



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

21 MAY 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 21 MAY 2007**

Meeting Commenced 7.00pm

Public Gallery: 76

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 Paul Anderson, General Manager due to illness.

Also in attendance

Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Kathy Woolley
Minutes Secretary, Miss Casey Clarke
Executive Assistant, Miss Cortney Wood
Building and Development Manager, Mr Jim Nichols
Team Leader Development, Mr Gary Wallace
Policy and Planning Manager, Mrs Amanda Muir

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 16 April 2007 were taken as read and confirmed by Councillors M J Wilson and M M Collins.

07- 188 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

NIL

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A Suspension of Standing Orders was moved for Council to consider the Mayoral Minute, Notices of Motion and the General Managers report on the Correctional Centre expansion.

07- 189 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM MAYORAL MINUTE - 21/05/07 - CORRECTIONAL CENTRE
EXTENSION**

COMMENTARY

Some very recent developments have come to hand regarding the possible Correctional Centre extension.

Put in perspective it should be noted that through last year Council hosted about 20 meetings regarding our strategic plan for the future. These meetings were unanimous in wanting more jobs for our area. We attended a number of Community Consultative Meetings with the Corrective Services Department with that being the basis of our attendance.

Until recently there had not been a great deal of opposition to the plan.

However, in recent times and in particular at the public meeting it became clear that there is considerable opposition to the proposal. Council had also asked for a much better and broader Social Impact report that has not been forthcoming.

Late last week I arranged a meeting the Labor Councillors and our State Member Gerard Martin representing to him the majority view that had become increasingly apparent with the dissatisfaction for the proposal.

I further spoke to him over the weekend.

As at this morning Gerard Martin has taken these concerns to the Minister.

This afternoon I spoke to the Minister for Corrective Services Mr John Hatzistergos and expressed the current public opinion, in opposition to the project. I also requested him to consider the relocation of this project to another area, to which he was generally agreeable to.

The Minister said that he was disappointed with the decision especially in view of the amount of planning that had taken place, but also believed that there would be a number of Councils that would be keen to benefit from Government infrastructure spending on such a project.

RECOMMENDATION

THAT:

1. The information be received
2. Council endorse the actions of the Mayor in requesting the additional Minimum Security facility be moved to another Council area.

Signed:



Neville Castle, Mayor

07-190 RESOLVED

THAT:

1. The information be received
2. Council opposes the expansion of the Lithgow Correctional Centre.
3. Council endorse the actions of the Mayor in requesting the additional Minimum Security facility be moved to another Council area.

MOVED: Councillor Neville Castle

SECONDED: Councillor B P Morrissey.

CARRIED

Councillor Ticehurst was against this Motion.

NOTICE OF MOTION

ITEM:1 NOTICE OF MOTION - 21/05/07 - LITHGOW CORRECTIONAL CENTRE - COUNCILLOR W MCANDREW

REASONS

Fellow Councillors who attended the recent public meeting regarding the proposal and have been following the debate in the Lithgow Mercury will accept that there is relatively broad community concerns and issues to the expansion of the minimum security facility.

The Community in attendance has sought Council's support in gaining a broader community survey of the acceptance or otherwise of the proposal. The attached Notice of Motion if adopted will enable Council to push for the State Government to carry out this consultation.

I recommend the motion to Council.

MOTION

1. Council formally advise the Minister of Corrective Services that given the obvious community concerns for the expansion of the Lithgow Correctional Centre with an additional 250 bed minimum security facility that Council requests the Government carry out a thorough and full community consultation program to gauge the community attitudes.

07-191 RESOLVED

THAT the Notice of Motion be withdrawn.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

CARRIED

Councillor M F Ticehurst was against this motion.

**ITEM:2 NOTICE OF MOTION - 21/05/07 - LITHGOW CORRECTION CENTER -
COUNCILLOR A E THOMPSON**

NOTICE OF MOTION

**LITHGOW CORRECTIONAL CENTRE
(Listed by Councillor A E Thompson)**

MOTION

Given the overwhelming community opposition to the addition of a 250 bed minimal security Correctional Centre to be located adjacent to the Lithgow Correctional Centre, displayed at the public meeting held on 3 May 2007 and in the Lithgow Mercury, it is obvious that the majority of the Lithgow City Council's community does not wish to see this facility in Lithgow.

The community concerns relate to:

- Social impact of the proposed facility
- Detrimental impact to the centre's long term economic development
- Perception outside Lithgow of the city becoming a "gaol town"


Concerns are also raised following Deputy Commissioner Mclean comments that this development is in reality only a stage of an overall corrective complex development which may see provisions of all classifications being housed in Lithgow.

RECOMMENDATION

THAT:

1. Council advise the Premier and Minister for Planning that they oppose the development of a 250 bed minimum security facility in Lithgow or any further expansion of correctional facilities in the Local Government area..
2. Council seek confirmation from the Government that a Corrective complex of mixed classifications is not planned for Lithgow.

Signed:


Councillor A E Thompson

TOTAL P.01

07-192 RESOLVED

THAT:

1. Council advise the Premier and Minister for Planning that they oppose the development of a 250 bed minimum security facility in Lithgow or any further expansion of correctional facilities in the Local Government Area.
2. Council seek confirmation from the Government that the Corrective complex of mixed classifications is not planned for Lithgow.

MOVED: Councillor A E Thompson

SECONDED: Councillor M M Collins.

CARRIED

GENERAL MANAGERS REPORTS

ITEM:3 GM - 21/05/07 - PUBLIC MEETING - PROPOSED CORRECTIONAL CENTRE

REFERENCE

NIL

SUMMARY

This report provides an update to Council on the public meeting held on 3 May 2007 to discuss the proposed 250 bed minimum security correctional facility to be built adjacent to the existing maximum security facility in Lithgow.

COMMENTARY

As most Councillors are aware from their attendance at the recent public meeting arranged by Council following a motion of Councillor A Thompson to discuss the proposed 250 bed minimum security correctional centre there would appear to be some significant public opposition to the concept. This opposition has also been voiced in the numerous letters to the editor and signatories on a petition circulating many locations of the LGA.

The public meeting was well attended by the community with an external 300 people in attendance at the Union Theatre with the majority voicing concerns, broadly grouped as follows:

- The social impact of a minimum security facility
- The concerns of increased crime and violence as a result of the facility
- The public perception of the city being claimed a gaol town
- The perceived negative economic development impact, and
- The lack of broad community consultation

Answers were provided (mainly by Corrective Services Staff) to the numerous questions by the public in an attempt to allay the concerns and fears of the community regarding the development.

A strong message from the meeting was that the community felt the Government needed to carry out some serious community polling to ensure a complete and thorough community attitude is determined. It was felt from the meeting that a referendum should be conducted by the State Government, it must be remembered that this would not be a constitutional referendum as described under the Local Government Act. Given that the proposed development is a State Development it would appear a reasonable request for the State Government to conduct, fund and facilitate this community consultation.

Council has been criticised upto this point for not taking any significant action/direction with respect to the proposal. It should be noted that Council have not had a formal role in the proposal to date given the development proposal, other than very early discussions with Department of Corrective Services staff regarding the announcement of the then Premier, Hon Bob Carr.

Those discussions in reality were only to inform Council of the potential size of the facility, not the location or ultimate classification. The fact that Council has facilitated a public meeting would indicate its willingness to listen and take on board the concerns of the community.

An undertaking of the Council (via the Mayor) and the Local Member at the meeting was to take the communities concerns to the Minister and the Premier before an ultimate decision was made by the Government.

POLICY IMPLICATIONS

This report provides Council with options regarding the outcome of the public meeting regarding the extension of the Lithgow Correctional Centre with a 250 bed minimum security gaol.

FINANCIAL IMPLICATIONS

There are no financial implications to Council arising from this report.

LEGAL IMPLICATIONS

There are no legal implications to Council arising from this report.

CONCLUSION

The overwhelming opposition to the extension of the gaol as experienced and demonstrated at the public meeting suggests that considerable consultation with the broader community is warranted.

Given the development proposed it would seem reasonable for the Council to request the State Government to carry out this consultation.

Council now have a number of options, including:

- A delegation to the Minister and the Premier regarding the development
- Requesting a thorough community Poll on the matter funded by the State Government
- Seek additional information for the community and other options Council may wish to consider

RECOMMENDATION

THAT Council determine what action it wishes to take in regards to the matter.

07-193 RESOLVED

THAT the information be noted.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

A resumption of Standing Orders was moved for Council to consider the other agenda items.

07-194 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS FROM THE PUBLIC GALLERY

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

QPG - 21/05/07 - MICHELLE VINCENT

1. I would like to know why you did not show up at the meeting held on the 17/5/07 at my residence.
2. Can you tell us what Council is doing or intends to do for our community?
3. Would we be able to make another appointment to meet with you in regards to our issues?

The General Manager was aware of the meeting to be held at a resident's home on the 17th May 2007. Upon investigation of this matter, it has been advised that there was some confusion between the General Manager and his Executive Assistant. Notice of this meeting was not placed in the General Managers diary resulting in him failing to attend the meeting. The Executive Assistant wishes to apologise to the residents of Blackman's Flat for this misunderstanding, confusion and hassles caused. Another meeting with residents can be arranged as soon as possible if a date can be provided to the Council.

The Executive Assistant phoned Mrs Vincent on 21 May 2007 at 1.48pm and left a message advising of apology at tonight's meeting and also advised that three dates had been made available for another meeting.

QPG - 21/05/07 - JULIE FAVELL

1. Mr Mayor why is Council moving mountains to support the Marrangaroo community regarding the new gaol, when the residents of the small township of Blackman's Flat of 15 homes has repeatedly asked for support and requested for many important issues to be dealt with over the past 2 years including 6 large Development Applications such as the Pine Dale Mine, Mt Pipers modification, Lamberts Gully extension, Blackman's Flat waste Facility, Invincible Mine and Ivanhoe Mine, the resignation of 4 of the 5 Pine Dale CCC community representatives, Mt Pipers Fly Ash repository which towers 40 meters over this township, location of new ash repository, identified excessive road noise from the 2003 EIS report regarding the impacts on this mall township of 15 homes?

Council is considering its position on the proposed correctional facility in items 1, 2 and 3 on tonight's agenda. As previously advised, Council's position in relation to issues at Blackman's Flat is a matter for the Council to consider.

However, as Council will be the authority that will determine a modification application in relation to coal haulage and an increase in production for the colliery it would be wise to defer any consideration of its position until the modification application is determined.

2. Mr Mayor what support and action will the Lithgow City Council give to compensate or relocate the residents of Blackman's Flat given the substantial loss of property values due to the above cumulative impacts that have been imposed on this community by the Lithgow City Council and the State Government that have clearly not been dealt with by all and sundry to date?

As previously advised, Council's position in relation to issues at Blackman's Flat is a matter for the Council to consider. However, as Council will be the authority that will determine a modification application in relation to coal haulage and an increase in production for the colliery it would be wise to defer any consideration of its position until the modification application is determined. However, Council has not ignored the residents of Blackman's Flat and has already resolved to seek a delegation with the relevant Minister and advise of concerns with consent issues and impacts to Blackman's Flat.

3. Mr Mayor why did the Lithgow City Council general manager not attend a meeting as arranged by a Blackman's Flat resident and his Secretary for the 17th May 2007 5.00pm at Michelle Vincent's house to discuss the many issues including the four resignations of Community members from the Pine Dale Community Consultative Committee, but was agreed upon by that residents and Mr Anderson that those issues could not be discussed with out a Council representative who was also on that CC Committee. The Blackman's Flat community declined to have any other Council representative at that meeting. Given that request by General Manager, it was agreed then to talk about the cumulative impacts imposing on those residents?

The General Manager was aware of the meeting to be held at a resident's home on the 17th May 2007. Upon investigation of this matter, it has been advised that there was some confusion between the General Manager and his Executive Assistant. Notice of this meeting was not placed in the General Managers diary resulting in him failing to attend the meeting. The Executive Assistant wishes to apologise to the residents of Blackman's Flat for this misunderstanding, confusion and hassles caused. Another meeting with residents can be arranged as soon as possible if a date can be provided to the Council.

The Executive Assistant phoned Mrs Favell on 21 May 2007 at 1.37pm and left a message advising of apology at tonight's meeting and also advised that three dates had been made available for another meeting.

4. Mr Mayor why did the General Manager to date not contact the Blackman's Flat community to say that he would not be coming to the meeting as arranged and agreed upon for the 17th May 2007 at 5.00pm regarding the issues at Blackman's Flat that was arranged last month?

Please see the answer to question 3.

5. Mr Mayor why has the General Manager not given an apology to those 17 residents who waited for 1 hour for not turning up to the above meeting arranged and agreed upon for the 17th may 2007 at 5.00pm, especially the elderly couple who drove back from Victoria to be at this meeting?

Please see the answer to Question 3.

6. Mr Mayor why has Mr Andrew Muir not sent a copy of the correspondence requested by Julie Favell last month and he agreed upon to send a copy to her which was a letter sent by council to Enhance Place Pty Ltd asking the details on this company's intention to mine further areas in the Lidsdale region for the next 15 years?

The "request" related to a Question "Could Blackman's Flat residents be provided with a copy of the letter sent by the Lithgow City Council to Enhance Place Pty Ltd and the DPI (Mineral Resources) (see Minutes of LCC Ordinary Meeting 19th March 2007), regarding the Modification to Pine Dale DA Application 461-04 ?

The answer given was "A copy of the correspondence is available and can be provided upon request.

The question tonight is the first such request received and copies of the correspondence are available this evening.

7. Mr Mayor is Andrew Muir in receipt of a response from Enhance Place Pty Ltd regarding their future mining plans and if so, why is Mr Muir not sent a copy of which Julie Favell requested at the same time of requesting a copy of the initial letter from Council to Enhance Place Pty Ltd?

See answer to No 6 above. A search of Council's records has failed to find a reply from Enhance Place.

QPG - 21/05/07 - MARLENE BRINKLEY

1. Mr Mayor could you tell me who takes the minutes of Council Meetings.

Staff prepare draft minutes after each meeting which Council considers at the next appropriate meeting. For example, the minutes of the 16 April 2007 Council meeting are to be considered, and if confirmed, will be resolved tonight.

2. Mr Mayor could you tell me who is on the Code of Conduct Committee.

The Code of Conduct Committee composition is in accordance with the Local Government Act 1993, the Department's Model Code of Conduct and the Council's Code of Conduct and is comprised of:

- *The Mayor*
- *The General Manager*
- *At least one person independent of Council*
- *The Deputy Mayor in instances where the Mayor or General Manager are conflicted out of an issue arising from a complaint made about them.*

Council has identified and resolved two independents, Mr Tim Le Fevre and Mr Ian Woodward, for the Committee, in adopting its updated Code of Conduct in December 2006 .

3. Why did not this Committee see fit to censure the teller of a porkie in meeting 16th April 07.

While there is insufficient information in this question to enable a full reply, it is the Council, not the Conduct Committee, who actions a censure against a Councillor. The Committee's role is to report to Council who makes the decision on actions arising from their investigation. An allegation or complaint must be specified in greater detail and submitted in writing before investigation can be conducted.

4. Mr Mayor are you aware this event was missed from the minutes of the meeting of 16th April 07.

Council's minute contents are determined in the Code of Meeting Practice. The Code identifies that the minutes must reflect:

- *Details of each motion and any amendments to it;*
- *The names of the mover and seconder of motions and amendments;*
- *Whether the motion or amendment is passed or lost.*

5. Mr Mayor are you aware a statement attributed to Sue Graves was not made by her.

This error has been noted and was evident on the version of the draft minutes placed on the website only. The correct attribution was made in the draft minutes made available through other mediums and the correct version is submitted to Council this evening.

6. Mr Mayor as omissions and incorrect reporting of meetings is occurring surely if all minutes were taped and transcribed from these tapes nothing would be omitted or misquoted.

The Council's Code of Meeting Practice contains reference to the possible taping of minutes. At present Council does not have the facility to record minutes.

7. Mr Mayor are you aware the minutes of meeting of 16th April took over 3 weeks to be available on the internet could this be given a hurry up please.

The process of posting minutes to the website is not specifically a requirement but is undertaken by Council to make access easier. The comments will be reviewed in the report on the Code of Meeting Practice update which Council is currently undertaking.

8. Mr Mayor could the members of the public be given an account of legal cost to date in asking Councillor Ticehurst to say sorry and will the same amount be spent on making Mr and Mrs Stack retract items the Council felt were incorrectly reported on Prime TV.

Council's local Solicitor handling the matter provided correspondence to the Stack's Solicitors. The provision of this correspondence would result in negligible cost.

9. Mr Mayor regarding the Adult Shop could we be made aware of legal costs incurred by Council to date.

A report is intended to be provided once all costs associated with the matter are finalised.

QPG - 21/05/07 - D & S MOUATT, N & N MORRISSEY, M MILLS

1. Mr Mayor Councils response to the question "is the council aware that the shed currently boards greyhounds without any council consent and public consultation" states he is using it for his own 2 dogs but there is many dogs there. Has Council bothered to look at the shed and how many dogs were there when they looked? There is always many more than 2 dogs stated.

The shed has been internally inspected. Two dogs were present which are owned by the owner of the property.

2. Mr Mayor Council advises that notice (concurrence) from the Greyhound Racing Authority has been undertaken as part of the DA 49-01 but this would be in the original applicants name (Tyler) and not in the applicants name who has applied for change of use (Pringle). Is this appropriate?

The approval goes with the land. In any event there is no requirement to notify the greyhound racing authority as part of a development application process.

3. Mr Mayor is Council aware the shed that is to be used for greyhounds is a 1 car shed with no windows for ventilation or cooling? Only roller doors are present, is this adequate for ventilation and cooling and how does an open roller door affect soundproofing?

The applicant has stated within the application that the shed will be acoustically treated in accordance with the acoustic report submitted as part of DA 49-01. As part of any change of use approval the shed must be converted in accordance with those provisions. Ventilation is not an issue for the DA process, however conditions of DA 49/01 satisfy animal wellbeing issues.

4. Council Mayor Council has stated that "DA 49-01 had substantially commenced with the construction for individual kennel structures, fences and accesses", so when will the rest of the DA be complied with rather than bits and pieces of it? With the number of dogs there is obviously a need for a waste management system and noise control.

The term "substantially commenced" differentiates whether an application operates or lapses. A separate septic tank application and accompanying geotech report have been submitted to Council for assessment in relation to conditions 2, 13, 14, 15 and 16 of DA 49/01. Condition 7 of 49/01 is proposed to be amended if consent is granted to the change of use application to limit the amount of construction on site. Proposed condition 2 of DA 49/01 shall be complied with by this application. The proposed conditions for the current application reinforce or 'upgrade' conditions from DA 49/01. All other conditions of 49/01 have either been met or are operational conditions.

5. Mr Mayor is Council already that noise is already an issue with the number of howling dogs there?

According to Council Rangers and a search of Council's customer request system, Council has not received any complaints pertaining to the current use on-site. This proposed development simply seeks to alleviate the potential for noise impacts from the site.

QPG - 21/05/07 - PAT LIVERMORE

1. Mr Mayor can you please advise how many surveys were printed as they were unable to supply demand due to being out of print and what was the result of the surveys?

Surveys were done and printed by the Department of Corrective Services, not Council. Council has asked that the results of the survey be made available but the Department has not released them at this time.

QPG - 21/05/07 - GEOFF OLIVER

1. Does council acknowledge that although it's not illegal to accept money from groups or individuals who are pushing their own agendas? The acceptance of these funds would be perceived by the community as a bribe.

It is a matter for the Council as to whether it agrees with Mr Oliver's view in regard to community perception. However, as Councillors have been advised, an appeal is not proceeding.

2. How will council act in an objective and independent manner in relation to this DA after it has accepted or perceived to have accepted funds to fight against this issue in the court system?

All matters are considered objectively and on individual merit.

3. Why has council expended thousands of dollars trying to stop the Adult Stop DA when a minority of the community oppose it? Yet a majority oppose the new gaol and they haven't spent a cent or given the same amount of energy stop this development? Do council consider religious groups more important than the greater community?

The correctional centre has not reached a stage where an application (or environmental assessment under Part 3A) has been submitted. It is not possible to reasonably compare the two matters.

4. Does council acknowledge that the restricted premise DA has been mismanaged? Do they acknowledge that the time frame taken to process the DA was not handled in accordance with legislation and as a result of this council has cost ratepayers thousands of dollars which could have been avoided? Does council acknowledge that as a result of this, council has also agreed to compensate myself through our solicitors, several thousand dollars? Is this a reflection on council's ability to handle DA's?

This allegation is rejected. There is nothing to suggest that any aspect of the application was handled outside legislative requirements. Mr Oliver took an option open to him under the legislation to have the matter heard in the Land and Environment Court. This is an option open to an applicant and is certainly not a breach of the legislation. Council was kept informed on the matter including advice on costs to Mr Oliver as it was not pursuing a legal point of law based on advice. It is misleading to claim that this amount was "several thousand dollars".

5. Does the Mayor acknowledge that the businessman who offered financial support for a legal challenge against the restricted premises DA, is a member of the Exclusive Brethren, and if not why is the mayor the only person on council who does not acknowledge this, is it not true that the Mayor has dealt with or been exposed to council business involving this religious group in the past which the businessman has been part of?

Officers unable to answer this question. However, the point is that an appeal has not been lodged.

6. Can council advise this meeting who provided the estimate of \$10,000 to appeal the Land and Environments courts decision on the Adult Store, when my legal team has advised me that it would cost \$10,000 a day and that it would be not unreasonable to expect a total bill of \$50,000? Does council acknowledge that if they fail in the appeal process they will have to cover my considerable legal expenses? How much money is council prepared to expend on this legal process?

The estimate of \$10,000 was provided by Council's Solicitor's in Sydney who specialise in Land and Environment Court matters. This figure was further refined to \$7,500 based on the fact that the issues were relatively straight forward and the matter was likely to take, at the most, one day to hear. Whilst it is not possible to speculate on the estimate of Mr Oliver's Solicitor's it is understood from comments attributed to Mr Oliver that he may have been under the mistaken belief that the matter was to be an appeal to the Supreme Court rather than an appeal to the Land and Environment Court in relation to a Commissioner's decision. In any event, an appeal has not been lodged.

7. Based on the lengths council is going to, to stop the Adult Store DA does council consider the Adult Store more important that a new gaol? Does council consider the morals of this community more worthy of protection that the safety and security of this community. Will council be taking the Dept of Planing to the Land and Environment Court to fight the gaol DA should the gaol be imposed in this community?

An appeal has not been lodged. Refer to item 3 in relation to the correctional centre and items 1, 2 and 3 on tonight's business paper.

8. Is council prepared to accept money from any community/religious group to push there own agenda? Why can't council fund the remaining legal process it started? Is it true that council has lost more cases than is won in the Land and Environment Court? Is council using this option to be funded externally to reduce the huge legal bill they maybe exposed to should the appeal fail?

Unable to answer all of these questions as it appears some may not be seeking an answer but rather expressing an opinion. However, the point is that an appeal has not been lodged.

9. Why is council so opposed to a new business that will provide new job prospects and economical benefits too this community? Why is council working so hard and at any price to stop this legal development? Is it true that this council is more interested in what the religious groups want that the wider community?

The application did not comply with Council policy nor the requirements of a draft LEP. Commissioner Bly saw fit not to attribute determinative weight to these issues. The other questions cannot be answered. An appeal has not been lodged.

REGIONAL SERVICES REPORTS

ITEM:4 REG - 21/05/07 - GLEN DAVIS ROAD - RE-ALLOCATION OF ROADS TO RECOVERY FUNDING

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To re-allocate Roads to Recovery funds to seal a section of Glen Davis so this section can be completed in the current financial year.

COMMENTARY

Council's current works program, and 2007/2008 draft Management Plan, had originally proposed to reconstruct and seal approximately 4 km's of Glen Davis Road. The intention was to commence works in late 2006/2007 and continue so the balance of the works could be completed in 2007/2008. This was to enable the works to continue and get the best possible result without the need to leave the site, return and re-establish.

The funding over the 2 financial years was proposed to come from both the 'original' Roads to Recovery Program in 2006/2007 and the Supplementary Roads to recovery program in 2007/2008. Works were able to commence on the project earlier than anticipated and progressed very quickly. Rather than completing the first two kilometre section, leaving the site and returning in 2007/2008, the decision was made to continue works and complete the four kilometre section in 2006/2007. This can be achieved by bringing forward an amount of \$140,000 from the original Roads to Recovery allocation to expend on Glen Davis Road this financial year and re-allocation of \$40,000 from Mills Street Footbridge to be then funded from the supplementary Roads to Recovery program in 2007/2008 and revoting Council's \$20,000 contribution to that project. As this project is still in the design phase, its delay for several months will have no major impact.

It is also necessary to 'balance out' the 100% budget allocation in 2006/2007 as an additional \$140,000 is being brought into the budget. This can be achieved by revoting \$139,196 to 2007/2008 funded from the Department of Transport's Country Passenger Transport Infrastructure program for upgrade to the Eskbank Street Taxi rank, bus shelters and signage. This project may require some redesign due to the location of services in Eskbank Street and as it has to be expended in 2 years from the date of allocation a slight delay causes no impact.

POLICY IMPLICATIONS

No specific implications as a result of this report.

FINANCIAL IMPLICATIONS

The subject of this report.

LEGAL IMPLICATIONS

No specific implications arise.

07-195 RESOLVED

THAT:

1. An additional amount of \$140,000 be allocated from the Roads to Recovery Program for expenditure on the Glen Davis Road in the 2006/2007 financial year.
2. The amount of \$40,000 in the 2006/2007 financial year for Mills Street Footbridge from the Roads to Recovery program be reallocated to Glen Davis Road for expenditure in the 2006/2007 financial year.
3. That the \$20,000 Council allocation for the Mills Street footbridge be moved to the 2007/2008 financial year.
4. That \$40,000 be allocated from the supplementary Roads to Recovery Program in 2007/2008 for Mills Street Footbridge and that the remaining amount of \$140,000 from the supplementary Roads to Recovery Program in 2007 be reallocated to other projects to be determined.
5. An amount of \$139,196 being funding from the Country Passenger Transport Infrastructure program be moved forward to the 2007/2008 financial year.

MOVED: Councillor B P Morrissey

SECONDED: Councillor B S Moran.

CARRIED

ITEM:5 REG - 21/05/07 - DROUGHT MANAGEMENT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Council's Ordinary Meeting of 7 May 2007 – Minute No 07-134

SUMMARY

To advise of proposed water restrictions as part of an overall strategy for Drought Management.

COMMENTARY

At its Ordinary Meeting of 7 May 2007 Council resolved that a review of Council's drought management strategy be undertaken with a draft Strategy to be submitted for consideration prior to public exhibition.

Attached to this report is a table with the title 'Water Restrictions'. The table is broken into Domestic, Public/Commercial and Industrial activities. The restrictions will form the major component of any strategy and will have the greatest impact on water consumers.

The difficulty for the Lithgow Local Government Area is to achieve equity in any restrictions.

That is, consumers who access the Farmers Creek supply, may not see a need to be placed on the same restrictions as those that access Fish River Water due to its more stable storage levels. Council however, balanced against this is the overall philosophy of saving water utilising a very valuable resource in a sustainable manner.

The following table represents the restriction on Council's allocation under the Fish River Water Supply Scheme. For example, at level 4 the Oberon Dam is at 20% capacity. Council's allocation is then reduced by 40% and it is only allowed an allocation to 60% of it's the original availability. It must be stressed that this relates to allocation and not consumption. However, Council may wish to link this strategy on allocation in any restriction it adopts in relation to consumption.

FRWS							
Oberon Dam	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
Dam at %	50%	40%	25%	20%	15%	12%	10%
Dam at ML	22,000	17,500	10,996	8,782	6,580	5,270	4,390
Restriction	20%	20%	30%	40%	60%	68%	96%
Allocation Available	80%	80%	70%	60%	40%	32%	4%

The following table has been extrapolated from a previous strategy and represents a potential restriction on consumption in terms of restriction levels that could apply to consumers of the Farmers Creek supply.

Farmers Creek Dam						
	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
Dam at %	50%	40%	30%	20%	10%	5%
Dam at ML	225	180	135	90	45	22.5

Farmers Creek dam is currently in excess of 90% full so any restriction based on its storage level would appear to be pointless in overall water conservation terms. Therefore, given the gravity of the situation faced at Oberon Dam it is suggested that any level of restriction imposed relate to storage levels at Oberon Dam.

It will be suggested that level 4 residential restrictions apply from 1 June 2006 across the entire local government area in accordance with the attached restriction table and that these restrictions be reviewed after a period of one month's operation to gauge their success or otherwise and allow submissions from consumers to be taken into consideration.

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.

As the proposed restrictions will complete a suite of water saving initiatives such as free water saving shower heads, rebates for water tanks and rebates for water saving appliances it is proposed that no further overall strategy work take place until a reasonable period to monitor consumption occurs. It would be proposed that this review take place in September to allow further measures to be considered if necessary before the onset of summer.

POLICY IMPLICATIONS

Policy 12.2 in Council's Policy Register provides for penalties for non compliance of water restrictions including restriction to the supply, reconnection fees and prosecution.

FINANCIAL IMPLICATIONS

Other than minor advertising costs there should be no financial implications for Council at this stage.

LEGAL IMPLICATIONS

No specific implications arise from this report.

RECOMMENDATION

THAT:

1. Council adopt the restrictions for Residential Premises to be effective from 1 June 2007 across the Lithgow Local Government Area with the level of restriction equating to the levels in the Fish River Water Supply Drought Management Strategy. The restrictions be advertised and revised after a period of one month having regard to any public submission made during that period.
2. 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.
3. A review of water consumption take place in September 2007 to determine if further measures or strategies need to be implemented.

The Council noted that the following corrections needed to be made:

- In REFERENCE - Council's Ordinary Meeting - 16 April 2007 - Minute No 07-134
- In COMMENTARY - At its Ordinary Council meeting of 16 April 2007
- Body of report - date of 1 June 2006 be changed to 1 June 2007.

07-196 RESOLVED

THAT:

1. Council adopt the restrictions for Residential Premises to be effective from 1 June 2007 across the Lithgow Local Government Area with the level of restriction equating to the levels in the Fish River Water Supply Drought Management Strategy. The restrictions be advertised and revised after a period of one month having regard to any public submission made during that period.

2. 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.
3. A review of water consumption take place in September 2007 to determine if further measures or strategies need to be implemented.
4. Council seek Federal and State Government funding to extend the Farmers Creek Supply across more of the local government area.

MOVED: Councillor B S Moran

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:6 REG - 21/05/07 - DA 320/06 CHANGE OF USE EXEMPT DEVELOPMENT SHED TO ANIMAL BOARDING AND TRAINING KENNEL

REPORTED BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Min 07-95: Finance and Services Committee 5 March 2007 (DA 320-06) – calling in the development application.

SUMMARY

To assess and recommend determination of Development Application 320/06. Recommendation will be for approval subject to conditions.

COMMENTARY

Council is in receipt of Development Application 320/06 for a change of use from a rural 'exempt' shed to enable 'housing' of dogs for previously approved dog kennels in association with DA 49/01. A rural shed has been previously erected on the property in accordance with the provisions of State Environmental Planning Policy No 60 – Exempt and Complying Development. The application seeks to change the use of the existing shed, to ultimately minimise noise of the existing operation. The application proposes no change to the existing conditions imposed as part of DA 49/01 which approved the use of the site for animal boarding and training.

LOCATION OF THE PROPOSAL

The land is located at Lot 1 DP 564056 and is known as 970 Range Road, Pipers Flat.

ZONING: The land is currently zoned General Rural 1(a) in accordance with Council's Local Planning Instrument, LEP 1994.

PERMISSIBILITY: The change of use is permissible in the zone as the development is not prohibited under Clause 9(1)(4) of Council's Local Environmental Plan 1994.

POLICY IMPLICATIONS

The application was 'called in' under Council's Policy for councillor's calling in development applications.

FINANCIAL IMPLICATIONS

The only financial implication pertaining to this matter would occur should the application be refused and the applicant lodges an appeal in the Land and Environment Court. However this would not be a relevant consideration in determining the development application.

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

The change of use is permissible in the zone as the development is not prohibited under Clause 9(1)(4) of Council's LEP.

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
Nil.

Any Development Control Plan

Council's Animal Boarding and Training DCP applies to the proposal. The application complies with the DCP and the existing exempt development shed has been erected in a location compatible with Condition 2 of DA 49/01, ie the shed has been erected in a location consistent with that development consent prior to adoption of the DCP.

As part of the DCP certain implementation guidelines are required. The requirements essential to this application are highlighted below:

- In rural 1(a) zones kennels are to be setback a minimum of 60m from the front boundary and 150m from residences not associated with the subject property. These distances may be altered if the circumstances so warrant in the 1(a) zone only. The aim of the setbacks are to ensure that a suitable distance is kept between kennels and neighbouring properties in order to minimise noise and odour. However, if alternative controls are implemented, Council will consider lesser distances on merit basis.

The application has been lodged as a change of use application seeking to utilise a currently erected 'exempt development' rural shed as part of the animal boarding and training operation currently approved on-site. The shed is proposed to be lined for noise minimisation and currently stores machinery and two of the landowners own dogs.

The existing shed is approximately 45m from the front of the property being the western frontage. Additionally, the shed is approximately 95m from the nearest neighbour, not associated with the development, which is also situated on the western side of Range Road. Thus, the variation of the DCP is required, as allowed for in the Plan.

It should be noted that as part of the notification procedure undertaken through the application process the resident directly affected by this distance provision in the DCP did not submit correspondence objecting to the proposal.

As such, conditions are proposed to be implemented into any approval to minimise the impact of the shed from adjoining residents. This provision is allowable as one of the requirements of the DCP allows for Council to consider, on a merits basis, lesser distances from front boundaries in the General Rural 1(a) zone in accordance with the DCP. It is considered that conditioned alternative controls such as improved landscaping on and around the site, enable the provisions of the DCP to be met.

Further, by incorporating the existing shed into the activity currently on-site the nuisance of noise and odour are minimised in accordance with the key provision of the DCP.

- All kennels are to be sited or screened so that roadways cannot be viewed by the dogs.
As the proposal seeks to use the shed to house dogs this provision in the DCP is met. Conditions of consent pertaining to additional landscaping on the road frontages of the shed will allow the development to further comply with this provision.
- Dogs are to be housed in acoustically treated enclosures except when exercising in outdoor runs. ***The development currently operates as an animal boarding and training establishment DA 49-01. Separate consent conditions exist for the current development. The applicant has indicated that the shed is to be acoustically treated in accordance with the provisions outlined in DA 49-01. These provisions satisfy this requirement of the DCP.***
- Council will require an assessment by a qualified acoustical consultant regarding the noise impact of kennels housing dogs on existing and likely future residential developments and mitigation measures to be implemented if necessary. This requirement may be waived in rural zones providing the previously outlined setback distances can be achieved. ***The application is for a simple change of use and has been lodged in accordance with the acoustic report lodged with DA 49-01. The report detailed that with suitable lining the proposal will adequately reduce noise impacts. Additionally, given that the proposal seeks to utilise the enclosure for dog housing it can be presumed that it will potentially minimise all outside dog noise currently on-site.***

- The kennel area shall be provided with adequate fencing so as to prevent escape of animals. ***As part of the original application for animal boarding and training the issue of fencing was adequately addressed. Additional to this the rural shed has been currently fenced. Conditions of consent pertaining to heights and dig proofing can be addressed through conditions should approval be considered.***

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?
Nil.

Any matters prescribed by the regulations that apply to the land
N/A.

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 proposal minimises the impact of the development on the site as it will house the dogs for animal boarding and training in an insulated shed minimising the noise of the development on adjoining properties. The shed for housing of the dogs will be insulated in accordance with the acoustic report submitted in accordance with the conditions of consent (DA 49/01) thus minimising the noise on the site. This was the issue of greatest concern to adjoining neighbours with the original application (DA 49/01).

The Suitability of the site for the development

The development for animal boarding and training has previously been approved. The current application simply seeks to incorporate an existing shed constructed for rural purposes to be used for housing of dogs in association with the existing approval. With no additional development being sought it is considered that the development is suitable for the site.

Any submissions made in accordance with this Act or the Regulations

As part of the application process the development was notified to all residents previously notified as part of DA 49-01, for a minimum 14 days. The notification period was extended an additional 14 days to allow for late submissions.

During the notification period Council received two submissions both objecting on the following grounds with comments in italics:

- This development will affect a number of people's lives. Comment – *the change of use of the shed will allow the dogs to be housed in closed quarters minimising noise levels on the site.*
- The applicant walks dogs in the morning unmuzzled. If he was allowed to kennel more dogs to potential for harm could be a problem. Comment – *the application seeks no modification to the number of dogs permitted under DA 49-01.*
- Only a small number of residents were notified of the application. Comment – *Council forwarded letters to each of the property owners previously associated with DA 49-01. As part of any application submissions are not restricted to those who receive correspondence.*

- Greyhounds are known to be a very vocal breed of dog. Comment – *The proposal seeks to house these animals in an enclosed shed to minimise this concern.*
- Sufficient fencing currently does not exist. Comment – *as part of DA 49-01 fencing provisions were required. Should dogs escape the property Council Rangers would respond. The issue does not affect the proposed development.*

Further, Council received one late submission regarding the proposal. The submission objected to the proposal and sought Council response to the following questions:

1. Is the Lithgow Council aware of and fully considered the impacts to the existing and new residents of Pipers Flat should they approve this new DA for Greyhound Kennels? *Yes – As part of the assessment Council is to take into consideration all aspects of the community. The proposal appears to minimise these impacts.*
2. Is the Lithgow Council and Lithgow Councillors aware that the original DA 49-01 was never commenced and in fact expired well before this new modified DA 320-06? *DA 49-01 had substantially commenced with the construction of individual kennel structures, fences and accesses. The current application is for a change of use so as a rural exempt shed can be used in conjunction with the current activity on-site. No new development is proposed other than the change of use to house dogs in an acoustically lined existing structure.*
3. Are the Lithgow Council and Lithgow Councillors aware that the new DA 320-06 was put on public exhibition and residents only viewing and provided with a letter on green paper and a plan of a basic farm shed? *Why wasn't all the documents relating to DA 320-06 fully disclosed and provided to all residents whilst on public exhibition and provided to ALL COUNCILLORS? The application is for a simple change of use consistent with DA 49-01. Because of the simple nature of the application, there is little further information that can be provided. Councillors are made aware of all applications submitted and are able to exercise their right to call in any application as was the process in this instance.*
4. Can the Lithgow Council confirm that DA 320-06 only consists of a letter by the owner on green paper and a plan of a basic farm shed? *If not, what other documents have been lodged with DA 320-06 and why were they not placed on public exhibition as required by Council policy and planning legislation? The application is for a use only. It has been lodged in conjunction with the acoustic report received as part of DA 49-01. The change of use application was on public exhibition. A separate septic tank application has been provided and assessed by Council officers. All items lodged with the application DA 320-06 (change of use) were placed on exhibition.*
5. Can the Council confirm that all proper State Planning processes and procedures been complied with on DA 49-01 and DA 320-06? *The application has been assessed in accordance with the information provided as part of the use application in accordance with the Environmental Planning and Assessment Act 1979.*

6. Are the Lithgow Council and Lithgow Councillors aware that the farm shed in DA 320-06 has already been modified and currently boards Greyhounds without any Council consent and public consultation? *The use of the shed for animal boarding is able to be undertaken without consent for the applicants own dogs. The owner has indicated that currently he has two of his own dogs in the shed. The approvals process is required when animal boarding and training is being sought, as is the case now.*
7. Are the Lithgow Council and Lithgow Councillors aware that the Lithgow Council's approval of DA 320-06 will now provide retrospective Council approval for a current and existing use of a Greyhound Boarding Kennel?

The use of the site is being undertaken in conjunction with DA 49-01 previously approved and substantially commenced. No additional dogs numbers are being applied for or any retrospective approval sought.

8. Is it correct that the Lithgow City Council has not yet advised or consulted with the RSPCA on DA 320-06? *There is no requirement to advise or consult with the RSPCA.*
9. Are the Lithgow Council and Lithgow Councillors aware that the existing farm shed in DA 320-06 is allegedly illegally located within the required 60m perimeter from the property boundary? *An exempt development shed has a minimum setback requirement of 18m from the front boundary. The existing shed complies with this provision. As the application is for a change of use, conditions of consent have been proposed to minimise any perceived impact in accordance with the provisions of the DCP for animal boarding and training.*
9. Does the Lithgow Council and Lithgow Councillors recall that the original site inspection in 2001, Pipers Flat and Portland residents were told that any Boarding Kennels buildings would be located behind the existing brick kennels? Is this not a substantial change from the original DA 49-01? *The condition (condition 2) of the approval (DA 49-01) states that any proposed shed is to be erected in the position where the exempt development shed is approximately located. Under the Animal Boarding and Training DCP a provision is in place that allows for merit based assessment should setbacks not be achievable. Conditions of consent provide adequate minimisation mechanisms for the proposed change of use.*
10. Are the Lithgow Councillors aware that there are no doors or windows for ventilation in the shed, nor does DA 320-06 provide for any internal or external soundproofing from Greyhound noise? *The shed is to be insulated in accordance with the acoustic report required to be submitted with DA 49-01. These conditions were put in place as part of the DA 49-01 to minimise any potential noise impacts. The current proposal simply seeks to line the shed in compliance with the submitted report.*

11. Is it correct that the Lithgow Council has not yet received a Construction Certificate for the existing Farm Shed that is to be modified for this proposed Greyhound Boarding Kennel in DA 320-06? *No construction certificate for 49-01 has been submitted. Should a new shed be proposed to be constructed in accordance with DA 49-01 it will be assessed as such. Alternatively, a condition of consent could be put in place over the application seeking removal of the construction certificate condition to limit the number of sheds associated with this development. However should a future exempt development shed be erected on the land for 'rural use' Council has no legislative procedures to prohibit it.*
12. Is it correct that the Lithgow City Council has not yet advised or consulted with the greyhound Racing Authority on DA 320-06? *The notice from the Greyhound racing authority was undertaken as part of DA 49-01 (which has been undertaken), not this change of use application.*
13. Why has the Lithgow Council not required the proponent in DA 320-06 to submit with his DA, a fully detailed site plan indicating the location of all current dwellings and building and existing and proposed vegetation? *The application is for the change of use of an existing exempt development shed, which was erected in accordance with the provisions of SEPP 60. Council in its deliberation can condition that further landscaping be incorporated into any development should it choose.*
14. Is the Lithgow Council and Lithgow Councillors aware that presently Greyhounds on the property of DA 320-06 are being let loose into the paddocks without muzzles and how does Council propose to control this action and protect animals and children on neighbouring properties? *This has nothing to do with the current application at hand.*

The public interest

The approval of such an application is of particular public interest as it proposes to minimise impacts on-site with particular reference to noise.

DISCUSSION AND CONCLUSIONS

It is considered that the application seeks to minimise a potential noise concern from the property and should be approved subject to conditions.

Councillor Martin Ticehurst moved a **MOTION** that:

1. The Development Application be refused.

This motion **LAPSED** due to having no seconder.

07-197 RESOLVED

THAT:

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application, previously approved DA 49-01 and any further information provided during the process unless otherwise amended by the following conditions.
2. That a landscaping plan be submitted to Council for approval outlining potential natural landscaping that can be used to screen the shed from the boundary fronting Range Road. This landscaping plan is to be submitted and approved by Council prior to the use of the shed for animal boarding.
3. That the shed be acoustically lined in accordance with the acoustic report submitted by Indigo Acoustics dated 6 October 2006.
4. That all construction is to be in accordance with the Building Code of Australia.
5. That a fence be erected surrounding the proposed shed to a minimum of 1.8m in height and be 'dig proofed' to minimise escape of animals from the shed.
6. The applicant shall apply for a modification of development consent 49/01 condition number 7 to limit the number of sheds associated with this development.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor M J Wilson.

Councillor Ticehurst was against this motion.

ITEM:7 REG - 21/05/07 - SOUTH BOWENFELS WATER RESERVOIR

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Council's Finance and Services Committee Meeting of 7 May 2007 - Minute No 07-180.

SUMMARY

To formally award the tender for the proposed new reservoir at South Bowenfels in accordance with the requirements of the Local Government Act and Council's Code of Meeting Practice.

COMMENTARY

On 7 May 2007 Council's Finance and Services Committee resolved:

THAT the tender for the construction of a 2.0ML reservoir at South Bowenfels be awarded to Precision Pipe Lines for the lump sum price of \$1,351,900 including GST subject to a formal agreement with the property owner that the works may proceed prior to settlement of the sale of the land upon which the reservoir will be situated.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

As the provisions of the Local Government Act make the acceptance of tenders a non-delegable function and Council's Code of Meeting Practice provides that affixing the common seal must be resolved by resolution of the Council it is necessary to formally ratify the recommendation of the Finance and Services Committee.

POLICY IMPLICATIONS

Clause 73 (iv) of Council's Code of Meeting Practice provides that the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

FINANCIAL IMPLICATIONS

To clarify the figures in the report to the Finance and Services Committee, An amount of \$1.64m was set aside in the 2006/2007 budget for reservoirs including \$1.5m for this project which also includes the pipeline from the existing reservoir to the new reservoir. Adjustments will need to be made in the March Quarterly Review and 2007/2008 draft budget to reflect when the works commence and the possibility of the works taking place over 2 financial years.

LEGAL IMPLICATIONS

Section 377 of the Local Government Act outlines the non-delegable functions of Council which includes

“(i) the acceptance of tenders which are required under this Act to be invited by the council”

07-198 RESOLVED

THAT:

1. That the tender for the construction of a 2.0ML reservoir at South Bowenfels be awarded to Precision Pipe Lines for the lump sum price of \$1,351,900 including GST subject to a formal agreement with the property owner that the works may proceed prior to settlement of the sale of the land upon which the reservoir will be situated.
2. Council affix the common seal to the contractual documentation.

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:8 COMM - 21/05/07 - 34/36 MAIN STREET, WALLERAWANG

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Min No: 1602-01 Council Meeting 10 September 2001

Min No: 788-03 Council Meeting 16 June 2003

Min No: 1376-03 Council Meeting 29 September 2003

SUMMARY

This report seeks Council's resolution to place 34/36 Main Street, Wallerawang on the market via an Expression of Interest process.

COMMENTARY

An inquiry was received in November 2006 wishing to ascertain Council's interest in selling 34/36 Main Street, Wallerawang. The correspondent has subsequently inspected the premises and has been advised of issues relating to the presence of asbestos sheeting, fire separation and subdivision. In addition, the correspondent is aware that a Council resolution is required to dispose of the premises and that an Expression of Interest process seeking a market value would be suggested for Council's consideration.

The premises containing 34/36 Main Street is part of Council's Works Depot site. Council previously resolved in 2003 to sell the premises to an interested party, however, the sale did not eventuate. The premises have not been leased for some period of time and would require works which have not been budgeted for if Council was to consider a lease in the future. It has been assessed that Council can no longer afford to maintain these premises and that it is best to consider the disposal of them.

In addition, correspondence was received in January 2007 from Wallerawang Tidy Towns requesting the donation of 34 Main Street, Wallerawang as a venue for the group to raise public awareness of its presence and activities and also hold meetings and displays. Due to the current condition of the building, immediate occupation without works could not occur. Council Officers are currently liaising with Wallerawang Tidy Towns to find alternative premises.

Therefore, it is suggested that Council consider the sale of the building by an Expression of Interest process seeking a market value as outlined in the valuation provided to Councillors within their Business Paper Packages.

POLICY IMPLICATIONS

There are 2 policies which are relevant to this matter. Council's Policy on Land (Council) – Leases – Legal Costs requires any purchaser to pay for all reasonable legal costs and stamp duty incurred by Council and as such this would need to be included in any contract.

Council's Policy on Asset Disposal states that Council by resolution shall determine the method of disposal having regard to a number of factors. These factors are discussed above and a suggested option to proceed with the sale of the premises through an Expression of Interest process.

FINANCIAL IMPLICATIONS

If Council resolves to proceed with the sale of the premises, the Expression of Interest process will be funded from the Recurrent Policy and Planning Budget.

LEGAL IMPLICATIONS

Contract documentation will be prepared by Council's Solicitors if it is resolved to proceed with the sale of the premises.

07-199 RESOLVED

THAT 34/36 Main Street, Wallerawang be placed on the market via an Expression of Interest process and further reported to Council.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:9 COMM - 21/05/07 - PURCHASE OF SELF PROPELLED SMOOTH DRUM ROLLER FOLLOWING CLOSE OF TENDERS

REPORT BY: INTERNAL SERVICES MANAGER: C FARNSWORTH

SUMMARY

To advise on the assessment of tenders received for the purchase of a self propelled smooth drum roller.

COMMENTARY

Council called for and received tenders for the supply and delivery of a 12 to 15 ton self propelled roller.

Since closure of the tender discussions have taken place involving the Council Plant Operator, Plant Manager, Works Engineer and Rural Overseer and it was considered that a heavier roller would be best suited to Council's requirements. The heaviest machine was investigated from each tendering company and has been inspected in detail over the past weeks by the review panel.

The following section criteria was considered prior to making the final recommendation, performance, spare parts, back up, costs, operator satisfaction, maintenance, resale value and compliance with the original specifications.

The following table details each tender received:

Company	Make	Model	Cost Inc GST
Tractors Machinery & Turf	Liugong	612H	101,706
Tractors Machinery & Turf	Liugong	614H	113,904
Clarke Equipment Sales	Ingersoll Rand	SD122DX-TF	154,000
Wirtgen Australia	Hamm	3412	156,750
Construction Equipment Australia	JCB Vibromac	VM132D	160,523
Conplant Ammann Australia	Ammann	ASC110D	162,000
BT Equipment	Bomag	BW211D-4	***165,900
Dynapac Australia	Dynapac	CA262D	167,970
Wirtgen Australia	Hamm	3414	169,400
Dynapac Australia	Dynapac	CA252D	170,170
Conplant Ammann Australia	Ammann	ASC150D	175,382
Dynapac Australia	Dynapac	CA302D	176,220
Dynapac Australia	Dynapac	CA362D	178,420
Westrac	Caterpillar	CS563E	203,225

*** Price calculated to meet specification

Options	Cost Inc GST
Extended power train Warranty	5,258
ECM - Plus Compaction meter	9,015

From the group of rollers inspected it was considered the at the Amman ASC 150D offered the best overall package. It has a two year warranty and offers an additional 12 months extended power train warranty. A replacement roller is available at no charges should the roller be off the road because of a major breakdown. This offer is valid for the warranty period.

Council has contacted other Council's who currently operate Ammann rollers and the response was positive on all required criteria.

Conplant Ammann also offered a compaction meter as an additional option to the tender and after discussion it was indicated this would be beneficial to purchase the attachment which would allow the operator to gauge the percentage of compaction without guess work.

It is recommended that the conforming tender received from Conplant Ammann Australia for the supply and delivery of one ASC 150D Roller for the price of \$175,382.00 (including GST) be accepted.

It is also recommended that Council accept the option to provide a ECM - Plus compaction meter for \$9,015.00 and also the option of twelve months extended warranty for \$5,258.00.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council accept the tender from Conplant Ammann Australia for s Self propelled smooth drum roller for \$175,382.00 (Inc GST), a compaction meter \$9,015.00 and extended warranty \$5,258.00. A total cost of \$189,655 to be funded from the 2006/07 Plant Replacement Program.

LEGAL IMPLICATIONS

Nil

07- 200 RESOLVED

THAT:

1. The conforming tender received from Conplant Ammann Australia for the supply and delivery of one ASC 150D Roller for the price of \$175,382.00 (including GST) be accepted
2. Council accept the additional option to purchase a ECM - Plus compaction meter for \$9,015.00 and extended warranty for \$5,258.00.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:10 COMM - 21/05/07 - ATTACHMENT OF THE COMMON SEAL

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

REFERENCE

Min 07-162 Policy and Strategy meeting 7 May 2007
Min 07-163 Policy and Strategy meeting 7 May 2007

SUMMARY

This report seeks Council's approval to attach the seal to documents arising from 2 reports to the Policy and Strategy Committee meeting held on the 7 May 2007. A resolution of Council is required for the affix of the Seal.

COMMENTARY

Council considered at the Policy and Strategy meeting of 7 May 2007 one proposal to participate in a land purchase and another proposal to seek funding to augment Council's water infrastructure.

Both reports may give rise to documents which require issuing under seal and as a Council meeting resolution is required to affix the seal, this report recommends Council resolve to apply the seal should that be required to documents arising from these two matters.

POLICY IMPLICATIONS

The affixing of the Common Seal is referred to in Council's Code of Meeting Practice Clause 73.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The affixing of the seal requires a resolution of Council and the two items were raised at a Committee meeting therefore require this assessment.

ATTACHMENTS

NIL

07-201 RESOLVED

THAT Council approve the affixing of the common seal to:

1. Documents arising from the potential land purchase referred to in Minute 07-162 of the Policy and Strategy Meeting held on 7 May 2007;
2. Documents arising from the potential augmentation of Council's water infrastructure and a related funding agreement to do so referred to in Minute 07-163 of the Policy and Strategy Meeting held on 7 May 2007;

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:11 COMM - 21/05/07 - LITHGOW SEWERAGE TREATMENT PLANT
STAGE 2**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES – A. MUIR and GROUP
MANAGER COMMUNITY AND CORPORATE – K. WOOLLEY**

REFERENCE

Min 06-282: Policy and Strategy meeting 4 September 2006

SUMMARY

This report seeks Council's approval to prepare tender documents for the design and construction of Stage 2 of the Lithgow Sewerage Treatment Plant upgrade.

COMMENTARY

Council will recall in September 2006 the Council considered a report on Stage 2 of the upgrade to the Lithgow Sewerage Treatment Plant. At this meeting Council resolved:

THAT

1. *The proposed Lithgow Sewerage Scheme Stage 2 augmentation works be adopted and work proceed to achieve compliance with the Pollution Reduction Program as soon as possible.*
2. *The Management Plan for 2006/07 is altered to show the following and reflected in the September Quarterly Review:*
 - a. *Lithgow STP expenditure of \$7,030,600, grant income of \$4,071,934 and loan funds of \$2,150,000.*
 - b. *Wallerawang STP expenditure of \$4,000,000, grant income of \$2,260,000 and loan funds of \$1,740,000.*
3. *An application be forwarded to the Department of Local Government for an increase in loan funds for wastewater to \$5,390,000.*
4. *The General Manager explore options to reduce the costs of survey, design and construction management.*
5. *A variation to the Pollution Reduction Program on the Environment Protection Licence for the Lithgow Sewage Treatment Plant be sought to extend the period for compliance in accordance with the proposed schedule of works provided in the tender documentation.*
6. *The General Manager explore the option of combining the sewage treatment for Portland and Wallerawang into a single option.*

With regard to point 4, discussions with the Department of Commerce concerning their proposal for Stage 2 which included requesting the Department re-examine estimates for design and construction management led to the submission of a revised project proposal from the Department.

The Department provided an assessment and information package detailing their experience in similar projects as part of the attached response and suggested that one component of their previous proposal, the PLC programming and SCADA system configuration used for monitoring purposes valued at \$45,000, was more appropriately a post commissioning activity and should be removed from their proposal. This expense will still be required, it is however a post commissioning component and not an item that is necessary in the design proposal that they have produced. Excluding the deferment of this item, the revised proposal received provided only a \$2,000 difference to the proposal considered by Council in September 2006.

It is therefore recommended to Council that the project be put through an open tender process as a design and construction project to facilitate the completion of the project. This approach will achieve continuity in the successful tenderer being able to design and construct in one process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council will need to follow the guidelines for the conduct of an open tender in accordance with the Local Government Act 1993 and associated regulations.

LEGAL IMPLICATIONS

NIL

CONCLUSION

The review of the Department of Commerce's proposal for Stage 2 of the Lithgow Sewerage Treatment Plan has not resulted in a large alteration to the previously considered proposal and therefore it is recommended to Council that the works be put through an open tender process to award the works in a design and construct process.

07-202 RESOLVED

THAT Council approve the calling of tenders for the design and construct of Lithgow Sewerage Treatment Plant Stage 2 and enact the necessary steps to seek the subsidy and loans to secure the necessary funding for this project.

MOVED: Councillor B S Moran

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:12 COMM - 21/05/07 - UPDATE OF 2006/07 LOAN BORROWING PROGRAM AND PROPOSED 2007/08 LOAN BORROWING PROGRAM

REPORT FROM - INTERNAL SERVICES MANAGER - C. FARNSWORTH

REFERENCE

Min 06-183: Ordinary Council Meeting 16 June 2006

Min 07-163: Policy and Strategy Meeting 7 May 2007

SUMMARY

To advise Council of the proposed changes to the 2006/07 loan borrowing program and pending application to the Department of Local Government for the proposed 2007/08 program.

COMMENTARY

2006/07 LOAN BORROWING PROGRAM:

Following the adoption of the 2006/07 Management Plan, Council received approval from the Department of Local Government to borrow \$4,125,000 to undertake infrastructure works.

The funds were to be raised for the following purposes and the current status required for loan funding for each individual program is shown:

PURPOSE	AMOUNT	CURRENT STATUS MARCH 2007 REVIEW and MIN 07-163
WASTE FUND:		
Waste Fund: Blackman's Flat	2,150,000	1,000,000
WASTEWATER FUND:		
STP Lithgow	500,000	500,000
STP Wallerawang	350,000	0
WATER FUND:		
St Littleton Reservoir	650,000	650,000
- Part funded Loan Res \$500K		
GENERAL FUND:		
Lithgow Pool	175,000	0
Portland Pool	200,000	200,000
Crystal Theatre	100,000	75,000
TOTAL ORIGINAL PROGRAM	4,125,000.00	2,425,000
Water Augmentation - Bulk Raw Water Supplier Min 07-163 7 May 2007 (Subject to DLG approval)		4,000,000
TOTAL REVISED PROGRAM	4,125,000.00	6,425,000

Ministerial approval was granted on the 30 November 2006 under Section 624 of the Local Government Act 1993 for Council to raise the required funds of \$4,125,000 and the \$2,425,000 may be drawn down at any time until 30 June 2007 by negotiation with a lender and advice to the Department that the transaction has taken place. Should Council not wish to utilise any part of our loan approval we are required to notify the Department to allow reallocation to another Council.

Council has 24 hours to respond once an interest rate is provided by an approved lender and as such only an indicative interest rate has been obtained at this stage. As at 13 March 2007, the current rate was 6.38% to borrow \$2,425,000 over 15 years. Repayments of equal value are required at six monthly intervals.

Council resolved at the Policy and Strategy meeting of 7 May 2007 (Min 07-163) to seek Ministerial approval to take out a loan in 2006/07 for Water Augmentation works in relation to being a bulk raw water supplier. The application to the Department of Local Government will be completed prior to a draw down of loan funding.

The best loan offer will be negotiated for both loans and acceptance will be reported to the next meeting of Council advising of the transaction.

PROPOSED 2007/08 LOAN BORROWING PROGRAM (INCLUDED IN EXHIBITION DRAFT OF THE MANAGEMENT PLAN):

The Department of Local Government may require Council to report our intended 2007/08 loan borrowing program prior to the final adoption of the Management Plan and it is recommended Council indicated the following loan program as currently on exhibition in the 2007/08 to 2009/10 Management Plan.

The Draft 2007/08 Management Plan indicates required loan funds of \$13,000,500 (Waste, Wastewater and General Funds) with the inclusion of the Lithgow Pool Complex or \$5,000,500 without the construction of the Lithgow Pool Complex.

PURPOSE	AMOUNT (With Pool Complex)	AMOUNT (With Pool Complex)
WASTE FUND:		
Waste Fund: Blackman's Flat	400,000	400,000
WASTEWATER FUND:		
Treatment Plants	4,400,500	4,400,500
GENERAL FUND:		
Lithgow Pool Complex	8,000,000	
TOTAL REVISED PROGRAM	\$12,800,500	\$4,800,500

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

2006/07 Current Principal Outstanding all funds: \$4,512,835
 2006/07 Proposed Loan borrowing program: \$2,425,000
 2006/07 Proposed Loan borrowing program as per Council resolution on water augmentation (Min 07-163)
 2007/08 Proposed Loan borrowing program – with Pool Complex: \$12,800,500
 2007/08 Proposed Loan borrowing program – without Pool Complex: \$4,800,500

LEGAL IMPLICATIONS

Council to enter into a contractual agreement with an accredited lending institution.

07-203 RESOLVED

THAT:

1. Council note the changes to the 2006/07 loan borrowing program from \$4,125,000 to \$2,425,000 and advise the Department of Local Government of the take up and the unused portion of the original loan program;
2. Council make application to the Minister for Local Government for additional loan funding as per the report to the Policy and Strategy Meeting of 7 May 2007 (Min 07-163) for water augmentation works in relation to a being a bulk raw water supplier;
3. Council note the proposed loan borrowing program for 2007/08 as \$12,800,500 with the Lithgow Pool Complex or \$4,800,500 without the Lithgow Pool Complex;
4. Should Ministerial approval be obtained, Council's Internal Services Manager negotiate with at least three appropriate lending institutions to borrow over 15 years to be repaid in equal six monthly repayments of principal and interest and report resultant rate to Council;
5. Council affix the Common Seal to all documents pertaining to the loan in relation to the borrowings for 2006/07 and 2007/08 following the receipt of Ministerial approval.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:13 COMM - 21/05/07 - REVIEW OF MANAGEMENT PLAN FOR THE MARCH QUARTER

REPORT FROM: INTERNAL SERVICES MANAGER – C FARNSWORTH and POLICY and PLANNING MANAGER – A MUIR

REFERENCE

- Min 06-183: Council Meeting 19 June 2006
- Min 06-368: Policy & Strategy Committee Meeting 6 November 2006
- Min 06-369: Policy & Strategy Committee Meeting 6 November 2006
- Min 07- 40: Finance & Services Committee Meeting 5 February 2007

SUMMARY

This report details the March quarter achievement of actions identified in the Management Plan and provides the budget review statement which projects a revised surplus of \$107,261.76 for the 2006/07 Budget in the March quarter.

COMMENTARY

**Comments from the Policy and Planning Manager
Achievement of Management Plan Actions**

The following tables detail the achievement of actions as identified in the Management Plan during the period of 1 January to 31 March 2007.

Function: Building	
Action	Achievement
Provision of day to day functions of building assessment, inspection and regulation.	Achieved.
Feasibility Study for additions to the Administration Centre, including Customer Service Counter and office reorganisation.	Office reorganisation works have been completed.
Chairs for community buildings.	Achieved.
Eskbank House disabled access facilities (staff).	Works have commenced.

Function: Bush Fire Mitigation	
Action	Achievement
Execute new Service Level Agreement with Rural Fire Service.	In progress.

Function: Community Development	
Action	Achievement
Provide information and education about services and activities available to the Lithgow City communities.	Achieved with the Community Noticeboard, Council Connections, newsletter, Council's weekly newspaper column and regular press releases.

Community leadership through access and equity activities.	Access and equity activities undertaken include attendance at: <ul style="list-style-type: none"> • International Women's Day. • Active Young Bowenfels Project meeting. • The launch of the Bowenfels Residents Committee.
Social planning with reviews and reporting.	A maternity relief Community Development Officer was appointed.
Crime prevention planning.	Council has participated in the Police Action Community Team and the Liquor Accord. The preparation of a crime prevention plan is proposed in the Draft Management Plan 2007/08 to 2009/10.
Co-ordination of and participation in community networks.	Participated in the following networks: <ul style="list-style-type: none"> • Transport Working Party • Lithgow Community Action Group • Lithgow Correctional Centre Community Consultative Committee • Police Action Community Team • Liquor Accord.
Lithgow City Band	Payment completed.
LGSA Active Young Bowenfels	Attendance at the Active Young Bowenfels Project meeting.
Security Camera link to Police Station	An order for the works was placed.

Function: Corporate Management

Action	Achievement
Prepare Management Plan including public exhibition prior to 30 June.	Draft Management Plan 2007/08 to 2009/10 was prepared. Two Councillor Workshops were held in March 2007.
Quarterly reports to Council on achievements against Plan and submitted within four weeks of the end of each quarter.	This report provides details of the Management Plan achievements and budget review statement. It is provided for Council's consideration within the statutory reporting period.

Function: Drainage

Action	Achievement
Strategically design, construct and maintain extensions and upgrades of existing network to direct captured stormwater into existing infrastructure.	Upgrades to the stormwater system at Windarra Estate were completed.
Actively participate in water recycling	Draft water savings scheme as been

campaigns organised locally and nationally, and encourage the community to utilise rainwater storage tanks.	prepared and is to be submitted to Council in the next quarter.
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Function: Emergency Services	
Action	Achievement
Officiate and arrange actions and resolutions of the Local Emergency Management Committee.	Attended meeting of the Local Emergency Management Committee.

Function: Environmental Management	
Action	Achievement
Provision of day to day services:	
• Environmental education and inspections.	Achieved.
• Recycling, waste collection and disposal.	199,369 kgs of recycling was collected from the kerbside in the quarter.
• Cleaning of buildings and streets.	Achieved.
• Development approvals to protect the environment and public health.	Achieved.
• Public health education, inspections and testing.	25 food inspections were carried out during the quarter.
• Companion animal education and regulation.	Ongoing.
Manage the Environmental Advisory Committee, Hassans Walls Working Party and the Waste and Recycling Working Party.	Environmental Advisory Committee met on 28 March 2007.
Alternate Fuel Rebate	2 rebates processed for the quarter.

Function: Executive/Governance Support	
Action	Achievement
Provide administrative assistance to the Mayor.	Achieved.
Produce business papers for Council and Committee Meetings on time, minimum three days prior to a meeting.	Achieved.
Keep Councillors informed on all relevant issues.	Councillors were kept informed of relevant issues using a variety of media such as memos, workshops, press releases and reports.
Ensure adequate communication technology for Councillors.	The Mayor has a Blackberry. Councillors were informed of relevant issues using memos, press releases, workshops and reports.
Election Reserve	Council resolved at its meeting of 5 February 2007 to add \$30,000 to the

	internally restricted Election Reserve from the December quarter surplus.
Councillor Training	Code of Conduct training was provided to Councillors on 22 March 2007.

Function: Financial Services	
Action	Achievement
Model and levy rates and charges annually.	2007/08 rates modeling completed in March 2007 with 2 options presented in the Draft Management Plan 2007/08 to 2009/10.
Recover rates and sundry debtor accounts promptly.	As at 31 March 2007: <ul style="list-style-type: none"> • 3% of properties are with the External Agent for debt collection. • 2% have arrangements to pay. • Letters regarding missed third installment were issued on 16 March 2007.
Read and issue domestic water accounts on a cyclical basis.	Reading and issue of accounts for all routes was completed by 6 February 2007. The next reading cycle commenced 19 February 2007.
Read and issue commercial and industrial water accounts quarterly.	Accounts issued for second quarter in March 2007.
Produce three year financial plan annually.	The Draft Management Plan 2007/08 to 2009/10 has been prepared.
Properly record all income and expenditure.	This report provides the budget review statement for the March quarter.
Coordinate progressive revaluation of Council's infrastructure assets.	Department of Local Government Circular 06-75 Valuation of Assets at Fair Value requires the revaluation of Water and Sewerage in 2006/07, PPE - Land & Buildings in 2006/08, Roads, Bridges & Drainage in 2006/09. Valuer is to be engaged for Water & Sewerage Assets to achieve the 30 June 2007 deadline.
Invest surplus funds appropriately and competitively.	Monthly reporting to Finance and Services Committee for January to March 2007.
Implementation of electronic commerce.	Introduction of CBA e-banking in March 2007. Electronic commerce used for suppliers.
Process employee payroll.	Achieved.
Administer superannuation and taxation compliance.	GST/BAS completed by 21st of each month for January to March 2007. FBT completed quarterly and payroll

	tax completed monthly.
Maintain Stores for internal supply.	Store items ordered and issued as required. December 2006 stocktake completed 15 and 16 January 2007 and reported to Council on 5 February 2007. Stock held as at 31 March 2007 had a value of \$327,110.75.
Pay Creditors according to agreed terms.	All creditors paid by EFT or cheque within 7 days of completion of orders authorisation.
Rates levied by 31 July each year.	Installment notice issued in third quarter by 28 February 2007.
Budget review statements submitted to Council quarterly.	This report provides the budget review statement for the March quarter 2007.
Trade waste accounts issued to business each year.	December 2006 accounts issued January 2007.
Return on cash investments.	Report to Council monthly on investments. Investments were: <ul style="list-style-type: none"> • 31 January 2007 \$11,274,332.31 • 28 February 2007 \$12,066,553.77 • 31 March 2007 \$12,379,296.11.

Function: Geographical Information Systems

Action	Achievement
Provide an updated link between 'MapInfo' and 'Proclaim', property database to reduce duplication.	The link has been provided. Server is in the process of being upgraded to improve performance.
Provide training to staff and volunteers to allow all customers to receive all relevant information from one staff member.	Training has been provided in Exponare to staff on an individual basis.

Function: Library Learning Centre

Action	Achievement
Operate the Library network using a mix of professional, technical and operational staff.	Library Coordinator appointed. Advertisement placed for Technology Centre staff.
Provide print material and state of the art technology to disseminate information for research and recreational purposes.	Upgrade of Health and Medical Information occurred this quarter. Technology Centre continued to offer research options.
Develop programs, activities and celebrate special events to promote the library and attract more customers.	Programs and events included: <ul style="list-style-type: none"> • Read Around Oz Program during the Christmas School Holidays. • Library Lovers Day on 14

	<p>February 2007.</p> <ul style="list-style-type: none"> • Australia Day Exhibition on Mary Moody (Lithgow's Australia Day Ambassador). • Threatened Species Exhibition. • Lithgow Visitors Centre Promotional Exhibition. • Met with Family History Society during Heritage Week. • Easter Bunny visited with a special story time session. <p>The following statistics are provided for the Library Learning Centre in the quarter:</p> <ul style="list-style-type: none"> • 18,532 resources were utilised • 3,031 persons used the computers • 20,256 persons visited the Library • 178 new borrowers • 193 children attended story time. <p>A new counter service area was installed at the Wallerawang Library.</p>
Apply for grants to enhance the services and facilities provided.	A grant application for Library Council of NSW funding was prepared for new computers in Technology Centre and new microfilm reader/printer.
Network closely with the State Library of NSW and Country Public Libraries Association of NSW.	A building audit survey was completed for Lithgow Library Learning Centre.
Homework Centre	The Homework Centre was operational 2 afternoons per week except during school holidays.
Books	386 new resources (ie. books, magazines, DVDs etc) have been purchased.

Function: Organisational Development	
Action	Achievement
Recruit employees in accordance with policies and procedures that ensure selection on merit.	Achieved.
Provide advice and support to other departments.	Achieved.
Develop and implement training plans.	<p>Training undertaken during the quarter included:</p> <ul style="list-style-type: none"> • Code of Conduct for Councillors and staff • Chainsaw

	<ul style="list-style-type: none"> • Fire Warden • Induction/orientation • Risk Assessment & Control.
Monitor and maintain training records.	Achieved.
Monitor workplace trainers.	Achieved.
Maintain skills based salary system.	Achieved.
Develop, implement and review Occupational Health and Safety Program.	<p>Actions during the quarter included:</p> <ul style="list-style-type: none"> • Safety inductions conducted with staff. • Risk assessment and control training undertaken by supervisory staff. • Fire warden training for the Administration and Hartley Buildings.
Provide advice on workplace safety.	Ongoing with the role of Council's OHS/Risk Management Officer.
Support Occupational Health and Safety Committee.	OHS/Risk Management Officer is an active member of the Committee.
Review and monitor grievance procedure.	Ongoing in accordance with Council's Notional Agreement Preserving the Local Government State Award.
Ensure effective consultation with staff and unions.	Achieved.
Compliance with award and statutes.	Achieved.

Function: Planning & Development	
Action	Achievement
Finalise the Lithgow Strategic Plan.	Draft Strategic Plan was being finalised for exhibition in next quarter.
Complete the Heritage Local Environmental Plan.	It is proposed to defer this activity until 2007/08 to ensure that all heritage studies for the former Lithgow, Evans and Rylstone Local Government Areas are integrated and considered during the preparation of the comprehensive Lithgow Local Environmental Plan. This activity has been included in the Draft Management Plan 2007/08 to 2009/10.
Complete interim LEP and various alterations to LEP as resolved.	Lithgow City LEP Amendment No. 12 was referred to the Department of Planning.
Provision of day to day functions of assessing development applications.	Ongoing.
100% of full development applications determined within 21 days.	The average approval time for the quarter was 30 days.
War Memorial Veteran Affairs at Wallerawang.	Under construction.

Function: Records Management & Information Technology	
Action	Achievement
Operate and maintain central, integrated core data system.	Ongoing.
Operate and maintain appropriate computer hardware.	Ongoing.
Develop new systems to meet user needs.	New server ordered for Exponare. Initial review of data management systems begun.
Manage Council's voice and data telecommunications services.	Review commenced.
Operate Council's switchboard and corporate facsimile service.	Reviewing facsimile module for automated records system integration
Develop and implement Records Management Policies.	Standard Work Procedures created and being reviewed. Records system review currently being undertaken.
Ensure the integrity and security of Council's records.	Security constantly monitored.
Sort and distribute Council's incoming and outgoing mail.	99% of incoming mail tasked to officer on day of receipt (by 2pm) and 87% of incoming mail tasked to officers of day of receipt within four hours.
Allocate and archive hardcopy and electronic documents.	Allocation and archival of electronic documents daily upon receipt. Completion of disposal of records according to State Archives Retention and Disposal Schedules.
Provide timely and comprehensive information.	Monthly Management reporting completed January, February and March 2007.
Exponare Inquiry/Proclaim Integration	Ongoing.
Upgrade Virus Software	Ongoing.

Function: Recreation	
Action	Achievement
Efficiently maintain and operate the Lithgow War Memorial Olympic Swimming Pool.	24,292 persons visited the Lithgow War Memorial Olympic Swimming Pool this quarter.
Support local sporting organisations and committees.	Ongoing.
Officiate and arrange actions raised or resolved at Sports Advisory Committee Meetings.	Achieved.
Portland Pool Improvements	At its meeting of 19 March 2007, Council resolved to proceed with the tender process for the relining of the Portland Swimming Pool in 2006/07 with works being undertaken during 2007/08 (Minute No. 07-99).

Function: Tourism & Economic Development	
Action	Achievement
Operate Visitor's Information Centre in Lithgow.	12,239 persons visited the Visitor Information Centre during the quarter.
Blue Mountains Pocket Guide	Achieved.
Blue Mountains Holiday Book	Achieved.
Blue Mountains Monthly "I" Magazine	Achieved.
Blue Mountains Wonderland	Achieved.
Collaborative Partnership Strategies	Meetings have been attended with Blue Mountains Tourism and Hawkesbury City Council. Discussions also with Central Tablelands Strategic Alliance partners.
Tourist Signage – Upgrade Grand Circular Driving Tour	In progress.
Tourist Signage – Implementation Promotional Sign Plan.	In progress.

Function: Transport	
Action	Achievement
Park Parade Drainage Improvements	Achieved.
Mines Rescue Station Roundabout.	Design being prepared.
Range Road Improvements	Works commenced.
Reseal Wirraway and First Street	Achieved.
Beynon Street/Heffernan Place Footpath	Achieved.
Plant Replacement	Ongoing as per purchase/sales schedule.
Light Vehicles	
Parks and Gardens Small Plant	
Parks and Gardens Green Plant	
Small Plant	

Function: Wastewater	
Action	Achievement
Undertake regular maintenance and repairs on wastewater infrastructure including the three treatment plants, sewerage pumping stations, sewer mains and sewerage connections.	Ongoing.
Ensure compliance with Council's Trade Waste Acceptance and Septic Tank Approvals Policies, minimising transport and treatment system failures and eliminating all unnecessary transport and treatment costs.	Ongoing.
Lithgow STP – Detailed Design and Construct.	A development application was approved by Council in February

	2007 for the stage 2 augmentation of the Lithgow Sewage Treatment Plant. Ongoing discussions with DEUS and SCA regarding options for works.
Equipment Shed	Development application for the shed was approved in March 2007.
Gell Street Main Extension	In progress.

Function: Water Supply	
Action	Achievement
Undertake regular maintenance and repairs on water infrastructure including the treatment plant, reservoirs, watermains, hydrants, valves and standpipes.	Ongoing.
Maintain storage levels in reservoirs greater than 30%.	Fluctuated between 80 to 100% during the quarter.
Quality failures <10 per annum.	Farmers Creek Water Supply – all samples complied with the Australian Drinking Water Guidelines except 14 samples for total coliforms and 1 sample for aluminum. Fish River Water Supply – all samples complied with the Australian Drinking Water Guidelines except 9 samples for total coliforms and 4 samples for e coli.
Construct South Bowenfels Reservoir	Tenders received and being assessed.
Backwash Filter Reuse Study	Achieved.
Wallerawang Chlorinator	Achieved.

Budget Review Statement

Comments from the Internal Services Manager

The March quarter review of the 2006/07 Budget has provided a surplus of \$107,261.76 which adds to the surpluses in the previous two quarters where transfers to the Plant Replacement (\$123,822), Workers compensation (\$44,000), Election (\$45,000) and Employee Leave Entitlements Reserves (\$64,822) of \$277,644 (Minute Nos. 06-369 and 07-40) were achieved.

The table below provides a comparison of income, expenditure and total effect from the original budget adopted by Council at its meeting on 19 June 2006 (Minute No. 06-183).

2006/07 Quarterly Budget Comparisons				
Budget Internal)	(Inc	Income	Expenditure	Total
Original		\$47,782,234	\$48,147,675	(\$365,441)
September Quarter		\$50,120,416	\$49,872,772	\$247,644
December Quarter		\$47,443,845	\$47,350,649	\$93,196
March Quarter		\$47,122,429	\$47,015,167	\$107,261

The following provides an overview of each program which has produced the surplus of \$107,261 in the March review:

- Cooinda, Homes for the Aged have written requesting a Council donation equivalent to the fee for Council's service for the 2006/07 financial year of \$50,124. Should Council resolve to make the donation the effect will be additional expenditure of \$50,124 to pay the invoice previously issued. Cooinda have further advised they will utilise their own resources for their accounting function from the 1 July 2007
Nett effect: Increase Expenditure of \$50,124
- Write off of the debt outstanding from past years for the purchase of the piano in the Union Theatre. Minute 06-437
Nett Effect: Reduction in income of \$15,225
- Deletion of the sale proceeds for the sale of the Gasworks site in Mort Street which will be finalised in 2007/08
Nett effect: Nil as accounted for in income and reserve.
- Revision of the 2006/07 Loan Borrowing Program to \$6,425,000 (\$2,425,000 from the original budget and an additional loans for infrastructure in relation to bulk raw water following DLG approval) The Loan program is the subject of a separate report to the Council meeting of 21 May 2007
Nett effect: Nil effect as expenditure matches borrowings.
- Sec 356 Donations increased by \$1,933.66 as per Min 07-51
Nett Effect: Increase in expenditure by \$1,933.66
- Inclusion of the supply and installation of a permanent electronic scoreboard at the Tony Luchetti Sportsground, Lithgow. The total cost is \$9,365.40 (Inc GST) and funding will be provided by the Department of Sport and Recreation to the extent of \$3,514.00. Minute 07-28 provided \$5,851.40 from the 2006/07 Management Plan.
Nett Effect: Increase in expenditure by \$5,851.40
- Demolition of Amenities Block in Emora Park, for \$3,000 to be funded by the Department of Housing. As per Min 07-29
Nett Effect: Nil effect as income from Department of Housing matches the expenditure to complete the works, however there was a reduction in the operating program for the year.
- Contribution to stormwater upgrade. Cary Ave Wallerawang as per Min 07-110. Council allocated an additional \$9,850 to this project but savings have been identified in alternative minor programs.
Nett Effect: Nil effect
- Council will recall that it prepared a lease for the Blinky Bill Childcare Centre which was not executed. Therefore, Council has an account of \$388.30 for legal fees and it is suggested that this be paid by the way of a donation to Blinky Bill from legal expenses Policy and Planning
Nett Effect: Increase in expenditure by \$388.30

It is recommended that \$100,000 of the \$107,261 surplus from the March reviews be transferred to the internally restricted Property Reserve and \$7,261.76 be transferred to staff development for training.

Council resolved in the September quarterly review to consider a request from Gorrie Ban for the installation of an air conditioning unit. It is noted the installation is completed and it is recommended Council take no further action with regard to this request.

Council is also advised that Council has finally secured the reimbursement of \$70,000 from Council's insurer Jardine Lloyd Thompson for the insurance legal costs incurred as a result of a Public Liability Claim for the death of fire fighters in 1997. It is recommended that these funds be reserved to offset future Public Liability insurance premiums.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are discussed above.

I, Carol G Farnsworth, Lithgow City Council Internal Services Manager (Responsible Accounting Officer) certify as required by the Local Government (General) Regulations 2005, that Council's 2006/07 Management Plan has been reviewed and the financial position of Council is satisfactory with regard to the original estimate of income and expenditure and the recommended changes made as a result of the March 2007 quarterly review.

LEGAL IMPLICATIONS

The Local Government Act 1993 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter.

RECOMMENDATION

THAT:

1. The surplus of \$107,261.76 for the March quarter of the 2006/07 Management Plan be noted;
2. Council approve the addition of \$100,000 to the internally restricted Property Reserve and the addition of \$7,261.76 to training from the March quarter surplus;
3. Council acknowledge the receipt of \$70,000 insurance claim and approve the transfer of \$70,000 to internally restricted funding for future insurance premiums.
4. Council resolve to defer the Heritage Local Environmental Plan so that it occurs in conjunction with the preparation of the comprehensive Lithgow Local Environmental Plan.

07-204 RESOLVED

THAT:

1. The surplus of \$107,261.76 for the March quarter of the 2006/07 Management Plan be noted;

2. Council approve the addition of \$100,000 to the internally restricted Property Reserve and the addition of \$7,261.76 to training from the March quarter surplus;
3. Council acknowledge the receipt of \$70,000 insurance claim and approve the transfer of \$70,000 to internally restricted funding for future insurance premiums.
4. Council resolve to defer the Heritage Local Environmental Plan so that it occurs in conjunction with the preparation of the comprehensive Lithgow Local Environmental Plan.
5. Council approve the donation to Coinda Homes for the Aged of \$50,124.00 through the donation program.

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:14 COMM - 21/05/07 - 2007/08 REVENUE POLICY RE-EXHIBITION PROPOSAL

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Min 07- 141: Ordinary meeting 16 April 2007

SUMMARY

An option to extend the exhibition of the rating structure and revenue policy for the Draft Management Plan for 2007/08 is recommended to Council in this report.

COMMENTARY

At the conclusion of the exhibition period (16 May 2007 was the closing date for submissions) and following the public presentations across the Region to present the draft management plan, Council is presented with an option to continue exhibition of the rating structure with amendments arising from the public consultation processes for the following reasons:

- To enable consideration and development of additional rating model(s) and the financial position for the 2007/08 year;
- To consider the response from the farming community and mining interests with regard to Option 2 rating levels as presented in the Draft Management Plan;
- To include the actual rate cap figure as determined by the Department of Local Government announced on 16 May 2007 of 3.4% as a maximum as the Draft Management Plan had estimated the cap figure at 3.2% due to the Department's delay in announcing the figure;
- To allow for further consultation on the additional information identified above to be received.

It is unusual for the Department of Local Government has announced the % that the rating income is allowed to be increased to so late as this can have a significant impact upon the mix of rates. Council must make its rate for the next financial year by 30 June 2007. It is recommended that Council review the revenue policy and the associated rating structure to accommodate the maximum allowable figure of a 3.4% allowable to the total amount collected for all rates and to review the distribution of rates in accordance with this increase.

Council is fortunately in a position to continue to exhibit the rating structure having prepared its Draft Management Plan well in advance of the end of this current financial year. A further 28 days is available for the re-exhibition of the Revenue Policy before 30 June 2007. It is not proposed to re-exhibit the other components of the Draft Management Plan nor to continue to accept submissions on any component other than the Revenue Policy. Council will ultimately receive a report on the submissions received.

The program of works as adopted by Council in the Draft Management Plan for 2007/08 are not suggested to be altered as part of the re-exhibition of the Revenue Policy and any impact would be considered as addition funding to bolster an extremely small surplus considering the overall size of Council's budget.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

There is a potential impact on the financial position of the Council however the recommendation is to increase the surplus of the budget rather than add additional programs to the proposed program of works for 2007/08 as there is a very low buffer to accommodate operational exigencies in the current financial position. Council may reconsider additional programs throughout the year if the financial position continues to improve as has been experienced in 2006/07.

LEGAL IMPLICATIONS

NIL

CONCLUSION

It is recommended to Council that the Draft Management Plan 2007/08 revenue policy and rating structure options be reconsidered and re-exhibited to include an option which takes into consideration the items listed in this report, in addition to others that may arise in the re-exhibition period, so that Council can attract comment from the community on the additional information received during the exhibition period.

07-205 RESOLVED

THAT:

1. Council exhibit an updated Revenue Policy and its associated rating structure and prepare additional option(s) to address the issues raised during the initial consultation and exhibition period;
2. Council re-exhibit the Revenue Policy and rating options(s) for a period of 28 days;

3. Council arrange for an Extraordinary meeting of Council on 28 June 2007 to consider comments on the Revenue Policy attained during the extended exhibition.

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

DELEGATES REPORTS

ITEM:15 DEL - 21/05/07 - MINING RELATED COUNCILS MEETING HELD ON 11 MAY 2007

REPORT FROM: THE MAYOR, NEVILLE CASTLE

REFERENCE

NIL

SUMMARY

This report is in relation to the Mining Related Councils Meeting held on Narrabri on Friday 11th May 2007.

COMMENTARY

At the most recent meeting of the Mining Related Council's held in Narrabri which was attended by the General Manager and Mayor, a number of items were discussed that had some relevance to Lithgow City Council.

Of these, one item was the assessment of cumulative impacts on mining. A discussion was brought about by Professor Chris Moran from the Sustainable Minerals Institute of University of Queensland. His discussion was based about the cumulative impacts near the town of Musselbrook in the Hunter Valley, however a number of generalisations can be made. Of particular interest was the impacts were relating to both direct and indirect effects on the community. The effects also took into account some of the positive effects of the activities of the mining to the economy of the particular Council as well as the environmental effects that have gained so much publicity of late.

Unfortunately at this point in time the report has not been completed and we look forward with interest when that does come from the Mining Related Council's.

The effectiveness of Community Consultative Committees was also discussed at the latest meeting. There seem to have been various degrees of success with these Committees throughout the various council areas in NSW. Some committees were set up a number of years ago and have had a different focus from some of the more recent committees; there has been a push by the Association to have a common set of guidelines for the work of the community consultative committees.

The Director General of Planning is now in possession of such guidelines and the Association has requested the early release of those guidelines so that it may be of benefit to all Council's and their relationship with the Community Consultative Committees. The President of the Committee will be meeting with the Minister for Planning in the near future and this will be raised at that meeting.

A report was also presented to the meeting regarding the mines in NSW and their monetary contribution to mines subsidence through their levy contributions.

It was interesting to note that a number of mines including ones in this area, that have been closed for some time still contribute to this levy as it may be that the effect of subsidence may continue for some time after a mine has closed.

The issue of mine rating also came up and it was interesting to note that the Valuer General has been in contact with the Executive Officer of the Association to look at a standard way of being able to assess mine rates between Council areas. This may have particular relevance to our area in the future following the recent forecast rise for mining rates in our LGA area.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-206 RESOLVED

THAT the information be noted.

MOVED: Councillor M J Wilson

SECONDED: Councillor A E Thompson.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 21/05/07 - COUNCILLOR BS MORAN

1. Mr Mayor, due to recent incidents of vandalism, theft and break and enters at Wallerawang can Council please urgently peruse on behalf of the residents and business community request more police patrols in Wallerawang? Could Council peruse on behalf of the residents the restaffing of the Wallerawang Police Station? Could the above items be placed on the agenda as urgent items for the next PACT meeting?

This matter can be referred to the next PACT meeting.

07-207 RESOLVED

THAT Council pursue the restaffing of Wallerawang Police Station

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

2. Mr Mayor, can a letter be sent regarding the Lands Rationalisation project to the Bush Fire Advisory Committee?

The Mayor advised that a letter can be sent.

QWN - 21/05/07 - COUNCILLOR MF TICEHURST

1. When will the Mayor be in a position to provide the Council and Councillors with a written response in relation to a request for urgent legal advice on a Confidential matter that was detailed in a document that was originally emailed and faxed to the Mayor on the 6 & 7 May 2007 and having received no response at all, was once again emailed to the Mayor and the last week?

I took considerable time researching your request that arrived on the day of the last meeting of Council. You said in your correspondence that you would raise it at the beginning or prior to the meeting. As you failed to do so and did not raise the issue at any other time I assumed you no longer required an answer. You having a request for legal advice does not mean that it would automatically happen. To spend money on legal advice would normally be a decision of Council. However, now that you have raised it as a question I respond as follows.

What transpires in the press does not official Council correspondence. I contacted Dominic Reardon of the Department of Local Government. At this point in time I await his formal written responses. He did indicate that it is a matter that has arisen before and that what happens in the courts does not affect the General Managers position whilst in his position.

Dominic also believes that the General Manager does not see any conflicts of interest or pecuniary interests in this matter. Your mention of a decision in the Court of Criminal Appeal hardly seems appropriate in this case as this matter that you refer to as far as I know is to be a civil action as the crown is not involved.

Councillor Ticehurst advised that he was happy with this response.

2. Following the recent decision by several Business Owners to bypass the Lithgow City Council and head straight to the Land and Environment Court to resolve their outstanding publicly controversial Development Applications, at very significant legal expenses to the Councils ratepayers; could Council Senior Officers urgently advise as to what other Significant Development Applications previously reported to Councillors, still remain outstanding having now exceeded the statutory legal period for the Council's determination and could now be classed by the DA's respective Applicants as having been 'deemed refusal' by the Lithgow Council, thus allowing them to seek an urgent resolution in the Land and Environment Court?

Officers are not aware of the decision of "several business owners" lodging appeals on applications that are "deemed refused" under the provisions of the Environmental Planning and Assessment Act. Enquiries with the Land and Environment Court today have also failed to uncover these appeals. The only matters in recent memory are the Adult Store application and now the proposed Heliport where there is initial doubt as to the applicant's ability to lodge the appeal. To pre-empt what applications may be likely to be a subject of a deemed refusal would not be possible without interviewing each applicant to ascertain their intentions. To claim that a appeal to the Land and Environment Court is taken to seek an "urgent resolution" would not be a correct representation of the process.

07-208 RESOLVED

THAT Council be provided with a report on the numbers of development applications outstanding after 42 day statutory period.

Moved: Councillor M F Ticehurst

Seconded: Councillor W McAndrew

3. Is the Lithgow City Council aware that the Applicant for the DA for Helicopter Joy Rides at Capertee has now lodged legal process in the Land and Environment Court, asking that Court to now formally determine his Development Application as the Lithgow Council failed to determine his DA within the statutory legal period, similar to the recently successful Applicant for the Adult Book Shop in Lithgow? If this is correct, is it also correct that Lithgow ratepayers can now expect to pay over \$50,000 in legal expenses should the Lithgow Council subsequently determine to object to the Development Application for Helicopter Joyrides?

Councillors were provided with an email briefing on this matter on 14 May 2007. The addresses of recipients have been checked and it has been verified that this was definitely sent to Councillor Ticehurst. However, a copy can be provided if Councillor Ticehurst has not received his email.

It would not be possible to speculate on possible costs at this stage, however as there is doubt over the validity of the appeal, the matter is to be reported for determination to the next Finance and Services Committee and the applicant's Solicitor has written to Council indicating the appeal will be withdrawn if he receives a favourable determination then there a may be a chance that costs will be very minor. However, depending on the results of the final assessment and determination on Council's part, this could vary considerably.

4. Could the Lithgow City Council, prior to seeking to gain approval from the Minister for Local Government to impose a new Special Rate upon all 10,000 Lithgow City Council ratepayers of up to \$50 per year for some 10 or more years to raise funds for the new proposed Lithgow Swimming Centre at up to \$10 million dollars, could the Council immediately release their Concept Plans and Drawings for the new Lithgow Swimming Centre and have them published in the Lithgow Mercury and put onto public display in public Shopping Centers, such as the Valley Shopping Centre and the Portland and Wallerawang Libraries before the end of the exhibition period for comment?

An option was provided in the budget and management plan for next year to enable the Council's final determination on this matter. Some comments have been received on this through the consultation processes which have been completed on the Draft Management Plan and all comments, including those on the proposal to construct the Centre, will be provided to Council for consideration of the finalisation of the Management Plan. Should Council resolve to undertake this project, concept plans and drawings would need to be produced. Council is advised that there is a time constraint for intent to seek a variation and for actually making the variation request. Council has submitted an intention to apply to allow for the possibility that a rate variation will be requested. As the Minister announced the rate peg for 2007/08 on 16 May 2007, the next part of the process is to prepare within 14 days a submission on any variation request.

5. If as has been publicly suggested, the Lithgow City Council proceeds with a Public Referendum on the proposed new Minimum Security Gaol adjacent to the Lithgow Correctional Centre at Marrangaroo, could the Lithgow Council also consider to resolving to hold similar referendums on both the new proposed Special Rate and Concept Plans for the proposed new Lithgow Swimming Centre and the proposed introduction of Fluoride into the Greater Lithgow community?

Council is urged to consider referring to any proposed consultation as a Council Poll rather than a Referendum which has specific meaning under the Local Government Act for councils. Council could consider a resolution to conduct a council poll or other methods of consultation on the items listed at any time.

07-209 RESOLVED

THAT a report be brought back on the cost and process of a Council Poll in relation to fluoride.

Moved: Councillor M F Ticehurst

Seconded: Councillor H K Fisher

6. Following the compulsory acquisition by the Lithgow City Council of land formerly owned by Thomas Hope Knox in Morrell Street, Meadow Flat, that is the Meadow Flat Community Hall, Rural Fire Shed and Morrell Street itself, could the Council now advise the community if all the land has subsequently been registered in the Lithgow City Council's asset register and if so, at what monetary value?

Council is in receipt of the Certificate of Titles for Lot 1 and 2 in Deposited Plan 1081225, being the land which the Community Hall and part of the Rural Fire Shed are located upon. These properties have not been included in Council's Assets Register to date, however, the process has commenced. In relation to Morell Street, this Street was not part of the compulsory acquisition, however, in 2004 there was a partial road closure to formalise the land which the majority of the Rural Fire Shed is located upon. The current status of Morell Street is being investigated.

Councillor Ticehurst advised that he was happy with this response.

7. Following a recent media report, could the Lithgow City Council please provide their ratepayers with an update on the current legal status or action with the Lithgow Adult Book Shop?

Councillors were advised today, and a memo has also been provided, that following Barrister's advice it was determined not to proceed with an appeal.

Councillor Ticehurst advised that he was happy with this response.

8. What impact will the Lithgow City Councils repayment of nearly \$500,000 over the next 15 months in load based licensing fees to the EPA for the ongoing delay in the construction of the Lithgow Treatment Plant have on the Lithgow City Councils position for the current financial year and the next 2007/2008 Financial Year?

Further, is the Lithgow City Council also obliged to pay similarly large load based licence fees to the EPA for similar delays in the future construction of other STP'S in the Lithgow City Council LGA and if so, what will they be?

Refer to reports to Council on 16 April 2007, Policy and Strategy Committee dated 7 May 2007, item 11 on tonight's agenda and the draft Management Plan 2007/08 – 2009/10 page 30. There is no suggestion that the repayment of Load Based Licence fees will impact on the timing of the Stage 2 STP upgrade which is separately funded and budgeted. Council has not entered into any other Load Reduction Agreements that would give rise to a similar situation nor are its other STP's subject to Load Based Licence fees.

Councillor Ticehurst advised that he was happy with this response.

9. As per resolution 07/187 and a following Media Release by Delta Electricity on their current lack of water, when will Delta Electricity be providing an address to the Lithgow City Council?

An invitation has been issued.

10. Is the Lithgow City Council aware of any current or future construction of a Desalination Plant on Lake Lyell Dam by Delta Electricity and if correct, what Development Approvals are required or have been obtained and how will the waste from the process of desalination be disposed of?

Council officers are is unaware of any proposal for desalination. Perhaps this could be a question if a Delta representative provides a presentation or meets with Council.

11. Given that Oberon Shire Council has Level 4 Water Restrictions in place for their residents who are users of the Fish River Water Supply, when will the Lithgow City Council also place their LGA residents using the Fish River Water Supply onto similar Level 4 Water Restrictions?

See Item 5 on tonight's agenda.

Councillor Ticehurst advised that he was happy with this response.

12. Could the Lithgow City Council seek information from the Chifley PACT to confirm that following the State Governments swearing in of nearly 900 new Police Officers this year, only 3 have been attached to the Chifley (Bathurst & Lithgow) Police Command?

The item can be raised by the Mayor or General Manager at the next PACT meeting.

13. Could the Lithgow City Council advise why after nearly seven years, the former Heritage listed Quoits arena in the Pottery Estate Lithgow has still not been replaced and when will it be returned to it's former glory?

07-210 RESOLVED

THAT a report to be brought back to Council on the status of the Quoits arena in the Pottery Estate.

Moved: Councillor M F Ticehurst

Seconded: Councillor M J Wilson

14. Could the Lithgow Council advise if there has been any update regarding the former sale by Xstrata Coal of their land in the Cobar Park/McKellars Park area in Lithgow to an ASIC listed \$2 company called Marie Edward Pty Ltd?

An update memo is provided for Councillor's. Letters of an almost identical nature have been forwarded to residents who have been placed on database advising that they wish to remain informed.

15. Is the Lithgow City Council aware of the removal of road base material adjacent to the Meadow Flat Cemetery and will this have any impact on the operations of the public cemetery?

No - and no impact on Council operations. However, if Councillor Ticehurst has any more specific information this can be investigated as an operational matter.

16. Has the Lithgow City Council received or purchased any roadbase material from any rural land properties in the Rydal/Tarana/Meadow Flat areas and is the Council aware of any legal or illegal quarries in the Rydal/Tarana/ Meadow Flat areas who allegedly are currently providing roadbase material to local Coal Mines?

Roadbase is only purchased from approved quarry operations. However, if Councillor Ticehurst has any more specific information in relation to this or an alleged illegal quarry then these can be investigated.

Councillor Ticehurst advised that he was happy with this response.

17. Previously, the Lithgow City Council provided Councillors with list details of all Public Liability Claims approved under delegated authority. As this has not been done for some years, could Council Officers please provide details for all such public liability claims for the past five years and also advise, what is the current amount for which public liability claims can be paid under delegated authority?

This would be considered an operational matter and as such is the responsibility of the General Manager rather than of Council and as such is not an item subject to delegation. Council may wish to resolve to have a report brought back to Council summarising the issues raised in this question.

Councillor Martin Ticehurst moved a **MOTION** that:

1. A report be brought back on the above issue.

This motion **LAPSED** due to having no seconder.

QWN - 21/05/07 - COUNCILLOR BP MORRISSEY

1. Mr Mayor, I refer to allotments in rural areas and changes to the 40 hectare lot minimum approvals. Will Council be able to voice their opinion on this issue?

The Mayor advised, Regional Mayors had discussed this issue at a meeting of the Central West Rural Lands Reference Group in March. We will continue to have our voices heard in future meetings.

2. Mr Mayor, I refer to attacks by wild dogs to rural stock. Can Council advise what is the extent of the attacks and what our policy is on minimising the attacks?

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

QWN - 21/05/07 - COUNCILLOR W MCANDREW

1. Mr Mayor, can Council seek a delegation through the local member to the relevant Minister for two more units at Mt Piper Power Station?

The Mayor has spoken with the Local Member and a Mayoral Minute will be reported to the June Committee Meetings, but further delegations will be arranged.

07-211 RESOLVED

THAT Council seek this delegation.

MOVED: Councillor W McAndrew

SECONDED: Councillor M M Collins

QWN - 21/05/07 - COUNCILLOR MM COLLINS

1. Mr Mayor, can a report be brought back on the costing and feasibility of lighting on the miners lamp located at the Lithgow Visitor Information Centre?

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

QWN - 21/05/07 - COUNCILLOR HK FISHER

1. Mr Mayor, I refer to the Community Nursery, can Council advise as to what the boundaries of the nursery are and if this affects confides of land sold in this area?

The Mayor advised a memo can come back to Councillors and the Nursery.

2. Mr Mayor, can Council advise on the Copperwing Butterfly habitat in relation to whether the land purchases affect this?

The Mayor advised a memo will be sent to the Councillors advising of this information.

QWN - 21/05/07 - COUNCILLOR AE THOMPSON

1. Mr Mayor, can a report be brought back to Council regarding the parking rate levy?

The Mayor advised a report can be brought back to Council.

The Meeting closed at 8.46pm.