the Department of Planning seeking damages for the destruction of our property values;**

3. **Class Action against Council and the Department of Planning seeking damages the disproportionate health risks imposed on our community as a consequence of poor planning decisions;**
4. **A statewide campaign launched tomorrow morning opposing the Duplication of Mount Piper Power Station, because we cannot sustain both it and your filthy pox ridden garbage and asbestos dump;**
5. **We will never forgive or forget the gross injustice that Council and the NSW Labor government has perpetrated against the residents of Blackman's Flat, and we will spend the rest of our lives ensuring that this gross injustice is put right, one way or another.**

As for No 1, Council is aware of the legal process in relation to a Designated Development application and third party appeal rights. As for No 2 and 3 Mr Jonkers would be advised to retain his own legal opinion. As for No 4, a description of the proposed facility as a "pox ridden garbage and asbestos dump" is factually incorrect and no relationship exists between any expansion of Mt Piper Power Station and the proposed landfill. As for No 5, the Development Application has followed proper process and assessment. As part of that process three submissions from residents/property owners of Blackman's Flat opposing the proposal were received, considered and addressed as appropriate by the independent consultant

QPG - MR AND MRS VINCENT

1. Mr Mayor Blackman's Flat residents request that the decision by Council regarding the Blackman's Flat Waste Management facility be deferred until another time suitable for us to have all of our questions about the cumulative affect answered honestly and in terms we can understand?

The cumulative impacts were addressed at Section 20 of the Environmental Impact Statement. The independent Development Assessment Report considers the issue of cumulative impacts at 3.16 concluding "the proposed development is not considered to be a primary contributor to cumulative impacts in the locality as adverse impacts can be appropriately managed on site."

2. Mr Mayor we would like Council to have the chosen site for the waste Facility re-assessed as years have gone by since the site was chosen, and due to the fact that there have been close to 100 blasts from Lamberts Gully we believe the chosen site may have altered (in stability) underground due to the blasting close to the site. As well as Lamberts Gully extension, Pinedale mine and a few others have been approved after the original assessment was done, we feel that another assessment would be warranted to give a more accurate and up to date result. Therefore we request that a new assessment be done due to the current information council now has at hand.

A report regarding the Potential for Ongoing Subsidence of the Underground Mine Workings and Consideration of Alternative Methods for Stabilisation of the Highwalls of the Open Pit Prior to Construction of the Landfill Cells was prepared by Mine Subsidence Engineering Consultants in August 2005. Blasting at Lamberts Gully had been occurring prior to the preparation of this report commencing in September 2004. Council has been advised that since blasting commenced there have been no exceedences of ground vibration criteria.

*More importantly, it should be noted that there are **no** underground workings below the void and therefore the area where waste is proposed to be deposited. The proposal involves:*

- *The construction of an independent perimeter bund wall to contain the landfill cells which would be stable in the long term and could be protected from ground movements that could occur beneath and behind the high walls in the future.*
- *Stabilisation of the highwalls to ensure that the landfill operations can be carried out safely and without risk to site personnel and equipment.*

Both the Department of Environment and Conservation and Sydney Catchment Authority have provided either their general terms of approval or concurrence to the development proposal. It is not considered necessary to undertake any further assessment on this issue.

3. Mr Mayor we would also ask for an upgrade of the Castlereagh Highway at Blackman's Flat in regards to the safety of the residents as well as: signs - slow down trucks entering; speed - reduced from 100kms to 70/80km; general safety - turning lanes for residents to safely enter and exit the highway.

Proposed conditions 15 to 24 deal with issues relating to road works, intersection treatments, turning lanes and signage. Some of these conditions were required by the RTA and the Regional Traffic Committee. There is no proposal to reduce the speed limit 70/80 kmph.

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REGIONAL SERVICES REPORTS

ITEM:1 REG - 04/12/06 - TROTGING STABLES

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Question Without Notice Councillor HK Fisher Finance and Services Committee 18/9/2006.

SUMMARY

To inform Council of the current situation in relation to the pending demolition of trotting stables at the showground.

COMMENTARY

Discussions were held with Lithgow Trotting representatives some time ago to determine what action was necessary to remove any sub-standard and potentially dangerous stables at the showground. The buildings requiring demolition were identified and repairs necessary to the stables that would remain was agreed.

The trotting representatives were informed that traditionally any work to the stables was the responsibility of the Lithgow Trotting Association and that Council had no funds available for work on repairs or demolition of stables. They advised that they had funds available that could be used for the work and were informed that Council would provide to them a costing of the demolition using Council staff. It was noted that a large section of fencing would need to be replaced after demolition of the damaged stables. It was considered that it may be necessary for Council to meet the cost of the fence replacement.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated cost of fencing is \$3,000 which could be funded from the recurrent budget.

LEGAL IMPLICATIONS

Nil

06-421 RESOLVED

THAT the Lithgow Trotting representatives be advised that Council is unable to contribute to the cost of demolition of the substandard stables but will meet the cost of replacement fencing up to a value of \$3,000 as provided in the 2006/07 Management Plan.

MOVED: Councillor H K Fisher

SECONDED: Councillor B P Morrissey.

CARRIED

**ITEM:2 REG - 04/12/06 - 2006/07 COUNTRY PASSENGER TRANSPORT
INFRASTRUCTURE GRANT SCHEME UPGRADE BUS SHELTERS,
BUS SIGNAGE, TIMETABLE HOLDERS AND LITHGOW TAXI RANK**

**REPORT FROM: WORKS ENGINEER– CHRIS SCHUMACHER & ENVIRONMENTAL
PLANNER – IAN RUFUS**

SUMMARY

This report advises of successful grant applications under the Country Passenger Transport Infrastructure Scheme.

COMMENTARY

Council has achieved \$153,115 in grant funding for 5 bus shelters, taxi rank upgrade to the existing Lithgow Eskbank rank and bus stop signage and timetable holders from the Country Passenger Transport Infrastructure Grant Scheme. This will bring Lithgow City public transport signage into line with current Department of Transport Best Practice Guidelines for NSW Public Transport Signage and Information Systems. Shelters for major bus stops and safer taxi access will also be provided.

This is the second largest grant in the state, being approximately 1/12th of the total grant pool for all NSW country Council's. This is the first time that Council has been successful with an application under this long running grant scheme. The application arose from the Lithgow Transport Working Group convened by the Ministry of Transport, and was applied for by Council officers. It is proposed to utilise Council staff in taxi rank reconstruction, constructing and locating bus shelters and inserting poles into footpaths.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council staff will be able to undertake the bulk of the work.
Quotes were obtained from bus pole manufacturers for the works but this could be costed by Council and these works may also be able to be done in house or even by local contractors.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Site Plans illustrating the existing Eskbank Taxi Rank layout showing vehicle/pedestrian conflict
2. Site Plans illustrating proposed changes to Eskbank Taxi Rank layout to reduce vehicle pedestrian conflict.
3. New J-Poles & U-Poles with current Public Transport Signage & Information Systems.
4. Example of new Bus Shelters to be manufactured & installed by Council.

RECOMMENDATION

THAT the information be received and the Management Plan be updated in the December quarterly review to accommodate the increase in income achieved through the grant.

06- 422 RESOLVED

THAT:

1. The information be received and the Management Plan be updated in the December quarterly review to accommodate the increase in income achieved through the grant.
2. Congratulations go to the staff involved in this project.

MOVED: Councillor M J Wilson

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:3 REG - 04/12/06 - "BLACK BRIDGE" - MR 531 - WALLERAWANG -
STRUCTURAL FENCE DAMAGE**

REPORT FROM: WORKS ENGINEER– CHRIS SCHUMACHER

SUMMARY

To inform Council of the damage caused by a truck colliding with the Black Bridge at Wallerawang.

COMMENTARY

Council is aware that damage was caused to the 'Black Bridge' Wallerawang 5 October 2006. This was the result from the impact of a truck that failed to negotiate the southern end approach to this bridge. As a result, structural damage to the fence and handrail are evident highlighting matters of concern and safety for pedestrians utilising the footway across the bridge. As an interim measure Council has installed temporary glow-mesh fence and safety devices in order to highlight areas of damage to pedestrians utilising the footpath across this bridge. It has been difficult to maintain these temporary measures on a consistent basis.

The Australian Rail & Track Corporation (ARTC) are the infrastructure owners and controllers of the Black Bridge and perform all maintenance activities upon this bridge structure. Council has contacted the ARTC, Bathurst Office several times regarding this safety matter in order to have it rectified.

To date little response has been received. No written or verbal communication has been received which would indicate ARTC's intended response time in rectifying this matter. It has now been seven weeks to date, and concerns of the local residents regarding their safety when utilising this bridge continue to be raised with Council on a regular basis.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council seek the assistance of the Member for Bathurst, Gerard Martin, in order to resolve the urgent repairs required to the Black Bridge, Wallerawang.

06-423 RESOLVED

THAT:

1. Council seek the assistance of the Member for Bathurst, Gerard Martin, in order to resolve the urgent repairs required to the Black Bridge, Wallerawang.
2. The Australian Rail and Track Corporation be asked to come and address Council to discuss this issue.

MOVED: Councillor B S Moran

SECONDED: Councillor M M Collins.

CARRIED

ITEM:4 REG - 04/12/06 - BREWERY LANE FENCING OF FORMER ACCESS TRACK

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

This report provides information following a question from Councillor H Fisher in relation to the erection of a fence blocking access to a 'traditional' access track.

COMMENTARY

At its Policy and Strategy Committee of 3 October 2006 Councillor H Fisher sought a report on the legal status of the fence in Brewery Lane. The matter has been discussed with the landowner and the landowner's Surveyor, plans have been produced and the site inspected. There appears little doubt from these investigations that the former track and newly erected fence are situated entirely within Lot 4 DP 102985 which is in private ownership. Therefore, it has been concluded that the fence has been lawfully erected and from discussions with the relevant landowner it appears that the reasons for erecting the fence were not unreasonable.

The former track was mainly used for pedestrian access to Zig Zag School. It has traditionally been possible to gain pedestrian access via the nearby Mills Street footbridge although there is not an appropriately defined pedestrian linkage from the Brewery Lane area. Council would be

aware that an amount of \$60,000 has been allocated in the current budget for the replacement of the footbridge at Mills Street. It is proposed to both replace the footbridge and construct a pedestrian/cycle linkage from the vehicular bridge in Island Parade. The replacement of the footbridge has been planned for some time and the improvement of pedestrian access will benefit pedestrians travelling from the Brewery Lane area to access Zig Zag School. The works are programmed for the 3rd quarter of the financial year.

POLICY IMPLICATIONS

No specific Policy implications arise.

FINANCIAL IMPLICATIONS

A budget amount is allocated in the current financial year to replace Mills Street footbridge.

LEGAL IMPLICATIONS

Investigations have revealed that the fencing of the former walkway was able to be undertaken in a lawful manner.

ATTACHMENTS

Nil.

06-424 RESOLVED

THAT the information be noted.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:5 REG - 04/12/06 - LAND AND ENVIRONMENT COURT APPEAL - DA
 297/06**

REPORT BY: GROUP MANAGER REGIONAL SERVICES –ANDREW MUIR

REFERENCE

DA 297/06

SUMMARY

To advise of an appeal lodged in the Land and Environment Court against an alleged deemed refusal by Council of a development application for a restricted premises.

COMMENTARY

Council has been served with an application by McKee Legal Solutions on behalf of Mr Jeff Oliver advising of an appeal to the Land and Environment Court against an alleged deemed refusal by Council of a development application for a restricted premises at Lot 2 DP 530041, 183 Main Street, Lithgow. The matter has now been referred to Council's Solicitors with the first telephone call over to take place on 20 December 2006.

POLICY IMPLICATIONS

No specific policy implications arise as a result of this report other than Council will be asserting that the development application will have to comply with its recently adopted policy.

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.

ATTACHMENTS

Nil

06-425 RESOLVED

THAT the information be noted.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:6 REG - 04/12/06 - CULLEN BULLEN PROGRESS ASSOCIATION
ANNUAL CHRISTMAS STREET FAIR - ROAD CLOSURE REQUEST**

REPORT FROM: WORKS ENGINEER– CHRIS SCHUMACHER

SUMMARY

To advise of the proposed closure of both ends of the Low-road in front of the Cullen Bullen General Store and Progress Hall, Cullen Bullen.

COMMENTARY

As in previous years Cullen Bullen Progress Association is requesting Council's co-operation with the closure of the Low – Road, Cullen Bullen to conduct the annual Christmas Street Fair. The Christmas Fair is an annual event that is held every year as part of the activities leading up to the festive season. This year the Cullen Bullen Progress Association wish to conduct the annual Christmas street fair on 8 December 2006.

As part of the event, Cullen Bullen Progress Association requests the following local road closure of the Low-road Cullen Bullen between the hours of 5:00pm to 9:00pm. The Low- road at Cullen Bullen is a local road adjacent to the Castlereagh Highway, and such closure would not detrimentally impact or inconvenience existing local residents.

The Cullen Bullen Christmas street fair is set to commence at 5:00pm and conclude at 9:00pm. The closure and re-opening times will allow for the set-up of stalls, amusements and dismantling of same.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council normally provides barricades and traffic signage. The Cullen Bullen Progress Association organise for the erection of such barriers across the Low-road in order to close it to vehicular traffic. Council also advertises the Street Closure as part of the contribution to the Cullen Bullen Progress Association for the annual Christmas Fair.

LEGAL IMPLICATIONS

NIL

06-426 RESOLVED

THAT:

1. The street closure of the Low-Road Cullen Bullen for the annual 'Christmas Street Fair' Friday, 8 December 2006 proceed as requested.
2. Council provide the road closure barricades and road closure signage for the street closure and advertise the closure as part of Councils contribution to the Cullen Bullen Progress Association annual Christmas Street Fair.
3. A formal plan of the precise location be provided by the Progress Association and arrangements be made in relation to the installation and removal of barricades and signage.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor B S Moran.

**ITEM:7 REG - 04/12/06 - DA 388-05 WASTE MANAGEMENT FACILITY,
 BLACKMANS FLAT**

REPORT BY: ENVIRONMENTAL PLANNER – GARY WALLACE

SUMMARY

Lithgow City Council commissioned Geolyse Pty Ltd to undertake an assessment of the Development Application (DA) for the Blackmans Flat Waste Management Facility, known as DA 388-05. As Council is both the applicant and the consent authority for the DA it was considered that through transparency the assessment of the application should be undertaken by an independent person. Council is now in receipt of the assessment and this report seeks Council's determination of the application.

COMMENTARY

Lithgow City Council currently operates seven landfills and three transfer stations within the Lithgow Local Government Area (LGA). Most of the landfills are nearing the end of their operational life and as a consequence, Council has identified there is a significant need for a modern, centrally located Waste Management Facility (WMF) for the future needs of waste disposal in the LGA.

The proposed location for the WMF is the old Western Main Colliery site, situated on the western side of the Castlereagh Highway approximately 16km from Lithgow at Blackmans Flat. This site was chosen after the investigation and consideration of a number of options. The site occupies an area of approximately 46 hectares.

Council proposes to develop the WMF at the Blackmans Flat site utilising the present mine void of some 720,000m³ located on the site. The proposed development would include:

- Establishment of the WMF including preparation of the mine void for landfilling, and construction of a waste transfer and recycling facility, weighbridge, road access and associated developments.
- Landfilling of solid and inert waste within a 'dry tomb' in order of 35,000 to 40,000 tonnes per annum for a period of approximately 15 years.
- Storage and transfer of recyclable waste including scrap metal, glass and plastic, paper and cardboard, green waste and other recoverable materials,

The existing landfills in the Lithgow LGA are coming to an end of their operational life, particularly the main landfill site located in Geordie Street, Lithgow. The proposal will provide the LGA with a well managed WMF which provides for the disposal and management of waste managed in the LGA into the future. Council is seeking to reduce waste generated within the LGA, however, a modern landfilling site is still required to manage waste that cannot be recovered or recycled. The proposal would also enable the existing open cut void and surrounding disturbed landscape to be rehabilitated and returned to a landform conducive with the surrounding rural landscape.

The independent assessment undertaken by Geolyse considered that the application should be approved subject to conditions outlined in their report with some minor amendments to proposed conditions to reflect transparency. These proposed changes are:

Proposed Condition	Proposed Change	Reason
23	Replace “Manager of Engineering Services” with “Group Manager Regional Services”	Restructure of roles and responsibilities.
25(b)	Replace “Council” with “the Principal Certifying Authority”	Council should not automatically be assumed to be the Principal Certifying Authority in the consent document.
32(c)	Delete “being Lithgow City Council”	Council should not automatically be assumed to be the Principal Certifying Authority in the consent document.
35	Delete “Council” in first line and replace with Principal Certifying Authority	Council should not automatically be assumed to be the Principal Certifying Authority in the consent document.
36	Delete “Council” in last line and replace with Principal Certifying Authority	Council should not automatically be assumed to be the Principal Certifying Authority in the consent document.

POLICY IMPLICATIONS

Waste management for Lithgow is guided by Council's Solid Waste Management Strategy, 2001. The aims of the Strategy are to review the current solid waste management practices within the Lithgow LGA and explore the possibilities in technology associated with waste management that may be adaptable to the current and future waste management strategy. The development proposal has adapted these principles as part of the application.

FINANCIAL IMPLICATIONS (In Council's role as a consent authority only)

The main financial implication for Council would arise if the application was approved and a third party lodged an Appeal to the development application in the Land and Environment Court. However, this would not be an appropriate matter for consideration in the determination of the development application.

LEGAL IMPLICATIONS (In Council's role as a consent authority only)

The main legal implication arising out of Council's consent authority role would be the opportunity for an objector to lodge an appeal in the Land and Environment Court should Council resolve to approve the development application. However, this would not be an appropriate matter for consideration in the determination of the development application.

ATTACHMENTS

1. Development Assessment Report for the Blackmans Flat Waste Management Facility and recommendations.

RECOMMENDATION

THAT Council issue development consent to Development Application 388-05 for the establishment of a Waste Management Facility at Lots 42 and Part Lot 67, DP 751636, Lot 1 DP 1049889, Part Lot 15, DP 804929, Part Lot 37, DP 827626 and Part Lot 1, DP 88503 and Crown Roads between Part Lots 67 and 37, subject to the recommendations outlined in the Development Assessment Report for the Blackmans Flat Waste Management Facility produced by Council's independent Planning Consultant and the proposed conditions of consent as outlined in the Assessment Report subject to the minor amendments outlined in the table in "commentary" section of this Committee report.

06-427 RESOLVED

THAT Council issue development consent to Development Application 388-05 for the establishment of a Waste Management Facility at Lots 42 and Part Lot 67, DP 751636, Lot 1 DP 1049889, Part Lot 15, DP 804929, Part Lot 37, DP 827626 and Part Lot 1, DP 88503 and Crown Roads between Part Lots 67 and 37, subject to the recommendations outlined in the Development Assessment Report for the Blackmans Flat Waste Management Facility produced by Council's independent Planning Consultant and the proposed conditions of consent as outlined in the Assessment Report subject to the minor amendments outlined in the table in "commentary" section of this Committee report.

MOVED: Councillor B S Moran

SECONDED: Councillor M M Collins.

An **AMENDMENT** was moved by Councillor B S Moran and Councillor M M Collins that an urgent deputation be made to the State member on the upgrade of the Highway.

This was DEFEATED

A **MOTION** was moved by Councillors M F Ticehurst and H K Fisher that this item be deferred to the first Ordinary Meeting of Council held on 19 February 2006.

06-428 RESOLVED

This was CARRIED

Councillor Ticehurst was recorded as against.

**ITEM:8 REG - 04/12/06 - LAND AND ENVIRONMENT COURT APPEAL -
DEVELOPMENT APPLICATION NO 504-2004 - LOT 301 PEACHTREE
ROAD, MEGALONG VALLEY**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To advise of the directions by the Land and Environment Court in an appeal by the applicant against the decision of the Court to uphold Council's refusal of Development Application No.504/2004.

COMMENTARY

A callover was held on this matter on 27 October 2006. The Registrar made the following directions:

- Parties to file and serve written submissions by 22 January 2007
- Any written submissions in response to be filed and served by 28 January 2007
- Matter listed for hearing on 5 February 2007 at 10am.

Council's solicitor, Pike, Pike & Fenwick have been instructed to proceed with the preparation of the necessary documentation. Barrister Sandra Duggan has been briefed by the Solicitor and will be appearing for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated cost of the proceedings is \$20,000. Funds will need to be obtained from within the recurrent budget.

LEGAL IMPLICATIONS

Council is obliged to defend the action.

06-429 RESOLVED

THAT the information be received and noted.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

ITEM:9 REG - 04/12/06 - DEVELOPMENT AND CONSTRUCTIONS APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

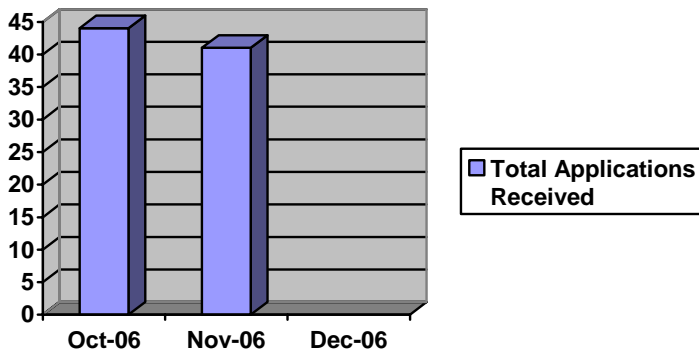
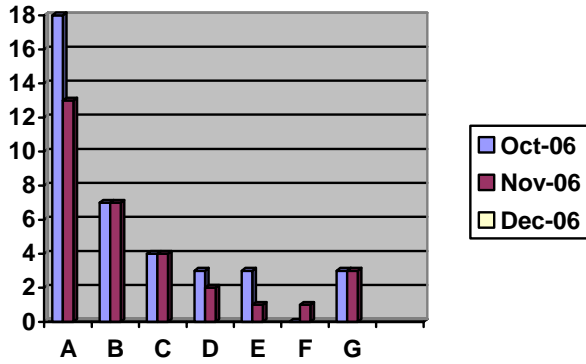
To provide statistical information on Development Applications and Construction Certificates processed.

COMMENTARY

Following installation of a new electronic registration system the traditional reports on Development Applications and Construction Certificates have been replaced with a report detailing the types of applications processed in each month. Over time this will evolve into useful statistical information. A full list of individual applications will be made available to Councillors and the press.

	Minor Development Approvals (including carports, garages and patios) A	Dwelling Approvals B	Dwelling Addition Approvals C	Other Residential Applications (including Dual Occupancies, Flats) D	Rural Subdivision Approvals E	Residential Subdivision Approvals F	Commercial /Industrial Approvals G	Total Applications Received
Oct 2006	18	7	4	3	3	0	3	44
Nov 2006 *	13	7	4	2	1	1	3	41
Dec 2006								

* includes Approvals from 27/10/06 to 27/11/06



Total Estimated Cost:	\$18,274,408
Average Approval Time	24 days
Total Cost of Approvals from 1/01/06	\$39,448,252
No. of Applications from 1/01/2006	407

ATTACHMENTS

Nil.

06-430 RESOLVED

THAT the information be received.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

ITEM:10 REG - 04/12/06 - HERMITAGE FLAT HALL QUESTION WITHOUT NOTICE COUNCILLOR H K FISHER

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

In response to a Question Without Notice from Councillor HK Fisher asking that repairs be done to Hermitage Flat Hall and advising that repairs have commenced.

COMMENTARY

An inspection of the building revealed that a number of minor repairs are necessary to improve the building for users. Repairs have commenced and should be completed before the Christmas break. It is considered necessary to plan some improvements of the facility particularly in regard to disabled access and toilets.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Maintenance Works funded from the 2006/07 recurrent budget. An amount will also be proposed for consideration in the 2007/2008 Draft Management Plan.

LEGAL IMPLICATIONS

Nil

06-431 RESOLVED

THAT:

1. The information be noted.
2. An amount of \$10,000 be placed in the 2007/2008 draft Management Plan for disabled access and toilet facilities proposals list for consideration when preparing next years budget.

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

**ITEM:11 REG - 04/12/06 - INVINCIBLE OPEN CUT COLLIERY COMMUNITY
CONSULTATIVE COMMITTEE**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

This report is to inform Council of an approval issued by the Minister for Planning for the Invincible Colliery Open Cut Mine submitted by Coalpac Pty Limited, and to seek Council representation on the Community Consultative Committee.

COMMENTARY

The NSW Department of Planning has advised of the approval of a development application under Part 3A of the Environmental Planning and Assessment Act by Coalpac Pty Limited, for the approval for open cut mining operations at Invincible Colliery. Conditions of consent accompanied the notification.

As part of the approval Condition 8(a) in Schedule 5 requires at least two representatives of Council to be members of the Community Consultative Committee (CCC). Other members of the Committee are to be two representatives of the proponent, at least three representatives from the local community and an independent Chairperson, or Council representative whose appointment is approved by the Director/General.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The consent provides a condition requiring the payment of a contribution to Council of \$38,857.50 for the upgrading or provision of community facilities within the Cullen Bullen area.

LEGAL IMPLICATIONS

Conditions of consent that must be satisfied are the prime legal implication although being a State Government approval they will not necessarily be enforced by Council.

RECOMMENDATION

THAT Council elect a Councillor to sit together with the General Manager or nominee on the Community Consultative Committee for the Invincible Colliery open cut operations and Council indicate that it would like to Chair the Committee in accordance with Condition 8(b) of Schedule 5 of the consent document.

06- 432 RESOLVED

THAT Councillor H K Fisher be elected for the Community Consultative Committee. Councillor Castle was the alternate delegate.

MOVED: Councillor B S Moran

SECONDED: Councillor M M Collins.

CARRIED

ITEM:12 REG - 04/12/06 - QUESTION WITHOUT NOTICE COUNCILLOR H K FISHER SOUTH LITTLETON COMMUNITY HALL

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

In response to a Question from Councillor HK Fisher considering possible improvements to the South Littleton Community Hall. It is considered that the hall is beyond economic repair and should be demolished.

COMMENTARY

The South Littleton Community Hall, previously occupied by the Scouts, has not been used for a number of years and is in very poor condition. No improvements have ever been carried out to the building by Council as the agreement with the Scouts was that it was their responsibility. After a thorough inspection by Trades staff it is considered that the building has deteriorated to such a stage that it is beyond economic repair. Only a small number of enquiries have been received by Council for use of the building.

The following work would be necessary to upgrade the building to an acceptable standard:

- Construct a ramp to provide access to the building
- Replacement and repair of all windows and doors
- Removal and construction of new accessible male and female amenities
- Removal and construction of new front verandah
- Replace all defective damaged and dry rot affected wall framing
- Paint internally and externally as required.

The estimated cost of this work is \$35,000 as many of the repairs/improvements involve major construction work. This is more than the building is worth and repairs cannot be recommended. The cost of demolition is estimated at \$6,500

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No funds exist for repairs or demolition of this building.

LEGAL IMPLICATIONS

The building is on community land which should not preclude demolition.

RECOMMENDATION

THAT demolition of the South Littleton Community Hall at a cost of \$6,500 be considered in conjunction with the 2007/08 budget.

06-433 RESOLVED

THAT Council convene a meeting with the residents at the South Littleton Community Hall.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:13 COMM - 04/12/06 - MID-WESTERN REGIONAL COUNCIL REQUEST
MINOR BOUNDARY ADJUSTMENT LOT 157 AND 158 DP 755778**

REPORT FROM: RATES OFFICER - C WATSON

REFERENCE

Nil

SUMMARY

Mid-Western Regional Council has written requesting Council's agreement to a minor boundary adjustment which would allow the transfer of Lot 157 & Lot 158 DP 755778 into Lithgow Council's area. The amalgamation would combine the land with a larger holding of a ratepayer who already has land within Lithgow City Council Local Government area and provide Council with additional annual rate income. It is recommended the transfer be approved.

COMMENTARY

Mid-Western Regional Council has been approached by a ratepayer requesting the transfer of a small portion of land to Lithgow City Council for amalgamation with the ratepayer's larger holding of approximately 450 hectares within Council's area. The existing holding in Lithgow's Local Government area is Property 51030, Castlereagh Highway Capertee. Mid-Western Regional Council is requesting confirmation if Lithgow City Council is agreeable to the minor boundary change as requested by the ratepayer.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The small holding proposed for transfer to Lithgow City Council would be amalgamated with other adjacent lands in property 51030 which would likely result in a slight increase in the valuation to be determined by the Valuer General's Department and a corresponding increase in the rate leviable in the ad valorem (rate in the dollar) levy from the 2007/2008 rating year on.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

06-434 RESOLVED

THAT:

1. Council agree to the proposed minor boundary adjustment by the transfer of Lot 157 & Lot 158 DP 755778 from Mid-Western Regional Council Local Government area to Lithgow City Council's Local Government area.

2. Council advises Mid-Western Regional Council and seek their conclusion of the matter.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

ITEM:14 COMM - 04/12/06 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Nil

SUMMARY

This report provides copies of the Annual and State of the Environment Reports to Council for its information.

COMMENTARY

The Annual Report and State of the Environment Report for the year 2005/06 has been prepared and forwarded to the Department of Local Government. Some of the highlights for 2005/06 have included:

- The commencement of the formal process to modernise the organisation. This focused on service delivery, governance and management. In particular, this has involved:
 - The operation of Council's Customer Service Unit which now provides a 'one stop shop' for all Council enquiries.
 - The integration of community consultation into Council's decision making process such as the provision of information and consultation sessions with the community on the Management Plan 2006/07 to 2008/09.
 - The adoption by the Council of the Community and Corporate and Regional Services Group structures which emphasises the strategic focus of the 3 senior staff positions of General manager and two Group Managers.
- A budget surplus of \$959,000 which was \$313,000 more than Council's original budget estimate.
- In June 2006, Council joined with Mid-Western Regional and Oberon Councils in a Strategic Alliance to foster and promote improved levels of service and performance by working cooperatively together for the ultimate benefit of the individual communities of the region as a whole.
- The commencement of Council's Strategic Plan preparation which included the development of vision statements and themes for the Plan in conjunction with the community and the establishment of the resident feedback register.

- An examination of the Marrangaroo area to determine the 'highest and best use' of the land.
- Part sealing of Ganbenang Road, Kanimbla Valley; Valley View Road, Dargan; Crane Road, Lithgow and Springvale Lane, Wallerawang.
- Completion of Stage 1 of the Lithgow Sewage Treatment Plant augmentation and the Farmers Creek Flood Mitigation Project.
- Lodgement of the development application for the proposed Blackmans Flat Waste Management Facility.
- Continued rehabilitation of the former Gasworks site in Lithgow.

A copy of each Report has been provided to Councillors within their Business Paper Packages. In addition, both Reports will be placed on Council's website and a hard copy is available for viewing at Council's Administration Centre.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

The Annual and State of the Environment Reports were produced internally and therefore funded from the 2006/07 Recurrent Budget for the Policy and Planning Division.

LEGAL IMPLICATIONS

The Annual and State of the Environment Reports were prepared in accordance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Freedom of Information Act 1989, Freedom of Information Regulation 2005, Privacy and Personal Information Protection Act 1998 and Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Copies of the Annual Report 2005/06 and State of the Environment Report 2005/06 are provided within Councillor Business Paper Packages.

06-435 RESOVLED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:15 COMM - 04/12/06 - COUNCIL INVESTMENTS OCTOBER 2006

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min 06-237: Finance and Services Committee 7 August 2006 (investments for July 2006)
 Min 06-330: Finance and Services Committee 3 October 2006 (investments for August 2006)
 Min 06-379 Finance and Services Committee 6 November 2006 (investments for September 2006)

SUMMARY

To advise Council of 2006/07 investments held for the period ending 31 October 2006.

COMMENTARY

The amount invested as at 31 October 2006 when compared to 30 September 2006 has decreased by \$955,465.38. The second rate instalment of the 2006/07 rate levy is due for payment on 30 November 2006 as well as the second payment of the Financial Assistance Grant. During the month of October Council relies heavily on investments to fund ongoing operations.

INVESTMENT REGISTER 2006/07								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.10.06	VALUE 30.09.06	% OF TOTAL
ANZ	TD	27.10.06	27.11.06	31	6.22	548,195.80	545,461.02	4.94%
CBA	SHIELD	04.12.04	04.12.06	730	6.75	600,000.00	600,000.00	5.40%
	On Call				5.95	1,195,536.25	1,787,090.07	10.76%
	Ethical	20.06.06	20.06.11	1825	7.12	500,000.00	500,000.00	4.50%
CITIBANK	TD	19.09.06	19.12.06	90	6.29	507,649.86	507,649.86	4.57%
	TD	27.08.06	30.10.06	63	6.22	500,000.00	500,000.00	4.50%
LG FINANCIAL	TD	14.08.06	14.11.06	92	6.27	1,166,282.69	1,166,282.69	10.50%
	TD	29.08.06	06.12.06	93	6.30	772,445.52	772,445.52	6.96%
	TD	01.08.06	29.11.06	90	6.32	500,000.00	500,000.00	4.50%
IMBS	On Call				5.75	5,013.49	4,964.74	0.05%
	TD	11.09.06	10.11.06	60	6.22	535,389.41	535,389.41	4.82%
	TD	04.09.06	03.11.06	60	6.22	1,015,008.77	1,015,008.77	9.14%
	TD	28.06.06	29.06.07	364	6.41	450,000.00	450,000.00	4.05%
	TD	21.08.06	21.11.06	90	6.28	250,000.00	250,000.00	2.25%
ALLIANCE	Managed	01.04.02	28.02.07	365		1,000,000.00	1,000,000.00	9.00%
ST GEORGE	TD	17.08.06	07.01.07	153	6.01	250,000.00	250,000.00	2.25%
	TD	09.10.06	12.12.06	62	6.16	510,397.33	505,137.53	4.60%
	TD	17.08.06	17.11.06	92	6.19	800,000.00	800,000.00	7.20%
	TD	25.08.06	24.10.06	60	6.13	0	371,954.89	0.00%
			TOTAL			11,105,919.12	12,061,384.50	100.00%

I, Carol G Farnsworth, Lithgow City Council Internal Services Manager (Responsible Accounting Officer) certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

POLICY IMPLICATIONS

All Council's investments are held in accordance with Lithgow City Council's Investment Policy.

FINANCIAL IMPLICATIONS

Investment income to date, 31 October 2006 totals \$162,145.52. Interest is paid on the maturity date of the investment and managed funds report earnings quarterly.

Legal Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of Minister) dated 17 March 2000
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

06-436 RESOVLED

THAT Council's 2006/07 investments for the period ending 31 October 2006 be received.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:16 COMM - 04/12/06 - UNMET CONTRIBUTION FROM ROTARY LITHGOW TOWARDS THE PURCHASE OF A PIANO FOR THE UNION THEATRE

REPORT FROM: INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 05-40: Ordinary Meeting of Council 24 January 2005

SUMMARY

To advise Council of an outstanding payment of \$15,225 on Invoice 154889 due from the Rotary Club of Lithgow for the purchase of a mini grand piano for the Union Theatre in January 2005.

COMMENTARY

On the 27 September 2004 Council was approached by the Rotary Club of Lithgow to support the purchase of a 'mini grand piano' for the Union Theatre. Options to purchase a piano were investigated and it was agreed the purchase would be completed with 50% of the funding to be contributed by the Rotary Club and 50% to be funded by Council from Sec 94 reserves.

The matter was the subject of a report to Council on the 24 January 2005 and it was resolved to purchase a 'Richard Strauss Model F-111' grand piano for \$55,000, \$27,000 to be reimbursed by the Rotary Club as their fundraising permitted. Council did not wish Rotary to enter into a repayment schedule or a formal agreement.

Rotary made their first payment to Council of \$12,000 in August 2005 and advised in their letter of the 23 August 2005:

“In response to your recent letter I write to update you on the fundraising being undertaken by Lithgow Rotary to meet its undertaking to finance half the cost of the Grand Piano purchase.

To date we have raised in the vicinity of \$12,000. All donations received have been publicly acknowledged through the Mercury.

It is the intention of the club to pay this amount, and any subsequent amounts raised to the Council when a suitable opportunity presents itself. However to date this has not occurred. We had also deemed it prudent to make payments to the Council of a consolidated amount, rather than in smaller amounts as received.

We are holding our Annual Art Show in the Union Theatre on October 14-16 2005 to which we will be inviting the Mayor or his representative to the opening night. This would seem to be an appropriate time to make an initial payment, as again this year the proceeds from the Art Show will be placed toward the Grand Piano account.”

Since the purchase of the piano, Council has issued regular statements, reminder notices and letters to recover the final balance due of \$15,225.00.

To date no further payments or part payments have been forthcoming and contact was made with the President of Rotary in August 2006. The President has advised fundraising efforts have been exhausted and no further instalments will be able to be made.

POLICY IMPLICATIONS

Council's policy for Debt Recovery applies if Council determines that the debt is unrecoverable.

FINANCIAL IMPLICATIONS

Writing off Invoice 154889 for \$15,225 will reduce the ultimate outcome of the annual financial position by a substantial amount and illustrates the caution Council needs to take in entering into arrangements for financial assistance.

If resolved by Council to declare the debt unrecoverable, the amount will need to be an adjustment to the December Quarterly review of the 2006/07 Management Plan.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

06-437 RESOVLED

THAT Council write off Invoice No. 154899 for \$15,225 for the Rotary Club of Lithgow as unrecoverable and the transaction be shown in the December Review of the 2006/07 Management Plan.

MOVED: Councillor M J Wilson

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:17 COMM - 04/12/06 - FINALISATION OF 2005/06 GENERAL PURPOSE
FINANCIAL REPORT AND AUDIT PRESENTATION**

REPORT FROM: INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 06 - 380: Policy and Strategy Committee Meeting 19 October 2006

SUMMARY

To advise Council of the finalisation of the 2005/06 General Purpose Financial Reports and acknowledge the presentation of the audit report from Alan Morse & Co representatives who will be present at the Committee meeting on 4 December 2006.

COMMENTARY

Council is in receipt of the 2005/06 General Purpose Financial Audit report to the 30 June 2006. A copy of the final document and audit report has been provided to all Councillors, relevant Government and banking authorities within the required timeframe and in compliance with the Local Government Act 1993.

Due notice has been provided in the local media and on Council's website that Auditors, Alan Morse & Co will present the Audited 2005/06 General Purpose Financial Reports, Special Purpose Reports and the Auditor's Report for the financial year ended June 30 2006 at Council's Policy and Strategy Committee Meeting on the 4 December 2006 at 6pm.

Advertising has been undertaken requesting all interested members of the public to attend the meeting and in accordance with Section 420 of the Local Government Act 1993, any person may make submissions in writing to Council with respect of the Audited 2005/06 Financial Reports or Auditor's reports prior to the 11 December 2006.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The statements represent Council's end of year financial position.

LEGAL IMPLICATIONS

Nil

06-438 RESOVLED

THAT Council acknowledge the final 2005/06 General Purpose Financial Reports and thank Alan Morse & Co representatives for their presentation.

MOVED: Councillor B P Morrissey

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:18 COMM - 04/12/06 - SEC 356 DONATIONS

REPORT FROM: INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

- Minute 06-162: Finance and Services Committee 5 June 2006
- Minute 06-183: Council Meeting 19 June 2006
- Minute 06-229: Finance and Services Committee 7 August 2006
- Minute 06-292: Finance and Services Committee 4 September 2006
- Minute 06-332: Finance and Services Committee 3 October 2006
- Minute 06-378: Finance and Services Committee 6 November 2006

SUMMARY

To advise Council of payments allocated in 2006/07 from Local Government Act Section 356 donations which have been approved by Council resolution or as previously approved through the process to adopt the Management Plan for 2006/07 and to further seek Council consideration for current requests.

COMMENTARY

Council allocated \$20,000 in the 2006/09 Management Plan for donations approved under Section 356 of the Local Government Act.

As at 18 October 2006 the following payments have been made:

DATE	ORGANISATION	ASSISTANCE	AMOUNT
Management Plan Allocation 2006/07			\$20,000.00
24.07.06	GLATSIC Naidoc Week	Cont :Min 06-162 05.06.06	500.00
04.08.06	Lithgow High School	Presentation Day : as per Policy	50.00
07.08.06	Bicentennial National Trail	Refund DA Fees: Min 06-229	261.95
04.09.06	Lithgow Country Women's Assoc	General Rate Component Min 06-292	417.21
04.09.06	Wallerawang Country Women's Assoc	General Rate Component Min 06-292	408.69
04.09.06	Portland Dist Motor Sports	Sponsorship (Following Advertising) Min 06-292	60.00
04.09.06	Lithgow & District Poultry Club	Sponsorship Min 06-292	300.00
04.09.06	Lithgow Golf	Sponsorship (Following Advertising) Min 06-292	1,000.00
04.09.06	Crystal Theatre Com Cinema	Sponsorship (Following Advertising) Min 06-292	500.00
04.09.06	Lithgow Greyhound Club	Sponsorship (Following Advertising) Min 06-292	4,350.00
03.10.06	Mitchell Conservatorium Inc	Scholarships for local students Min 06-332	275.00
03.10.06	Pied Piper Preschool	Assistance with equipment purchase Min 06-332	50.00
06.11.06	Blinky Bill Child Care	Assistance with Fundraising Min 06-378	50.00
06.11.06	Portland Golf Club	Sponsorship Min 06-378	750.00
06.11.06	Portland Central School	Annual Presentation Min 06-378	50.00
06.11.06	Ironfest	Assistance with rental 2005/06 Min 06-378	2,840.00

Total: Sec 356 Donations to 11 September 2006	\$11,862.85
2006/07 Allocation Remaining	<u>\$8,137.15</u>

Council is in receipt of the following requests for assistance and determination is required:

1. Lithgow High School – Request not disclosed – no donation recommended.

The request is for financial assistance for a cultural exchange program to United States in January 2007.

Council's Policy for donations to schools indicates a \$50 per annum limit for end of year/prize night allocations, hence no donation is recommended. \$50 was provided to Lithgow High School in August 2006.

2. Cullen Bullen Progress Association – Request assistance with rates \$313.21 – recommendation \$313.21

Recommended donation of \$313.21 which is the equivalent of the General component of the rate levy. This is in line with previous rating donations to community organisations such as the CWA. Services charges, such as garbage, are still met by the organisation.

3. Lithgow Small Arms Rifle Club – Request not disclosed - \$50.00 recommended

Assistance with Annual Open Championship Prize meeting on 3 December 2006. Recommended donation of \$50.00.

4. Lithgow Workmen's Valley Women's Bowling Club – Request for assistance of \$500.00 – Recommendation \$50

Assistance with 'Versatility Sixes' event with nominations from Bathurst to the upper Blue Mountains.

Recommended donation of \$50.00.

5. Rydal A H & P Society – Request not disclosed – Total of \$300 recommended (as provided in past years) with the amount being made up of a combination of in-kind and cash components.

Assistance with Rydal Show for 2007 as sponsorship of 'Heavy Horse' section and request for in kind assistance with garbage collection.

Recommended donation to a total of \$300.00 of in-kind and cash components. Assessment of the costs associated with the additional garbage services would be determined and the balance paid in cash to the Society.

6. Christmas and Beyond – Request not disclosed - \$100.00 recommended (assistance provided in past years)

Assistance with Xmas 2006 for the disadvantaged in the community for 2007

Recommended donation of \$100.00 following required advertising in accordance with Policy guidelines.

As resolved at the Finance and Services Committee meeting of 6 November 2006, advertising has commenced for all schools wishing to apply for financial assistance to assist in end of year presentation ceremonies. In addition to those listed in the table above, applications have been received as follows to date:

- 7) Cullen Bullen Public School - \$50 recommended
- 8) Zig Zag Public School - \$50 recommended
- 9) Coerwull Public School - \$50 recommended
- 10) Lithgow Public School - \$50 recommended

POLICY IMPLICATIONS

Payment in accordance with Donations Policy are recommended.

FINANCIAL IMPLICATIONS

Donations of \$11,862.85 have been made from \$20,000 allocated in the 2006/07 Management Plan. \$8,137.15 remains unallocated.

LEGAL IMPLICATIONS

Nil

06- 439 RESOVLED

THAT

1. Council note donations of \$11,862.85 made under Section 356 arising from previous resolutions or as included in the Council's Management Plan and those assessed in accordance with Council's Donations Policy;
2. Following appropriate advertising for donations to the following organisations, where necessary, Council grant funds from the budgeted Sec 356 allocation as follows:

ITEM	ORGANISATION	AMOUNT
1)	LHS Cultural Exchange	\$0
2)	Cullen Bullen Progress Assoc	\$313.21
3)	Lithgow Smalls Arms Rifle Club	\$50.00
4)	Lithgow Workmen's Valley Women's Bowling Club	\$50.00
5)	Rydal A H & P Society	\$300.00
6)	Xmas & Beyond	\$100.00
7)	Cullen Bullen Public School	\$50.00
8)	Zig Zag Public School	\$50.00
9)	Coerwull Public School	\$50.00
10)	Lithgow Public School	\$50.00
	TOTAL	\$1,013.21

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:19 COMM - 04/12/06 - CERTIFICATE OF RECONCILIATION OF RATES
LEVIED FOR THE YEAR ENDED 30 JUNE 2007**

REPORT FROM : RATES OFFICER - C WATSON

REFERENCE

Nil

SUMMARY

To seek Council's approval to adopt the Certificate of Rates levied to 30 June 2007.

COMMENTARY

In accordance with the provisions of Section 546 of the Local Government Act 1993, I hereby certify that the entries in the Rate Book for the year ended 30 June 2007, have been duly completed and the rates levied as shown hereunder have been brought to account. The valuation figures upon which the rates have been levied have been checked with the valuations shown in the Valuation List.

I further certify that the valuations appearing under the rating categories in the Annual Return showing the calculation of the notional revenue and notional yield are correct and that the list of non-ratable properties referred to below, has been examined by me and that such properties are exempted by the Council, under the provisions of the Act.

Particulars of the total amount of the levy, the arrears in respect of each rate, and the valuations used to calculate Notional Rate income, upon which the rates were levied, are as follows:

Valuations are as at 1 July 2006, determined by the Council from the total of the general valuation list and adjustments included in supplementary valuation lists received up to 30 June 2006 (List SVL 13/2005/2006)

TOTAL LAND VALUE 2006/2007 RATE LEVY			\$935,974,510
Total Land Value (SVL 13/2005/2006)			\$935,974,510
Less:	Non Rateable	\$31,451,540	
	Heritage	\$347,300	
	Sec 14L(1)(A) (Land Improvement Allowance)	\$60,000	
	Sec 14L(1)(B) (Drainage Allowance)	\$3,066,000	
	Sec 14T (Subdivision Allowance)	\$1,420,800	
	Hospitals/Police/Admin Srv	\$1,372,700	
	Split Valuations	<u>\$923,900</u>	<u>\$38,642,240</u>
			<u>\$897,332,270</u>

NB: The dollar totals for the calculations are for the period 1 July 2006 to 30 June 2007 and include loss or gain by fraction.

GENERAL FUND					
Residential – Lithgow					
4 7 7 5	Assessments on LV	\$228,67 6,660		0.901c in \$	\$2,060,38 0.74
Residential - Wallerawang					
7 9 9	Assessments on LV	\$25,277, 179		0.901c in \$	\$227,746. 84
Residential – Portland					
9 1 1	Assessments on LV	\$13,912, 723		0.901c in \$	\$125,352. 53
Residential – Strathlone					
1 2 2	Assessments on LV	\$9,160,7 00		0.901c in \$	\$82,537.7 7
Residential - Marrangaroo					
8 7	Assessments on LV	\$9,790,4 00		0.901c in \$	\$88,211.5 1
Residential – Littleton/Strathlone					
2 1 6	Assessments on LV	\$16,430, 650		0.901c in \$	\$148,040. 22
Residential – Lidsdale					
1 2 5	Assessments on LV	\$7,307,9 00		0.901c in \$	\$65,844.1 6
Farmland					
1 3 4	Assessments on LV	\$250,34 8,670		0.33805c in \$	\$846,304. 37
Farmland – Intense Use					

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

1 1 7	Assessments on LV	\$45,544, 600		0.33805c in \$	\$153,963. 59
<u>Business - Lithgow</u>					
3 0 0	Assessments on LV	\$34,898, 100		2.8005c in \$	\$977,321. 58
<u>Business – Wallerawang</u>					
3 8	Assessments on LV	\$2,587,5 01		2.8005c in \$	\$72,462.9 7
<u>Business – Portland</u>					
4 0	Assessments on LV	\$841,34 7		2.8005c in \$	\$23,561.9 2
<u>Business - General</u>					
1 0 8	Assessments on LV	\$19,096, 707		0.520764c in \$	\$99,448.7 7
<u>Business – Lidsdale</u>					
3	Assessments on LV	\$201,30 0		2.8005c in \$	\$5,637.40
<u>Residential - General</u>					
2 , 0 2 9	Assessments on LV	\$218,62 7,823		0.3599c in \$	\$786,842. 48
<u>Mining</u>					
1 3	Assessments on LV	\$14,630, 010		4.683c in \$	\$685,123. 37
<u>Base Rate – Residential</u>					
6 , 9 6 6	Assessments			\$205	\$1,428,03 0.00
<u>Base Rate – Residential General</u>					
2 ,	Assessments			\$135	\$273,240. 00

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

0 2 4					
<u>Base Rate – Business</u>					
3 0 9	Assessments			\$300	\$92,700.0 0
<u>Base Rate – Business General</u>					
1 0 3	Assessments			\$195	\$20,085.0 0
<u>Base Rate – Farmland</u>					
1 , 0 3 1	Assessments			\$275	\$283,525. 00
<u>Base Rate – Mining</u>					
1 3	Assessments			\$8,025	\$104,325. 00
<u>Base Rate – Farmland Intense Use</u>					
1 1 7	Assessments			\$275	\$32,175.0 0
<u>Base Rate – Residential (Part)</u>					
P t 6 9	Assessments			\$205	\$5,278.75
<u>Base Rate – Residential General (Part)</u>					
P t 5	Assessments			\$135	\$279.45
<u>Base Rate – Business (Part)</u>					
P t 6 9	Assessments			\$300	\$12,975.0 0

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

Base Rate – Business General (Part)						
P t 8	Assessments			\$195		\$961.35
Base Rate – Farmland (Part)						
P t 3	Assessments			\$275		\$275.00
1 0 , 7 1 7						
- 7 7						
1 0 + 6 4 0		<u>\$897.33</u> <u>2,270</u>				<u>\$8,702.62</u> <u>9.77</u>
STORMWATER						
1 , 8 7 4	Stormwater Business Standard			\$25		\$46,850.00
5 , 8 0 2	Stormwater Residential Standard			\$25		\$145,050.00
6 7	Stormwater Residential Strata			\$12.50		\$837.50
7 , 7 4 3						\$192,737.50
PARKING FUND						

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

1 4 0	Assessments on LV	\$8,405,3 90		.818c in \$	\$68,756.1 2
SEWERAGE FUND					
(Section 501)					
<u>Domestic</u>					
6, 85 9	Residential Access			\$270.00	\$1,851,93 0.00
6, 85 9	Residential Usage			\$113.50	\$778,496. 50
Business					
351 .25	Business Access 20mm			\$510.00	\$179,137. 50
58. 7	Business Access 50mm			\$680.00	\$39,916.0 0
21. 4	Business Access 100mm			\$772.50	\$16,531.6 0
.6	Business Access 200mm			\$1,545.00	\$927.00
14, 149 .95					\$2,866,93 8.60
WATER FUND					
(Section 501)					
<u>Domestic</u>					
7 , 4 1 3	Residential Access			\$206.00	\$1,527,07 8.00
Business					
4 1 0	Business Access 20mm			\$510.00	\$209,100. 00
7 9	Business Access 50mm			\$680.00	\$53,720.0 0

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

2 7	Business 100mm	Access			\$772.50		\$20,857.5 0
1	Business 200mm	Access			\$1,545.00		\$1,545.00
7 , 9 3 0							\$1,812,30 0.50

Particulars of the total amount of rates levied and of the arrears in respect of each rate are as follows:-

	Arrears as at 30 June 2006	Levy 2006/2007 as per Rate Book
General Fund	\$285,885.97	\$8,895,367.27
Parking Fund	\$5,828.41	\$68,756.12
Sewerage Fund	\$218,048.87	\$2,866,938.60
Water Fund	\$148,828.59	\$1,812,300.50
	<u>\$658,591.84</u>	<u>\$13,643,362.49</u>

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

06-440 RESOVLED

THAT the Certificate of Reconciliation of Rates levied to 30 June 2007 be received and adopted as reported

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:20 COMM - 04/12/06 - CERTIFICATE OF RECONCILIATION OF RATES
LEVIED FOR THE YEAR ENDED 30 JUNE 2006**

REPORT FROM : RATES OFFICER C WATSON

REFERENCE

Nil

SUMMARY

To seek Council's approval to adopt the Certificate of Rates levied to 30 June 2006.

COMMENTARY

In accordance with the provisions of Section 546 of the Local Government Act 1993, I hereby certify that the entries in the Rate Book for the year ended 30 June 2006, have been duly completed and the rates levied as shown hereunder have been brought to account. The valuation figures upon which the rates have been levied have been checked with the valuations shown in the Valuation List.

I further certify that the valuations appearing under the rating categories in the Annual Return showing the calculation of the notional revenue and notional yield are correct and that the list of non-rateable properties referred to below, has been examined by me and that such properties are exempted by the Council, under the provisions of the Act.

Particulars of the total amount of the levy, the arrears in respect of each rate, and the valuations used to calculate Notional Rate income, upon which the rates were levied, are as follows:

Valuations are as at 1 July 2005, determined by the Council from the total of the general valuation list and adjustments included in supplementary valuation lists received up to 30 June 2006 (List SVL 13/2005/2006)

TOTAL LAND VALUE 2005/2006 RATE LEVY			\$935,974,510
Total Land Value (SVL 13/2005/2006)			\$935,974,510
Less:	Non Rateable	\$31,248,540	
	Heritage	\$347,300	
	Sec 14L(1)(A) (Land Improvement Allowance)	\$60,000	
	Sec 14L(1)(B) (Drainage Allowance)	\$3,828,000	
	Sec 14T (Subdivision Allowance)	\$1,786,850	
	Hospitals/Police/Admin Srv	\$1,372,700	
	Not Applicable 2005/2006	<u>\$2,090,920</u>	<u>\$40,734,310</u>
			<u>\$895,240,200</u>

NB: The dollar totals for the calculations are for the period 1 July 2005 to 30 June 2006 and include loss or gain by fraction.

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

GENERAL FUND					
Residential – Lithgow					
4	Assessments on LV	\$228,86		0.7745c in	\$1,772,55
7		4,449		\$	7.67
7					
1					
Residential - Wallerawang					
7	Assessments on LV	\$23,881,		0.7745c in	\$184,958.
3		179		\$	99
5					
Residential – Portland					
9	Assessments on LV	\$13,932,		0.7745c in	\$107,904.
0		403		\$	95
9					
Residential – Strathlone					
1	Assessments on LV	\$9,160,7		0.7745c in	\$70,949.3
2		00		\$	6
2					
Residential - Marrangaroo					
8	Assessments on LV	\$9,790,4		0.7745c in	\$75,826.8
7		00		\$	8
Residential – Littleton/Strathlone					
2	Assessments on LV	\$15,928,		0.7745c in	\$123,367.
1		600		\$	36
4					
Residential – Lidsdale					
1	Assessments on LV	\$7,296,4		0.7745c in	\$56,510.5
2		00		\$	8
6					
Farmland					
1	Assessments on LV	\$251,19		0.29966c	\$752,730.
0		4,570		in \$	07
3					
8					
Farmland – Intense Use					
1	Assessments on LV	\$45,743,		0.29966c	\$137,073.
1					

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

8		000		in \$	50
<u>Business - Lithgow</u>					
1 6 4	Assessments on LV	\$27,746, 390		2.53045c in \$	\$702,108. 62
<u>Business – Lithgow</u>					
1 3 5	Assessments on LV	\$7,147,4 71		2.53045c in \$	\$180,863. 16
<u>Business – Wallerawang</u>					
3 8	Assessments on LV	\$2,587,5 01		2.53045c in \$	\$65,475.4 2
<u>Business – Portland</u>					
3 9	Assessments on LV	\$803,14 7		2.53045c in \$	\$20,323.2 4
<u>Business - General</u>					
1 0 8	Assessments on LV	\$18,972, 307		0.4709c in \$	\$89,340.6 2
<u>Business – Lidsdale</u>					
3	Assessments on LV	\$201,30 0		2.53045c in \$	\$5,093.80
<u>Residential - Village</u>					
5 8	Assessments on LV	\$207,60 0		0.325108c in \$	\$674.76
<u>Residential - Village</u>					
2 9 5	Assessments on LV	\$7,059,8 50		0.325108c in \$	\$22,952.1 8
<u>Residential - General</u>					
1 6 6 0	Assessments on LV	\$210,19 7,923		0.325108c in \$	\$683,370. 75
<u>Mining</u>					

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

1 3	Assessments on LV	\$14,525, 010		4.253313c in \$	\$617,794. 15
<u>Base Rate – Residential “A” 1</u>					
6 8 9 5	Assessments			\$205	\$1,413,47 5.00
<u>Base Rate – Residential “A” 2</u>					
3 5 3	Assessments			\$135	\$47,655.0 0
<u>Base Rate – Residential “A” 3</u>					
1 6 5 5	Assessments			\$135	\$223,425. 00
<u>Base Rate – Business “A” 4</u>					
3 0 7	Assessments			\$300	\$92,100.0 0
<u>Base Rate – Business “A” 5</u>					
1 0 3	Assessments			\$195	\$20,085.0 0
<u>Base Rate – Farmland “A” 6</u>					
1 0 3 5	Assessments			\$275	\$284,625. 00
<u>Base Rate – Mining “A” 7</u>					
1 3	Assessments			\$8,025	\$104,325. 00
<u>Base Rate – Farmland “A” 8</u>					
	Intense Use				
1 1 8	Assessments			\$275	\$32,450.0 0

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

<u>Base Rate – Residential “A” 1 Part</u>					
P t 6 9	Assessments			\$205	\$5,252.10
<u>Base Rate – Residential “A” 3 Part</u>					
P t 5	Assessments			\$135	\$279.45
<u>Base Rate – Business “A” 4 Part</u>					
P t 6 9	Assessments			\$300	\$13,014.0 0
<u>Base Rate – Business “A” 5 Part</u>					
P t 8	Assessments			\$195	\$961.35
<u>Base Rate – Farmland “A” 6 Part</u>					
P t 3	Assessments			\$275	\$275.00
1 0, 6 3 3					
- 7 7					
1 0, 5 5 6	TOTAL	<u>\$895.24</u> <u>0.200</u>			<u>\$7,907.79</u> <u>7.96</u>
PARKING FUND					
1 3 9	Assessments on LV	<u>\$8,400.2</u> <u>90</u>		0.818c in \$	<u>\$68,714.4</u> <u>0</u>
SEWERAGE FUND					

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

(Section 501)					
<u>Domestic</u>					
6 7 8 7	Residential Access			\$270.00	\$1,832,49 0.00
6 7 8 7	Residential Usage			\$110.00	\$746,570. 00
<u>Business</u>					
3 4 6. 5	Business Access 20mm			\$450.00	\$155,925. 00
5 6. 8	Business Access 50mm			\$600.00	\$34,080.0 0
2 1. 4	Business Access 100mm			\$750.00	\$16,050.0 0
.6	Business Access 200mm			\$1,500.00	\$900.00
<u>13.</u> <u>9.</u>					<u>\$2,786.01</u> <u>5.00</u>
WATER FUND					
(Section 501)					
<u>Domestic</u>					
7 2 2 1	Residential Access			\$200	\$1,444,20 0.00
<u>Fish River Water Supply</u>					
1 2 0	Residential Access			\$200	\$24,000.0 0
<u>Business</u>					
4 0	Business Access 20mm			\$450.00	\$184,050. 00

MINUTES – FINANCE AND SERVICES MEETING OF COUNCIL

9					
7 9	Business Access 50mm			\$600.00	\$47,400.00
2 7	Business Access 100mm			\$750.00	\$20,250.00
1	Business Access 200mm			\$1,500.00	\$1,500.00
<u>7</u> <u>8</u> <u>5</u> <u>7</u>					<u>\$1,721,400.00</u>

Particulars of the total amount of rates levied and of the arrears in respect of each rate are as follows:-

FUND	Arrears as at 30 June 2005	Levy 2005/2006 as per Rate Book
General	\$359,898.91	\$7,907,797.96
Parking	\$7,422.83	\$68,714.40
Sewerage	\$189,378.37	\$2,786,015.00
Water	\$169,325.97	\$1,721,400.00
	<u>\$726,026.08</u>	<u>\$12,483,927.36</u>

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

06-441 RESOVLED

THAT the Certificate of Reconciliation of Rates levied to 30 June 2006 be received and adopted as reported.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:21 COMM - 04/12/06 - ESKBANK HOUSE AND MUSEUM SCHOOL
HOLIDAY PROGRAMME FEE**

REPORT FROM: COMMUNITY AND CULTURE MANAGER P. HALL

REFERENCE

Min. No. 06-336 Finance and Services Committee Meeting – 03 October 2006

SUMMARY

Council at the Finance and Services meeting of 3 October 2006 adopted a \$15.00 fee (GST inclusive) for inclusion in the 2006/07 Annual Management Plan.

COMMENTARY

The fee was advertised in Council's column for a twenty eight day period. There were no submissions from the community.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Workshops will be held with the fee assisting in promotion of the programme within the region, acquiring equipment and materials as well as covering facilitator costs.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The fee may now be added to the fees and charges to enable it to be used for school holiday activities at Eskbank House.

06-442 RESOVLED

THAT the fee be included in the fees and charges for 2006/7.

MOVED: Councillor M J Wilson

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:22 COMM - 04/12/06 - CONFIDENTIAL - LEGAL MATTER - BUILDING ENTITLEMENT

REPORT BY: GROUP MANAGER COMMUNITY AND COPORATE - K WOOLLEY

Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law

REFERENCE

NIL

SUMMARY

Council is provided with commentary on a potential legal matter which relates to an application for a building entitlement and also is advised of the recommended action to resolve the matter which is currently being investigated.

06-443 RESOVLED

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

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

COMMITTEE MEETINGS

ITEM:23 **MINUTES - THE LITHGOW TOURISM ADVISORY COMMITTEE
MEETING HELD ON 13 NOVEMBER 2006**

REFERENCE

NIL

SUMMARY

This report outlines the Minutes of the Lithgow Tourism Advisory Committee Meeting held on 13 November 2006.

COMMENTARY

At the Lithgow Tourism Advisory Committee meeting held on 13 November 2006, there were various items discussed by the Committee and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

nil

FINANCIAL IMPLICATIONS

nil

LEGAL IMPLICATIONS

nil

ATTACHMENTS

1. The Lithgow Tourism Advisory Committee Meeting Minutes - Held on 13 November 2006

06-444 RESOVLED

THAT the Council adopt the recommendations of the Lithgow Tourism Advisory Committee for the meeting held on 13 November 2006.

MOVED: Councillor H K Fisher

SECONDED: Councillor B P Morrissey.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - COUNCILLOR M F TICEHURST

1. Mr Mayor could the Council provide an urgent report on the public closure of Main Street for the Celebrate Lithgow event on Sunday 26 November 2006?
2. Mr Mayor in particular, the initial closure and subsequent opening if the Top End of Main Street, Lithgow as referenced in letters to the Editor of the Lithgow Mercury last week?

Question 1 & 2 answered together

At 8.24am the Group Manager Regional Services (GMRS) received a call from an aggrieved business owner complaining that the road closure for Celebrate Lithgow had been placed near the business owner's premises illegally.

At 8.26am the GMRS called the responsible overseer who confirmed the road had been closed at the Eskbank Street intersection. The Overseer later confirmed that the barricades for the exact location had been installed in direct consultation with the chairperson of the celebrate Lithgow committee at just after 6.00am on the day.

At 8.40am the GMRS called back the aggrieved business owner to clarify the situation. The shop owner indicated that activities were being set up on the road near his business and a road closed sign was in place at about that location.

At approximately 8.56am the GMRS ascertained that the Lithgow Business Association's letter seeking approval for the road closure and the report 6/11 Policy and Strategy Committee meeting requested the following:

- Closure from 6am til 6pm.
- Eastern side of Gray Street intersection to eastern side of garden area at top lights.
- Closure of Main Street/Burns Lane
- Closure of Main Street/Bracey's Lane
- Closure of Sandford Ave/Main Street intersection.

The Policy and Strategy Committee resolved as follows:

RESOLVED

THAT:

1. *The street closure of Main Street Lithgow for Celebrate Lithgow Sunday 26 November 2006 proceed as requested.*
2. *Council provide the signage, barriers and labour for the street closures and advertise the street closure as part of Councils contribution to the Celebrate Lithgow Festivities.*

The advertisement in the Lithgow Mercury dated Tuesday 21 November confirmed that "Main Street will be closed from the east side street of Gray Street to the intersection of Eskbank Street, Lithgow."

At 8.56am the GMRS phoned the LBA number and left a message that there appeared to be a problem and but he would inspect and call back.

The GMRS arrived on site at approximately 9.23am to find the road closure signs significantly to the east of the Eskbank Street intersection. They had been moved by a person or persons unknown. (This was later measured to be some 74 metres from where the barricades were erected earlier in the morning by Council workers in consultation with the Chairperson of the Celebrate Lithgow Committee. This location was adjacent to the end of the decorative garden bed/median.)

At 9.24 am the GMRS phoned LBA again and left a message that the road closure barriers appeared to have been moved and people were setting up amusements in the **unclosed** section of road and could he be called back urgently.

The GMRS then sought out the Celebrate Lithgow Organisers. At approximately 9.25 the GMRS encountered a group of people setting up what appeared to be a jumping castle. They had just begun to inflate it. The GMRS advised a young man setting up the equipment that he should stop inflating the amusement device as he was likely to have to move it.

The GMRS found the Celebrate Lithgow organisers and informed them of the problem. The GMRS indicated that the closure could only be in the location as approved and advertised or both Council and Celebrate Lithgow were exposed to significant risk. The GMRS indicated that the signage would have to be reinstated to the intersection emphasising that if anything happened on a section of road that had not been lawfully closed then there were serious public liability implications for both of our organisations and perhaps individuals.

The GMRS received a call from Lithgow Police at 9.31am indicating that they had received a complaint. The GMRS indicated that he was trying to resolve the situation.

The GMRS encountered who was apparently in charge of the jumping castle amusement device and advised her that he had previously told the young gentleman not to inflate the device and it was now inflated. The GMRS indicated that this was not a good thing to do as it was going to have to be moved.

Upon an examination of the Eskbank Street intersection the GMRS determined that there was a set of double lines that extended east of the garden bed by some 8 – 10 metres and determined that it would be reasonable for this to be deemed part of the intersection. This would provide ample room for the amusement device and another caravan that appeared to be selling toys which was also unlawfully located.

The two operators were then formally advised that they would have to move their devices/caravan to west of the double lines as the road closure was going to be reinstated in the correct location. There was also a small stage which was moved by Celebrate Lithgow representatives.

At 9.39am the GMRS rang the overseer to arrange for the road closure to be moved to its proper location. At around 9.55am Council works staff attended to move the road closure barricade to the correct location.

At 12.31pm the GMRS received a call from Lithgow Police who were briefed on the events that had taken place. The Police were satisfied.

QWN - COUNCILLOR B S MORAN

1. Mr Mayor can Council explain the round-a-bout in Bayonet Street and Martini Parade, Lithgow as it seems to be not wide enough?

The General Manager advised the public that Council will now consider the Closed Confidential reports. The reports were confidential in nature due to:

Item 22 - Information that would , if disclosed, prejudice the maintenance of law

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B P Morrissey.

The General Manager asked for objections from the Public as to the confidential reports. There were NIL objections received.

CLOSED REPORTS

ITEM:22 COMM - 04/12/06 - CONFIDENTIAL - LEGAL MATTER - BUILDING ENTITLEMENT

REPORT BY: GROUP MANAGER COMMUNITY AND COPORATE - K WOOLLEY

Reason for Confidentiality

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

- (e) information that would, if disclosed, prejudice the maintenance of law

REFERENCE

NIL

SUMMARY

Council is provided with commentary on a potential legal matter which relates to an application for a building entitlement and also is advised of the recommended action to resolve the matter which is currently being investigated.

COMMENTARY

Council received on 9 October 2006 a statement of claim for damages and costs from Mr Brett Davies regarding a limitation of erecting a dwelling on his property at Lot 215 Rydal Road Hampton (DP 757036).

The property is zoned 1(a) – Rural (General) in the Council’s Local Environmental Plan (LEP).

In August 1999 Council responded to the Department of Land and Water Conservation (as it was at that time) who as the owner of the land had sought an opinion from Council regarding the potential sale of this block of land. In particular they wished to know if the land would retain a dwelling entitlement if subdivided from other portions. Council’s response indicated that the lot would retain a dwelling entitlement. The Department proceeded to sell the land and the sale occurred in October 2000.

In June 2006, Council was approached seeking confirmation of the entitlement. Council’s response was that as the area of land was not the entire “existing holding” which attracts the dwelling entitlement, it may not be able to approve an application for a dwelling on the land but if more information could be provided the issue would be investigated further.

Having received the statement of claim in October 2006 (the statute of limitations is 6 years) the matter was referred by staff for legal opinion and also forwarded to the Council’s insurer. Council’s insurer is handling the matter.

The position put to the claimant is that a development application should be lodged and that the application should include the signatories of all land owners of the original “existing holding” showing their acceptance of the application. The processing of the application would be able to

be undertaken if all applicants acknowledged that Lot 215 only would have the right to seek a dwelling entitlement. Council had received legal opinion that it could assess the application on this basis that the dwelling entitlement would be applied to Lot 215. Staff advised the plaintiff and also discussed the matter with the Department of Lands (the State entity now handling the adjoining properties). The claimant's solicitor has contacted the Crown Solicitor's office seeking their commitment to the joint DA.

Our insurer's solicitor has advised that if this approach is successful, the matter may be determined subject to an agreement in relation to costs of the action.

Council has also been advised that the matter has been suspended in the District Court pending the finalisation of these actions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

While it is acknowledged there will be some costs with regard to this matter, the amount is unknown at this time. To date legal fees of just over \$1,100 have been paid.

LEGAL IMPLICATIONS

The approach taken appears to have eliminated legal proceeding with regard to a District Court matter continuing.

CONCLUSION

The issue will be monitored and should the approach not succeed with regard to the development application from all owners of the original holding, Council will be advised.

ATTACHMENTS

NIL

06- 443 RESOLVED

THAT Council note the information in the report.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

The General Manager opened the closed meeting to the public and advised them that the following resolution was received in relation to the confidential report:

ITEM:22 COMM - 04/12/06 - CONFIDENTIAL - LEGAL MATTER - BUILDING ENTITLEMENT

06- 443 RESOLVED

THAT Council note the information in the report.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

The meeting closed at 9.16pm.