



LITHGOW CITY COUNCIL

**MINUTES**

POLICY AND STRATEGY COMMITTEE  
MEETING OF COUNCIL

HELD ON

04 JUNE 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 4 JUNE 2007**

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Meeting Commenced 6.01pm

Public Gallery: 27

**PRESENT**

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

**APOLOGIES**

An apology was received and accepted from the General Manager, Paul Anderson due to being out of the City as he attending the Shires Conference.

**Also in attendance**

Group Manager Regional Services, Mr Andrew Muir  
Group Manager Community and Corporate Services, Ms Kathy Woolley  
Minutes Secretary, Ms Casey Clarke  
Executive Assistant, Ms Cortney Wood

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Policy and Strategy Committee Meeting of Council held on the 7 May 2007 were taken as read and confirmed by Councillors B S Moran and M J Wilson

**07-212 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

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

Councillor H K Fisher declared a non-pecuniary interest in Item 8 when this report was raised. He vacated the Chambers.

## QUESTIONS FROM THE PUBLIC GALLERY

At 6.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

### QPG - 04/06/2007 - RICHARD STILES

1. Mr Mayor does Lithgow City Council have a greenhouse gas abatement policy. If so, can this be included in its Strategic Plan?

*Council does not currently have a policy on greenhouse gas abatement however the suggestion is noted and can be reviewed for future development. Council does have programs in place for the replacement of solid fuel heaters and another program which promotes the installation of energy efficient white goods at present.*

2. Mr Mayor does the Council have a formal process to protect itself from conflicts of interest when they arise in policy matters?

*The Council's Code of Conduct details how conflicts of interest, pecuniary and non-pecuniary, are to be handled. Determinations of conflicts by each individual are required. As one formal component, Councillors and selected staff are required to submit declarations every year to the Department of Local Government on their individual interests.*

### QPG - 04/06/2007 - MARLENE BRINCKLEY

1. Could Council tell me what happened to 10 copies of a letter intended for Councillors from Inspector Chris Davey of Bathurst Command regarding Police recommendations as to the value of Council resuming the ROW at 5 Daintree Lane South Bowenfels. As Councillor Fisher gave them to Mayor and General Manager.

*Correspondence has been received from the State Member, Gerard Martin from Chris Davey, Chifley Command in relation to the above matter, which was duly forwarded to Lithgow Council for action. A response was forward to the State Member in January 2007.*

2. Also letters from ..... and ..... were also given to Councillor Fisher and as these letters were given in good faith I wish them to be kept confidential as I have concerns for the safety of the writers should these letters fall into the wrong hands.

*Correspondence has been received from one of the correspondent above and this matter was forwarded to the Traffic Authority Local Committee. This matter was dealt with by this committee. As for the other correspondent, no correspondence has been received.*

**The Mayor advised Mrs Brinckley that she had mentioned the names in her question which would fail to keep them confidential. Mrs Brinckley advised she had permission from the correspondents that she could mention their names.**

3. Mr Mayor regarding the Porkie in meeting 16<sup>th</sup> April 07. General Manager out of Chamber at time this.  
During Motion  
Re Councillor Ticehurst who asked who wrote letter signed by Councillor Fisher, Mayor answered "I don't know who wrote it"  
Clr Fisher "I signed it but I did not write it"  
Mayor said "I wrote it"  
I think an apology to public is in order. As the General Manager was not present a letter to him Re Code of Conduct Committee would not be in order.

*The Mayor has advised that all complaints are to be put in writing and forwarded to Council.*

### **QPG - 04/06/2007 - THOMAS EBERSOLL**

My name is Thomas Ebersoll and I own the Newnes Hotel. We run holiday cabins at Newnes and we plan to restore the historic hotel with the proceeds from the cabins. Our guests come to enjoy the peace and tranquillity of the unspoilt nature - to hear nothing but the wind, the birds and the murmur of the river. Newnes is a unique place because it has been untouched by modern disturbances. All of our guests comment on how good it is to hear nothing but nature.

Helicopters flying over Newnes will destroy all that. The proposed scenic flights over our area will greatly devalue the tourism product we offer and it will have negative effects on this precious environment.

In assessing this development application a planner might just look at the conditions of the site of the proposed heliport and get away with saying that "Council is not an air authority" when considering noise, privacy and the loss of peace and quiet under the flight pass. I urge councillors to look at the entire picture. As Dr Whyte from the EPA Bathurst said, "It is a matter for LCC... to determine the overall potential impact of the entire helicopter operation on the environment and the community."

I question the effectiveness of voluntary measures such as the proposed 'Fly Neighbourly Principles' to ensure minimising the impacts of the scenic flights.

Statements such as “all attempts will be made” and “happy to discuss” are too vague, especially considering the climate this helicopter proposal has created in the community: Opponents of the proposal have been threatened, and some have found dead carcasses in front of their homes.

I understand that Emirates has arranged a deal whereby the resort property becomes a No Fly Zone. My question is: Why should our rich neighbour and their wealthy guests be the only ones to benefit from the peace and calm of nature while the less cashed up visitors and the residents of the Wolgan and Capertee Valley be subjected to this intrusion from above? I appeal to our councillors as the representatives of the ordinary people who live and work in the area to uphold our right to privacy and peace.

Finally, please let me suggest, that should this proposal be approved, the proponent forgets the troublesome helicopters and concentrates on the business of selling No Fly Zones.

A **Presentation** was given by Gavin Priestley in relation to the Centroc Broadband Project.

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# TABLE OF CONTENTS

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<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTE</u>	<u>10</u>
	<u>MAYORAL MINUTE - SISTER CITY OPPORTUNITY</u>	<u>10</u>
<u>ITEM:1</u>	<u>04/06/07 - MAYORAL MINUTE - FRIENDS OF THE EARTH, AUSTRALIA</u>	
<u>ITEM:2</u>	<u>04/06/07 - MAYORAL MINUTE - MAKE A WISH FOUNDATION</u>	<u>12</u>
<u>ITEM:3</u>	<u>04/06/07 - MAYORAL MINUTE - NSW MAYORS AGREEMENT ON CLIMATE CHANGE</u>	<u>13</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>15</u>
<u>ITEM:4</u>	<u>GM - 04/06/07 - BLACK SPOT PROGRAM</u>	<u>15</u>
<u>ITEM:5</u>	<u>GM - 04/06/07 - CRIME PREVENTION PLAN FOR LITHGOW</u>	<u>16</u>
<u>ITEM:6</u>	<u>GM - 04/06/07 - CHARLES STURT BATHURST - NEW DENTAL SCHOOL</u>	<u>18</u>
<u>ITEM:7</u>	<u>GM - 04/05/07 - EXPANSION TO LITHGOW CORRECTIONAL CENTRE</u>	<u>19</u>
<u>ITEM:8</u>	<u>GM - 04/06/07 - FORMER XSTRATA LANDS - CRANE ROAD AND IVATT STREET</u>	<u>20</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>21</u>
<u>ITEM:9</u>	<u>REG - 21/05/07 - NAMING OF ELECTRONIC SCOREBOARD, TONY LUCHETTI SPORTSGROUND, LITHGOW</u>	<u>21</u>
<u>ITEM:10</u>	<u>REG - 04/06/07 - TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006</u>	<u>23</u>
<u>ITEM:11</u>	<u>REG - 04/06/07 - LAND AND ENVIRONMENT COURT APPEAL - DEVELOPMENT APPLICATION NO 504-2004 - LOT 301 PEACHTREE ROAD, MEGALONG VALLEY</u>	<u>24</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>25</u>
<u>ITEM:12</u>	<u>COMM - 21/05/07 - ESKBANK HOUSE AND MUSEUM - EXPRESSIONS OF INTEREST REPORT</u>	<u>25</u>
<u>ITEM:13</u>	<u>COMM - 04/06/07 - SPECIAL PARKING RATE ADDITIONAL PROPERTIES FOR THE 2007/08 RATING YEAR</u>	<u>26</u>
<u>ITEM:14</u>	<u>COMM - 04/06/07 - REQUEST FOR A CHANGE IN RATING CATEGORY AND LEVY ADJUSTMENT - PROPERTY 13160 - 61 ENFIELD AVE, LITHGOW</u>	<u>28</u>

QWN - 04/06/2007 - COUNCILLOR M TICEHURST

31

QWN - 04/06/2007 - COUNCILLOR A THOMPSON

33

04/06/2007 10:35 PORTLAND CENTRAL SCHOOL → 63514279

NO.589 P02

**MAYORAL MINUTE****ITEM: 04/06/07 - SISTER CITY OPPORTUNITY****REPORT FROM: MAYOR, NEVILLE CASTLE****REFERENCE**

Min 06-407: Policy and Strategy Meeting 4 December 2006

**SUMMARY**

Council will recall that in December 2006 a resolution was passed concerning the establishment of a sister city relationship with the City of Huainan in China.

This report provides details of the delegation Council received on 1 June 2007 and the signing of a memorandum of understanding on the issue.

**COMMENTARY**

A delegation of 12 representatives of the Economic and Trade Delegation of Huainan led by Mr Chen Shili, Secretary of the Committee of the Peoples Congress of Huainan, met with the senior staff and myself on 1 June 2007.

Huainan has a population of around 2.3 million people and is a north-central Chinese city. It is the city famous for the creation of bean curd products however the principle industry is coal mining which began in the 1930's. There are agricultural and power generation industries in the area also.

The discussions identified many similarities between Lithgow City and Huainan despite the difference in population size. Information sharing in areas such as agriculture, environment, mining, power generation and tourism management and development were identified as the basis for future discussions.

A memorandum was signed by the Secretary and myself and a copy is attached which is the first step in the formal creation of a sister city relationship for the Chinese. They will present the memorandum to the provincial and then the central government tiers to finalise the process.

The Delegation presented the Council with a book depicting the Huainan area as well as several DVDs and sets of coins depicting the process of bean curd production. These will be placed on display.

**POLICY IMPLICATIONS**

The Council has previously resolved to reform a sister city committee which will be a component of the current review of Council Committees. This will be the subject of a further report to Council.

**FINANCIAL IMPLICATIONS**

The cost of the art work proposed to be commissioned and sent to Huainan can be accommodated from the \$6,726.15 held in funding from previous sister city committee activities if Council resolves this way.

04/06/2007 10:35 PORTLAND CENTRAL SCHOOL → 63514279

ND.589 003

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Memorandum

**RECOMMENDATION**

**THAT**

1. Council note the Memorandum that establishes the first step in establishing a sister City relationship with Huainan in China;
2. Council call for Expressions of Interest for the commission of art work of up to a total value of \$500 from a local artist to illustrate industrial features of the Lithgow City Local Government Area which would be of interest to the Huainan City.

SIGNED:           *N. Castle*            
MAYOR

Date: 1 June 2007

**07-213 RESOLVED**

**THAT**

1. Council note the memorandum that establishes the first step in establishing a Sister City relationship with Huainan in China
2. Council call for expressions of interest for the commission of art work of up to a total value of \$500 from a local artist to illustrate industrial features of the Lithgow City Local Government Area which would be of interest to the Huainan City.

**MOVED:** Councillor Neville Castle

**SECONDED:** Councillor M M Collins.

**CARRIED**

## MAYORAL MINUTE

ITEM:1            04/06/07 - MAYORAL MINUTE - FRIENDS OF THE EARTH, AUSTRALIA

### MAYORAL MINUTE – 04/06/07 – FRIENDS OF THE EARTH, AUSTRALIA

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## REFERENCE

NIL

## SUMMARY

This report outlines correspondence received from Friends of the Earth Australia in relation the Federal Governments nuclear transportation and disposal plans.

## COMMENTARY

Correspondence was received from the Friends of the earth Australia in relation to the Federal Governments nuclear transportation and disposal plans and their hope in Council considering reaffirming Council's current policy of opposition to the trucking of nuclear waste through the Blue Mountains.

As discussed at a recent meeting, the federal government is planning to establish a nuclear waste facility in the Northern Territory for Commonwealth waste, primarily from Lucas Heights. The government has expressed a preference for trucking the waste as opposed to train or marine transportation. As such, there is a serious risk that large quantities of nuclear waste will be trucked through the Blue Mountains for decades to come.

Whereas the previous proposal to establish a dump in South Australia involved low – level and short – lived intermediate-level waste, the current proposal also includes long-lived intermediate-level waste. This includes uranium fission products and very long-lived transuranic isotopes such as plutonium, from the processing or irradiated targets at Lucas Heights.

Other wastes produced at Lucas Heights include:

- A stockpile of over 5,000 drums of low-level radioactive waste
- A stockpile of over 200 cubic metres of intermediate – level solid waste, some with “unknown radioactive inventory”.
- Over 800 drums of "historical wastes" including radioactive thorium, beryllium and uranium
- Approximately 130 drums per year of radioactive “compactable low level solid waste”, eg vials, gloves etc
- Approximately 20 drums per year of drums of solidified radioactive “sludge” produced in the treatment of reactor waste-waters
- Several thousand cubic metres of radioactive “non-compactable contaminated items”, eg materials from the decommissioned old Lucas Heights reactor, pipes, machinery etc. The exact amount of waste will be determined by the reactor decommissioning option chosen by ANSTO.

During the discussions Council was provided with the NSW Governments response to the unanimous, cross – party parliamentary inquiry which concluded that the proposal to truck nuclear waste through NSW should be abandoned.

That unanimous finding, reflected concerns expressed by numerous local council's as well as emergency service organisations.

Friends of the Earth also have concerns about the proposed nuclear dump in the NT, including the following:

- None of the sites under consideration was considered suitable when scientific and environmental criteria were used to determine potential dump sites in the 1990's (Bureau of Resource Sciences 1997 report).
- The Federal Government intends to override an Act of the NT Parliament which aims to prevent the imposition of a nuclear dump.
- Legislation has been enacted in the federal parliament to reduce the level of scientific scrutiny associated with the dump proposal and to remove opportunities for judicial review.
- The option of ongoing storage of waste at Lucas Heights has been ruled out even though numerous bodies have acknowledged the viability of that option – namely the federal government itself, the regulator ARPANSA, the Lucas Heights nuclear agency ANSTO, the Australian Nuclear Association, and the cross – party report of the NSW parliaments nuclear Waste Inquiry.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **RECOMMENDATION**

**THAT** Council reaffirm its opposition to the transport of Nuclear Waste through its Council area.

#### **07-214 RESOLVED**

##### **THAT**

1. Council reaffirm its opposition to the transport of Nuclear Waste through its Council area.
2. Council support the Northern Territory Government's opposition to the Federal Government overriding the Northern Territory Law.

**MOVED:** Councillor Neville Castle  
**CARRIED**

**SECONDED:** Councillor W McAndrew.

**ITEM:2            04/06/07 - MAYORAL MINUTE - MAKE A WISH FOUNDATION**

**REPORT FROM: NEVILLE CASTLE, MAYOR**

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**REFERENCE**

NIL

**SUMMARY**

This report outlines correspondence received from the Make a Wish Foundation in relation to Lithgow helping the Foundation light up Australia at Christmas.

**COMMENTARY**

"Will Lithgow have the best lights in Australia this Christmas?"

The Make a Wish Foundation ask Lithgow Council to help them light up Lithgow and prove to Australia that Lithgow indeed has the biggest and brightest lights in the land.

Make A Wish Australia's mission is to bring magic and joy to children and young people with life-threatening illnesses by granting their most cherished wishes. Their vision is for all Australians to have the opportunity to share the power of a wish.

2007 is their second year of the "Wish Upon a Christmas Light" competition - a nationwide competition allowing people who decorate their homes for Christmas to enter a competition which offers a grand prize of \$10,000 and also allows people via the entry fee, to help raise funds to grant more wishes for children with life-threatening illnesses.

After completing an entry form that can be picked up at any Credit Union Australia Branch or any Donut King Store, or by registering online and paying the entry fee of \$40, entrants are encouraged to light up their home to win either the Grand Prize of \$10,000 or one of the state/territory prizes of \$1,000, \$700 or \$300 for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place respectively.

People are then encouraged to vote for their favourite home via SMS - to encourage voting there is a 3 night holiday in New Zealand as a random voter's prize.

Make a Wish would very like our support in promoting this competition in our Council region.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

## RECOMMENDATION

### THAT:

1. The information be received and
2. Council consider advertising this competition in the local media.

## 07-215 RESOLVED

### THAT:

1. The information be received and
2. Council consider advertising this competition in the local media.
3. Council to report back on the costings in relations to decorations at Christmas time.

**MOVED:** Councillor Neville Castle  
**CARRIED**

**SECONDED:** Councillor B S Moran.

**ITEM:3            04/06/07 - MAYORAL MINUTE - NSW MAYORS AGREEMENT ON CLIMATE CHANGE**

**REPORT FROM: NEVILLE CASTLE, MAYOR**

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## REFERENCE

NIL

## SUMMARY

This report outlines correspondence received from the Local Government Association of NSW in relation to the NSW Mayors agreement on climate change.

## COMMENTARY

The Local Government Association of NSW is writing to Council to inform us that the Local Government and Shires Association of NSW have established a NSW Mayor's Agreement on Climate Change.

The 2006 LGA Annual Conference resolved (arising from a motion by Waverly Council) that all mayors be encouraged to sign a NSW Mayor's agreement on climate change. If Councils in SWN agree to sign such an agreement it is proposed that NSW mayors would agree to the following:

NSW Mayors support the United Nations Framework Convention on Climate change (UNFCCC) (Kyoto Protocol) targets and agree to:

- Strive to meet or beat the Kyoto protocol targets in their own operations, activities and communities, through actions ranging from anti-sprawl, land use policies to urban forest restoration projects to information campaigns.

- Urge the State and Federal Government to enact policies and programs to meet or beat the greenhouse gas emission reduction target, suggested for Australia in the Kyoto Protocol, of 108% of its 1900 baseline; and
- Urge the Federal Government and the deferral opposition to build on the Prime Ministers commitment to developing and investing funding in programs to meet the target Australia agreed to at Kyoto in 1997 by now formally ratifying the Kyoto Protocol and that target.

In the USA 319 Mayors across the country have united to pledge their commitment to reducing greenhouse gases by signing the mayors Climate Change Agreement. Under this agreement US Cities have committed to take several actions. These actions include lobbying the federal and state governments to enact policies and program to "meet or beat" the target set out in the Kyoto Protocol, and to strive to meet or exceed Kyoto Protocol target by taking actions in their own operations and communities. The NSW Mayors agreement has been modelled on the US Agreement. Councils are also advised of the opportunity to commit to a local emissions reduction target of a 30 per cent cut in greenhouse gas emissions by 2020.

Councils who wish to sign up to the NSW Mayors agreement can respond to the Association or alternatively councils can wait for the release of the Climate Change Action Pack in August 2007 which will provide information to support the agreement.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **07-216 RESOLVED**

##### **THAT:**

1. The Information be received
2. Council consider signing the Climate Change Agreement

**MOVED:** Councillor Neville Castle

**SECONDED:** Councillor B P Morrissey.

**CARRIED**

## GENERAL MANAGERS REPORTS

### ITEM:4 GM - 04/06/07 - BLACK SPOT PROGRAM

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#### REFERENCE

NIL

#### SUMMARY

This report outlines correspondence received from the Federal Member for Calare, Mr Peter Andren in relation to the television reception in the Lithgow area.

#### COMMENTARY

Correspondence has been received from the Federal Member for Calare, Mr Peter Andren in relation to television reception in the Lithgow area.

In relation to the Capertee and Hartley areas, he has informed that those translator facilities are provided by Council under the former black spot program and as such are Council's responsibility for service and maintenance.

Regarding reception problems being experienced in the Lithgow urban area itself, council does not state if the problem is in relation to the analogue or digital service. However, my Lithgow office is aware of digital transmission problems within the area and has made enquiries to both WIN and Prime technicians. Mr Andren is still awaiting a reply from WIN and will forward it to Council when received.

Prime suggests the problem being experienced in Lithgow urban area with their digital signal may be due to the translator atop Reservoir Hill. That translator which also acts as a feeder to the Lithgow, east translator was allocated channel 59 which is 746.5Mh. Due to possible interference from another nearby service also operating on channel 59, Prime was given an offset to 746.625Mh.

Prime informs that digital television and set top boxes are preinstalled with allocated frequencies such 746.5. Generally they will recognise the offset signal (746.625) but may revert back to the present frequency. I am told that under certain conditions this may not occur at once but may take some time. A possible remedy for this is to finetune the receiver manually.

Council also enquired the time frame for replacement of analogue with digital transmission. The department of Communications, Information Technology and the Arts (DCITA) advises transmission of analogue television in Australia will cease during 2010-2012. I understand this will be assessed with regard to the consumer uptake at the time.

Regarding self – help retransmission facilities such as those established under the analogue Black Spot Program, no determination has yet been made about government assistance with their conversion from analogue to digital.

However a new body with DCITA is to be established to investigate the technical options and cost of converting the self-help transmission sites to digital. This issue is to be considered by the government and Digital Australia during 2007.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** the information be received.

**07-217 RESOLVED**

**THAT:**

1. The information be received.
2. Council further follow up with Television Stations themselves on their reception and broadcasting processes.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M M Collins.

**CARRIED**

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**ITEM:5            GM - 04/06/07 - CRIME PREVENTION PLAN FOR LITHGOW**

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**REFERENCE**

NIL

**SUMMARY**

This report outlines correspondence from the Local Member in relation to crime prevention in Lithgow.

**COMMENTARY**

Correspondence was received from the Local Member for Bathurst in relation to crime prevention in Lithgow.

The Local Member recently met with the Board of the Lithgow Information and Neighbourhood Centre (LINC) and advised that they keen to develop some strategies to deal with anti social behaviour in Lithgow.

The matter of Crime Prevention Plan for Lithgow was discussed and the Local Member advised LINC that this would have to be coordinated with Lithgow City Council.

The Local Member advises that LINC will be writing to Council in regards to this matter and the Local Member would be happy to coordinate an appropriate response with the Attorney Generals Department if a decision is made to proceed to finality with a Crime Prevention Plan for Lithgow.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** the information be noted.

**07-218 RESOLVED**

**THAT**

1. The information be noted.
2. Council seek a public meeting with residents of Wallerawang and invite Superintendent Wookie, Chifley Command to attend.
3. Council seek advice through the State Member on funding for the need of school security at Wallerawang Public School.
4. A full report be brought back to Council on the crime statistics/figures in the Lithgow LGA only for the months of April and May.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

**ITEM:6            GM - 04/06/07 - CHARLES STURT BATHURST - NEW DENTAL SCHOOL**

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**REFERENCE**

NIL

**SUMMARY**

This report provides an update to the Committees on the successful funding for the establishment of a new Dental School for central NSW at Charles Sturt University.

**COMMENTARY**

The Committees will recall a recent request to support the funding application for the establishment of a Dental School by the CSU.

The Federal Budget announced the school would receive funding and as a result CSU will now prepare the school of dentistry at its campus throughout central NSW.

CSU would like to thank Council for its support of the program and look forward to further advancing all areas of rural health.

**POLICY IMPLICATIONS**

This report is inline with Council policy of endeavouring to provide access to higher education services within our region.

**FINANCIAL IMPLICATIONS**

There are no financial implications to Council as a result of this report.

**LEGAL IMPLICATIONS**

NIL

**07-219 RESOLVED**

**THAT** this report be submitted for information.

**MOVED:** Councillor B S Moran  
**CARRIED**

**SECONDED:** Councillor M J Wilson.

**ITEM:7            GM - 04/05/07 - EXPANSION TO LITHGOW CORRECTIONAL CENTRE**

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**REFERENCE**

NIL

**SUMMARY**

This report provides the Committees with advice from the State member, Gerard Martin regarding the forwarding of Council's submission to the relevant Minister.

**COMMENTARY**

Written advice has been received (as attached) from the Member for Bathurst, Gerard Martin MP regarding the forwarding of Council's correspondence to the Premier, Minister for Planning and the Minister for Justice. At the time of preparing the business paper no further advice had been received.

**POLICY IMPLICATIONS**

This advice is inline with Council's resolution date 21 May 2007.

**FINANCIAL IMPLICATIONS**

There are no financial implications to Council as a result of this report.

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** this report be submitted for information.

**07-220 RESOLVED**

**THAT:**

1. This report be submitted for information.
2. A report be brought back to Council on the number of contracts let to date.
3. A report be brought back on any works that have been carried out at the Lithgow Correctional Centre.

**MOVED:** Councillor A E Thompson  
**CARRIED**

**SECONDED:** Councillor M M Collins.

**ITEM:8 GM - 04/06/07 - FORMER XSTRATA LANDS - CRANE ROAD AND IVATT STREET**

**REPORT BY: GENERAL MANAGER – PAUL ANDERSON**

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**SUMMARY**

To advise Council of a meeting held with representatives of the company that has purchased part of the former Xstrata lands containing 10 dwellings

**COMMENTARY**

A meeting was held on 29 May 2007 with representatives of Marie Edward Pty Ltd, the company that has purchased lot 12 DP 1077891, containing 10 dwellings. The discussions were positive with the company intending to prepare subdivision proposals for vacant land within the holding and also the subdivision of existing dwellings to be offered for sale to residents, subject to issue of building certificates. In the interim, tenancy agreements are proposed. The company intends to forward correspondence to the residents in the near future to advise of their plans.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**Councillor H K Fisher declared a non-pecuniary interest and vacated the Chambers.**

**0-221 RESOLVED**

**THAT** the information be received and residents that have registered an interest to be kept informed be advised of the latest development.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor M J Wilson.

## **REGIONAL SERVICES REPORTS**

**ITEM:9            REG - 21/05/07 - NAMING OF ELECTRONIC SCOREBOARD, TONY LUCHETTI SPORTSGROUND, LITHGOW**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES, ANDREW MUIR**

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### **REFERENCE**

Nil

### **SUMMARY**

Proposal to name the electronic scoreboard at Tony Luchetti Sportsground, Lithgow, after Leslie “Bunny” Abbott in honour of his dedication and commitment to timekeeping at rugby league matches in the Lithgow district for the past fifty two (52) years.

### **COMMENTARY**

Council has been approached by representatives of the Lithgow Storm Junior RLFC, Workmen’s Club RLFC and the Lithgow Bears RLFC who have requested that Council consider naming the new electronic scoreboard at Tony Luchetti Sportsground, Lithgow after Leslie “Bunny” Abbott, who has been the official timekeeper of all rugby league matches at Tony Luchetti Sportsground, Lithgow for the past fifty two (52) years.

Bunny’s skill in rugby league have seen him play for the St George Club from 1935 until 1938, and then moving on to play for Western Suburbs Lithgow in 1939, followed by a season with the newly formed Factory Club, during which he captained the Group 10 and Western Division Representative Teams.

After retiring from playing football in 1941, Bunny officiated many games, including representative games, in his role as referee until 1948.

In 1948, Bunny turned his focus toward coaching, claiming success with Lithgow’s St Patrick’s team (winning 4 successive first grade grand finals between 1948 and 1951), and being runners up in 1952. Unfortunately, in 1953, St Patrick’s did not field a team, however in 1954; the Club reformed and won the Group 10 second division competition, achieving an impressive record of winning 5 from 6 Group 10 premierships.

Retaining his interest in league, Bunny became involved in the administration of the Lithgow District League, with his involvement including being a member of the Management Committee, Referee’s appointment board, and the Judiciary Committee, together with his appointment as vice president until the league folded in the mid 1960’s.

In 1955, Bunny was appointed the Official Timekeeper for Rugby League in Lithgow, for both the Junior and Senior Leagues, a position which he still holds to date, meaning 2007 is his 52<sup>nd</sup> year as timekeeper. Through his dedication and love of football, Bunny has not missed one game of either junior or senior divisions during this period. As a testimony to the respect he has achieved, Bunny is a life member of Lithgow St Patrick’s, Shamrocks, Lithgow Bears, Workmen’s Club and Group 10 Senior and Junior divisions.

In total, Bunny has given sixty eight (68) years of continual voluntary service to rugby league, and after recently turning 92 years old, is looking forward to the coming seasons, with no intention of handing in his stopwatch.

Bunny has been trained to proficiently use the new scoreboard, and now also undertakes the duties of scoring as well as timekeeping for all games conducted at Tony Luchetti Sportsground, Lithgow.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Funding will be required for the purchase and installation of a plaque commemorating the dedication and naming of the scoreboard which can be obtained from the recurrent budget for the Tony Luchetti Sportsground.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council officially name the electronic scoreboard at Tony Luchetti Sportsground, Lithgow the "Bunny Abbott Scoreboard".

**07-222 RESOLVED**

**THAT:**

1. Council officially name the electronic scoreboard at Tony Luchetti Sportsground, Lithgow the "Bunny Abbott Scoreboard".
2. Council seek a suitable commendation award for "Bunny Abbott" through the State Member.

**MOVED:** Councillor B S Moran  
**CARRIED**

**SECONDED:** Councillor W McAndrew.

**ITEM:10            REG - 04/06/07 - TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**SUMMARY**

To advise Council of the introduction of the Trees (Disputes Between Neighbours) Act 2006

**COMMENTARY**

The Trees (Disputes between Neighbours) Act 2006 and Trees (Disputes between Neighbours) Regulation 2007 commenced in February 2007. It is claimed that the new legislation presents an accessible solution for neighbour disputes regarding trees which have caused, are causing, or are likely to cause damage to property in the near future, or trees which are likely to cause injury to a person. It enables a person to apply to the Land and Environment Court (LEC) for an order to remedy, restrain or prevent damage to property or prevent injury when a tree is situated on adjoining property. The Act **does not** apply to trees on land owned or managed by a Council.

The Act is designed to apply to trees on privately owned land in residential, village, township, industrial or business zones which are the same type as such zones but may be named differently.

The process for a person to take action in the Court is designed to be relatively inexpensive with a focus on negotiated resolutions. The Court cannot make an order unless it is satisfied that a reasonable effort has been made to resolve the matter. The scope of the orders that can be made by the Court includes trimming or removing the tree, costs and payment of compensation for damage to property.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

None to Council.

**07-223 RESOLVED**

**THAT** the information be received.

**MOVED:** Councillor B P Morrissey  
**CARRIED**

**SECONDED:** Councillor M J Wilson.

**ITEM:11            REG - 04/06/07 - LAND AND ENVIRONMENT COURT APPEAL -  
DEVELOPMENT APPLICATION NO 504-2004 - LOT 301 PEACHTREE  
ROAD, MEGALONG VALLEY**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**SUMMARY**

To advise Council of the outcome of the appeal in the Land and Environment Court

**COMMENTARY**

The hearing into the appeal against Commissioner Moore’s decision in relation to the proposed “Church/Retreat” was heard on 29 May 2007. Justice Lloyd rejected the appeal and awarded costs to Council. At the time of this report further details were awaited.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has been awarded costs by the Court.

**LEGAL IMPLICATIONS**

The subject of this report.

**07-224 RESOLVED**

**THAT** the information be received and further information be provided when available.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor M M Collins.

## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:12        **COMM - 21/05/07 - ESKBANK HOUSE AND MUSEUM - EXPRESSIONS OF INTEREST REPORT**

#### **REPORT FROM: COMMUNITY AND CULTURE MANAGER - P.HALL**

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#### **REFERENCE**

Minute 07-79: Policy and Strategy Meeting 05/03/07

#### **SUMMARY**

It was resolved at the Policy and Strategy Committee Meeting on the 5 March 2007 that Council prepare an Expressions of Interest pack and call for responses to ascertain options for the ongoing management, development and usage of Eskbank House. This report provides Council with the outcomes of that process.

#### **COMMENTARY**

Expressions of interest were called for from commercial operators or community groups to manage Eskbank House and Museum events advertising in the Lithgow Mercury with written responses closing on 4 May 2007. No responses were received.

The commercial operator who had initially raised the issue of operating the facility some months ago was contacted to seek information as to why he had not made a submission. He indicated that with the detail provided he did not think it was viable to operate as a sole commercial operator so he had not responded to the expression of interest.

The operations of Eskbank House are supervised by the Cultural Development officer who currently works and will continue to work three weekdays at Eskbank House.

The Cultural Development Officer has proposed a plan for volunteer management to enable weekend operations at Eskbank House including volunteer tour guides, specialist hobbyist groups and partners to assist in operation of facility on the weekends as an alternative and this is now recommended to Council. The partners program in particular would offer the opportunity for interest groups to work with Council to ensure this valuable asset is developed and promoted effectively.

#### **POLICY IMPLICATIONS**

The volunteer programme would have to comply with Lithgow City Council's Occupational Health and Safety Volunteer Policy.

#### **FINANCIAL IMPLICATIONS**

Progression of this program will require continued financial commitment from Council and there is an existing budget. The ability to fund capital improvements to the facility will be enhanced by the conversion of weekend coverage to volunteers.

#### **LEGAL IMPLICATIONS**

Nil

## 07-225 RESOLVED

### THAT:

1. Council note there were no responses to the Expression of Interest to operate Eskbank House
2. Council endorses a Volunteer Tour Guide and Partner Program to assist in the long term management and development of the facility.

**MOVED:** Councillor A E Thompson  
**CARRIED**

**SECONDED:** Councillor M M Collins.

## ITEM:13      **COMM - 04/06/07 - SPECIAL PARKING RATE ADDITIONAL PROPERTIES FOR THE 2007/08 RATING YEAR**

### **REPORT FROM: INTERNAL SERVICES MANAGER MRS C FARNSWORTH**

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### **REFERENCE**

Min 06-07: 06.02.06 Policy and Services Committee Meeting 6 February 2006.  
Question Without Notice 21 May 2007

### **SUMMARY**

At the Ordinary Meeting of Council on the 21 May 2007, Councillor Thompson requested a report to advise of the additional properties to be included in the Special Parking rate from the 2007/08 rating year.

### **COMMENTARY**

Council in past years has charged a parking rate to business properties in Main Street, Mort Street and Railway Parade Lithgow. During 2005/06 various properties were identified and charged the parking levy but as an ongoing program Council has considered expanding the areas which utilise parking to ensure all business properties are captured in the 2007/08 rating levy. The Parking rate is levied at 0.0818 cents in the dollar based on the valuation of the property.

The parking rate is used or reserved for current or future improvements to parking areas within the CBD.

It should be noted that if a property is identified within the parking area, and they are categorised as 'residential', they will not be charged parking unless the use of the property is changed at any time to 'business'.

The areas identified are the:

- Central section of Railway Parade (Dental and Doctor's surgery)
- Mort Street from Lithgow Street to Bridge Street - both sides
- Cook Street (Main Street Lane to Mort Street)
- Coles, Aldi, Pottery Estate developments

PROPERTY	VALUATION	LEVY TO BE INCLUDED FOR SPECIAL PARKING FROM 2007/08	
11580	65,000	531.70	Cook St, Lithgow
11590	80,300	656.85	Cook St, Lithgow
11600	72,000	588.96	Cook St, Lithgow
35000	48,000	392.64	Mort St, Lithgow
35010	48,000	392.64	Mort St, Lithgow
35050	49,800	407.36	Mort St, Lithgow
35080	30,000	245.40	Mort St, Lithgow
35110	47,600	389.37	Mort St, Lithgow
35090	30,000	245.40	Mort St, Lithgow
35190	79,000	646.22	Mort St, Lithgow
35320	55,400	453.17	Mort St, Lithgow
35420	58,800	Non Rateable	Mort St, Lithgow
35430	117,000	957.06	Mort St, Lithgow
40390	56,300	460.53	Railway Pde, Lithgow
102513	2,250,000	18405.	Bent St, Lithgow
103869	1,050,000	8,589.00	Valley Drive, Lithgow
102884	800,000	6,544.00	Valley Drive, Lithgow
<b>TOTAL PARKING LEVY</b>		<b>\$39,905.30</b>	

Prior to levying the parking rate, Council is required to undertake the following process:

- Identify and resolve the properties to be charged;
- Contract a surveyor to undertake a 'meets & bounds' survey;
- Notify ratepayers they will be rateable for parking from the 2007/08 financial year;
- Apply the parking rate from the 1 July 2007 rating period.

A meets and bounds survey was requested by Craven Elliston and Hayes (Lithgow) Pty Ltd and was submitted to Council on the 19 January 2007.

Individual notification was sent to all property owners who would be affected by the change and only one letter has been received from a business property in Mort Street.

### Policy Implications

Nil

### Financial Implications

Additional parking income of \$39,905.30 for 2007/08

### Legal Implications

Nil

## RECOMMENDATION

**THAT** the information be received.

## 07-226 RESOLVED

### THAT:

1. The information be received.
2. A report or review of the properties in Mort Street without parking be prepared and brought back to Council with a view of forming a policy position.

**MOVED:** Councillor M F Ticehurst  
**CARRIED**

**SECONDED:** Councillor M M Collins.

**ITEM:14          COMM - 04/06/07 - REQUEST FOR A CHANGE IN RATING  
CATEGORY AND LEVY ADJUSTMENT - PROPERTY 13160 - 61  
ENFIELD AVE, LITHGOW**

### **REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH**

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#### **REFERENCE**

Nil

#### **SUMMARY**

The owner of 61 Enfield Avenue Lithgow has corresponded with Council requesting a change in category, for rating purposes, from business to residential as well as an adjustment to the rates levied on the property from 1 July 2004 to date. This report recommends re-categorisation for the 2006/07 year only.

#### **COMMENTARY**

Council has been requested by the owner of 61 Enfield Avenue Lithgow:

- 1) To amend the category of their property for rating purposes
- 2) To adjust the rates levied on the property applicable from 1 July 2004
- 3) To refund a credit balance should it remain after the full payment of rates for the 2006/2007 financial year.

Officers from Council's Regional Services have inspected the site and reports that the property contains a fibro clad dwelling and garage used for residential purposes.

The property is currently rented through an external real estate agent who has provided supporting documentation in the form of residential tenancy agreements valid from 6 August 2004.

In consultation with the Department of Local Government on this matter, while Council was advised it was a matter for the Council to determine the acceptance of a re-categorisation. In terms of the time frame in which any re-categorisation should be applied, the Department has suggested that a policy position would assist Council in these matters in future and this is recommended to Council.

In considering the request to retrospectively re-categorise the premises, Council may consider that notification of the categorisation is made each year through the distribution of rating notices. Previous rating years' rates have already been paid in accordance with the notifications for the rating year without the lodging an a request to vary the category.

It is recommended that Council approve the change of category for rating purposes from business to residential on the basis that the property has been used for residential purposes from the 1 July 2006 to date with an impost of \$1,446.96 on Council's rating income of the year to be observed.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

A total of \$1,446.96 income will be lost if the recommendation to change the categorisation for the 2006/07 year.

In considering the issues, the request to re-categorise retrospectively the calculated amounts would be as follows:

2004/05:	\$1,053.99
2005/06:	\$1,252.85
2006/07:	\$1,446.96
<b>TOTAL:</b>	<b>\$3,753.80</b>

### **LEGAL IMPLICATIONS**

The owner of the property is entitled appeal Council's decision on this matter through the Land and Environment Court. The Local Government Act (1993) nominates (s 526) that an appeal must be made within a 30 day period. Council is obliged through the Local Government Act 1993 to inform the owner of the decision in a particular manner and with reference to the options for appeal the owner may have,

### **CONCLUSION**

Council may wish to consider the request to re-categorise the rating category on this property retrospectively however the recommendation is to offer the re-categorisation for the 2006/07 year.

### **RECOMMENDATION**

#### **THAT:**

1. Council approve an amendment to the rating category of 61 Enfield Avenue, Lithgow from business to residential applicable from 1 July 2006;
2. Council adjust the rate levy on Property 13160 from 1 July 2006 to date which will result in the writing off income of \$1,446.96;
3. Council determine that a Policy be prepared to summarise the considerations for any future request for rating re-categorisation;
4. The General Manager be authorised to discuss the outcomes of this decision and negotiate on matters arising if necessary.

## 07-227 RESOLVED

### THAT:

1. Council approve an amendment to the rating category of 61 Enfield Avenue, Lithgow from business to residential applicable from 1 July 2004;
2. Council adjust the rate levy on Property 13160 from 1 July 2004 to date which will result in the writing off income of \$3,753.80
3. Council determine that a Policy be prepared to summarise the considerations for any future request for rating re-categorisation;
4. The General Manager be authorised to discuss the outcomes of this decision and negotiate on matters arising if necessary.

**MOVED:** Councillor B P Morrissey  
**CARRIED**

**SECONDED:** Councillor A E Thompson.

## QUESTIONS WITHOUT NOTICE

### QWN - 04/06/2007 - COUNCILLOR M TICEHURST

1. At the Ordinary Meeting of the Council on Monday 21 May 2007, the Council resolved by resolution 07-208, "THAT Council be provided with a report on the numbers of development applications outstanding after 42 day statutory period." When will this resolution be carried out and a report provided to Councillors?

*It is anticipated that the report will be presented to Council's Ordinary meeting of 18 June 2007.*

**Councillor Ticehurst advised he was happy with this response.**

2. With respect to the current Level 4 Water Restriction in the Lithgow City Council LGA, can the Council advise:

What water restrictions are in place for Commercial Premises and the Lithgow City Council?

What plans do major local commercial water users including Mines and the Lithgow City Council have in place to restrict their water usage and recycle their used water?

*As indicated in the report on the matter to Council's Ordinary Meeting of 21 May 2007 "With regard to activities indicated in the proposed restrictions as Public, Commercial and Industrial it is recommended that exhibition occur and submissions are called for prior to implementation. This will enable input into restrictions that will ensure genuine cases of hardship on business and possible employment impacts can be addressed." The Council subsequently resolved "The proposed restrictions for Public, Commercial and Industrial consumers be advertised for a period of 28 days and comments be brought back to Council for consideration prior to final adoption."*

*Whilst no comment can be given on other industries, Council has resolved to expend the income derived from the Fish River allocation trade with Delta Electricity on water saving and reuse schemes. Nominally, 50% is for 'community schemes' (eg rainwater tanks) and 50% for Council Operations. At this stage investigation is being undertaken into more effective automated means of watering playing fields. Other Council initiatives (or initiatives in which Council has a role) at various stages of progress are:*

- *Reuse of treated effluent from the Lithgow Sewerage Treatment Plant – application submitted for community water grant to be leveraged with allocation in 2007/2008 draft budget.*
- *Upgrading the Clarence Water Transfer System – Council will recall this from its resolution to a confidential report to the Policy and Strategy Committee of 7 May 2007.*
- *Augmenting the Fish River Water Supply with the transfer of water from the Farmer's Creek supply – A study is being commissioned by State Water.*

- *Transferring effluent from Wallerawang to Portland for treatment and further transfer of treated effluent to Mt Piper Power Station – Funding options are being pursued for a feasibility study.*

3. Could the Council provide an update on the current status with the proposal for Stage 2 of the Gardens of Stone National Park?

*At Council's Policy and Strategy Committee meeting of 3 October 2006, a report was provided regarding the Minister's response to Council's submission and the Department of Environment and Conservation's assessment and findings for the Gardens of Stone Park Proposal Stage 2. In summary, the response included a copy of the Assessment Report which highlighted the Government's existing proposals in relation to the Western Escarpment (Blue Mountains Public Lands Rationalisation Project), a State Conservation Area at Mt Airly and the possible reservation of some lands on the border of the National Park at Newnes. It also notes that the Department of Environment and Conservation will explore the possibility of reserving Ben Bullen and Wolgan State Forests as a State Conservation Areas and found that the reservation of the majority of the Newnes Plateau and surrounding Crown Reserves such as Hassans Walls Reserve should not be pursued.*

*There has been no further advice received to date.*

4. Could the Council provide the Council with up to date confirmation on its financial compliance with Fringe Benefits Tax with the Australian Tax Office?

*An employer must lodge an FBT Return for the FBT year ending 31 March 2007 by 21 May 2007. Council's return was lodged in compliance with all ATO requirements.*

**Councillor Ticehurst advised he was happy with this response.**

5. Could Council Officers provide an update on when a report will be forthcoming back to Council on the Draft Council Code of Meeting Practice which will seek the re-introduction of Questions from the Public Gallery at Council Meetings?

*The Council's Code of Meeting Practice completed exhibition on 16 May 2007. The Code of Meeting Practice indicates the reporting of the Code should be to a Council meeting and as such it will be presented to the June Council meeting. The deadline for May Council reports had past when the exhibition period concluded.*

12. Mr Mayor, I have received a letter from Paul Lynch in relation to NSW Councils taking up the option on the work choices legislation. Can Council advise their position on this, with a report to come back to Council?

*The Mayor advised a report will be brought back to Council.*

**QWN - 04/06/2007 - COUNCILLOR A THOMPSON**

1. Mr Mayor, I refer to the recently changed water restrictions, in particular the times for water usage. Can Council please review the times as we believe they need to be more flexible?

*The Mayor advised submissions can be received for a period of 28 days from 1 June 2007, with a further report to come back to council following this period.*

The meeting closed at 7.06pm.