



LITHGOW CITY COUNCIL

MINUTES

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

HELD ON

05 MARCH 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 5 MARCH 2007**

Meeting Commenced 7.31pm

A Suspension of Sanding Orders was moved and seconded that Council commence the Finance and Services Committee meeting at 7.31pm due to the continuation of the Policy and Strategy Committee Meeting.

07-83 RESOVLED

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

Public Gallery: 15

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

APOLOGIES

An apology was received and accepted from M J Wilson due to being out of the City on personal business.

07-84 RESOVLED

MOVED: Councillor M M Collins **SECONDED:** Councillor B S Moran.

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, Ms Casey Clarke
Community Manager, Mrs Penny Hall
Assets Manager, Mr Yogarajah Ajitkumar
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 5 February 2007 were taken as read and confirmed by Councillors H K Fisher and M M Collins

07-85 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 pecuniary interest in Item 5 as he is the Chairman of the Westfund Board.

QUESTIONS FROM THE PUBLIC GALLERY

At 7.31pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

NIL questions were received.

NO presentations

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REGIONAL SERVICES REPORTS

ITEM:1 REG - 05/03/07 - LITHGOW TOWN CLOCK

REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR

SUMMARY

To advise Council of complaints being received about the condition of the Town Clock and recommend its removal.

COMMENTARY

The Lithgow Town Clock has been inoperative for a number of years. The clock was installed many years ago by Lithgow Rotary Club on the building at 114 Main Street, Lithgow that was previously owned by Council and operated as a Ladies Rest Room. The clock was maintained by the Rotary Club until about 2002 when they advised that they were no longer able to continue with the arrangement.

In 2005 quotations were obtained for the repair of the clock and Council resolved to approach the Rotary Club to enter into a joint arrangement to cover the cost of the necessary repairs. Rotary advised that they were unable to assist in this regard and could not contribute. The estimated cost of repairs is \$10,000 which requires a new clock mechanism to be installed plus crane hire.

The building on which the clock is located is no longer owned by Council. There is an agreement with the current owner to allow access subject to any associated costs being Council's responsibility.

A number of complaints have been received from residents about the condition of the town clock. The suggestions are that it either be removed or repaired. There are no funds available to carry out repairs. It is considered that removal of the clock as an interim measure to improve the unsatisfactory appearance of the broken face in the centre of the CBD is an acceptable short term solution.

It is possible to remove the clock mechanism from the back and then sheet over both sides at the front of the structure to create a flush surface that can then be painted. The sheeting could be removed as necessary if a replacement clock is to be installed when funds become available. It will be necessary to hire a knuckle lift to carry out this work.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

The replacement cost of the clock is in excess of \$10,000. The estimated cost to remove the mechanism and sheet over as described is \$1,500. This could be funded from the existing recurrent budget.

LEGAL IMPLICATIONS

The usual safety procedures will need to be followed in any works.

07-86 RESOLVED

THAT as an interim measure the clock mechanism be removed and the structure sheeted over and painted.

MOVED: Councillor B P Morrissey

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:2 REG - 05/03/07 - DEVELOPMENT AND CONSTRUCTION APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

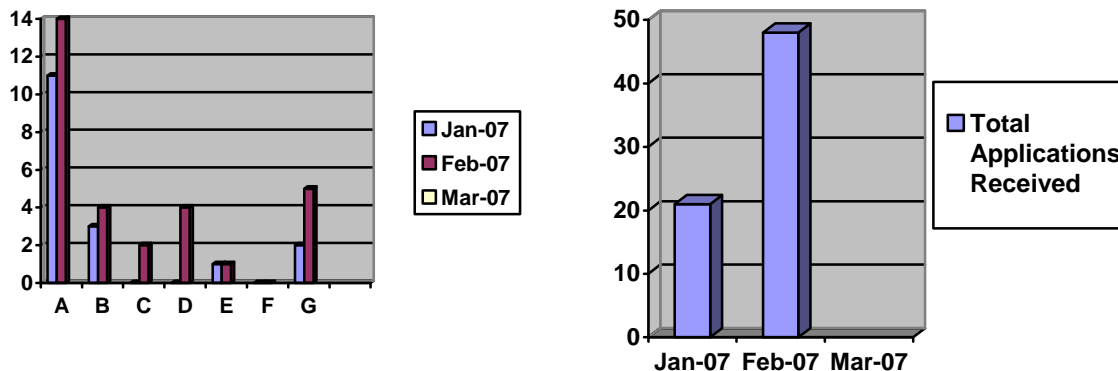
To provide statistical information on Development Applications and Construction Certificates processed.

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
Jan 2007	11	3	0	0	1	0	2	21
Feb 2007 *	14	4	2	4	1	0	5	48
Mar 2007								

* includes Approvals from 26/1/2007 TO 26/02/2007



Total Estimated Cost:	\$1,392,855
Average Approval Time	35 days
Total Cost of Approvals from 1/01/2007	\$2,363,899
No. of Applications from 1/01/2007	68

07-87 RESOLVED

THAT the information be received

MOVED: Councillor B S Moran

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:3 REG - 05/03/07 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: Strategic Engineer – L. Kearney

REFERENCE

Nil.

SUMMARY

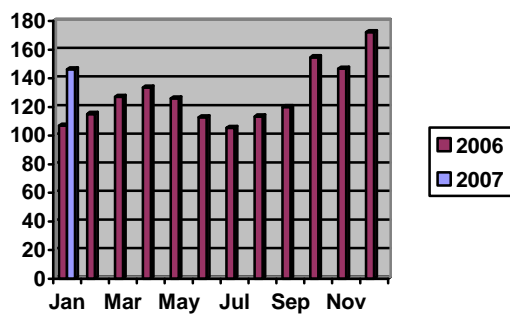
Comparison of figures for 2006 and 2007 for water usage within the Lithgow Local Government area.

COMMENTARY

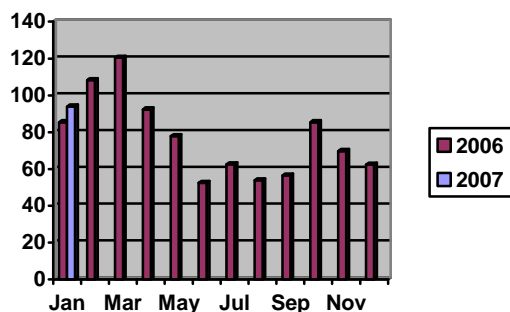
Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply as at 26 February 2007. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 484 megalitres of water from this supply, equating to approximately 23% of its annual allocation (allocation issued per financial year, not calendar year).

	2006			2007		
	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
January	107.086	85.456	192.542	146.283	93.943	240.226
February	115.126	108.236	223.362			
March	127.115	120.423	247.538			
April	133.557	92.345	225.902			
May	125.966	77.810	203.776			
June	112.814	52.381	165.195			
July	105.382	62.530	167.912			
August	113.398	53.792	167.19			
September	119.937	56.443	176.38			
October	154.694	85.386	240.08			
November	146.773	69.673	216.446			
December	172.212	62.376	234.588			
TOTAL (ML)	1,534.06	926.851	2,460.911	146.283	93.943	240.226

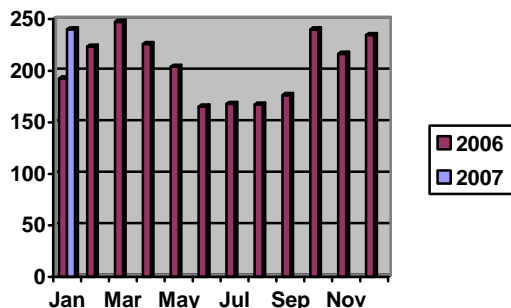
Farmers Creek Dam Usage (ML)



Fish River Water Supply Usage (ML)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 78.9% of its full capacity and Oberon Dam is currently at 20.95% of its full capacity.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07-88 RESOLVED

THAT the information be received and the current restrictions of only allowing sprinklers and fixed hoses between 6.00am to 10.00am and 6.00pm to 10.00pm continue until further notice.

MOVED: Councillor W McAndrew

SECONDED: Councillor B P Morrissey.

CARRIED

ITEM:4 REG - 05/03/07 - BLACKMANS CREEK ROAD, HARTLEY - ROAD CLOSURE

REPORT FROM: STRATEGIC ENGINEER – L.Kearney

SUMMARY

Report providing details of proposed road closure and road opening through Lot 179 DP 751650 (formerly Portion 179) 157 Blackmans Creek Road, Hartley, allowing adequate vehicular access to Lot 1 DP 577090 – 159 Blackmans Creek Road, Hartley.

COMMENTARY

In 1999, Council was approached by the owner of 159 Blackmans Creek Road, Hartley (Lot 1 DP 577090), regarding inadequate vehicular access to the property along the

section of Blackmans Creek Road which traverses through 157 Blackmans Creek Road, Hartley (Lot 179 DP 751650 (formerly Portion 179)).

At an onsite meeting during July 1999 conducted between the two (2) property owners, Council Officers, surveyors and consultants, the owner of 157 Blackmans Creek Road requested Council's support to apply for the closure of the section of Council road (Blackmans Creek Road) which traverses the property from the southern boundary to the northern boundary, and to purchase this section of road once closed. Secondary to this closure, the owner proposed to create in favour of 159 Blackmans Creek Road a Right of Carriageway across Lot 179 DP 751650 in the location of the existing formed access road, which lies substantially outside the boundaries of the dedicated road reserve.

The owner of 157 Blackmans Creek Road further requested for a road opening on the site of the existing formed access road, with the boundaries of such road being defined by the existing fences on each side of the existing access road, from the southern boundary of 157 Blackmans Creek Road to the southern boundary of 159 Blackmans Creek Road, Hartley, with the exception of one (1) slight relocation of the eastern boundary fence (adjacent to the turn off to the house situated on 157 Blackmans Creek Road). This road will become a dedicated Council public road providing access to 159 Blackmans Creek Road.

In exchange for the opening of this road, the owner of 157 Blackmans Creek Road requested to acquire the existing Council road planned for closure, thus allowing adequate vehicular access to 159 Blackmans Creek Road, and eliminating a Council road which is at present, substantially unformed and serves no purpose in terms of public access through 157 Blackmans Creek Road.

The required survey work was undertaken in 2000 at full cost to the owner of 157 Blackmans Creek Road, and an undertaking was given by this owner to meet all necessary legal and survey costs in relation to the closing, opening and transfer of the road once closed.

Council would need to fund the costs associated with general maintenance and upkeep of this road.

At Council's meeting held on Monday, 15 April 2002, Council resolved to raise no objection to the closure and opening of Blackmans Creek Road in Portion 179, and for the Mayor and General Manager be authorised to sign the relevant documents, however, this project has not been progressed to date.

POLICY IMPLICATIONS

This project complies with the objectives in Council's Asset Acquisition and Asset Disposal Policies, as detailed below:

Council has considered the following in accordance with the objectives of the Asset Acquisition Policy;

CONSIDERATION	RESPONSE
<i>The comparative long term ownership costs of the asset;</i>	The maintenance cost of this project is fair and reasonable to ensure the Community are using a dedicated public road through

	private property
<i>Evidence of community demand for the provision or retention of the asset;</i>	Both land owners are requesting Council's action in regard to road closing and opening
<i>The strategic worth of the asset and its community benefit;</i>	The asset will benefit the Community by providing a dedicated, usable public road through private property
<i>Whether the asset provides Council as positive return on the investment, and</i>	Not applicable to this project
<i>The extent to which the asset is subsidised by the community, through the use of general rate revenue.</i>	All costs associated with this project are to be met by the owner of 157 Blackmans Creek Road, however Council will need to provide additional funds to maintain the proposed road
<i>Acquisition or Development costs;</i>	Not applicable to this project (being met by land owner)
<i>The cost of providing finance (i.e. opportunity costs and interest charges);</i>	Not applicable to this project
<i>Any warranty period applicable;</i>	Not applicable to this project
<i>The length, value and cost of any applicable maintenance agreements;</i>	Not applicable to this project
<i>The lifetime maintenance profile and costs;</i>	As detailed under 'Financial Implications' in this report
<i>Energy consumption and projected costs;</i>	Not applicable to this project
<i>Any residual value (where applicable);</i>	Not applicable to this project
<i>An investigation of alternative acquisition arrangements, eg. Purchase, lease, rent, public partnership or resource sharing;</i>	Investigation into undertaking works to construct the unformed section of public road to a standard accepted by Council has deemed this alternative unfeasible (contours of the land prevent road construction along existing road dedication at minimal cost)
<i>An investigation as to alternative financing arrangements, eg. User pay, grants, loan funds or private sector, and</i>	Not applicable to this project
<i>Taxation issues under competition policy;</i>	Not applicable under this policy

Council has considered the following in accordance with the objectives of the Asset Disposal Policy;

CONSIDERATION	RESPONSE
<i>Market forces and impact on return from the sale of the asset;</i>	Not applicable to this project – asset is being transferred for another asset, not sold

<i>Community need for the asset and alternative resources which could be considered to be substituted;</i>	The asset is required for the Community, as Council will be providing a dedicated, usable public road through private property
<i>The strategic worth of the asset and its long term benefit to the community;</i>	The asset will benefit the Community by providing a dedicated, usable public road through private property
<i>The purchase price and maintenance costs incurred over the lifespan of the asset should be assessed to determine, where possible, a return on investment of a particular asset;</i>	As detailed under 'Financial Implications' in this report
<i>That the funds raised from the sale of an asset should be considered as to their use and this must be reflected in the Council's Management Plan;</i>	Not applicable to this project
<i>That the method of sale (for example auction vs private treaty) be determined and specifically resolved by Council.</i>	Not applicable to this project – asset is being transferred for another asset, not sold
<i>The funds raised from the sale of land and/or buildings will be internally restricted for future strategic asset acquisitions or improvements.</i>	Not applicable to this project – asset is being transferred for another asset, not sold

FINANCIAL IMPLICATIONS

Council will need to budget approximately \$4,500.00 per annum annual maintenance (grading/resheeting etc) of this road. The cost for the entire project (including additional survey work, road closure fees, road opening fees, transfer and legal fees), will be met by the owner of 157 Blackmans Creek Road, Hartley.

LEGAL IMPLICATIONS

The prime legal matters will be matters of process associated with the road closure, road opening, plan registration and right of way creation.

07-89 RESOLVED

THAT:

1. Council support the request for closure, opening and transfer of Blackmans Creek Road, Hartley, through Lot 179 DP 751650 (formerly Portion 179) 157 Blackmans Creek Road, Hartley;
2. Council allow \$4,500.00 per annum annual maintenance (grading/resheeting etc) of this new road within its recurrent maintenance budget; and
3. The Mayor and General Manager be authorised to sign the documents relevant to the closure, opening and transfer of Blackmans Creek Road, Hartley, through Lot 179 DP 751650 (formerly Portion 179) 157 Blackmans Creek Road, Hartley.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor B S Moran.

ITEM:5 REG - 05/03/07 - PLANNING AGREEMENTS**REPORT FROM: GROUP MANAGER, REGIONAL SERVICES - ANDREW MUIR****SUMMARY**

To recommend the endorsement of Planning Agreements prepared as part of a number of Development Applications in the Lithgow area in relation to contributions and/or works for open space, community facilities and parking facilities.

COMMENTARY

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

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

Currently the three agreements that are ready for endorsement by Council subject to advertisement without objection, are as follows:

DA NO.	DESCRIPTION	NAMES OF PARTIES	LAND
395/05	For community facilities as a result of residential subdivision	Lithgow City Council & AC & E Grech	Lot 2 in the subdivision of Lot 3 DP 710177, known as 51-53 Mort Street, Lithgow
541/05	For community and open space facilities as a result of residential unit development	Lithgow City Council & Wally Gabrael	15 Units, Lot 1 DP 222184, known as Barton Street, Lithgow
542/05	For parking facilities	Lithgow City Council & Westfund Limited	4 residential apartments, Lot B DP 405446, 120 Main Street, Lithgow

POLICY IMPLICATIONS

The planning agreement for Westfund was based on the number of spaces required as per Council's Off Street Parking Development Control Plan. However, as the development is located in Main Street and no off street parking could physically be provided on the site the applicant agreed to pay the amount that would be required should council have to purchase land and construct additional parking.

The Planning Agreements have been compiled in accordance with Council Planning Agreement Policy through negotiation with Council. Normally negotiation would occur prior to issue of development consent. However, Council has the opportunity to process

the agreements post consent as long as an offer has been made by the applicant. In this instance the consents have been issued with the agreements currently being advertised.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

Councillor H K Fisher declared a pecuniary interest in this item and vacated the Chambers.

07-90 RESOLVED

THAT Council endorse the Planning Agreements as presented if no objections have been received following advertisement, and proceed to issue of the final documents, notifications to the Minister and registration in Council's Public Register.

MOVED: Councillor B P Morrissey

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:6 REG - 05/03/07 - 003/07 DACC PROPOSED SHED, LITHGOW STP,
 GEORDIE STREET LITHGOW**

REPORT FROM: ENVIRONMENTAL PLANNER – SKYE ELLACOTT

SUMMARY

To report and recommend determination on a development application on Council land for a new shed at the Lithgow Sewerage Treatment Plant.

COMMENTARY

Council is in receipt of an application for the erection of a shed for the storage of plant and equipment at the Lithgow Sewerage Treatment Plant. The development is of minimal impact, but requires a Section 79C assessment and determination by Council as it entails the erection of a building on Council land. It will be recommended in a separate report that a policy amendment be made to ensure development applications on Council land require determination by the Finance and Service Committee or Council. The application has been assessed in accordance with the relevant legislation, regulations and policies and is considered appropriate for the site subject to conditions.

The proposed shed is 10.5m by 10m and would be located to the west of Filter Bed Number 1. The shed would be colourbond, on a concrete slab with three roller doors.

The site is known as Lot 1 DP 125085, being Council's Sewerage Treatment Plant, Geordie Street, Lithgow. The site currently retains extensive Council infrastructure. The location for the shed is relatively flat.

The property is zoned Rural 1 (a) under Lithgow's Local Environmental Plan 1994.

POLICY IMPLICATIONS

There are no specific policy implications relating to the development apart from the proposed policy amendment as mentioned above.

FINANCIAL IMPLICATIONS

No contributions are required as part of this application. In Council's separate role as applicant/developer the shed is included in the 2006/2007 budget..

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. These matters for consideration are as follows:

Any Environmental Planning Instrument

LEP 1994

The application is considered permissible subject to development consent and is not considered contrary to the objectives of the zone.

SEPP's

There are no applicable SEPP's relating to the site or the development.

REP

The application was required to be assessed under the Drinking Water Catchments REP No. 1. Sheds require assessment under Module 1, accordingly see the checklist below. The development is considered to have a neutral effect on the catchment subject to the application of appropriate sedimentation controls during construction.

Pre-Assessment Checklist

- Q1** Inside SCA Catchment
- Q2** Shed
- Q3** Documentation Complete
- Q4** No other referrals required
- Q5** Complies with the LEP
- Q6** No SCA concurrence required by the LEP

MODULE 1

Q1.1 Impervious area <2500m

Q1.2 Impervious area >50m²

Q1.3 Size of construction area <250 m² - apply sediment control conditions

Q1.4 N/A

Q1.5 Stormwater not treated

Q1.6 Slope less than 20%

Q1.7 Outside the 1:100 Flood zone

Q1.8 Rainfall <4,000mm/ha/hr/year - **NorBE considered satisfie**

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

If applicable, is the development consistent with the objectives of the draft instrument?

None.

Any Development Control Plan

None.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

None.

Any matters prescribed by the regulations that apply to the land

The application has been assessed by one of Council's Building and Development Officers. Comments are included later in this report.

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

The proposed development would be located within the existing footprint of the sewerage treatment plant and associated infrastructure and would not be highly visible from any residences or other premises.

The shed will be improving the security of the site enabling machinery and other materials to be locked up at night time, thereby discouraging theft and vandalism.

The Suitability of the site for the development

There are no man made or natural hazards preventing the approval of this development. The site is considered suitable for the proposal.

Any submissions made in accordance with this Act or the Regulations

Building conditions were provided and have been included in the recommendation.

The application has been referred to the Mine Subsidence Board for their approval.

The public interest

The reporting of development applications on Council's land is considered to be in the public interest as it provides additional transparency in the process.

07-91 RESOLVED

THAT pending approval of the plans from the Mine Subsidence Board the application be approved subject to the following conditions:

Administrative Conditions

That the development be carried out in accordance with the application, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.

Building Code of Australia Compliance

In accordance with the Building Code of Australia, portable fire extinguishers must be installed to comply with the requirements of Australian Standard AS 2444.

To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Reinforcing steel in position and before concrete slab is poured.
- b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- c) Completion of the development and sign off to all conditions of the consent prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Prior to the commencement of any works, documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):

- a) reinforced concrete floor slab on ground; and
- b) structural steelwork.

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Subject to the provisions of essential fire or other safety measures, Environmental Planning and Assessment Regulation 2000 as detailed below:

Essential fire or other safety measures are subject to specific requirements under Environmental Planning and Assessment Regulation 2000. Upon completion of the building and prior to issue of an Occupation Certificate, all of these services must be certified on a Fire Safety Certificate as required and submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

- (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

The essential fire and other safety measures services are:

PORTABLE FIRE EXTINGUISHERS: Portable Fire Extinguishers - refer Part E1.6 of the Building Code of Australia and AS 2444 & AS 1851.1

Stormwater and Drainage

That the proposed rainwater drains are connected to the existing rainwater disposal system.

Amenity/Noise

That the external cladding and roofing of the shed are of a natural tone, non-reflective condition.

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

Waste Management/ Environmental Protection

To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetate to the satisfaction of Council.

Other Conditions

A roller shutter door must remain open at all times that the shed is occupied by any person.

MOVED: Councillor B S Moran

SECONDED: Councillor W McAndrew.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:7 COMM - 05/03/07 - COUNCIL INVESTMENTS JANUARY 2007

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-:378 Finance and Services Committee 6 November 2006 (investments for September 2006)
- Min 06-:436 Finance and Services Committee 4 December 2006 (investments for October 2006)
- Min 07-: 35 Finance and Services Committee 5 February 2007 (investments for November 2006)
- Min 07-:36 Finance and Services Committee 5 February 2007 (investments for December 2006)

SUMMARY

To advise Council of 2006/07 investments held for the period ending 31 January 2007.

COMMENTARY

The amount invested as at 31 January 2007 when compared to 31 December 2006 has decreased by \$678,402.57. The third rate instalment of the 2006/07 rate levy is due for payment on 28 February 2007 as well as the third payment of the Financial Assistance Grant. During the month of January Council relies heavily on investments to fund ongoing operations.

INVESTMENT REGISTER 2006/07								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.01.07	VALUE 30.12.06	% OF TOTAL
ANZ	TD	27.11.06	29.01.07	33	6.35	553,945.38	553,945.38	4.91%
CBA	CMS Nt	06.11.11	06.11.16	1,825	9.25	500,000.00	500,000.00	4.43%
	On Call				6.20	412,651.21	907,870.59	3.66%
	TD	18.12.06	18.01.06	30	6.33	0.00	703,751.42	0.00%
	Ethical	20.06.06	20.06.11	1825	7.12	500,000.00	500,000.00	4.43%
CITIBANK	TD	19.12.06	05.02.07	63	6.38	508,401.79	508,401.79	4.51%
LG FINANCIAL	On Call				6.15	1,184,714.43	1,184,714.43	10.51%
	TD	06.12.06	06.03.07	90	6.44	785,644.82	785,644.82	6.97%
	TD	29.11.06	05.02.06	63	6.41	508,224.66	508,224.66	4.51%
	TD	05.01.07	06.03.07	60	6.47	500,000.00	0.00	4.43%
IMBS	On Call				5.75	5,013.49	5,013.49	0.04%
	TD	03.11.06	05.02.07	94	6.45	1,025,386.89	1,025,386.89	9.09%
	TD	28.06.06	29.06.07	364	6.41	450,000.00	450,000.00	3.99%
	TD	22.01.07	23.04.07	90	6.54	256,631.12	253,871.23	2.28%
	TD		06.03.07	92	6.48	750,000.00	750,000.00	6.65%
ALLIANCE	Managed	01.04.02	28.02.07	365		1,000,000.00	1,000,000.00	8.87%
ST GEORGE	TD	10.01.07	07.05.07	122	6.30	256,298.15	250,000.00	2.27%
	TD	09.10.06	16.01.07	62	6.16	0.00	515,910.18	0.00%
	TD	16.01.07	16.03.07	60	6.44	1,327,420.37	800,000.00	11.77%
	TD	06.12.07	06.02.07	60	6.37	750,000.00	750,000.00	6.65%
			TOTAL			11,274,332.31	11,952,734.88	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 January 2007 totals \$359,918.30. 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 dated 17 March 2000
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

07-92 RESOLVED

THAT Council's 2006/07 investments for the period ending 31 January 2007 be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor A E Thompson.

CARRIED

COMMITTEE MEETINGS

ITEM:8 REG - 05/03/07 - SPORTS ADVISORY COMMITTEE MINUTES OF 8 JANUARY 2007 AND 29 JANUARY 2007

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Special Sports Advisory Committee Meeting held on Monday, 8 January 2007 and the Sports Advisory Committee Meeting held on Monday, 26 February 2007 for Council adoption.

COMMENTARY

At the Special Sports Advisory Committee Meeting held on Monday, 8 January 2007, the annual winners for the 2006 Reg Cowden memorial Sports Star Awards were selected, and the Sports Advisory Committee Meeting held on Monday, 26 February 2007, there were twenty one (21) 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.Minutes of the Special Sports Advisory Committee Meeting held on Monday, 8 January 2007.
- 2.Minutes of the Sports Advisory Committee Meeting held on Monday, 26 February 2007.

07-93 RESOLVED

THAT Council adopt the recommendations of the Special Sports Advisory Committee for the meeting held on Monday, 8 January 2007, and the recommendations of the Sports Advisory Committee for the meeting held on Monday, 26 February 2007.

MOVED: Councillor H K Fisher

SECONDED: Councillor B P Morrissey.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 05/03/07 - COUNCILLOR B S MORAN

1. Mr Mayor in accordance with Council's adopted policy titled "Calling in of development applications by Councillors", can the DA 319/06 for the proposed Heliport be presented to the Committee for determination?

It was resolved that a report will come back.

07-94 RESOLVED

MOVED: Councillor B S Moran

SECONDED: Councillor H K Fisher.

CARRIED

2. Mr Mayor in accordance with Council's adopted policy titled "Calling in of development applications by Councillors", can the DA 320/06 for the greyhound kennels on Pipers Flat Road be presented to the Committee for determination?

It was resolved that a report will come back.

07-95 RESOLVED

MOVED: Councillor M F Ticehurst

SECONDED: Councillor M M Collins.

CARRIED

QWN - 05/03/07 - COUNCILLOR W MCANDREW

1. Mr Mayor I refer to correspondence received by all Councillors from Coerwull School in relation to hiring of Council Chairs. Can Council advise as to why they are being charged for the chairs as it hasn't happened in the past?

The General Manager advised Council of the situation and that advice had been provided to all hirers of "free items" that a fee was proposed next year to fund replacements and that community groups could still hire the facility free but would need to collect and return them.

2. Mr Mayor can a report be brought back on the sewerage connections at Doctors Gap, Hartley Valley Road?

It was resolved that a report will come back to the next Policy and Strategy Committee Meeting.

07-96 RESOLVED

MOVED: Councillor W McAndrew

SECONDED: Councillor A E Thompson.

CARRIED

QWN - 05/03/07 - COUNCILLOR H K FISHER

1. Mr Mayor can Council investigate potholes located in the laneway between Martini Parade and Enfield Avenue Laneway?

The Mayor advised that this is a works request and should be forwarded to Customer Services in the future.

QWN - 05/03/07 - COUNCILLOR M F TICEHURST

1. Could the Lithgow Council seek confirmation in writing from the new 100% owners of the ADI in Lithgow, their companies position on the long-term future of both all the employees and their Lithgow site?

Such information can be sought if resolved by Council.

Councillor M F Ticehurst moved that Council seek confirmation on this matter. This item LAPSED due to no seconder.

2. Could the Lithgow Council provide advice on what actual Hospital services are to be provided to the local community by the newly opened Portland Hospital, in particular, what actual medical services are to be provided after hours and on weekends and does the medical services include on-duty Doctors?

Could the Lithgow Council approach the Local Member, Mr Gerard Martin to see if NSW Health and the Ambulance Service could investigate establishing a new 'Rapid Response' community Ambulance service in the Portland community, similar to that in Manildra and Queanbeyan?

Such information can be sought and approaches made if resolved by Council.

Councillor M F Ticehurst moved that Council provide the advice. This item LAPSED due to no seconder.

3. Are you aware that Portland residents who are attending the new Portland Hospital for treatment are firstly being provided with first aid only and then subsequently are being conveyed by Lithgow Ambulance to Lithgow Community Hospital for further treatment?

Are you aware that patients initially conveyed by Lithgow Ambulance to the Lithgow Community Hospital for further treatment, are after treatment:

- required to then find their own way home back to Portland?
- where no family transport is available, required to pay up to \$80 for a Taxi?
- are incurring an unnecessary account for up to hundreds of dollars from the NSW Ambulance Service?

Officers are currently unaware of this issue of. However, further information can be sought if resolved by Council.

4. Following the recent compulsory acquisition of land in Morrell Street, Meadow Flat by the Lithgow Council, could the Council advise the community:
- When will the Meadow Flat Hall be available for use by the Meadow Flat Public School and the general local community?
 - How will the Meadow Flat Hall and Meadow Flat Bush Fire Shed now be managed, i.e. by a Management Committee under the Local Government Act or by the Lithgow Council itself?
 - What was the land size in Morrell Street, Meadow Flat compulsorily acquired by the Lithgow Council and has the land subsequently been registered in the Lithgow City Council's asset register and if so, at what value?

Council resolved in June 2004 to compulsorily acquire the land where the Meadow Flat Hall is located. A separate process was undertaken for the strip of land upon which the fire brigade buildings are located.

Council has yet to be provided with the certificate of title for the compulsory acquisition (6,718m²). Upon receipt the assets register can be updated. It is worth also considering that Council has initiated the re-valuation of assets in accordance with the Department of Local Government's instruction that all councils should move to a Fair Value valuation of assets.

It is suggested that Council consider usage and management of the facilities as part of the review of similar facilities and assets which is currently underway. If Council is to assign the management of any Council facility to an external entity, it will be recommended that this be done under s355 of the Local Government Act. Council will be presented with a full assessment and report on all similar facilities in the near future.

5. With respect to the current DA for the Helicopter Joyrides Helipad at Capertee, is the Lithgow City Council aware that the DA, its associated EIS and report, indicates that the proposed development on Rural Land 1 (a) under the Lithgow City Councils LEP, contravenes the legal definitions within the Lithgow LEP's Model Provisions for a Helipad and Commercial Premises?

Will the Council seek appropriate urgent legal advice on this issue (which appears to be very similar/identical to the previous DA's for the Corporate Religious Retreat in the Megalong Valley and Telstra Mast in Hartley) to ascertain if the DA should even be further considered by the Council?

Legal advice was sought in regard to the previous application indicating that the proposal "is clearly a 'heliport' under the Model Provisions, therefore, it does not fall within the definition of 'commercial premises', which excludes places elsewhere defined." The current application does not propose to alter the use as proposed in the first application. Therefore, the pursuit of further advice to confirm advice already in Council's possession would not appear to be a reasonable option. However, should the Council resolve to pursue further advice then this can occur.

6. Is the Lithgow Council in receipt of an email from Julie Favelle of Blackmans Flat, regarding a request on behalf of the community, seeking full Government and community support for the total relocation of the town of Blackmans Flat, at full cost recovery to the State Government, due to excessive State Government significance projects in Blackmans Flat?

Will the Lithgow Council support the Blackmans Flat community and additionally will the Council seek the support of the Local Member Gerard Martin in an application on behalf of the community of Blackmans Flat to the State Government?

A courtesy copy of the email has been received for information. Should the Council be of the opinion that it was reasonable to support a proposal to relocate Blackman's Flat and resolved to offer such support, then such support could be offered.

Councillor M F Ticehurst moved that Council support this item. This item LAPSED due to no seconder.

The meeting closed at 7.52pm.