



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

18 JUNE 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 18 JUNE 2007**

Meeting Commenced 7.00pm

Public Gallery: 34

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

NIL.

Also in attendance

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

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 21 May 2007 were taken as read and confirmed by Councillors M J Wilson and H K Fisher

**07-242 RESOLVED
CARRIED**

DECLARATION OF INTEREST

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

Councillor H K Fisher declared a pecuniary interest in number 3 of Councillor Ticehurst's questions due to being an adjoining land owner. He vacated the Chambers.

General Manager P J Anderson declared a non-pecuniary conflict of interest in item 1 of Councillor Ticehurst's questions due to being involved in the investigations. He vacated the Chambers.

Councillor M J Wilson declared a pecuniary interest in Veronica Nolan's Question from the public gallery, as Delta is his employer. He vacated the Chambers.

PRESENTATIONS:

A presentation was made by Louise Archibald regarding drainage issues at Wallerawang and its need for inclusion into the Strategic Plan.

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 - 18/6/07 - DENNIS ISMAY

1. Mr Mayor I refer to point 17 page 28 of the agenda for the council meeting of 18th June 2007 concerning my submission for the strategic plan. Since, as noted on page 20 and 21 of agenda for the Council meeting to be held on 18th June: "The Draft Strategic Plan is the principal strategic planning document for the Local Government Area and as such informs the preparation of other plans and strategies such as management plans, operational plans, crime prevention plans and land use strategies. It is not a land use strategy; however, a **Land Use Strategy will be prepared and guided by the strategies proposed in the Draft Strategic Plan.**" And: your reply to my submission said that: "The subject land is not a public reserve and has potential for higher development purposes which **will be assessed in the Draft Land Use Strategy**". Can you please clarify for me the status of the land with regard to future public use and community consultation about its use? For the sake of building a stronger community in Wallerawang and to enable both our community and our environment to flourish by providing a vision for the future of our town that might include the thoughtful and professional development of public spaces for our community and visitors and the retention of public access to areas of significant beauty, can the value of future community consultation about the use of this land in Wallerawang be recognised in the Strategic plan?

Currently Landcare are inviting residents to an onsite public meeting on 1st July at 10am at the Wallerawang school gates to discuss potential action to enhance attributes and manage issues on this site. This meeting is supported by Tidy Towns Wallerawang. A proposal will then be presented to council for consideration.

The subject land is not a public reserve noted on a Deposited Plan and is classified as operational land under the Local Government Act. However, the Certificate of Title does contain the following statement "reservations and conditions in the Crown Grant(s)" which is being researched further. The site is also zoned 2(v) under the Lithgow Local Environmental Plan 1994.

This site like all others will be reviewed during the preparation of the Draft Land Use Strategy and the Draft Local Environmental Plan which will both be subject to public consultation.

In another submission from the author it is noted that the land is being used as a throughfare. Inspections of the site have highlighted the need for this to be reviewed. Further assessment is currently being undertaken and the issue will be reported to Council upon completion.

For the sake building a stronger community in Wallerawang and to enable both our community and our environment to flourish by providing a vision for the future of our town that include the thoughtful and professional development of public spaces for our community and visitors and the retention of public access to areas of significant beauty, can the value of future community consultation about the use of this land in Wallerawang be recognised in the Strategic Plan?

Public consultation for the Draft Land Use Strategy is noted throughout the Draft Revised Strategic Plan and consultation for the Draft Local Environmental Plan is legislated.

07-243 RESOLVED:

The Council resolved to send the questions and answers to Dennis Ismay.

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

QPG - 18/6/07 - VERONICA NOLAN

1. Mr Mayor Has LCC sold or is LCC going to sell its Fish River water allocation in part or in full to other water consumers eg; Centennial Coal and/ or Delta?
 - a) if not, why not?
 - b) if so, what adverse impact will this have upon Glen Davis' reservoir supplying water to residents of Glen Davis?
 - c) if no adverse impact ... why not?
 - d) if so, what adverse impact will this have upon Capertee Valley/ Fish River metered- pipeline users?
 - e) if no adverse impact ... why not?

Fish River Allocation - Council has traded part of its allocation with Delta Electricity for 1 year with a 1 year option.

- a) N/A
- b) Nil.
- c) *It is a trade of access to an allocation that does not impact on distribution of water available within the remaining allocation.*
- d) Nil.
- e) See answer to c) above.

Councillor M Wilson declared a pecuniary interest as Delta is his employer and vacated the Chambers.

QPG - 18/6/07 - VINCE HALLAM

1. Mr Mayor when will the General Manager be in a position to provide me with a written letter of acknowledgment that he has received correspondence from me dated 30 April 2007 and 15 May 2007?

As discussed with Mr Hallam on a number of occasions, the correspondence has been referred to the ICAC under the ICAC Act, when a response is received from ICAC a formal response will be sent to Mr Hallam.

2. Mr Mayor has the sewerage transfer station associated with DA 519/02 been commissioned and who's responsibility lies with its ownership and maintenance?

No record can be found of Council formally accepting dedication of the pumping station as a Council asset.

QPG - 18/6/07 - LAWRIE DANIEL

1. Council now has a policies register on the internet which is marked 'updated March 2007'. Can Council advise what date precisely, pol10.15 'Removal of trees from public land' came into effect?

Adopted by Council at Ordinary meeting of 19 February 2007.

2. Can Council confirm that this policy covers the removal of trees on Council road reserve, and that the State Government mandates this policy? If so, under what section of which legislation is the policy mandated?

The policy relates to situations where Council proposes to remove a tree or trees on public land or a request to remove a tree on public land is received. The policy relates to Council's rights as a landowner and is not mandated by the State Government nor legislation.

3. Is the removal of trees on Council road reserve a criminal offence? Are there any penalties imposed for persons who remove a tree on Council road reserve without permission? What are the penalties?

The policy makes no provision, nor could it, for making the removal of trees in a Council road reserve a criminal offence on the removal of trees in the road reserve.

4. If Council is informed of the removal of trees on public land, must Council impose a penalty or is the imposing of penalties at the discretion of Council? If discretionary, does Council have a policy in relation to these discretionary powers?

See answer to No 3. However it should be noted that Mr Daniel has made allegations of tree removal alleging it to be within a road reserve. This matter is under investigation which can not be concluded until receipt of a survey report which has been commissioned by Council from a registered surveyor.

07-244 RESOLVED:

Council resolved to send the questions and answers to Lawrie Daniel.

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

QPG - 18/6/07 - MARLENE BRINCKLEY

1. I ask the question again what happened to the copies of a letter from Inspector Chris Davey intended for Councillors as they were left by Councillor Fisher with Mayor and General Manager nothing to do with correspondence forwarded to State Member by Council January 07. May I leave correspondence for Councillors or is it vetted first and withheld in the public interest?

As advised at the Committee Meeting held on 4 June 2007, Correspondence has been received from the State Member, Gerard Martin from Chris Davey, Chifley Command in relation to the above matter, which was duly forwarded to Lithgow Council for action. A response was forward to the State Member in January 2007. No further information has been received from Chris Davy.

2. Mr Mayor are you aware the letters to which I refer by and has nothing to do with a letter regarding the road into Aldi of Hassans Walls Road that I wrote and signed as she was not sure how to word it spoke to Mayor and Councillor McAndrew and nothing was done Councillor Fisher advised her to put it in writing and I wrote the letter as a favour. I once again ask what happened to them?

Council records have been checked and no record of such correspondence has been found. One of the authors has confirmed that the correspondence has not been provided to Council or has any conversation taken place with a Councillor on the matter.

3. Mr Mayor, are you aware on two occasions I have brought to Councillors attention the telling of a blatant untruth I call a "Porkie".
I feel I should not have to put this in writing yet again. It is now a matter of public record. On speaking to members of the gallery present that night their recall is exactly as I quoted. I once again ask for a public apology. I should not have to write another letter to the General Manager for this matter to go to Code of Conduct Committee or is the telling of untruths quite acceptable if you have no recall of telling of same?

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

4. Mr Mayor may we have Councillor Thompson's mike turned up a little as we cannot see her face behind the monitor and she has a soft voice and we all like to hear what she has to say?

The IT Department advised that this was not able to be done.

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MAYORAL MINUTE

ITEM:1 **MAYORAL MINUTE - 16/06/07 - CENTROC MEETING HELD ON 31ST MAY 2007.**

REPORT FROM: NEVILLE CASTLE, MAYOR

REFERENCE

NIL

COMMENTARY

The last meeting of Centroc was held in Lithgow and coincided with the Regional Coordination Managers Group (RCMG). Centroc met in a combined meeting with the RCMG before their regular meeting. The meeting focused on a combined response to the State Plan and hopefully all Government Departments in this region will now be working in the same direction.

Centroc continued its support of the proposed Bells Line Expressway. An interesting change of attitude has now merged from Hawkesbury Council who now also support the project, whereas in the past they had opposed it. Slowly we seem to be gathering support from more and more areas.

The meeting saw a very touching DVD on how people in the central-west are coping with having to travel to Sydney for Cancer treatment. It further reinforced the need for the radiography unit to be established in this area.

The Centroc meeting also saw the signing of a MOU with IPSTAR.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-245 RESOLVED

THAT the information be received.

MOVED: Councillor Neville Castle

SECONDED: Councillor M J Wilson.

CARRIED

GENERAL MANAGER REPORTS

ITEM:2 GM - 18/06/07 - WORKCHOICES

REFERENCE

NIL

SUMMARY

This report provides Council with an update on the implementation of the Workplace Relations Act and its application to staff at Lithgow City Council.

COMMENTARY

As Council is aware the Federal Governments Industrial Relations Legislation was enacted on 27 March 2006. This has been of major shift to the industrial management of most employees across Australia.

Given the many and varied issues associated with this legislation a decision was made to agree to and sign referral agreements. These agreements were of the first signed in the State and illustrated this Councils commitment to the effective and appropriate management of staff. This matter was reported to the Council as part of Council's Central Tablelands Alliance program, in July 2006. This satisfies the request of the Minister with respect to referral agreements which I signed in August 2006.

Much of the debate for local government has focused around the issue of applicability of the federal legislation over Local Government and whether Council is considered a Constitutional Corporation as defined under the Australian Constitution.

The LGSA have advised Council that by virtue of the LGA Act Council is a body corporate and therefore a corporation. The question of a constitutional corporation is contained with paragraph 51(XX) of the Constitution and applies to and includes foreign, financial and trading corporation. Council's are considered to be trading corporations as the courts have used very broad criteria to characterise trading corporations, for example, the courts have held a corporation has been determined to be a trading corporation:

- Even though it has as its primary or dominant activity a non trading activity;
- Where the corporation does not trade for profit;
- Where the trading activities are not motivated by private gain but purely to earn revenue, and
- Where the corporation is a sporting, religions or government body, as long as the trading is not unsubstantial, the fact that trading is incidental to other activities does not prevent it being a trading corporation.

The most recent case law using what was described as the "activities test" supports the view that Council's would, in most circumstances be trading corporations.

The most cited case is *Burrows v Shire of Esperance* (1998). In this matter the Australian Industrial Relation Commission held that the Shire of Esperance was in fact a Constitutional Corporation as a significant proportion of its revenue was derived from trading activities. The percentages of trading activities of the Shire of Esperance were in fact 8.89%. In considering this matter AIRC found that:

- Trading was the simple activity of providing for reward goods and service;
- A corporation is a trading corporation if a substantial proportion of its current activities are trading activities notwithstanding that there may be other non trading activities and;
- Just because goods and services were provided by a local government authority did not alter the character of the activities as involving trading.

Unfortunately there is no case law or precedent that defines "substantial" or "Significant" trading activity.

Staff have determined (in conjunction with the LGSA) that in excess of 40% of Council's revenue is derived from what can only be described or considered as trading activities of Council. From the case law available it can only be concluded that this level of revenue is "not insubstantial" or arguable as being actually "Substantial".

With this information I would suggest as a matter of fact and law that Lithgow City Council is a Constitutional Corporation and the Federal Workplace Relations Act is applicable.

The real question is what does all this really mean?

Lithgow City Council as a Constitutional Corporation is covered under what is now colloquially referred to as Work choices and as such must ensure compliance with the Federal Workplace Relations Act.

The staff who were previously covered under the LG State Award, now "enjoy" the provision of the NAPSA.

The current NAPSA has applicability up until 27 March 2009 where at as that time the NAPSA will no longer be applicable under the transitional arrangements however the doubtful issues include:

- Council agreements post March 2009;
- NAPSA based contracts post March 2009 (these cover the non senior staff managers)

Council must now pay the Australian Fair Pay Commission payments as handed down by the Commission. In this regard the initial decision made 1 December 2006 has now been paid to all applicable staff based on the pay scales in November 2005. The next AFPC payment is due around July 207.

Ultimately Council will need to decide upon the course of action for the employment of the staff within Council. Basically there are a number of options:

1. Employee Collective Agreements
2. Union Collective Agreements
3. Australian Workplace Agreements
4. Union Green Field Agreements
5. Employer Green Field Agreements
6. Multiple Business Agreements
7. Safety Net Award

In reality options 1 and 2 would appear to be most applicable to Council and provide the best opportunities for most staff. The progress of the Federal LG Award has stalled and is not seen as a high priority for resolution.

AWAs are not supported as a general principle given that they are perceived to place undue pressure on individual staff and may in fact lead to differing provisions for people carrying out the same job. In addition it is considered an administrative nightmare to have to manage the large amount of AWAs required.

Council need not (I am not recommending that Council should) rush into any dramatic overhaul or change to the current system. The current NAPSA has applicability until March 2009 and we are able to wait to determine if any other legislative amendments are made by the Government of the day before entering into any future programs.

A fair argument is being "waged" at the moment regarding Council's making a cost of living payment to staff to compensate for the "expiring" of the non applicable award increases as a result of the NAPSA which only provides for AFPC increases.

It should be noted such an increase does not include payments for any trade offers or bargaining but to recognise the changes to the cost of living and inflation. There is still some legal debate on this matter and I will be advising Council on this in the future.

There has been considerable confusion and conflicting advice surrounding the role of the elected Council and General Managers with respect to industrial policy. As can be seen from the attached DLG Circular, letter from the LG Minister, letter from the LGMA and letter from the LGSA there is considerable differing and competing views amongst the parties.

Discussions with senior staff of the Department indicate that the "view" of the Department is in fact a "view" and not a legal opinion; whilst the LGMA indicates they have sought legal advice.

Irrespective of the arguments, this report highlights the matter of facts and law that Lithgow City Council is a Constitutional Corporation and as such, irrespective of the law by policy or operational Council will be subject to the Workplace Relations Act and any new agreements will need to be registered at a federal level and satisfy things such as the "fairness test".

POLICY IMPLICATIONS

This report be highlighted that fact that Council is a Constitutional Corporation and as such is subject to "work choices". Council may need to consider further reports on the next steps of the process having regards to the applicability of the current NAPSA.

FINANCIAL IMPLICATIONS

There are financial implications that arise with this report following from the payments required as a result of the AFPC. These additional wage costs have been covered with the 2006/07 recent budget and are also provided for in the 2007/08 Draft Budget and Management Plan.

LEGAL IMPLICATIONS

The determination of the Constitutional Corporation is a matter of fact and law rather than a particular "choice". There are heavy penalties for employers who do not follow the intent or requirements of the legislation. This report highlights the confusion and difficulty in deciphering the legislation and its applicability to Council.

RECOMMENDATION

THAT:

1. The General Managers report on the Workplace Relations Act be noted.
2. Council acknowledge its status as a Constitutional Corporation.
3. Further reports be provided with respect to changes to the legislation as it impacts local Government.

07-246 RESOLVED

THAT:

1. The General Managers report on the Workplace Relations Act be noted.
2. Council acknowledge its status as a Constitutional Corporation at this stage.
3. Further reports be provided with respect to changes to the legislation as it impacts local Government.

MOVED: Councillor B S Moran

SECONDED: Councillor M M Collins.

CARRIED

ITEM:3 GM - 18/06/07 - SHIRES ASSOCIATION ANNUAL CONFERENCE

REFERENCE

NIL

COMMENTARY

As Council is aware the Annual Shires Association was also the election for the Executives of the Association for the 2007/08, 08/09 term.

Councillor Bruce Miller, Mayor of Cowra and Executive Member of Centroc was elected as the President of the Shires Association.

The other Executive Members include:

Cr Colin Sullivan OAM - Immediate Past President
Cr Steve Low AM - Vice President
Cr Barry Johnston OAM - Vice President
Cr Paul Braybrooks - Treasurer
Cr Janet Hayes
Cr ray Donald
Cr Ken Keith
Cr Brian Sharp
Cr Chris Manchester
Cr Warren Ward

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-247 RESOLVED

THAT:

1. The new Executives be noted
2. Council forward its congratulations to Councillor Miller on his election to the role of President.

MOVED: Councillor M M Collins

SECONDED: Councillor B S Moran.

CARRIED

REGIONAL SERVICES REPORTS

**ITEM:4 REG - 18/06/07 - DEVELOPMENT APPROVAL PROCESS -
QUESTION COUNCILLOR M F TICEHURST**

REPORT FROM: Regional Services Manager– Andrew Muir

SUMMARY

Response to a question from Councillor Ticehurst concerning development assessment times at the Council meeting of 21 May 2007.

COMMENTARY

Councillor Ticehurst raised concerns about potential appeals to the Land and Environment Court relating to development applications that have not been determined within the timeframes provided within legislation.

A check of development applications submitted pending approval revealed a large number have exceeded the statutory approval time but are on hold awaiting additional information. The Environmental Planning and Assessment Act allows for the processing clock to be stopped if Council requires additional information or the application is integrated development and requires referral to a government agency.

At the time of writing all but one application in excess of the statutory assessment period is subject to the stop the clock provisions of the legislation. That application is for a modification of the Pinedale Open Cut mine for an increase in production and provision for public road haulage. This application is close to final determination.

Councillors would be aware that approval times for Development Applications are reported to each meeting and reasons provided as necessary.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Compliance with statutory requirements.

07-248 RESOLVED

THAT the information be noted.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:5 REG - 18/06/07 - DISUSED RAIL CARRIAGE - ESKBANK STATION
 PRECINCT**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Question without notice from Councillor H Fisher – Policy and Strategy Committee - 7 May 2007

SUMMARY

To advise of progress in seeking the removal of a disused rail carriage in the vicinity of Eskbank Station.

COMMENTARY

Following a number of enquiries into the responsibilities regarding a disused rail carriage notice of intention to serve an order under the provisions of the Local Government Act 1993. These parties were:

- Railcorp – owner of the land.
- Lithgow State Mine Heritage Park and Railway – believed to be lessee of the site.
- DMU Rail Services – the owner of the carriage.

Railcorp has verbally responded indicating that the matter will be forwarded to the appropriate officer within the organisation.

Lithgow State Mine Heritage Park and Railway have advised that whilst they claim they are not the lessees of the land on which the carriage is situated, they have accepted responsibility for its relocation by rail given that it is situated on tracks controlled by the their organisation. They advise that the carriage was placed upon their infrastructure without their knowledge or approval and whilst they would dearly love to arrange for its removal, they are currently constrained from activities due to requirements of the Independent Transport Safety and Reliability Regulator. These requirements relate to:

- Improvement and certification of rail infrastructure at Eskbank Yard, State Mine Yard and State Mine branch line.
- Development of new safe operating procedures and risk assessments.
- Certification of rolling stock and locomotives.

Whilst they are currently working to resolve these issues, progress has been slow given the limited resources of their organisation. It may be possible for a third party organisation to move the carriage this cannot occur until the necessary Safety Interface Agreements are arranged. They see the following options:

- Relocation of the carriage by road by the owner.
- Scrapping of the carriage, with any moneys sent to the owner after disbursement.

- Relocation of the carriage on to infrastructure not controlled by their organisation, following satisfaction of outstanding requirements. If this is the final option, they would request a period of three months to comply.

They request Council to consider issues such as responsibility for the land on which the carriage is situated, legislative and regulator requirements and the responsibility of the owner of the carriage and their willingness to co-operate.

DMU Rail Services have responded with the principal indicating that he has been unavailable due to a personal accident. DMU have indicated that Railcorp will be contacted and an operator organised to move the carriage.

Whilst the circumstances are complicated, it would seem reasonable to press for a conclusion to have the carriage moved at least a reasonable distance to a less visible location. It is suggested that the orders be served on Lithgow State Mine Heritage Park and Railway and DMU Rail Services to move the carriage within a period of 40 days. It may be pointless to serve the order on Railcorp as they will no doubt defer to the lessees.

POLICY IMPLICATIONS

None applicable to this matter.

FINANCIAL IMPLICATIONS

Not at this time. If an appeal is lodged to the Orders this would lead to legal costs.

LEGAL IMPLICATIONS

The Orders provisions of the Local Government Act apply including periods for notice of intention, reasonable periods for compliance and the right of appeal.

07-249 RESOLVED

THAT Council note this under the provisions of Section 124 of the Local Government Act that Orders will be served on Lithgow State Mine Heritage Park and Railway and DMU Rail Services to remove the disused carriage within a period of 40 days from the service of the Order.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:6 COMM - 18/06/07 - HIRE OF 3.7INCH ANTI - AIRCRAFT GUN

REPORT FROM: COMMUNITY AND CULTURE MANAGER - P.HALL

REFERENCE

Nil

SUMMARY

Council received a written request for the hire of one of the anti aircraft guns located at the gun emplacement at South Bowenfels. It was to be displayed during production of the movie "Australia" starring Nicole Kidman and Hugh Jackman at Bowen Queensland for a six week period.

COMMENTARY

Detailed research was conducted to see who owned the gun and who could give permission for the gun to be moved.

Australian Department of Defence, Coordination and Public Affairs Division was phoned on a number of occasions and indicated there were no issues concerning Council hiring the gun as it was under Council's jurisdiction and didn't seem to have any problems with the gun being moved temporarily.

Council made certain insurance and adequate transportation was arranged for the move and a hire agreement was drawn up between Council and Bazmark Film II Pty Ltd for loan of the gun breach no.CAN24134 during the period of 23 May 2007 to 3 July 2007.

A RSL Sub Branch representative raised concerns on 28 May 2007 during a meeting with Council representatives about the gun being moved without the RSL Club's permission as the RSL believes the guns at the South Bowenfels emplacement are under their control.

Council has contacted ADI where it was understood the gun in question had come from and ADI indicated they had received the gun from Singleton Museum. The Museum has been contacted and is looking into what clarification they can provide regarding ownership.

At this stage there doesn't seem to be any paperwork in Council's records confirming ownership by the RSL Sub Branch or Lithgow City Council. However Council's advice from the Department of Defence is that the gun is under Council's jurisdiction.

With conflicting information on the ownership and approval processes in such instances, Council will continue to investigate the matter further and ultimately put in place a formal process to ensure all parties required are involved in any future events concerning the guns at the South Bowenfels emplacement.

It is recommended to Council that the fees raised from the hire less any costs associated with the move be held in reserve for works on the gun emplacements and that the RSL sub branch be asked to assist Council in the development of a prioritised scope of works for the emplacement as funds are made available through the budgeting process. It is also recommended that an advertisement in Council's column be placed to notify the community of the intended development of the scope of works for the gun emplacement to determine if there are others interested in contributing to the development of the prioritised list of works.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Fees for hire were calculated based on the Fees and Charges for film hire as listed in Council's Management Plan.

Funds received from the hire of the 3.7 inch anti aircraft gun, less expenses, to be allocated to ongoing works at the gun emplacement.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The hire of the gun highlighted the need to formalise ownership and put in place procedures should there be any future requests. It is also recommended that any proceeds from the hire of the gun be placed in reserve, less expenses, and be used for future works with a prioritised list developed in conjunction with the RSL and any other interest party.

07-250 RESOLVED

THAT:

1. Council continue to investigate the matter of ownership of the guns at the South Bowenfels emplacement further and develop a process to deal with future request for use ;
2. Council seek from the RSL Sub Branch ideas for the development of a list of prioritised works for the gun emplacement at South Bowenfels to be undertaken as Council approves expenditure through future budget processes;
3. Council advertise the list of priorities and seek public comment on them to determine if there are others in the community interested in assisting in the determination of future works at the gun emplacement site;
4. Funds of \$8,800 including GST, less expenses, received for the hire of the 3.7 inch anti aircraft gun to be internally restricted for the purpose of ongoing works at the gun emplacement at South Bowenfels.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:7 COMM - 18/06/07 - DRAFT STRATEGIC PLAN

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

06-05: Policy & Strategy Committee Meeting 6 February 2006
06-57: Policy & Strategy Committee Meeting 6 March 2006
06-93: Policy & Strategy Committee Meeting 3 April 2006
06-153: Policy & Strategy Committee Meeting 5 June 2006
06-281: Policy & Strategy Committee Meeting 4 September 2006
07-142: Council Meeting 16 April 2007

SUMMARY

The Draft Strategic Plan was publicly exhibited from 19 April to 16 May 2007 with 25 submissions being received. As a result a number of minor changes have been made to the Draft Strategic Plan and a revised Draft Strategic Plan is provided to Council for its consideration to adopt.

COMMENTARY

The Draft Strategic Plan details strategies which will guide the direction of the Local Government Area for the next 10 to 20 years. It is based on the community's vision and issues which were developed or identified during consultations in April and September 2006.

At its meeting of 16 April 2007, Council resolved to exhibit the Draft Strategic Plan for a period of 28 days from 19 April to 16 May 2007. This report details the outcome of the public exhibition period and presents a revised Draft Strategic Plan which includes some minor changes.

Public Information Sessions

During the exhibition period, Council conducted information sessions on the Draft Strategic Plan and Draft Management Plan at Lithgow, Wallerawang, Portland, Hartley, Cullen Bullen, Glen Davis, Rydal and for the Lithgow Business Association. A total of 108 persons attended these sessions. The following issues were raised relating to the Draft Strategic Plan and recorded:

Lithgow – 23 April 2007

- Land use zonings, in particular multiple zones in the village areas, the consideration of rezoning requests in the comprehensive Lithgow Local Environmental Plan and the impact a Local Environmental Plan can have on growth.
- The sale of excess water to other consumers.

Wallerawang – 30 April 2007

- The level of community involvement in the strategic land and water capability assessments is unknown as it is a Sydney Catchment Authority process.
- The location of development on hills.
- There is no strategy on climate change.

- The local representation on the Central West Rural Lands Panel and voicing of the local issues.
- Further consultation for the comprehensive Lithgow Local Environmental Plan will be undertaken.

Portland – 30 April 2007

- The community will be involved in the preparation of the crime prevention and cultural plans.
- It is important to have an ambulance/paramedic at Portland.

Hartley – 1 May 2007

- The Central West Rural Lands Panel and its purpose.
- The removal of concessional lots and the likelihood of the minimum lot size for a dwelling changing in the comprehensive Lithgow Local Environmental Plan.

Lithgow Business Association – 2 May 2007

- The agricultural use of land should be performance based.
- The outcome of the Marrangaroo Structure Plan in the Draft Strategic Plan is to finalise the outstanding issues.
- The provision of water from the Farmers Creek Catchment to Wallerawang.

Cullen Bullen – 5 May 2007

- Land use zonings, in particular, the minimum lot size, the current supply of rural residential land and the consideration of rezoning requests in the comprehensive Lithgow Local Environmental Plan.
- The provision of a reticulated sewerage system to Cullen Bullen.

Glen Davis – 5 May 2007

- The Central West Rural Lands Panel, in particular the process and the local situation.
- Future waste management services and charges.

Rydal – 5 May 2007

- The need to preserve existing entitlements in the comprehensive Lithgow Local Environmental Plan.
- The role of the Central West Rural Lands Panel and the issues it is dealing with.
- The removal of concessional lots in the comprehensive Lithgow Local Environmental Plan.

The majority of issues raised are dealt with in response to a written submission and therefore have not been reproduced in this section. However, for those which are not included, the following brief comment is provided:

- Land use zonings will be reviewed in the Draft Land Use Strategy which will inform the Draft Local Environmental Plan.
- Council is selling rights to use an allocation of water under the Fish River Water Scheme.
- A feasibility study is being undertaken to provide water from the Farmers Creek Catchment to Wallerawang.

- The need for an ambulance/paramedic at Portland is an issue for the NSW Government, however, Council may have a lobbying role if it chooses.
- There has been no assessment to date in regards to the provision of a reticulated sewerage system to Cullen Bullen.
- Waste management is covered in the Draft Strategic Plan with the strategy "implementing the waste management hierarchy of avoidance, reuse, recycle and dispose" and the action "review Council's waste management strategy".

Land Use Process

It is important to note that the Draft Strategic Plan is not a land use strategy and could not be at the time because of the major information gaps i.e. the findings of the Central West Rural Lands Panel and the subsequent directions from the Department of Planning and the strategic land and water capability assessments currently being prepared by the Sydney Catchment Authority. However, the Draft Strategic Plan does provide strategies which will inform the preparation of the Draft Land Use Strategy.

The Land Use Strategy will then inform the preparation of the Draft Local Environmental Plan. It is envisaged that the Land Use Strategy will be developed in 2007/08 and the Local Environmental Plan will be prepared from late 2007/08 until 31 March 2009, when it must be gazetted. Both the Draft Land Use Strategy and Draft Local Environmental Plan will be placed on public exhibition.

Submissions and Responses

All submissions which have been received during the exhibition period are considered in this report. The following table identifies each submission, sets out the issues raised in relation to the Draft Strategic Plan and responds to each issue.

Submission	Issue/Comment	Comment/Response
1. Bathurst City Council	Reviewed the plan and do not have any specific comments at this time.	Noted.
2. Civil Aviation Safety Authority	Reviewed the document and find that it does not contain any information that comes under the CASA charter.	Noted.
3. Country Energy	Reviewed the draft plan and have no comments.	Noted.
	Look forward to supporting the plan when finalised.	Noted.
4. Oberon Council	No comment to make.	Noted.
5. Private Submission	Existing entitlements under LEP 94 are not to be nullified in any way by the new LEP 2009. This is of extreme importance to the well being of local farmers.	In a Councillor workshop held on 23 August 2006, a desire was expressed to preserve existing entitlements to subdivide or erect a dwelling under the current planning provisions.
	The minimum rural lot size	Noted. The minimum lot size for the

	<p>must not be increased. It would make more sense to decrease the minimum lot size. The powers that be in State Government obviously have no realistic image of what life on the land is actually like.</p>	<p>erection of a dwelling will be determined in the Land Use Strategy, following receipt of the Department of Planning's directions after its consideration of the findings from the Central West Rural Lands Panel.</p>
	<p>The 'concessional lot' arrangement (LEP 94) be continued.</p>	<p>Noted. Whilst this issue will be dealt with in the Land Use Strategy, discussions with the Department of Planning have indicated that concessional lots will be removed from future local environmental plans.</p>
	<p>Importantly decisions on the above be made and published in the next few weeks. We must have certainty in our lives with regard to the above (3 dot points).</p>	<p>These decisions can not be made until the Department of Planning issue directions following its consideration of the Central West Rural Lands Panel findings and the delivery of the strategic land and water capability assessment.</p> <p>The Draft Land Use Strategy will address the above issues. It will be prepared between July 2007 and February 2008 and will be publicly exhibited.</p>
6. Private Submission	<p>Strategy C10 Facilitating a safe community:</p> <ul style="list-style-type: none"> • Concerned about the number of criminal activities in the residential area of Rydal • Would like to know what plans Council is going to put in place for the residents of Rydal. • Suggests closed circuit television in the main street of Rydal. 	<p>The Draft Strategic Plan proposes the following crime prevention actions for the Local Government Area which will apply to Rydal:</p> <ul style="list-style-type: none"> • prepare a crime prevention plan (<i>this plan is to be prepared in 2007/08</i>) • seek funding to implement the crime prevention plan • continue to participate in the Police Action Community Team • incorporate crime prevention design principles in development control plans and the design/upgrade of public places.
7. Cullen Bullen Progress Association and Community Petition	<p>At present Cullen Bullen has stagnated due to a lack of residential blocks and the ability for the current vacant residential blocks to be further developed due to effluent constraints. There are several vacant blocks within the village curtilage which are zoned rural residential which under the</p>	<p>The Draft Strategic Plan proposes strategies to provide sufficient land for the desired annual growth rate. The location of this land will be further assessed in the Draft Land Use Strategy for the Local Government Area. However, it is confirmed that potential lot yields in Cullen Bullen is dependant on the ability to provide on-site effluent</p>

	present system could be subdivided if the zoning is changed.	disposal.
8. Roads and Traffic Authority	The issues raised in your letter of 17 April 2007 will be investigated.	Refer to Submission No. 22.
9. Department of Environment and Climate Change	Continues to support Council with its current strategic land use planning initiative and focuses its assistance at the landscape and whole of council scale and strongly supports sound strategic approaches to land use to overcome the negative cumulative impacts that can be the result of ad hoc development application considerations.	Noted.
	The current Draft Strategic Plan is a logical extension to the previously prepared Local Profile and Discussion/Issue Paper and in general appears to make progress towards addressing the matters raised by the DEC throughout the planning process to date. In particular, the DEC supports the intent in the Strategy to: <ul style="list-style-type: none"> • protect biodiversity, Aboriginal cultural heritage, DECC estate, including the Hartley Historic Site, as well as other conservation and environment protection values • locate urban, rural residential and industrial development opportunities strategically using specific criteria. 	Noted.
	The Draft Strategic Plan provides a useful context to where this plan sits with Council's Management and Operational Plans as well as referring to links to Crime Prevention, Cultural and Social	The Draft Strategic Plan is the principal strategic planning document for the Local Government Area and as such informs the preparation of other plans and strategies such as management plans, operational plans, crime

	<p>Plans. These valid and important relationships could be strengthened in 2 ways:</p> <ul style="list-style-type: none"> • renaming this document a Strategic Land Use Plan to separate it clearly from these other Council plans and strategy documents. • conducting substantial editing to include only those strategies and actions that relate specifically to land use. There is much in the current draft that would be better presented in other Council strategic documents. 	<p>prevention plans and land use strategies. It is not a land use strategy, however, a Land Use Strategy will be prepared and guided by the strategies proposed in the Draft Strategic Plan.</p>
<p>The DECC make many comments relating to a Land Use Strategy and these comments have not been reproduced in this report but will be taken into consideration when preparing the Draft Land Use Strategy.</p>		
	<p>The Strategic Plan should be adjusted to introduce the issue of climate change with discussion of the implications for land use in the context of Council's roles, responsibilities and program areas. In particular, the Plan should address the matter of settlement patterns and densities and the relationship to creating commuting communities with undesirable dependencies on high fuel use.</p>	<p>Climate change was not a major specifically mentioned issue during any of the consultations.</p> <p>Council at its Policy and Strategy Committee Meeting on 4 June 2007 resolved to consider signing the NSW Mayors Climate Change Agreement.</p> <p>However, Council is undertaking activities which are aimed at reducing the greenhouse emissions from our operations such as participation in the Cities for Climate Protection Program and energy auditing of buildings. These activities have been inserted into the actions section for the strategy "improving local air quality".</p> <p>This suggestion is noted for future consideration.</p>
	<p>Reference to matters of Aboriginal cultural heritage are noted and supported in the Strategy. DECC urges Council to consult with its Aboriginal</p>	<p>Noted, further consultation with the local indigenous groups is proposed during the preparation of the Draft Land Use Strategy and Draft Local Environmental Plan.</p>

Community to identify its values.	
All references to water quality in the Strategy should be within the context of the Government endorsed Water Quality Objectives for the Macquarie and Hawkesbury Nepean Rivers.	The Draft Strategic Plan proposes the strategy "protecting and improving our water quality" which if delivered will assist in the achievement of the Water Quality Objectives.
Section 3.2 Transport - supports the stated inclusion of cycling, pedestrian and mobility considerations via operational, management, master and development control plans.	Noted.
Section 3.3 Employment – add reference to protecting Environment Protection Licence sites.	Environment Protection Licence sites have been included in the list of actions.
Section 3.7 Environment – Karst Landscapes and other features of environmental sensitivity should be included in Strategy E3.	It is considered that the Karst Landscapes and other features are included in the Strategy "protecting biodiversity through consultation and development of partnerships". However, these landscapes and features will be further considered in the preparation of the Draft Land Use Strategy.
The references to Recovery Plans in the actions of Strategy E3 should be expanded to include Priority Action Statements.	Priority Action Statements has been included.
Council should consider the addition of a Strategy that commits to ensuring that there is no net loss of biodiversity in relation to new developments.	The Draft Strategic Plan proposes the Strategy "protecting and enhancing biodiversity through consultation and development of partnerships". This will in part be achieved by identifying biodiversity values in the Draft Land Use Strategy and protecting high values through zoning in the comprehensive Lithgow Local Environmental Plan.
Strategy E4 should be expanded to reflect Council's statutory role under the State Environmental Planning Policy No. 55 – Remediation of Land.	The Draft Strategic Plan does not include Council's statutory roles under the State Environmental Planning Policy No. 55 as they are legislated and therefore taken as a given.

	Strategy E5 should have a specific action relating to a neutral or beneficial impact on water quality within the Sydney Drinking Water Catchment.	The Draft Strategic Plan proposes the strategy "fulfilling responsibilities under the Drinking Water Catchments Regional Environmental Plan No. 1".
	The use of sustainability criteria is supported in assessing development opportunities.	Noted.
	Strategy G5 could be strengthened by committing to implementing the findings of the Central West Rural Lands Inquiry with particular reference to using effective minimum rural lot sizes as one of the tools to manage rural settlement intensification.	The Draft Strategic Plan proposes the action to consider the findings of the Central West Rural Lands Panel during the preparation of the Draft Land Use Strategy and this is considered appropriate at this point in time.
10. Private Submission	Section 4.3.5 - Does Council provide loans for homes?	No
	Section 5.3.1 - Lobby with political action for Bells Line, a Federal election soon, lobby both sides on developing the country with a safe, faster road to Sydney. It will take the pressure off Sydney. Decentralisation.	The Draft Strategic Plan proposes the following strategy in relation to the Bells Line and M2 Extension: <ul style="list-style-type: none"> "Continuing to lobby for improved access to and from Sydney over the Blue Mountains". Council is an active member of the existing lobby group and will continue this role.
	Section 6.3.2.1 – The second Mt Piper Power Station should be carefully watched in relation to electricity needs by the Council and political action taken to always keep the second Mt Piper Power Station in front of the Government.	The Draft Strategic Plan proposes the following strategies which are relevant to the additional units at Mt Piper Power Station: <ul style="list-style-type: none"> "Encouraging local employment opportunities for the community" "Protecting the economic assets".
	Section 6.3.2.1 - Much longer contracts could be suggested for the mines prepared to attempt cleaner air problems.	Council does not have any control over coal contracts.
	Section 6.3.3 – Land available for new industry is very important and should be an urgent issue.	The Draft Strategic Plan proposes a strategy to provide employment generation lands which will be further developed in the Draft Land Use Strategy for the Local Government Area.
	Section 6.3.4 – Most retailers in Lithgow would be renting the	This is an operational issue which is guided by both the Environmental

	buildings, the owners should be contacted and notified when buildings are not up to standard and Council take any action necessary to have them conform to standards.	Planning and Assessment Act 1979 and the Local Government Act 1993.
	Section 6.3.5 – The Hassans Walls view is a very good attraction. Does Council maintain the road?	Council does maintain this public road.
	Section 8.3.1 – The extension of TAFE and the establishment of a university in Lithgow is very good but to succeed would need continued political action.	Noted.
	Section 9.2 – The private hospital is very important to Lithgow and people should demand that they be treated in Lithgow.	Noted.
	Section 9.3.4 – Industrial pollutants Marrangaroo Army Area.	The Marrangaroo Army Camp is owned, operated and regulated by the Federal Government.
11. Mine Subsidence Board	No objections to the proposed plan.	Noted.
12. Blue Mountains City Council	No comment to make at this time.	Noted.
13. Department of Defence	Supportive of the preparation of a Strategic Plan to facilitate urban growth and economic viability in the Lithgow City Council area.	Noted.
	Concerned to ensure that the long term viability of the Marrangaroo ammunition depot is not compromised by inappropriate development of surrounding land, as this has the potential to impact on Australia's Defence capabilities and national security. Consequently, Defence seeks to ensure that land use planning development assessments, planning scheme amendments and local	This issue was negotiated with the Department of Defence and reported to Council's Policy and Strategy Committee Meeting on 4 December 2006.

	<p>and regional planning strategies in the vicinity of its establishments adequately consider and address the presence and impact of Defence activities.</p> <p>Noting that Defence activities at Marrangaroo ammunition depot results in the generation of noise and vibration, Defence is concerned that the future urban area near Marrangaroo, as outlined in the Strategic Plan (section 13.3.4) will result in urban encroachment on Defence's land and may lead to complaints from future residents about Defence's activities.</p> <p>Defence requests buffer areas and development offsets to be provided around Marrangaroo ammunition depot to protect against potential land use conflicts.</p>	
	<p>Requests that the following clause be inserted into Section 3.3 Employment and Strategy protecting economic assets:</p> <p>"provide adequate buffer areas and/or prohibit conflicting land uses from Defence Land in the comprehensive Lithgow LEP and/or DCP".</p>	<p>The previous comment is also relevant to this request.</p>
<p>14. Sydney Catchment Authority</p>	<p>The strategic land and water capability assessment methodology is shortly to undergo internal peer review. Following peer review the SCA will be in contact with Council to discuss Stage 1 of the draft strategic land and water capability outputs.</p> <p>At the completion of Stage 1 of the peer review the SCA will be able to provide Council with the landscape criteria and</p>	<p>The requested changes have been made.</p>

	<p>associated thresholds used to develop the strategic land and water capability assessment.</p> <p>In light of the above information, it is requested to amend the wording of pages 12 and 59 to read "stage 1 strategic land and water capability assessment data is expected to be provided to Council in June/July 2007".</p>	
	<p>Recommends the preparation of a water cycle management study for the Marrangaroo Study Area as part of the Local Environmental Study.</p>	<p>This issue has been included as an action, being part of future management plans.</p>
	<p>The action to "provide adequate buffers zones and design requirements in the comprehensive LEP and/or development control plans is supported, but should not be restricted to employment generation lands but should apply to all lands within the drinking water catchments. The SCA considers the protection of natural waterways through adequate buffers areas to be a priority if improvement to the water quality of the drinking water catchments is to be achieved.</p>	<p>The action to protect waterways through adequate buffer areas has been added as action to the strategy "protecting and improving our water quality" and further considered in preparation of the Land Use Strategy and comprehensive Lithgow Local Environmental Plan.</p>
	<p>In relation to the action of seeking funding from the SCA to prepare the Local Environmental Plan and assess development applications under the REP No. 1, the SCA advises it is able to provide in-kind support and non monetary assistance. Requests that the words be changed "seek assistance and support from SCA to prepare the comprehensive Lithgow LEP and assess development applications under REP No. 1".</p>	<p>The action to seek funding from the SCA for additional legislated activities imposed on Council is warranted and the following action is suggested to remain:</p> <p>"seek funding from the Sydney Catchment Authority to prepare the comprehensive Lithgow Local Environmental Plan and assess development applications under the REP No. 1".</p>
	<p>In the absence of capability assessment outside of the</p>	<p>This issue will be explored in the Draft Land Use Strategy.</p>

	<p>drinking water catchments, Council may like to consider an alternative capability assessment to guide land use planning throughout the remainder of the local government area. The SCA is able to offer assistance to Council to identify relevant landscape datasets that may be used as an alternative capability assessment. Such an approach will ensure that land use strategies throughout the local government area are consistent and reduce the risk of inappropriate land use intensification occurring immediately outside of the drinking water catchment.</p>	
	<p>The SCA make many comments relating to the comprehensive Local Environmental Plan and these comments have not been reproduced in this report but will be taken into consideration when preparing the Draft Land Use Strategy.</p>	
15. Department of Environment and Climate Change	<p>A copy of the Lithgow LGA Karst Environment plan is provided.</p>	<p>This environment will be further considered in the preparation of the Draft Land Use Strategy.</p>
16. Private Submission	<p>In regard to rural holdings has Council/consultants conducted a survey to find out how many farmers below the 1,000 hectares which do rely solely on farm income.</p>	<p>No.</p>
	<p>I am sure a minimum building approval area of 1,000 hectare or even 100 hectare limit would severely disadvantage many landholders irrespectively whether they have outside income or not and retard any growth in outline areas. I would like to see existing 40 hectare limit retained or even reduced.</p>	<p>This issue is awaiting the findings of the Central West Rural Lands Panel and the subsequent direction from the Department of Planning. It is intended to address this issue in the Draft Land Use Strategy.</p>
	<p>Viable farming enterprises are difficult due to dog attacks.</p>	<p>Noted. Council has limited authority in rural areas regarding dog control.</p>

		The Rural Lands Protection Boards are the appropriate authority in this area.
	In view of noxious weeds situation on neighbouring land, dog problems and being totally surrounded by hobby farms (Council approved 10 and 40 hectare subdivision) I can see our days of running a viable and sustainable enterprise diminishing.	Noted. Weed control issues are the domain of the Upper Macquarie County Council but the comments in terms of fragmentation are noted and will be included in the Draft Land Use Strategy.
	As the rural sector of the Lithgow City Council has very few viable farmers left and the land is grazing country surely the Council recommendation to the Central West Planning Committee would be for the existing 40 hectare building approval to be retained at least.	It should be noted that the Central West Rural Lands Panel is not expected to review and deliver a minimum lot size for the Lithgow Local Government Area, but rather the Panel is reviewing the Department of Primary Industries methodology to derive the minimum lot size. Council has however, maintained current lot sizes as its preferred position to date in this forum.
17. Private Submission	Seek to secure land (existing public reserve) in Barton Avenue, Wallerawang surrounding the Wallerawang School as a public reserve and extension to Charles Darwin Park.	The subject land is not a public reserve and has potential for higher development purposes which will be assessed in the Draft Land Use Strategy.
18. Private Submission	Issues (i.e. water, trees, soil, parkland and bike trails) about the sale of blocks in Cary Avenue, Wallerawang	This is not an issue for the Draft Strategic Plan.
19. Private Submission	Section 6.3.5 Tourism – agree with the objective, in particular fostering the enjoyment of our natural assets by means of eco-tourism. Certainly maintaining the value of these assets is crucial. Development such as the proposed helicopter joy flights at Capertee should not even be considered.	Noted.
	Section 9.3.3 Drinking Water – Capertee is reliant upon rainfall for its water supply. It is important that the air which we	Noted.

	breath is free of toxins as airborne pollutants are collected by rainfall and directed into our drinking water. Helicopters are highly pollutant and we do not wish to have fuel outfall in our water.	
	Section 13.3.4 Residential Land for Growth – existing septic disposal systems as a rule work effectively in the villages of Capertee and Cullen Bullen. Development of further residential land should ensure sufficient size of the land to disperse the water in the appropriate manner.	The Draft Strategic Plan acknowledges that future development in villages such as Capertee and Cullen Bullen are dependant on the ability to dispose of effluent. Development potential in the villages will be further explored in the Draft Land Use Strategy.
	Section 13.3.5 Criteria for Rural Lifestyle Land – the distance criteria for Lithgow, Wallerawang and Portland should also apply to the other villages to allow them the same opportunity for growth. These villages need expansion to the extent only that they retain their rural aspect yet do not become 'over urbanised'.	The distance criteria states "sites should be located close (within 10km for lots 5ha and 20km for lots 5ha-20ha) to existing urban centres of Lithgow, Wallerawang and Portland". This criteria has been removed from the Draft Strategic Plan for further testing in the Draft Land Use Strategy. However, the proposed strategy "facilitating the sustainable planning of land through assessment criteria" remains. An action has been added to test and/or refine the criteria in the Draft Land Use Strategy.
	Section 13.3.6 Rural Lifestyle for Growth – as stated the increase in development applications for rural dwellings is proof of the desirability of the rural lifestyle. It is imperative that Council considers this factor, as a 'whole of Council' approach to the Strategic Plan.	This issue will be further explored in the Land Use Strategy.
20. Lithgow Business Association	Supports the Draft Strategic Plan.	Noted.
	Section 3.2 Transport – improved access to and from Sydney and the Bells Line Expressway will encourage further economic progress and encourage people to move to the Greater Lithgow area. The expressway is understood to	Noted.

	<p>turn the trip to Sydney into one and half hours duration. Research suggests that the average commuter is willing to travel one and a half hours to commute to their workplace as a maximum. However, if the expressway is built, Council needs to show vision in the future and provide the necessary infrastructure to sustain the population increase.</p>	
	<p>Section 3.3 Employment – a proposed action is identifying skill shortages in conjunction with the LBA. The LBA supports this action and is willing to work with Council during regular meetings to enable this action to occur.</p> <p>The LBA is also willing to help Council lobby and support any post secondary school training, may be in the form of on the job training and extending the existing TAFE campus.</p> <p>Another strategy is identified as providing employment generation lands in the comprehensive Lithgow LEP. The LBA identifies that there is a need for a variety of employment generation land and strongly supports this strategy and action and would like to give input and be well informed on any progress.</p>	Noted.
	<p>Section 5.3.2 Public Transport – LBA supports the concern about the reduction in the number of passenger train services to and from Lithgow and encourages Council to lobby the respective authorities to improve this situation.</p>	Noted.
	<p>Section 6.2 Employment states that there is an absence of an economic development</p>	Noted, Council will consult with the LBA in the preparation of an economic development strategy.

	strategy. The LBA supports the formation of an economic development strategy and would suggest that the Council allows input into the formation of such a strategy.	
21. Robson & Co (Lithgow) Pty Ltd	The main body of the plan is satisfactory, however, there are some key issues that, in my opinion, are not addressed that need to be included. In fact, some of these issues are important enough that a new draft should be put out for comment once the matters raised are dealt with completely. I recognise that with a project of this size, bring all the components together within the time restraints makes for a "mission impossible" but as this plan is going forward for the next fifteen years nothing can be left out.	Noted, each issue raised is dealt with in the following.
	I have serious reservations with the comment on page 12 regarding the Sydney Catchment authority and their strategic land and water capability assessment. Firstly, there is no mention of any consultation in this process. Has there been any attempt by Council to engage SCA and what are the items being considered? What happens if Council considers the SCA plan unsatisfactory? Secondly, how can you expect to complete and more to the point how can you ask the public to comment on this plan when this extremely important matter is under consideration by another authority. This is probably the most important matter for Lithgow in the next fifteen years, as water quality in Sydney becomes more and more topical and we currently	The strategic land and water capability assessment is a crucial information source for the Draft Land Use Strategy and the Draft Local Environmental Plan. The Draft Strategic Plan highlights that the strategic land and water capability assessment is a major information gap at this point in time, but otherwise it is not considered to impact upon Council's consideration of the Draft Strategic Plan. The latest information on the strategic land and water capability assessment currently being undertaken by the Sydney Catchment Authority is provided in their submission above. Council will take into consideration the stage 1 of the strategic land and water capability assessment in its Draft Land Use Strategy and further discussions will be undertaken with both the Sydney Catchment

	<p>have no information as to what is going on.</p>	<p>Authority and the Department of Planning about the timing of the strategic land and water capability assessment, Land Use Strategy and comprehensive Lithgow Local Environmental Plan.</p> <p>The public will be afforded opportunities to review and comment on the Draft Land Use Strategy and the Draft Local Environmental Plan.</p>
	<p>Council has not stated its position in this plan in relation to the final paragraph on page 12.</p> <p>Council should state its own position and more importantly does Council believe it can or cannot comply with this instrument. How can you expect members of the public to understand the impact of this matter when Council remains silent. Maybe Council needs to conduct a public information drive on the ramifications of this Plan No. 1. I am alarmed with the terminology "Council must take..." when we do not know what we must consider.</p>	<p>Council's role is dictated by legislation, being the Drinking Water Catchments Regional Environmental Plan No. 1 which states "a council in preparing a draft local environmental plan that applies to land within the hydrological catchment, must take into consideration any strategic land and water capability assessment prepared for the land, or any part of it, by the Sydney Catchment Authority". Therefore, Council has no choice but to comply with this provision.</p> <p>Furthermore, the Draft Strategic Plan proposes the strategy "fulfilling responsibilities under the Drinking Water Catchments Regional Environmental Plan No. 1".</p>
	<p>A review of rural land use is being conducted and Council has issued a Draft without the benefit of knowing what recommendations are forthcoming and more importantly are expecting comment by member of the public on matters unknown. The Minister may even ignore the Panel all together. There Draft is again incomplete and another round of public comment will be required when the true position is known.</p>	<p>The findings of the Central West Rural Lands Panel and the subsequent directions issued by the Department of Planning are crucial information sources for the Draft Land Use Strategy and the Draft Local Environmental Plan. The Draft Strategic Plan highlights that the findings and directions are a major information gap at this point in time, but otherwise it is not considered to impact upon Council's consideration of the Draft Strategic Plan. However, this was the main reason for the separate development of a Land Use Strategy to ensure the Panel's recommendations are considered.</p>

		Both the Draft Land Use Strategy and Draft Local Environmental Plan will be publicly exhibited.
	<p>Paragraph 1, page 58, last sentence "Council is currently reviewing its On-site Sewage Management Strategy and its program of activities is expected to commence in the near future".</p> <p>Again there is no information regarding this matter. For rural residential this is probably the most important aspect and nothing is included in the plan. Current technologies must be considered and included in the new LEP. How can you solicit public comment when Council itself show no attempt – to this point in time – of having considered the matter. This matter is too important not to be included and "expected to commence" simply describes to me that this draft plan is too early.</p>	<p>The Draft Strategic Plan is the highest strategic planning document for the Local Government Area, whereas the On-site Sewage Management Strategy is best described as an operational document describing what Council's program of inspections, education etc is for existing on-site sewage management systems.</p> <p>Therefore, the On-site Sewage Management Strategy will be part of implementing the strategy "protecting and improving our water quality" and is not considered to impact upon Council's consideration of the Draft Strategic Plan.</p>
	<p>Paragraph 2, page 59, "any development proposed to be carried out must have a neutral or beneficial effect on water quality"</p> <p>In a document of this importance the rules of measurement of this quality must be included. Leaving this matter to chance or appraisal by others is unsatisfactory and already causes delays and uncertainty. Council should state its position and what it expects, specifically.</p>	This requirement is taken from the Drinking Water Catchment Regional Environmental Plan No. 1 and is a legal requirement that any development must achieve a neutral or beneficial effect for it to be approved within the hydrological catchment of Sydney. How to demonstrate a neutral or beneficial effect for a development will depend upon the details of that particular development. This is a development control issue, not an issue for the Draft Strategic Plan.
	There appears to be some problem with the maths on page 65. You are suggesting a 1% growth some 4,597 persons will be achieved in 20 years, if you allow 4 persons	<p>The table on page 65 of the Draft Strategic Plan details the expected population increase for a 1% and 2% increase per year in population.</p> <p>The Draft Strategic Plan uses a</p>

	<p>per home this equates to 1,150 homes in the next 20 years. We already have 902 urban blocks of land for release?</p>	<p>household size of 2.5 persons taken from the Census 2001. It estimates that there are 8,403 potential residential lots from the existing residential zonings, future urban zonings and Marrangaroo Study Area which would cater for a population of 21,008. Furthermore, it acknowledges that there are currently some 700 lots zoned for rural residential which have not been developed.</p>
	<p>Paragraph 2, page 68 states "an assessment has been made of these requests in relation to demand of which there is insufficient justification". This is unacceptable in a plan of this nature. Who made this assessment? What does insufficient justification mean? If a plan refers to any assessment, the rules of assessment must be laid out and more importantly the results of that assessment published in full. This has to be a transparent process.</p>	<p>This supply and demand assessment was undertaken by officers. Simply, for a 2% growth in population it will be necessary to provide land to house up to 10,154 persons by 2025. This would require 4,062 dwellings which can be catered mostly by the existing residential zoned area with a portion of the future urban zoned area and/or combination of existing rural residential zoned area.</p> <p>Nevertheless, the Draft Strategic Plan states, that all rezoning requests will be subjected to further assessment in light of the urban land assessment criteria and the strategic land and water capability assessment. It is expected that this assessment will be undertaken in the preparation of the Draft Land Use Strategy.</p>
	<p>Paragraph 1, page 69, excluded sites unsuitable for on-site effluent disposal. Until the Council has considered it's position on this matter this line must be removed. You are creating a conflict within the plan itself.</p>	<p>There is no conflict created within the Draft Strategic Plan. Any proponent wishing to develop land which can not be connected to the reticulated sewage system will need to prove that effluent can be disposed of on-site in manner that does not adversely affect the environment or health of persons. If the proposed development site is located within the Sydney hydrological catchment, it will also be necessary to demonstrate a neutral or beneficial affect on water quality.</p>

		This requirement has existed for many years and is normally demonstrated through a water balance and geotechnical report.
	Site criteria, page 69, "avoid sites greater than 100 hectares". Again until Council considers its position this paragraph should be removed.	This criteria has been removed from the Draft Strategic Plan for further testing in the Draft Land Use Strategy. However, the proposed strategy "facilitating the sustainable planning of land through assessment criteria" remains. An action has been added to test and/or refine the criteria in the Draft Land Use Strategy.
	Site criteria, page 69, "avoid sites that will significantly alter the rural landscape such as on ridges, hilltops and land able to be viewed from arterial roads". Any development will alter the visual aspects. A statement such as this allows far too much interpretation in the practice of allowing or not allowing sites. We must get this better type statement that is being made here. Not satisfactory.	Development altering the rural landscape of the Local Government Area has been issued raised during the consultations for the Draft Strategic Plan. It is a valid criteria and while a strategic document should be broad, details will be developed at a criteria level in the Draft Land Use Strategy.
	Last paragraph, page 69, it was interesting to note that 50% of all dwellings applies to rural areas and yet this plan has as yet, not addressed the matter at all.	The Draft Strategic Plan does address the issue of providing for rural lifestyle opportunities with the proposed strategies "providing for rural living in an appropriate development form that will minimise its impact and maximise the concentration of population in around existing town centres and village" and "planning for growth in the towns and villages, followed by rural residential areas". These strategies will be further developed in the Draft Land Use Strategy and Draft Local Environmental Plan.
	Paragraph 1, page 70, I do not believe the 700 lots available. If this was the case the asking prices would not be \$300,000 plus. If this plan is going to be credible, full details must be	The Draft Local Profile shows the calculations, however, in summary, there is a potential lot yield of 736 lots. This potential lot yield was calculated using the current rural residential zoned area. This area

	provided.	was reduced by excluding all lots with a registered subdivision. The remaining area was divided by a 2 hectare minimum lot size to reveal the potential lot yield. However, it is acknowledged that this figure does not include land for roads or land affected by constraints and therefore the use of words 'some 700 lots'.
	Paragraph 3, page 70, reference to the RTA. This matter is rejected outright. I'm sure that the RTA object to all matters regardless. Does Council defer it right to provide growth to the RTA?	The RTA have advised of its position not to support any zoning change to the north of the existing Hartley rural residential area or any extension of the Hartley rural residential zone along the Great Western Highway. In the process of preparing the Draft Land Use Strategy and the Draft Local Environmental Plan Council will need to continue to consult with government agencies such as the RTA. Furthermore, the Department of Planning requires the resolution of issues before they will 'sign off' the comprehensive Lithgow Local Environmental Plan.
	Paragraph 1, page 72, Council must include in this process either the cost recovery plans going forward or provide the mechanics whereby this may be calculated. Again the uncertainty of this paragraph indicates that this Draft Plan is too early.	The Draft Strategic Plan proposes the strategy "providing infrastructure for growth" and a proposed action is to "seek funding from developers through developer contributions".

Submissions which were received after the exhibition period but prior to the finalisation of this report are identified in the following table:

Submission	Issue/Comment	Comment/Response
22. Roads and Traffic Authority	No further comment. It is however, reiterated that the comments previously forwarded should be addressed in the preparation of the Draft Land Use Strategy.	Noted.
23. Department of Ageing,	I note that identified issues on 4.3.1, the population and its needs, as well as issues on 9.1	Noted.

Disability and Home Care	<p>creating a healthy community providing opportunities and facilities for a healthy lifestyle are issues in which the Department has an ongoing interest.</p> <p>I have forwarded the Draft plan to the Department's Western Region. The Regional Planning and Purchasing Team will be available to work in partnership with Lithgow City Council on issues of mutual interest.</p>	
24. Department of Housing	The Department wishes to reiterate its earlier comments and provide the following additional comments.	Noted.
	<p>Maintaining the ability to realign and redevelop its social housing stock is a critical concern for the Department.</p> <p>Within the Lithgow LGA, the Department will be seeking to increase the proportion of one and two bedroom homes and refurbish or convert older dwellings to reflect contemporary living requirements in high demand areas. The Department may also seek to procure some smaller dwellings within the LGA.</p> <p>The capacity to develop smaller dwellings is critical to an effective and efficient response to meeting existing and future demand for housing assistance in the area.</p> <p>It is important that the comprehensive LEP incorporate planning controls for social housing sites that are sufficient to enable the redevelopment of aging and inappropriate stock, particularly</p>	Noted, the Department of Housing will be consulted as part of the Draft Land Use Strategy and Draft Local Environmental Plan processes.

	for well located sites. Furthermore development controls should support the provision of smaller accommodation in response to changing household needs amongst public housing clients and across the broader community.	
	<p>In regard to Council's interest in promoting affordable housing more generally some information is provided on mechanisms to increase the supply of affordable housing.</p> <p>The Department would also be pleased to provide further assistance in exploring options to promote affordable housing through its Centre for Affordable Housing.</p>	Noted, but is not Council's responsibilities to supply affordable housing.
	Council may also be interested in the NSW Local Government Housing Kit which provides step by step advice on how to develop a local housing strategy and information on affordable housing.	Noted.
25. TransGrid	It is advised that TransGrid does have various existing interests in the Lithgow LGA. Presently there are no Board-approved proposals for any future lines in this area. Providing TransGrid is kept informed of any changes or actions that may have an impact on it's existing assets then for the present TransGrid has no further comment to make.	Noted.

A full copy of each submission is provided to Councillor's within their Business Paper Packages.

Proposed Changes

Following the public exhibition of the Draft Strategic Plan, minor changes have been made and include:

- those detailed above in the column of the tables labelled comment/response.
- information on the public exhibition of the Draft Strategic Plan and adoption of the Strategic Plan.
- details of a Land Use Strategy being developed to inform the preparation of the comprehensive Lithgow Local Environmental Plan.
- the removal and/or updating of out of date information.
- formatting.

A revised Draft Strategic Plan is provided to Councillor's within their Business Paper Packages.

POLICY IMPLICATIONS

If adopted the Draft Strategic Plan will be Council's principal strategic planning document that will guide all activities and inform the preparation of other plans, policies and strategies.

FINANCIAL IMPLICATIONS

The implementation of the Draft Strategic Plan, if adopted, will be considered during the preparation of operational and management plans.

LEGAL IMPLICATIONS

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

RECOMMENDATION

THAT the revised Draft Strategic Plan be adopted.

07-251 RESOLVED

THAT

1. The revised Draft Strategic Plan be adopted.
2. References to access from Sydney be altered to Bells Line Expressway throughout the Strategic Plan.

MOVED: Councillor B S Moran

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:8 COMM - 18/06/07 - CODE OF MEETING PRACTICE REVIEW

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

REFERENCE

Min 06-248 Policy and Strategy Meeting 7 August 2006
Min 06-398 Ordinary Meeting 20 November 2006
Min 07-55: Ordinary Meeting 19 February 2007
Min 07-56: Ordinary Meeting 19 February 2007
Min 07-62: Ordinary Meeting 19 February 2007
Min 07-147: Ordinary Meeting 16 April 2007
QWN: Ordinary Meeting 17 July 2006
QWN: Policy and Strategy Meeting 5 February 2007
QWN: Policy and Strategy Meeting 2 April 2007
QWN: Policy and Strategy Meeting 4 June 2007

SUMMARY

The exhibition period from for the Code of Meeting Practice has concluded and the results of the exhibition are presented in this report for Council's consideration.

COMMENTARY

Following the resolution to exhibit changes to the Draft Code of Meeting Practice (Min 07-56), Council placed an advertisement in the Lithgow Mercury on 5 April 2007 advertising the alterations to the Code of Meeting Practice that Council resolved.

Additionally, Council resolved (Min 07-147) to list the changes in the Council column and these appeared in the Lithgow Mercury on 19 April 2007.

Exhibition extended from 5 April 2007 until 2 May 2007 with submissions accepted until 16 May 2007 in accordance with the legislative requirements that specifically apply to exhibition of the Code of Meeting Practice (clause 361 Local Government Act 1993).

No written submissions were received from the public.

One verbal submission was noted from a question raised from the public gallery concerning a request for Council to consider holding any closed sessions at the start rather than the conclusion of meetings. If Council wished to alter the sequence of meetings in this way it would require an amendment to the Schedule for meetings which is appended to the Code.

Council is provided with Department of Local Government Circular 07-08 – Closed Council Meetings which the Department has recently issued with regard to the manner in which Councils may close meetings and reminds Council of the obligations under clause 10A of the Local Government Act 1993. It is recommended that Council implement the minuting and reporting framework as shown in the Circular so that, while Council is already meeting its requirements, the recording of decisions and minuting of closed sections follows the best practice solution offered by the Department.

QUESTIONS WITH OR WITHOUT NOTICE FROM COUNCILLORS AND FROM THE PUBLIC GALLERY

From January 2006, questions from the Public and Questions without notice from Councillors can be summarised as follows:

	Public Gallery	Questions Without Notice / Councillors	Questions per meeting on average
Policy and Strategy Committee	111	114	5-10 - PG 10 - QWN
Finance and Services Committee	16	66	2 - PG 8 - QWN
Ordinary Meetings	115	186	10 - PG 15 - QWN

Councillor questions

The Department of Local Government Circular 07-14 Council Meeting Practice – Business Without Notice was circulated to all councillors in May 2007 and is attached to this report for information. This circular reminds councils of the legislative requirement that observation of the required notice of business to be discussed at a council meeting is mandatory.

Clause 367 of the Local Government Act 1993 defines the notice period as at least 3 days before the meeting is scheduled and all business proposed to be transacted at that meeting must be provided in this notice.

It is apparent that the practices utilised to date do not comply with the necessary notice in most cases.

To ensure compliance with the legislation, it is therefore recommended to council that practices of submitted questions without notice or raising questions from the floor be altered so that Councillors utilise the Notice of Motion process to list items they wish to debate or seek reports or further information on when an item is not included in the business paper already. Councillors can seek through the General Manager at any time, not restricted to when meetings are being held, information and advice on matters they need to have clarified.

Preparing Notices of Motion would address one of the actions identified in the draft report arising from the Department's Promoting Better Practice Review as the Department identified Council should not continue its practice of accepting questions without proper notice.

Notices of Motion can be used for any item with the exception of those that are of an operational nature, as these would be the subject of an action request and do not require the Councillor to wait until a meeting to seek investigation of issues that have been brought to their attention. Council has already resolved to utilise the existing action request process for any operational matter.

By including Councillor questions in the Business Paper as Notices of Motion, the request from Council (Min 07-62) seeking copies of Councillor questions be provided to the public is also accommodated.

In special cases, Councillors retain the avenue of seeking an item be considered at a meeting where notice has not been adequately given if Council resolves it to be of an urgent nature. Clause 241 of the Local Government (General) Regulation 2005 highlights that in this case the matter can be considered only after a motion resolving that it may be debated and the matter must be determined by the Chair of the meeting to be of an urgent nature.

It is proposed to alter the Code of Meeting Practice as follows. Clause 7 subclause (iv) be altered from:

- “ (iv) Despite sub clauses 7(i) and 7(ii), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only:***
- (a) a motion is passed to have the business transacted at the meeting;***
and
- (b) either:***
- all the councillors (disregarding any casual vacancies) are present at the meeting; or***
 - the business proposed to be brought forward is ruled by the chairperson to be of great urgency.***
- Such a motion can be moved without notice.”***

to:

- “(iv) Despite sub clauses 7(i) and 7(ii), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only:***
- (a) a motion is passed to have the business transacted at the meeting;***
and
- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.***
- Such a motion can be moved without notice.”***

Exceptions for the 3 or more day notice period are specified with regard to Mayoral Minutes and Notices for Extraordinary meetings (refer to clause 7 in Council’s Code of Meeting Practice).

Clause 240 of the Local Government (General) Regulation 2005 defines that the General Manager, when considering items to be included in the agenda of a council or committee meeting, must do so with a view of ensuring the item is lawful. These principles would therefore be used when considering Notices of Motion just as they are used in preparing the other elements in the Business Papers.

A Councillor question regarding variable starting times for meetings was addressed at the time it was posed indicating that the advertisement and notice provisions referred to in some detail above dictate that Council must advertised the starting time for meetings to comply with the provisions of giving adequate notice. Hence it is not possible to alter the starting times for the Committee meetings.

Questions from the Public Gallery

A number of Councillor questions have been raised relating to questions from the public gallery at council and committee meetings.

Council resolved (Min 07-56) to amend the acceptable time when members of the public may identify that they wish to ask questions or make presentations to the Council from 12 noon on the day of the meeting to 4pm (clause 65 subclause x).

The current Code of Meeting Practice indicates that questions may be submitted for consideration on topics included in the Business Paper (clause 65 subclause v1) only and it is recommended this be enforced.

Items that have not been notified in accordance with the legislative requirements should not be debated at a council meeting where appropriate notification has not occurred. Accepting questions on items not listed in the business paper does not meet the notification requirements. Items put to Council without notice may be considered as items for subsequent meetings where adequate notice has been given so other members of the public are informed on matters they may have an interest in.

It is also recommended that Council embark on a program to alert the community on the action request system that is in place so that members of the public are encouraged to lodge action requests with the Customer Service Centre to ensure any issues of an operational nature are dealt with quickly instead of being held over until the next meeting.

Evacuation message

As part of Council's ongoing commitment to safety, the inclusion of appendix 8 which is to be read at the beginning of meetings held in either the Chamber or Committee room. This would only be required out of normal business hours (Monday – Friday – 8.15am – 4.30pm). During normal hours there are other processes in place to ensure the building is evacuated if necessary.

POLICY IMPLICATIONS

Code of Meeting Practice alterations are suggested.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The proposed amendments to the Code of Meeting Practice as detailed in the report are recommended to Council.

RECOMMENDATION

THAT the Code of Meeting Practice be updated and finalised as follows:

1. Council confirm it will continue to hold closed sessions at the end of meetings;
2. Council adopt the formatting for the recording of closed sections of meetings in accordance with the Department of Local Government's guidelines illustrated in Circular 07-08;
3. Registration of public questions or requests be accepted up until 4pm on the day of a meeting however the questions must relate to a matter in the Business Paper to ensure proper notice is given;
4. Requests to make formal presentations to Council be required to be in writing indicating the topic, meeting date and any special requirements in the way of audio-visual equipment for example, being included in the request.
5. After consideration of the legitimacy of all presentations, Council confirm to those seeking to make formal presentations, if acceptance is given, written advice of the date of the next meeting at which the requested presentation can be made;
6. Councillor questions be provided as signed and dated Notices of Motion submitted to the Executive Secretary by 10am on the Tuesday preceding the meeting at which the Councillor wishes to discuss the item;
7. Council submit all requests for works of an operational nature as they arise to the Customer Service Centre;
8. Clause 7 subclause (iv) be altered to read
Despite sub clauses 7(i) and 7(ii), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only when:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency. Such a motion can be moved without notice.
9. Council prepare information to inform the community of the Action Request system to ensure operational matters are reported and attended to in a timely manner instead of community members waiting to list items at a meeting.
10. Appendix 8 is included to cover evacuations out of normal business hours from the chamber of committee room.

07-252 RESOLVED

THAT the Code of Meeting Practice be updated and finalised as follows:

1. Council confirm it will continue to hold closed sessions at the end of meetings;
2. Council adopt the formatting for the recording of closed sections of meetings in accordance with the Department of Local Government's guidelines illustrated in Circular 07-08;
3. Registration of public questions or requests be accepted up until 4pm on the day of a meeting however the questions must relate to a matter in the Business Paper to ensure proper notice is given;
4. Requests to make formal presentations to Council be required to be in writing indicating the topic, meeting date and any special requirements in the way of audio-visual equipment for example, being included in the request.
5. After consideration of the legitimacy of all presentations, Council confirm to those seeking to make formal presentations, if acceptance is given, written advice of the date of the next meeting at which the requested presentation can be made;

6. Councillor questions be provided as signed and dated Notices of Motion submitted to the Executive Secretary by 10am on the Tuesday preceding the meeting at which the Councillor wishes to discuss the item;
7. Council submit all requests for works of an operational nature as they arise to the Customer Service Centre;
8. Clause 7 subclause (iv) be altered to read
 - a. Despite sub clauses 7(i) and 7(ii), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only when:
 - b. a motion is passed to have the business transacted at the meeting; and
 - c. the business proposed to be brought forward is ruled by the chairperson to be of great urgency. Such a motion can be moved without notice.
9. Council prepare information to inform the community of the Action Request system to ensure operational matters are reported and attended to in a timely manner instead of community members waiting to list items at a meeting, including details of processes where customers require options for satisfaction.
10. Appendix 8 is included to cover evacuations out of normal business hours from the chamber of committee room.
11. That a public forum be held 10 minutes prior to each Committee Meeting and 15 minutes prior to Ordinary Meetings of Council to allow for public questions.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

07-253 MATTER ARISING

Council seek advice from the Department of Local Government regarding questions from the public gallery and the need to give notice.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:9 COMM - 18/06/07 - S355 COMMITTEES

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

REFERENCE

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

SUMMARY

This report provides Council with information for consideration of the process to review existing committees, develop terms of reference for the committees to establish greater certainty and management of the committees and processes to establish the same terms and conditions for use of Council's facilities.

COMMENTARY

Council has a number of committees which are operating in the manner that would be traditionally authorised under section 355 of the Local Government Act 1993.

The Policy and Strategy and Finance and Services Committees, as Committees of the whole, are not included in this assessment as their operations are prescribed in the Act and they have been formally resolved and operate within the appropriate constraints.

It is the other 'quasi' committees which are in need of formal establishment and their purpose reviewed to:

- Formally delegate the committee where the committee is performing a function of Council;
- Establish membership and length of tenure on each committee;
- Determine councillor membership and staff membership on committees;
- Set up committee meeting practice procedures;
- Seek compliance with Council's Code of Conduct, Code of Meeting Practice and other relevant documents as may be required;
- Ensure the allocation of Council funds is properly handled where a council resolution is determined before a committee expends any funds and that expenditure is in line with what Council has adopted in its annual Management Plan and Budget;
- Establish specific and detailed terms of reference which will assist the committee in knowing what it is enlisted to do;
- Determine the level of Council support, for example secretarial, plus the nomination of a contact officer where necessary can be established.

Council needs to be mindful when establishing s355 committees that there must be a clear nexus to the Committee's function and a function that Council would normally execute.

Recommended Committees to be established as s355 Committees.

It is suggested that the following committees be provided with formal endorsement as s355 committees of council and these be established as the only s355 committees of Council:

- **Environmental Advisory Committee** – aim is to advise Council on environmental issues, to draft and propose policy positions on environmental issues to Council, to assist Council in prioritising environmental projects and preparing them as budget submissions.
- **Youth Council** - aim is to advise Council on youth related issues, to draft and propose policy positions on youth issues to Council, to assist Council in the detailing proposals and prioritised lists of works for consideration in the preparation of Budget and Management Plans that relate to the needs and requirements of youth in the local government area;
- **Union Theatre Management Committee** - aim is to advise Council on the management and utilisation of the Union Theatre, to assist Council in the development of a scope of prioritised works for consideration in the preparation of Budget and Management Plans.
- **Sports Advisory Committee** – aim is to advise Council on sporting issues. To draft and propose policy positions on sporting issues, to assist in the creation and proposal to council of works on sporting facilities for consideration in each, to determine recommendations on donations to be awarded to those excelling in sporting endeavours.
- **Health Advisory Committee** - aim to advise Council on health issues, to draft and propose policy positions on health issues to Council, to work with NSW Health and health professionals to position the local government area so that superior medical services are available locally.
- **Sister City Committee** - aim to advise Council on sister city issues, to draft and propose policy positions on sister city establishment issues to Council, to assess and provide information to Council on the benefits and opportunities of creating new sister city relationships, to manage the sister city relationships.

It is suggested that Council will need to establish Terms of Reference for each Committee and ensure members are properly inducted into Council's OHS System, with particular reference to the volunteer management component of the System. This is to ensure those volunteering are using the best methods to remain safe and operate in the best possible manner when using Council facilities. A draft template for the Terms of Reference is attached.

The above committees would ideally have Councillor Membership so that the Council's position can be understood by the committee. Additionally, the reports from the committees, as they would be required to provide minutes of their meetings and be making recommendations to Council for actions they identify, would be able to be discussed by the Councillor present at the meetings.

It is recommended that Council consider membership of the committees as follows and if acceptable that Councillors nominate as part of the resolution in considering this report the councillors who wish to be appointed to the 355 committees:

Committee	Number of Councillors	Number of staff
Environmental Advisory Committee	2 councillors	2 staff
Youth Council	1 councillor and an alternate to ensure a Councillor is in attendance	1 staff and an alternate to ensure 1 staff member is present
Union Theatre Management Committee	2 councillors	1 staff and an alternate to ensure 1 staff member is present
Sports Advisory Committee	2 Councillors	1 staff and an alternate to ensure 1 staff member is present
Health Advisory Committee	2 Councillors, one of which is the Mayor	2 staff, 1 of which is the General Manager
Sister City Committee	2 Councillors, one of which is the Mayor.	2 staff, 1 of which is the General Manager

Terms of Reference and membership models of each committee can be worked on with the existing committees or with Councillors and staff if the committees are to be established anew. The makeup of each committee needs to be individually determined and the Terms of Reference tailored for each committee. For example, the Sister City Committee could be established with a core of members and seek temporary membership if a sister city arrangement required particular expertise or advice on an industry. In the proposal to create a sister city relationship with Huainan in China that Council has recently considered for example, the Sister City Committee may seek information and advice from the coal and or power industries to assist in establishing the benefits of the association with Huainan.

The Terms of Reference would determine how the elections of the chair and deputy chair of the committees would be undertaken. It should not be essential that Councillors feel they have to nominate for the Chair of the Committees on which they have membership.

Other matters in the Terms of Reference such as length of tenure as a member, what support Council will offer, meeting frequency and the nomination of a single staff member as the point of contact would all be established creating greater certainty for members.

Sporting facilities

In reviewing the fees and charges for 2007/08 Council has made a determination to standardise the use and charges associated with its sporting facilities over the next few years.

There appears to be a range of arrangements in place at present where Council has enlisted the assistance of other organisations to manage facilities. In terms of ground hire there is also a need to ensure that there is equity and that users are appropriately paying for use of facilities to enable the funds raised to be put back into maintenance of the grounds.

In the case where a sporting organisation has exclusive use of a facility it is recommended that a lease be put in place to cover the usage and rent of the facility.

Some facilities have in place either formal or informal arrangements which will be reviewed and made current.

This would include the Wallerawang Stadium (Wallerawang Indoor Sporting Association has a temporary lease pending finalisation of access issues through Department of Education owned land), Lithgow Indoor Stadium (lease arrangements with Lithgow Basketball Association exist) and Glanmire Oval (arrangements with the Lithgow Hockey Association need to be made formal but have existed for many years). These organisations have contributed significantly over the years to the maintenance of the facilities. In each case the current arrangements are recommended to be continued with the review to ensure currency and completeness of the arrangements.

It is recommended that Council establish with any group that has exclusive use of a facility a current lease arrangement. Further, it is recommended that prior to any further works being done on Council facilities, Council arrange with the 3 organisations noted above a list of prioritised works on each facility for consideration as components in the budget process. To be compliant with the Local Government Act, Council must approve its expenditure and this can not be delegated. In terms of the legislative position Council must operate within, committees can not determine expenditure and commission works on Council facilities without Council's resolution to do so. Nor can they undertake works themselves as Council must ensure working conditions are appropriate and the processes do not endanger the committee member.

By working with the groups involved, Council will establish works identified for each facility in a prioritised list so that they can be considered in Council's Management Plan deliberations. Those items that do not gain approval in one year can still be considered in subsequent years if there is an agreed prioritised list of works to be done.

It is recommended that the use of sporting facilities be in accordance with the fees and charges set by Council each year in the Management Plan.

Customer Services could take responsibility for booking sporting fields that has been handled by the Sports Advisory Committee from 1 July 2007. This would ensure that the committee does not need to handle this administrative task but also that there is no potential for double booking, that fees and charges are applied to all as Council indicated should occur and issues such as the hire of chairs and tables are handled in one location.

Other facilities

This review has highlighted the need to examine the use of other facilities and all will be reviewed over time. In the first instance, the following facilities usage requests will be reviewed with the idea of considering the establishment of a lease or usage conditions:

- Tote building – a request has been received from the Ironfest committee to be given access to this facility. It is recommended to Council that this be determined as part of a proposal to establish a formal funding agreement with Ironfest as part of Council's annual contribution to the event;
- Trotting track room – the trotting association has advised they use this building in addition to sharing it with a model car club. It is recommended to Council that the usage be formalised through a lease agreement.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION:**THAT:**

1. Council endorse the creation of the following as its s355 committees :
 - a. Environmental Advisory Committee
 - b. Youth Council
 - c. Union Theatre Management Committee
 - d. Sports Advisory
 - e. Health Advisory
 - f. Sister City Committee
2. Councillors nominate for committees;
3. Council adopt the Draft template for Terms of Reference for s355 committees to be used in their establishment
4. Council proceed to standardise the assignment of fees and charges for the use of Council facilities over the next 12 months to ensure users are charged in a equitable manner;
5. Council formalise the lease arrangement of any exclusive or long term users of Council's sporting facilities, commencing with formalisation of usage agreements ;
6. Council develop lease agreements for other facilities, commencing with the Tote Building and the Trotting track room as detailed in the report.

07-254 RESOLVED**THAT:**

1. Council endorse the creation of the following as its s355 committees:
 - a. Environmental Advisory Committee
 - b. Youth Council
 - c. Union Theatre Management Committee
 - d. Sports Advisory
 - e. Health Advisory
 - f. Sister City Committee
2. Councillors nominate for committees:
 - a. Environmental Advisory Committee – Councillor HK Fisher with Councillor B Moran and Mayor N Castle as alternates.
 - b. Youth Council – Councillor AE Thompson and Councillor B Moran as the alternate.

- c. Union Theatre Management Committee – Councillor M Wilson and Councillor W McAndrew.
 - d. Sports Advisory – Mayor N Castle and Councillor B Moran
 - e. Health Advisory – Mayor N Castle and Councillor HK Fisher, with Councillor B Moran the alternate.
 - f. Sister City Committee – Mayor N Castle and Councillor M Wilson
3. Council adopt the Draft template for Terms of Reference for s355 committees to be used in their establishment
 4. Council proceed to standardise the assignment of fees and charges for the use of Council facilities over the next 12 months to ensure users are charged in a equitable manner;
 5. Council formalise the lease arrangement of any exclusive or long term users of Council's sporting facilities, commencing with formalisation of usage agreements ;
 6. Council develop lease agreements for other facilities, commencing with the Tote Building and the Trotting track room as detailed in the report.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 18/6/07 - COUNCILLOR M F TICEHURST

Received at 10.58pm - 17/06/07

1. Could the Councillors call in Combined Development Application/Construction Certificate No: 07/087 for a Wind Monitor Tower by Garrad Hassan and could Council Officers advise when this matter will be available to come before the elected Councillors for formal determination?

Council will need to resolve such. Following the resolution the matter will be reported to the next possible available committee meeting.

07-255 RESOLVED:

That the Combined Development Application/Construction Certificate - No: 07/087 for a Wind Monitor Tower by Garrad Hassan be called in and reported to the next available possible meeting.

MOVED: Councillor MF Ticehurst

SECONDED: Councillor HK Fisher

2. Is the Lithgow City Council aware of a Road Closure Application by the Hartley Pastoral Company Pty Ltd in the Hartley area and the Baaners Lane, Little Hartley area and if so, could Council Officers provide a full report to the Council?

Council was notified of a road closure application by the Department of Lands. Whilst the relevant landowner has advised that this application was only intended for an unformed section bounded by his land, the Department of Lands advertised the road closure as including an existing section of Baaners Lane servicing Seven (7) properties. Whilst it is unclear if this was in error, an objection has been lodged with the Department of Lands on 31 May 2007.

Received at 4.03pm - 17/06/07.

1. At the Ordinary Meeting of the Lithgow City Council on Monday 18 December 2006, Mayor Castle stated, "with regard to Councillor Ticehurst, as a complaint has been lodged concerning Councillor Ticehurst and his statements on the Today Tonight Program, which will be referred to the Code of Conduct Committee, I am unable to make any further comments at this stage as it will be a matter for the Committee to investigate the complaint and make a report to Council." Further, the Lithgow Mercury of Thursday 21 December 2006 reported Mayor Neville Castle stating, "a complaint against Cr Ticehurst had already been registered with the Code of Conduct Committee."

Could Mayor Castle indicate the current status with the abovementioned complaint concerning Councillor Ticehurst that was referred to the Council's Code of Conduct Committee and when the matter will be finalised by the Council and Councillors?

As Councillor M F Ticehurst would be aware the draft report was forwarded to himself last week by Council's Solicitor. Councillor M F Ticehurst has also been invited to a further Code of Conduct Meeting on 28 June 2007.

General Manager PJ Anderson declared a pecuniary interest and vacated the chambers.

2. With respect to Item 4 – Development Approval Process – Question from Councillor Ticehurst, I was in fact seeking a detailed list of not only the mentioned Pine Dale Mine Open Cut in the report, but ALL of the unmentioned and outstanding DA's submitted to the Lithgow City Council that have exceeded the statutory approval time but are on hold awaiting additional information.

To assist Council Officers, I am seeking:

2.1 A detailed list of ALL of the unmentioned and outstanding DA's submitted to the Lithgow City Council prior to 2007 that have now exceeded the statutory approval time but are on hold awaiting additional information and

2.2 For Council Officers to provide comments on what the additional information is that is being waited upon for finalisation of the DA?

Councillor Ticehurst's original question was ".....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".

*If an application has been the subject of the "stop the clock" process it **has not** exceeded the statutory approval time and this has been the basis of the report provided. It appears Councillor Ticehurst's latest question is seeking a report on ALL Development Applications lodged prior to 2007 that are awaiting determination and if not determined, what are the individual reasons in each instance. If Council wishes to receive a report on any such applications and resolves as such then a report can be provided.*

MOTION

Councillor Ticehurst requested a report to be brought back to Council regarding any Development Applications that are still outstanding or have been subject to 'stop the clock' processes within the last three years.

This **LAPSED** due to no seconder.

3. Could the Lithgow Council advise if there has been any update regarding the sale of former Xstrata land in the Cobar Park/McKellars Park area in Lithgow?

No further update from the report submitted to the Committees.

Councillor H K fisher declared a pecuniary interest as an adjoining land owner and vacated the chambers.

4. Is the Lithgow City Council aware that the NSW Government has announced details of a Public Holiday to coincide with the Asia-Pacific Economic Co-operation (APEC) Summit to be held in Sydney in September 2007?

The Public Holiday on Friday 7 September 2007 has been declared for the whole Sydney Metro area and includes Penrith, Camden and Campbelltown.

What actions has the Lithgow City Council already taken and proposes to take to attract tourists from the Sydney Metropolitan area to use their new Long Weekend in September to visit and use the tourism facilities in the Lithgow City Council area?

The 7th to the 9th September 2007 has been declared a public holiday due to the APEC Conference to be held in Sydney. The additional long weekend has been declared due to the traffic and infrastructure variations required to host the APEC Forum.

The Lithgow region will host the annual Daffodils at Rydal festival over the weekend of the 8th and 9th of September 2007. Daffodils at Rydal provides the opportunity for visitors to stroll through the rural gardens, in full bloom with spring time Daffodils. The village comes together to celebrate with entertainment, stalls and garden visits. Press releases on the Daffodils at Rydal event will be issued to the Sydney media, encouraging visitors to stay overnight and tour the many local attractions and stay overnight in the Lithgow area. Daffodils at Rydal is included on the Lithgow Calendar of Events, with information forwarded through to the Regional Tourism Office.

The Lower Mountain Motorcycle Club also hosts a motorcycle event, at the Clarence track. These events always attract a niche market to this event, that are return visitors to the area. Advertising as part of this event is already taking place.

Lithgow Tourism will also be adding information to the Tourism website on packages available for the long weekend. Visitors will be encouraged to book these packages through the Lithgow Visitor Information Centre.

Some accommodation properties are also collaboratively marketing with Tourism NSW to provide value added packages, on a commercial basis. Many accommodation properties are placing a minimum night stay over the long weekend, which encourages increased occupancy for a long weekend. This is a typical practice for a Long Weekend.

All tourists attractions will be open as usual for the weekend. This will also be reported to the Tourism Advisory Committee Meeting to be held on 9th July 2007.

5. Could Council Officers advise the Council on the apparent damage to Council property and roads following the recent wet weather and severe storms?

A number of fallen trees had to be removed, primarily from rural roads. One tree in Durie Street fell on a vehicle.

Substantial problems were experienced at Wolgan Road, Genowlan Road and Huntingdale Road where the road surface was damaged by a combination of rain and vehicular traffic.

Councillor MF Ticehurst advised he was happy with this answer.

6. Could Council Officers advise if the Council is in any position to assist any of the Local Government authorities in the Newcastle and Central Coast areas following the severe storms and flooding in that region?

The last LGSA Circular requests were sent out for Garbage Contractors. As Council doesn't own such and it is provided under contracts we were unable to assist. Any further requests will be considered on its merits.

Councillor MF Ticehurst advised he was happy with this answer.

7. Could Council Officers advise on what is the Lithgow City Councils policy and procedures on the closure and opening of the Council Gates at the Geordie Street/Farmers Creek Crossing?

The crossing is monitored and if overtopping by more than 100mm, it is closed. It is also closed on a precautionary basis, if for example it is very close to overtopping in the late afternoon and night time rain is predicted. Funding has been sought to support an automatic warning and gating system.

Councillor MF Ticehurst advised he was happy with this answer.

8. Could Council provide an update on the current status with the following question that was submitted to the P & S Committee Council Meeting on 5 February 2007?

The matter was referred to the Traffic Authority Local Committee on 14 February 2007 which recommended "Council is unable to get help from the Roads & Traffic Authority and is to look at funding for barriers and road surface". This was accepted by Council's Finance and Services Committee on 7 May 2007 which noted the recommendations of the Traffic Authority Local Committee. As part of its draft Management Plan process, an amount of \$20,000 has been set aside in the 2007/2008 draft budget to install guardrail for part of McKanes Falls Road.

9. Could the Lithgow City Council advise of the update on the Stacks road closure at Rydal/Hampton? Have all legal process now been finalised and have all monies been paid to the Stacks?

Following agreement on behalf of the affected landowners to the choice of a Valuer, the Valuer has been appointed and briefed. Council's Solicitor's have undertaken to obtain an update as to when the valuation will be finalised.

Councillor MF Ticehurst advised he was happy with this answer.

10. Could the Lithgow City Council advise of an update on resolution 07-161 at the Policy & Services Committee Meeting of Council on 7 May 2007, "That Council (in respect of the Old Gasworks Site in Mort Street, Lithgow) obtain an up to date market valuation of the land and report back to Council."?

Site Inspection has been completed and the valuation is expected by the end of June 2007.

Councillor MF Ticehurst advised he was happy with this answer.

11. Could the Lithgow City Council advise of a detailed update on all of its current vacant Council premises and if any interests have been expressed to Councils Property Agent in their future occupation by tenants?

Council currently has 37 properties listed with its Agent, of which 28 are noted as being leased. Expressions of Interest to lease 1 parcel of land in Wallerawang is known. In addition, it should be noted that the management of Council's property portfolio is currently under review and a report will be provided to Council's Policy and Strategy Committee meeting on 2 July 2007.

Councillor MF Ticehurst advised he was happy with this answer.

12. Could the Lithgow City Council advise of a detailed update on their outstanding issues that needed to be negotiated with State Forests NSW to retrieve the multi-million dollar funding for the road construction project in the Sunny Corner and Dark Corner area that ceased more than twelve months ago?

Is the Lithgow City Council able to confirm that Forests NSW have now formally cancelled the Lithgow City Councils involvement in the multi-million dollar contract for the road construction project in the Sunny Corner and Dark Corner area and if so, what were the grounds for the cancellation of the Lithgow Councils contract by Forests NSW?

Is the Lithgow City Council able to confirm that Forests NSW have transferred the outstanding contract works of some \$2.25 million dollars for the road construction project in the Sunny Corner and Dark Corner area to the Bathurst Regional Council for completion?

As indicated in the draft Management Plan Council proposes to continue works in the 2007/2008 financial year. Following discussions with State Forests it is then proposed to complete the project in the 2008/2009 financial year and this is to be reflected in the Management Plan presented to Council for adoption.

In relation to Councillor Ticehurst's allegations regarding the cancellation of the project and transfer to Bathurst Regional Council, the Regional Manager of Forests was contacted today who confirmed that such allegations are untrue and "Forest's NSW are very happy to continue working with Lithgow Council."

Councillor MF Ticehurst advised he was happy with this answer.

13. Could the Lithgow City Council advise why the Council's Official Charter and Vision have been removed from the Council's Homepage on it's website and will Council have it reinstalled?

The website front page has been updated recently to include headlines and current issues such as those detailed in press releases and links to documents that are currently on exhibition. Changes to the website are frequently made to ensure freshness and currency of information.

It is suggested it would be more appropriate following Council's adoption of the Strategic Plan's overarching vision and vision statements in October 2006 (Min 06-315) and the Council's inclusion of these same statements in the Draft Management Plan (Min 07-141) in April 2007, to use the current vision position. These statements are included in the Draft Management Plan which is linked directly from the front page of Council's website at present and a link can be maintained from the front page after the Management Plan is resolved.

Councillor MF Ticehurst advised he was happy with this answer.

14. Could the Lithgow City Council advise if the Councils acceptance of Item 8. Code of Meeting Practice Review in Councils Agenda fails to properly achieve the Lithgow City Councils Vision to provide Open Democratic Government and further fails to comply with their Charter under the Local Government Act to Facilitate the involvement of Councillors, Members of the Public etc. in the Development, Improvement and Co-ordination of Local Government and to keep the local community informed about the activities of the Lithgow City Council?

While reference to the previous question is made regarding the currency of the vision quoted, the requirement for notice being provided of business to be discussed at a council or committee meeting arises from clause 367 of the Local Government Act 1993 which states that at least 3 days prior to a meeting, the General Manager must send to each councillor a notice specifying the time, place, date and business proposed to be discussed at the meeting

The Local Government (General) Regulation 2005 (clause 240) further instructs that the General Manager, in preparing the Agenda, must include only business of which due notice has been given. Advertising the business to be discussed at the council meeting through its inclusion in the agenda not only complies with the Act and the Regulation but provides better information to the whole community on items to be discussed at the Council's meetings as others may have an interest in matters to be discussed.

Councillor MF Ticehurst advised he was happy with this answer.

15. Could the Lithgow City Council advise on what personal discussions the General Manager and the Mayor have had with the Portland Olympic Pool Committee Inc. with respect to their past and future receipt of community grant funding from the Lithgow City Council, in particular: -

Is it correct that a new Pool Cleaner and a new Pool Pump are to be funded out of the Lithgow City Councils Loan Funds approved by the Minister for Local Government?

Is it correct that the Portland Olympic Pool Committee Inc. have agreed to put up their Entrance and User fees as a result of the proposed new Pool works which are currently out on Public Tender? If so, what are the new Pool Entrance and User charges for the next Swimming Season?

Is it correct that the Portland Olympic Pool Committee Inc. are now seeking from the Lithgow City Council an interest-free Loan of \$10,000 every year to meet the shortfalls between the Portland Olympic Pool Committee Inc. paying their employees wages and the income received from their Pool Entrance and User charges?

Is it correct that the Portland Olympic Pool Committee Inc. are now seeking from the Lithgow City Council an additional major funding commitment of up to \$20,000 every year to meet cost shortfalls by the Portland Olympic Pool Committee Inc. with their major pool expenses including Pool Chemicals, Water Charges and repairs?

Is it correct that the current requests for financial assistance from the Lithgow City Council by the Portland Olympic Pool Committee Inc. as listed above have been agreed to by the Councils General Manager and Mayor to replace the previous community grant funding of \$30,000 per annum from the Lithgow City Council over the past five years to the Portland Olympic Pool Committee Inc.?

Could the Lithgow City Council provide ALL Councillors with photocopies of the Application for Financial Assistance by the Portland Olympic Pool Committee Inc. for all of the above requests, including all required documentation (as required by all other community organisations) that ensures compliance with Lithgow City Council Policy 4.5 – Financial Assistance to Community Groups and Organisations – Interest Free?

The Mayor, General Manager and Group Manager Community and Corporate have held discussions with the President and Treasurer of the Portland Pool Association. Of the many issues discussed options were considered with respect to the new pump and cleaner, however it was very clearly pointed out that this would need to be considered by Council following the closure of tender for the refurbishment of the pool itself. With respect to the fees, a suggestion was put that the Committee may need to review these fees in an attempt to reduce this operating short fall. The Committee were to consider such. The Committee suggested they may need a \$K10 I/F load to cover this initial start up costs and would approach Council with such a application at a later date.

Council is unaware of the additional alleged \$20,000 request. There has been no agreement for any funding. The Portland Pool Committee sought the meeting to seek an understanding of the previous \$K30 and the fact Council had not included such on the 2006/07 budget as adopted.

Councillor MF Ticehurst advised he was happy with this answer.

QWN - 18/6/07 - COUNCILLOR H K FISHER

1. Mr Mayor, I am in receipt of a letter regarding Wirraway Estate and a possible breach of consent conditions in relation to the access. Why was this not a question at tonight's meeting.

The Mayor advised that the letter in question was presumed to be a normal submission to Council, not a question to tonight's meeting and was forwarded to the correct department for further investigation and will be actioned in due course.

QWN - 18/6/07 - COUNCILLOR W MCANDREW

1. Mr Mayor, I am in receipt of a letter from the Lithgow Gospel Trust to be tabled.

The mayor advised the letter will be tabled.

2. Mr Mayor, would it be possible to install flashing lights in all school zones in our local government area?

The Mayor advised the matter is an item being considered in RTA programming. However, if the Council so resolved, the matter could be referred to the TALC meeting to stress its urgency.

07-256 RESOLVED:

THAT the matter be referred to the TALC meeting to stress the urgency of the installation of flashing lights in all school zones.

MOVED: Councillor M McAndrew

SECONDED: Councillor M Wilson

QWN - 18/6/07 - COUNCILLOR A E THOMPSON

1. Mr Mayor, can an update on the information on Wilpinjong Mine be provided as previously requested?

The information has now been received and an e-mail will be provided to all Councillors.

2. Mr Mayor, has the Council been in contact with the State Member regarding the Gaol proposal?

The Mayor advised that Council has written correspondence to the State Member regarding this matter, however there has been no response to date. The Council can make further contact with the State Member.

The Meeting closed at 8.27pm.