



LITHGOW CITY COUNCIL

MINUTES

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

HELD ON

03 DECEMBER 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 3 DECEMBER 2007**

Meeting Commenced 7.02pmm

Public Gallery: 4

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 M J Wilson

APOLOGIES

An apology was received and accepted from A E Thompson who was absent in the city on personal business.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

07-521 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Minutes Secretary, Miss Casey Clarke

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Finance and Services Committee Meeting of Council held on the 5 November 2007 were taken as read and confirmed by Councillors H K Fisher and M J Wilson

07-522 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

NIL

QUESTIONS FROM THE PUBLIC GALLERY

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

NIL questions were received.

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REGIONAL SERVICES REPORTS

**ITEM:1 REG - 03/12/07 - UPPER MAQUARIE COUNTY COUNCIL - OCTOBER
2007 WEEDS REPORT & REVIEW OF MANAGEMENT PLAN FOR
QUARTER ENDED 30 SEPTEMBER 2007**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES, ANDREW MUIR

SUMMARY

To advise of the most recent Upper Macquarie County Council Weeds Report and review of their Management Plan.

COMMENTARY

Attached are the reports from the Upper Macquarie County Council, including the Chief Weeds Officer Report for October 2007 and Council Management Plan Review for quarter ended 30 September 2007.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07-523 RESOLVED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:2 REG - 03/12/07 - DEVELOPMENT AND CONSTRUCTIONS APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

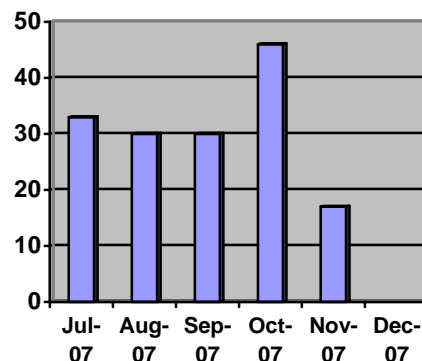
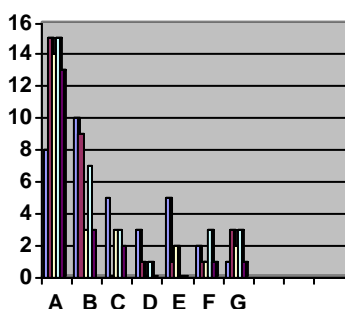
To provide statistical information on Development Applications and Construction Certificates processed.

COMMENTARY

The following table indicates Development Applications and Construction Certificates approved in the period between Finance and Services Committee Meetings. A full list of individual applications received and approved is 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
Jul * 2007	8	10	5	3	5	2	1	33
Aug 2007	15	9	0	1	1	1	3	30
Sep 2007	14	3	3	0	2	1	2	25
Oct 2007	15	7	3	1	0	3	3	46
Nov 2007	13	4	2	0	0	1	1	17
Dec 2007								

* includes Approvals from 10/11/2007 TO 23/11/2007



APPROVALS

Total Estimated Cost:	\$1,249,589
Average Approval Time	20
Total Cost of Approvals from 1/01/2007	\$33,379,568
No. of Applications from 1/01/2007	365

Apart from the principal of the company making representations regarding personal difficulties that have contributed to inaction, limited response has been forthcoming from DMU Rail Services.

POLICY IMPLICATIONS

None applicable to this matter.

FINANCIAL IMPLICATIONS

Legal costs would be applicable if Council resolved to commence proceedings on this issue.

LEGAL IMPLICATIONS

The Orders provisions of Section the Local Government Act apply including periods for notice of intention, reasonable periods for compliance and the right of appeal. These have been complied with and no appeal has been lodged.

Section 628 of the Local Government Act provides that a person who fails to comply with an Order given to the person under Part 2 of Chapter 7 that is an Order in the terms of any Orders Nos. 1, 3, 5 and 7-12 in the table to Section 124 is guilty of an offence. The order in question is order No 10. Therefore, prosecution is a possibility with a maximum penalty of \$5,500 (in the case of an individual) or \$11,000 (in the case of a corporation).

Section 691(2) of the Local Government Act provides proceedings for an offence against section 626 (1), 627 (1) or 628 (1) may be dealt with:

- (a) summarily by a Local Court, or
- (b) summarily before the Land and Environment Court in its summary jurisdiction.

Section 691(3) of the Local Government Act provides that proceedings for an offence dealt with summarily before the Land and Environment Court in its summary jurisdiction may be instituted at any time within 6 months after the offence is alleged to have been committed. As this is a continuing offence it appears that the matter could be considered in the Land and Environment Court.

Section 678 of the Local Government Act provides that if a person fails to comply with the terms of an Order given to the person under Part 2 of Chapter 7 the Council may do such things as are necessary or convenient to give effect to the terms of the Order, involving carrying out of any work required by the Order and recover costs. Under the specific circumstances where specialist help is required to ensure the safety and legislative requirements are complied with, this is not considered to be a practical option.

Under Section 679 of the Local Government Act a penalty notice may be served for certain offences in lieu of prosecution. A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section. Under Schedule 12 to the Local Government General the penalty would be \$330.

CONCLUSION

It is acknowledged that the situation is very complicated and that the safety and bureaucratic requirements involved in moving rail carriages make it a potentially lengthy process. At least in this instance, the State Mine Heritage Park and Railway have endeavoured to take action and it is still hoped that this action will be completed in the upcoming weeks. The owner of the carriage, however, has not been as responsive to the situation. Should Council be of a mind to pursue any party in prosecution proceedings then it would be suggested that this be DMU rail services. However, such an action does not necessarily assist in providing a result.

RECOMMENDATION

THAT the information be received.

07-525 RESOLVED**THAT:**

1. Council continue to pursue the removal of the carriage ASAP.
2. Should the carriage not be removed within 14 days of 3rd December 2007 that Council commence injunctive and prosecution proceedings against DMU Rail Services.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:4 **COMM - 03/12/07 - REQUEST FOR A CHANGE IN THE RATING CATEGORY, 54-54A MAIN ST, WALLERAWANG, PROPERTY 100976**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of an application received from the owner of 54 - 54A Main Street, Wallerawang on the 23 August 2007 requesting an amendment to the rating category of the property. The recommendation is for Council to approve the request and apply the adjustment from the 2007/08 rating year.

COMMENTARY

On 23 August 2007 Council received an application from the owner of 54 - 54A Main Street, Wallerawang to amend the rating category of the property from 'Mixed Business/Residential' to 'Residential.' The owner advises the property has solely been used as a residence for a number of years.

Section 524 of the Local Government Act 1993 states:

REQUEST ON ANNUAL BASIS

Where a rateable person (or the person's agent) applies for a change in category of rateable land for rating purposes within 30 days of the receipt of the annual rate notice – i.e. prior to the end of August for notices issued as part of the general annual rate levy, or other date as applicable where the annual rate notice is issued after the main levy run, as a result of supplementary processing or sale of previously non-rateable land – then the date applicable shall be 1 July of the rating year for which the notice is issued...

VERIFICATION OF USAGE

Where a rateable person (or the person's agent) applies for a change in category of rateable land, Council must confirm usage of the rateable land either by a request from the rateable person (or the person's agent) for the removal of the consent to operate as a business or by attendance at the property by one of Council's inspectoral staff.

Council's Regional Services Division have carried an on site inspection of the property and confirm the use as residential only.

It is recommended that Council approve an amendment to the rating category of the property from 'Mixed Business/Residential' to 'Residential,' applicable from the commencement of the current rating year 2007/08 and the rates levied on the property be adjusted accordingly.

POLICY IMPLICATIONS

Draft Policy 8.7 "Change in Category for Rating Purposes" applies.

FINANCIAL IMPLICATIONS

The 2007/08 notional yield will be reduced by \$1,107.14.

LEGAL IMPLICATIONS

Nil

07-526 RESOLVED

THAT Council approve an amendment to the rating category of Property 100976, 54 - 54A Main Street Wallerawang from 'Mixed Business/Residential' to 'Residential.' A rate levy adjustment of \$1,107.14 will be applicable for the 2007/08 current rating year.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:5 COMM - 03/12/07 - REQUEST FOR A CHANGE IN THE RATING
CATEGORY, 199 MORT STREET, LITHGOW - PROPERTY 35190**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of an application received from the owner of 199 Mort St Lithgow on the 31 July 2007 requesting an amendment to the rating category of the property. The recommendation is for Council to approve the request and apply the adjustment from the 2007/08 rating year.

COMMENTARY

On 31 July 2007 Council received an application from the owner of 199 Mort St Lithgow to amend the rating category of the property from 'Business' to 'Residential.'

The owner advises the property ceased to be used for business purposes from 30 July 2007 and has reverted solely to use as a residence from this date. The applicant has surrendered consent for the property to operate as a business.

Section 524 of the Local Government Act 1993 states:

REQUEST ON PART YEAR BASIS

Where a rateable person (or the person's agent) applies for a change in category of rateable land for rating purposes from a date during a rating year – then the date applicable shall be the latest of the date of receipt of the application at Council or the date on the application.

VERIFICATION OF USAGE

Where a rateable person (or the person's agent) applies for a change in category of rateable land, Council must confirm usage of the rateable land either by a request from the rateable person (or the person's agent) for the removal of the consent to operate as a business or by attendance at the property by one of Council's inspectoral staff.

Council's Regional Services Division have carried an on site inspection of the property and confirm the use as residential only.

It is recommended that Council approve an amendment to the rating category of the property from 'Business' to 'Residential,' applicable from the 31 July 2007 for the 2007/08 current rating year and the rates levied on the property be adjusted accordingly.

POLICY IMPLICATIONS

Draft Policy 8.7 "Change in Category for Rating Purposes" applies.

FINANCIAL IMPLICATIONS

The 2007/08 notional yield will be reduced by \$2,465.48.

LEGAL IMPLICATIONS

Nil

07-527 RESOLVED

THAT Council approve an amendment to the rating category of Property 35190, 199 Mort St, Lithgow from 'Business' to 'Residential.' A rate levy adjustment of \$2,465.48 will be applied for the 2007/08 current rating year from 31 July 2007.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:6 COMM - 03/12/07 - COUNCIL INVESTMENTS TO 31 OCTOBER 2007**REPORT BY: INTERNAL SERVICES MANAGER - C FARNSWORTH****REFERENCE**

Min 07-401: Finance & Services Committee Meeting 3 September 2007 (July 2007)

Min 07-425: Council Meeting 17 September 2007 (August 2007)

Min 07-480: Finance & Services Committee Meeting 5 November 2007 (15 Oct 2007)

SUMMARY

To advise Council of 2007/08 investments held for the period ending 31 October 2007.

COMMENTARY

The amount invested as at 31 October 2007 when compared to 30 September 2007 has decreased by \$2,082,980.33. The second rate instalment of the 2007/08 rate levy is due for payment on 30 November 2007 as well as the second payment of the Financial Assistance Grant. During the month of October Council relies heavily on investments to fund ongoing operations which have included the additional payment due for the Workers Compensation premium as detailed in the Sept review of the 2007/08 Management Plan review.

INVESTMENT REGISTER 2007/08

INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.09.07	VALUE 31.10.07	% OF TOTAL
ANZ	TD	1.10.07	01.11.07	31	6.56	574,972.99	574,972.99	3.96%
CBA	CMS Nt	06.11.06	06.11.11	1,825	7.31	500,000.00	500,000.00	3.44%
	On Call				6.45	1,640,360.11	163,050.94	1.12%
	Ethical	20.06.06	20.06.11	1,825	9.25	500,000.00	500,000.00	3.44%
	TD	15.10.07	14.12.07	60	6.75	1,008,717.53	1,008,717.53	6.95%
	TD	19.08.07	19.11.07	90	6.81	1,250,000.00	1,250,000.00	8.61%
CITIBANK	TD	11.09.07	10.12.07	91	7.13	534,119.76	534,119.76	3.68%
LG FINANCIAL	On Call				6.40	684,714.43	4,714.43	0.03%
	TD	06.07.07	06.11.07	120	6.56	300,000.00	300,000.00	2.07%
	TD	18.06.07	12.09.07	86	6.47	0.00	0.00	0.00%
	TD	07.08.07	07.11.07	90	6.65	519,060.20	519,060.20	3.57%
	TD	10.09.07	10.12.07	90	7.10	502,915.07	502,915.07	3.46%
	TD	15.10.07	16.01.08	91	7.00	2,425,000.00	2,472,361.25	17.02%
IMBS	On Call				6.50	269,185.48	272,095.25	1.87%
	TD	07.09.07	07.11.07	61	7.01	1,082,377.64	1,082,377.64	7.45%
	TD	15.10.07	15.01.08	92	6.98	478,765.97	488,044.84	3.36%
	TD	06.06.07	06.09.07	92	7.09	787,274.99	787,274.99	5.42%
	TD	23.08.07	23.11.07	92	6.92	762,436.12	762,436.12	5.25%
	TD	05.09.07	05.11.07	60	7.09	500,000.00	500,000.00	3.44%
ALLIANCE	Managed	01.04.02	28.02.08	365		1,000,000.00	1,000,000.00	6.89%
ST GEORGE	TD	17.10.07	17.04.08	180	7.05	508,461.37	508,461.37	3.50%
	TD	15.10.07	15.01.08	90	6.90	777,429.65	792,208.60	5.45%
			TOTAL			16,605,791.31	14,522,810.98	100.00%

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Investment income to date 31 October 2007 is \$211,376.39. 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)

07-528 RESOLVED

THAT Council's 2007/08 investments for the period ending 31 October 2007 be received.

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

CARRIED

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

QWN - 03/12/07 - COUNCILLOR B S MORAN

1. Mr Mayor I refer to the closure of the Pipers Flat Rail Crossing on 8th and 9th December 2007. This is going to cause havoc for residents but can you advise what is wrong with the crossing?

The General Manager advised through the Mayor that the crossing does not meet with safety standards of RailCorp and therefore requires maintenance work.

QWN - 03/12/07 - COUNCILLOR H K FISHER

1. Mr Mayor I find it disappointing that there is little opportunity for residents to raise Council in a positive manner now. I refer to the Council Street Cleaner who is working extremely well, it's a great effort and I would like Council to pass on my congratulations to them.

The Mayor advised that congratulations will be passed on to the workers.

The meeting closed at 7.23pm.