



LITHGOW CITY COUNCIL

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 JANUARY 2009

AT 7.00pm

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# AGENDA

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## **PRESENT**

## **QUESTIONS FROM THE PUBLIC GALLERY - NIL**

## **PRESENTATIONS**

CPR Research and Advisory Pty Ltd - Council Investment Portfolio

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 DECEMBER 2008**

## **DECLARATION OF INTEREST**

## **NOTICES OF MOTION -**

Councillor MF Ticehurst - Payment of Rates by Pensioners - Direct Debit from Centrelink

Councillor MF Ticehurst - Revenue Policy and Lithgow Golf Club

Councillor MF Ticehurst - Request Report on Pound Activities

Councillor MF Ticehurst - Request Report on Activities - Mandated Lithgow Learning City

Councillor MF Ticehurst - After Hours Customer Services Policy

Councillor C Hunter - Stand Pipes

## **NOTICE OF RESCISSION - NIL**

## **MAYORAL MINUTE - NIL**

## **CORRESPONDENCE AND REPORTS**

General Manager Reports

Community and Corporate Reports

Regional Services Reports

## **CLOSED REPORTS - NIL**

## **REPORTS FROM DELEGATES - NIL**

## **COMMITTEE MEETINGS -**

Environmental Advisory

Sports Advisory

## **BUSINESS OF GREAT URGENCY**

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NOTICES OF MOTION

ITEM:1 NOTICE OF MOTION - 27/01/09 - COUNCILLOR MF TICEHURST -  
PAYMENT OF RATES BY PENSIONERS BY DIRECT DEBIT FROM  
CENTRELINK

**NOTICE OF MOTION**

Scanned ✓

19 JAN 2009

Doc. No. 474800  
GDA Ref. 13.6.1  
Years 30 SA

**MOTION TITLE/TOPIC:**

Payment of Lithgow City Council Rates by Pensioners via  
fortnightly direct debit from Centrelink.

Listed by Councillor Martin Ticehurst 18 January 09.

**BACKGROUND**

Requests have been received from local Pensioners who are  
in receipt of fortnightly Commonwealth Pensions, seeking  
assistance from the Lithgow City Council to provide a service  
that would allow them to make fortnightly deductions of their  
Council rates direct from their fortnightly payments.

- Q. Could the Council confirm if the above payment option  
currently exists for the payment of Council rates?
- Q. If confirmed, what are the financial arrangements for the  
payment of Council rates by Pensioners?
- Q. If not confirmed, could the Council Officers arrange for  
the introduction of providing such a service to its 2,200  
Pensioner ratepayers as soon as possible?

I understand that similar financial arrangements for the  
payment of Council rates by fortnightly deductions from  
Centrelink may already exist within other Local Governments  
in both NSW and Australia.

**RECOMMENDATION**

THAT the Council provides an urgent report to the next  
Ordinary Meeting of the Lithgow City Council.

Signed: \_\_\_\_\_

MF Ticehurst

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**ITEM:2 NOTICE OF MOTION - 27/01/09 - COUNCILLOR MF TICEHURST -  
REVENUE POLICY AND LITHGOW GOLF CLUB**


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**NOTICE OF MOTION**

19 JAN 2009  
474805  
Doc. No .....  
GDA Ref. .... 13.5.1  
Years ..... 30 SA

**MOTION TITLE/TOPIC:**

Adoption of Lithgow City Council's Revenue Policy of 'User Pays and Full Cost Recovery' upon the Lithgow Golf Club Ltd.

Listed by Councillor Martin Ticehurst. Date: 16 January 2009.

**BACKGROUND**

As all Councillors would be aware, it has been resolved for the Council to seek approval from the Minister for Local Government for a 5% Special Rate Variation (over and above the Ministers rate-pegging rate) for the next 2009/2010 financial year.

Before any such approval is sought from the Minister, the Council is requested to address serious concerns raised by ratepayers and residents over Mayor Castle's public comments in the Lithgow Mercury that the locally ASIC listed Lithgow Golf Club Ltd. has received a financial benefit of over \$1m dollars in public funding from ratepayers of the Lithgow City Council over the past five years - including up to nearly \$300,000 in the past year alone.

Council records confirm that following several large corporate losses over a number of years incurred by the Lithgow Golf Club Ltd., the Lithgow City Council on 8 December 2003 resolved, "That (Lithgow) Council take over the course maintenance until the (Lithgow) Golf Club (Ltd.) is viable." The Council records indicate that the Resolution (1710) has to date, never been varied, revoked or updated by any reports by Officers to the Lithgow City Council.

Public records, including those provided to ASIC by the Lithgow Golf Club Ltd. indicate that the Limited Company is a Registered Club and has factually been financially 'viable' for the past two years and has held and still holds a NSW Liquor Licence and a Gaming Licence to operate (6) Poker Machines.

Council records indicate that the publicly stated amount of over \$1m dollars from Lithgow City Council to the Lithgow Golf Club Ltd has not been separately recognised in any Lithgow City Council General Purpose Financial Report and did (and does) not include annual Club savings of up to \$20,000 for Public Liability Insurance (18-hole Golf Course) and up to \$35,000 of Council Water Rates.

Recent Department of Local Government figures confirm that the Lithgow City Council's Net Recreation and Leisure Expenses have risen quite substantially over recent years from \$29.57 per capita to \$81.65 per capita, which appears to be directly linked to the Lithgow City Councils current resolution to provide over \$1m dollars in funding to the Lithgow Golf Club Ltd.

The Lithgow City Council's Revenue Policy is that "Goods and Services provided by the Council are based on the concept of user pays and full cost recovery". Recently, the Council adopted this policy to cease the 40 year-old financial arrangements it held previously with the non-profit Cooinda Aged Homes, incurring a saving of some \$50,000 annually to ratepayers and the Council.

Of comparison it is noted that the Lithgow City Council has not provided any similar financial support whatsoever to any other ASIC listed entity, including the Portland Golf Club Ltd. which is within in the Lithgow City Council LGA.

Public ASIC records indicate that following Lithgow City Councils resolution to take over the full financial costs for the 24/7 maintenance of the 18-hole Golf Course, which was then leased to the Lithgow Golf Club Ltd., the Club has received nearly \$100,000 in 'Green Fees' and \$75,000 in 'Membership Fees' annually.

Public ASIC records also indicate that whilst the Lithgow Golf Club Ltd. has lodged 'viable' surplus returns for the past two financial years, no direct income of the Green Fees or Membership Fees were made payable to the Lithgow City Council for the 24/7 maintenance of the 18-hole Golf Course by the Council.

With due diligence and corporate governance, it is appropriate now to seek urgent action similar to Cooinda Aged Homes, that is that Lithgow City Council re-affirm it's Revenue Policy of 'User Pays and Full Cost Recovery' and seek to have the Lithgow Golf Club Ltd. and it's members and guests fully reimburse the Lithgow City Council and it's ratepayers for the full financial costs incurred by the Council for the 24/7 maintenance of the 18-hole Golf Course used by the members and guests of the Lithgow Golf Club Ltd.

Additionally, it may be open for the Lithgow City Council in the interim to seek to collect and retain all 'Green Fees' from users of the 18-hole Golf Course, including any increases in fees that may be required to obtain any 'full cost recovery' expenses.

Any future Lithgow City Council's decision to either continue or to cease the 24/7 maintenance of the 18-hole Golf Course for the Lithgow Golf Club Ltd., should not have as any determining factor the consideration of any favourable or negative pecuniary impact on the land or property value or rates of the adjoining lands.

It is requested that the new General Manager confirm if it is correct that no current legal Lease (which expired in 2005) exists between the Lithgow City Council and the Lithgow Golf Club Ltd. (for the use of the Lithgow Golf Club and the 24/7 maintenance of the 18-hole Golf Course) and that Lithgow City Council holds no current or future Lithgow Golf Club Ltd. Business Plan.

Should the Lithgow Golf Club Ltd. not seek to formally engage in any future commercial lease (including option descriptions for user pays and full cost recovery) with the Lithgow City Council, then the Council seek urgent expressions of interests from others parties to operate the Lithgow Golf Club and the 18-hole Golf Course.

### **ATTACHMENTS**

Documentary history of matters raised in this Notice of Motion relating to the Lithgow City Council and the Lithgow Golf Club Ltd.

### **RECOMMENDATION**

1. **THAT** Council adopt the Lithgow City Council's Revenue Policy of 'User Pays and Full Cost Recovery' upon the ASIC listed Lithgow Golf Club Ltd. and it be separately recognised in the Councils General Purpose Financial Reports.
2. **THAT** Council from the 1 April 2009 seeks to collect and retain all 'Green Fees' from users of the 18-hole Lithgow Golf Course.
3. **THAT** Council from the 1 July 2009 seeks full user pay and full cost recovery from the ASIC listed Lithgow Golf Club Ltd. for the 24/7 maintenance of the 18-hole Lithgow Golf Course by the Lithgow City Council.
4. **THAT** any costs recovered and savings achieved by the Recommendations of 1 to 3. above be allocated towards the improvements of the Councils Rural Roads.

Signed: \_\_\_\_\_



**GENERAL MANAGERS COMMENT:**

Council currently holds a lease with the Lithgow Golf Club Ltd for lease of lot 1 DP 840412 and is freehold land. The lease commenced on May 1, 2004 and is due to expire on April 30, 2009. The lease covers the entire 40.27ha of the Lithgow Golf Club and golf course. The current annual rental is approximately \$2,555.

Council has identified the land as community land under the NSW Local Government Act 1993.

Council holds other similar leases.

ITEM:3 NOTICE OF MOTION - 27/01/09 - COUNCILLOR MF TICEHURST -  
REQUEST FOR REPORT ON POUND ACTIVITIES IN 2008

## **NOTICE OF MOTION**

19 JAN 2009

Doc. No ..... 4748C  
GDA Ref. .... 15.6  
Years ..... 30 SA

### **MOTION TITLE/TOPIC:**

Request for a Council Report on the activities of the Lithgow City Council Pound during 2008.

Councillor Martin Ticehurst

Date: 16 January 2009.

### **BACKGROUND**

A recent report in the *Daily Telegraph* revealed that more than 90 dogs and cats were sentenced to death every day in NSW Local Government Pound with 33,000 killed in the past year.

The figures revealed that the number of unloved, unwanted or unclaimed pets given lethal injections grew by 40 per cent in just one year. The 33,116 animals died after their owners refused to collect them or animal rescue and welfare workers were unable to re-house them.

According to official figures, the councils that put down the greatest number of animals were Bathurst (1002), Tamworth (869), Coffs Harbour (849), Liverpool (936), Wagga Wagga (799), Broken Hill (720) Wyong (639) and Hawkesbury (658).

Following the report, I believe it is appropriate for the Council and Councillors to receive a similar report from Council Officers on the activities of the Lithgow City Council Pound during 2008.

### **ATTACHMENTS**

Report from the Daily Telegraph.

### **RECOMMENDATION**

THAT the Council and Councillors receive a Report on the activities of the Lithgow City Council Pound during 2008.

Signed: \_\_\_\_\_



# THE Daily Telegraph

## Mysterious deaths spark anger as dog pounds kill pets

Article from: **Daily Telegraph**

- Font size: **Decrease Increase**
- Email article: **Email**
- Print article: **Print**
- Submit comment: **Submit comment**

**EXCLUSIVE** by Justin Vallejo  
January 14, 2009 12:00am

**TANGO was too aggressive, Alice too old, Coco too sick and Bosco too psycho. All - and hundreds more - are now dead.**

Mysterious deaths at one of the city's biggest pounds have sparked a major campaign by animal welfare and rescue groups to end the bloodletting at **The Sydney Dogs and Cats Home**.

The action came as it was revealed more than 90 dogs and cats were sentenced to death every day at council pounds across NSW, with 33,000 killed in the past year.

Figures obtained by *The Daily Telegraph* revealed the number of unloved, unwanted or unclaimed pets given lethal injections grew by 40 per cent in just one year.

The Sydney Dogs and Cats Home recently lost its impound contract with the City of Sydney Council amid concerns the registered charity was destroying too many animals.

Overall, Blacktown City Council recorded the highest number of cat and dog deaths in 2007-08, with 3411 animals from all over Sydney killed, putting it well ahead of the rest of the state's councils.

The 33,116 animals died after owners refused to collect them or animal rescue and welfare workers were unable to re-house them.

The number grew by 9113 in a year, with 24,003 killed in 2006-07. While Blacktown Animal Holding Facility had the most kills, it took in animals from Auburn, Lane Cove, Canada Bay, Holroyd, Ryde, Parramatta and Hunters Hill.

The city's other major pound, The Sydney Dogs and Cats Home, killed 964 cats and dogs taken from Botany Bay, Hurstville, Kogarah, Marrickville, Randwick, Rockdale, Waverley, Woollahra and City of Sydney council areas.

The Office of Liquor, Gaming and Racing conducted two separate investigations into the organisation's activities but, as the majority of complaints related to commercial and civil matters outside its jurisdiction, it found no breaches of the Charitable Fundraising Act.

Sydney Lord Mayor Clover Moore said a pound's "culture and mission" were key factors that

<http://www.news.com.au/dailytelegraph/story/0,,24909917-5001021,00.html>

17/01/2009

Mysterious deaths spark anger as dog pounds kill pets | The Daily Telegraph

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influenced the number of animals put down. The decision to withdraw the impound contract from The Sydney Dogs and Cats Home was not taken lightly, she said.

"It's about finding a home or getting a pet back to its home and that (once) seemed to be a very strong policy of The Sydney Dogs and Cats Home," she said.

"It's my understanding that the regime changed and they no longer met our expectations.

"Also a lot of those pets were kept in single cages. Dogs need to socialise with other dogs and other people otherwise they develop behavioural problems and it's even more difficult to rehouse them."

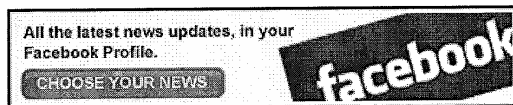
The Sydney Dogs and Cats Home did not return *The Daily Telegraph's* calls yesterday.

According to official figures, the councils that put down the greatest number of animals last year were Bathurst (1002), Tamworth (869), Coffs Harbour (849), Liverpool (936), Wagga Wagga (799), Broken Hill (720) Wyong (639) and Hawkesbury (658).

**Source: The Daily Telegraph**

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<http://www.news.com.au/dailytelegraph/story/0,,24909917-5001021,00.html>

17/01/2009

ITEM:4 NOTICE OF MOTION - 27/01/09 - COUNCILLOR MF TICEHURST -  
REQUEST REPORT ON ACTIVITIES OF MANDATED LITHGOW  
LEARNING CITY

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## NOTICE OF MOTION

19 JAN 2009  
Job. No. 47480  
CDA Ref. 15.6  
Cours. 30 SA

### MOTION TITLE/TOPIC:

Request for a Council Report on the activities of the previously mandated Lithgow Learning City.

Councillor Martin Ticehurst

Date: 16 January 2009.

### BACKGROUND

On 12 February 2001, Lithgow Council declared Lithgow to be the first 'Learning City' in NSW. This innovative move was designed to re-invigorate a struggling community and to equip people with the skills needed to survive and thrive in the 21st century.

The aim of the Lithgow Learning City was to develop partnerships to improve communication and co-operation and to reduce duplication; to promote lifelong learning to assist people to upgrade their skills to maintain employability, provide recreational opportunities and to create a community that is open to change, is highly skilled, tolerant and adaptable.

A Lithgow Learning City Committee was initiated and established and it is an appropriate time with the new Council and Councillors for Council Officers to be requested to provide a report on the current status and activities of the Lithgow Learning City.

### ATTACHMENTS

Public Report on the Lithgow Learning City.

### RECOMMENDATION

**THAT** the Council and Councillors receive a Report on the activities of the previously mandated Lithgow Learning City.

Signed: \_\_\_\_\_

*MF Ticehurst*

## Lithgow: first learning city in New South Wales



On 12 February 2001 Lithgow City Council declared Lithgow to be the first learning city in New South Wales. This innovative move was designed to re-invigorate a struggling community and to equip people with the skills needed to survive and thrive in the 21st century.

The aim of Lithgow Learning City is to develop partnerships to improve communication and co-operation, and reduce duplication; to promote lifelong learning to assist people to upgrade their skills to maintain employability, provide recreational opportunities, and to create a community that is open to change, is highly skilled, tolerant and adaptable. What makes the learning city concept in Lithgow special is the pivotal role that the local library has played in its establishment. From introducing the concept to residents, to developing specific projects, to promoting and maintaining enthusiasm in the community, library staff have led the way, and the Lithgow community is the richer for it!

### Why did Lithgow become a learning city?

During the 1990s Lithgow struggled with an economic downturn that resulted in the closure of many coal mines and the entire clothing manufacturing industry, and downsizing within ADI (owners of the Small Arms Factory), State Rail, the Road and Traffic Authority and local power stations. The community responded by organising a search conference, skills audit and women's forum, all aimed at analysing the local conditions and planning for a healthier future. The learning city concept was seen as a viable option, based on its success in mining communities in the United Kingdom, and the focus on re-skilling for tradespeople and labourers struggling with unemployment and limited future options.

### What has been achieved?

Our vision statement — *as a learning city Lithgow will be the social, economic and*



The Lithgow Library Learning Centre, located in a renovated supermarket building in the centre of town, houses the public library, technology centre and Learning Shop

*business leader of regional New South Wales* — has articulated our goal, but we are very aware that it is a long-term project. The Learning City project is funded completely by the Lithgow City Council and is powered by the goodwill of the people involved.

### Partnerships

The Lithgow Learning City management committee, a sub-committee of council, brings together influential people from council, business, education, human services and the state government and has achieved some notable results, one of which is the Delta-TAFE training partnership. This partnership has resulted in cost-efficient training provision for Delta, a significant power producer in the region, as well as an assured revenue stream for training providers, the Western Institute of TAFE.

In the early days of the Learning City, there were many unsuccessful attempts to develop cross-sectoral partnerships by organising meetings and providing opportunities to share information. Now the focus is on developing trust, improving communication and building relationships through project work. This method has been successfully employed in projects such as Spread the Word and Books for Babies, and has resulted in better communication between government and private schools as well as increased involvement of the business sector in education and welfare programs.

Spread the Word is a community literacy program which aims to encourage people to talk to, sing to, play with and read to children from birth. It is promoted through local schools, pre-schools and childcare centres, human services groups and the local hospital. Resources to support this program include a kit containing flyers and brochures, reading lists and tips on how to read to children; a CD-ROM showing a humorous presentation of the program; as well as a logo and a costume, made to be worn for community activities, to appeal to the 'child in us all'.

Books for Babies is part of Spread the Word and involves the presentation of a book bag to all babies born at the Lithgow Hospital by maternity staff, who also talk to families about the importance of reading to their new baby. When the child reaches 18 months of age, another book bag is presented by Lithgow Centrelink when parents receive their final

payment for the completion of the immunisation program.

### Lifelong learning

Provision of resources and involvement in promoting lifelong learning within the community have become the focus for the Learning City. The Lithgow Library Learning Centre, located in a renovated supermarket building in the centre of town, houses the public library, technology centre and Learning Shop. This modern well-equipped facility is the physical symbol of the learning city concept.

Involvement in celebrations of learning such as Adult Learners Week, and the opening of the Learning Shop, which provides information on all formal and informal learning opportunities within the region, have resulted in a greater awareness within the community of the importance of lifelong learning and the variety of facilities available.

### Role of the library

The Lithgow library has been the driving force behind the Learning City and, while it has created a lot of extra work, the results have been extremely satisfying. The library had previously struggled to achieve a high profile within council and the community and, as a result, was affected by a lack of resources, poor facilities and little involvement with local organisations. The Learning City created a vehicle to showcase the contribution a library could make to its community.

Involvement in the project has led to participation in education, human services and business programs, and created opportunities to publicise current library services and develop new services and facilities for the community. Not only can the library provide detailed information on learning opportunities, but it is also becoming a site of learning through the provision of formal and informal courses, developing links with universities, and offering excellent facilities for use by the community.

Contact with local businesses and community groups has improved information sharing, created an environment of innovation and change, and firmly placed the library in the forefront of community development.

'Learning is what most adults will do for a living in the 21st century' (Bob Perelman) and the Lithgow Learning City will be well equipped to provide the services and support needed, as a direct result of the leadership provided by Lithgow library staff.

*Debbie Best, Learning City co-ordinator,  
Lithgow Library Learning Centre*

ITEM:5 NOTICE OF MOTION - 27/01/09 - COUNCILLOR MF TICEHURST -  
AFTER HOURS CUSTOMER SERVICE POLICY

**NOTICE OF MOTION**

19 JAN 2009

Doc. No. 474801  
GDA Ref. B.S.1  
Years 30 SA

**MOTION TITLE/TOPIC:**

Lithgow City Council After Hours Customer Service Policy.

Listed by Councillor Martin Ticehurst 18 January 09.

**BACKGROUND**

Complaints have been received from ratepayers and residents on the Lithgow City Council After Hours Customer Service.

After Hours contact on the Lithgow City Council's 6354 9999 number apparently diverts to a Security Service located in Melbourne.

I understand that several requests to the service seeking immediate action by Council Rangers has been met with information to call back during the Councils Office Hours.

This Motion seeks an urgent report on the Lithgow City Council Policy for receiving After Hours telephone contact and action.

**RECOMMENDATION**

THAT Council Officers provide an urgent report on the Lithgow City Council Policy for receiving After Hours telephone contact and action.

Signed: \_\_\_\_\_

MF Ticehurst

**ITEM:6 NOTICE OF MOTION - 27/01/09 - COUNCILLOR C HUNTER - STAND PIPES**

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**NOTICE OF MOTION**

Council water stand pipes to be fitted with water meters, to allow water carting contractors to be charged at a more equitable rate, than the present fixed charge for yearly access.

**GENERAL MANAGERS COMMENT**

Council currently makes the following charges for the use supply of water to commercial carters from Council standpipes:

**Standpipe**

Commercial carter	Per year	3,150.00	315.00 (GST)	<b>3,465.00</b>
Commercial carter	Per quarter	811.36	81.14 (GST)	<b>892.50</b>

The estimated revenue from this source for the 2008/09 period is \$6,300. By payment of an annual fee a commercial carter is provided a key and has unlimited access to the standpipe.

Should the standpipe be accessed on a 'one off' basis the charge for water would be \$1.50 / kl and access would be by arrangement with an authorised Council employee with a key. The supply comes from the town water supplies and residential users of the town reticulated supplies are charged \$0.88 for the first 500kl and then \$1.76 for each kilolitre thereafter.

There is approximately six such standpipes located within the Lithgow LGA. In addition to being available to carters they are also accessed by the RFS as supplies for the fighting of fires.

An estimate has been obtained of \$40k per standpipe to install a more accurate electronic billing and tracking system.

Council previously provided a water delivery service to those not on a reticulated system.

## GENERAL MANAGERS REPORTS

### ITEM:7 GM - 27/01/2009 - CODE OF MEETING PRACTICE

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#### REFERENCE

Min 07-493: Council Meeting, 19 November 2007  
Min P08-04: Policy and Strategy Committee Meeting, 4 February 2008  
Min O08-39: Ordinary Meeting of Council, 21 April 2008  
Min O08-159: Ordinary Meeting of Council, 21 October 2008  
Min O08-190: Ordinary Meeting of Council, 18 November 2008

#### SUMMARY

Council reviewed several matters affecting the running of Council meetings including:

- Frequency of Council meetings
- Commencement times for meetings
- Dealing with Questions Without Notice
- Questions from the public
- Notices of Motions

The amendments have now been advertised and this report recommends the adoption by Council of the Code of Meeting Practice.

#### COMMENTARY

On the 18<sup>th</sup> of November 2008 the Council resolved to amend the Code of Meeting Practice and advertise for 28 days and seek public comment on Council's intention to make alterations to the existing Code of Meeting Practice.

The following amendments have been identified for the Code of Meeting Practice:

- 1 Remove the current sub-clauses (vi) to (xii) in Clause 65 relating to the current method for the asking of questions.
- 2 Include within Clause 65 the ability to allow questions by the public for up to 15mins with the following subclauses being included:
  - (vi) Up to 15 minutes of the Ordinary Council Meeting will be made available for members of the public to address the Council or submit questions, either verbally or in writing. Priority will be given to those addressing the Council or asking questions on matters included in the Business Paper. Members of the public will be permitted a maximum of 3 minutes to address or ask a question of the Council.

An extension of time may be granted if deemed necessary by the Council, such extension shall be by resolution of Council. Every such address or question is to be put directly, succinctly and without argument. Each member of the public wishing to use this Public Forum Session be required to state their name and shall be permitted to make an address or will ask two questions.

If time permits they may be permitted to make further addresses or ask further questions of Council. A précis of the address or question by a member(s) of the public shall be recorded in the Council minutes. Questions may be answered at the meeting or taken on notice and dealt with in accordance with Clause 249 of the NSW Local Government (General) Regulation 2005.

- (vii) Members of the public will not be permitted to use the Public Forum for the purpose of abusing, vilifying, insulting, threatening, intimidating or harassing Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order by the Mayor and may be expelled from the Council Meeting.
- (viii) Members of the public will not be permitted to raise matters or provide information which involves:
  - a) personnel matters concerning particular individuals;
  - b) personal hardship of any resident or ratepayer, (unless with the written permission of the subject person(s)).
  - c) information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
  - d) commercial information of a confidential nature that would, if disclosed:
    - prejudice the commercial position of the person who supplied it, or
    - confer a commercial advantage on a competitor of the Council, or
    - reveal a trade secret;
  - e) information that would, if disclosed prejudice the maintenance of law;
  - f) matters affecting the security of the Council, Councillors, Council staff or Council property;
  - g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
  - h) on balance, be contrary to the public interest.
- (ix) Members of the public addressing the Ordinary Council Meeting may be sound recorded.

- 3 Amend the Code of Meeting Practice Schedule 'General Order of Business' to read:
1. Apologies
  2. Confirmation of Minutes of Previous Meetings
  3. Public Forum
  4. Declaration of Interest
  5. Mayoral Minute
  6. Notices of Motion
  7. Notices of Rescissions
  8. Reports
  9. Reports from Delegates
  10. Business of Great Urgency (as identified by Clause 241 of the Local Government (General) Regulations 2005)
  11. Closed Meeting
- 4 To hold Principal Committee meetings on an as needed basis with the authority to call such meetings delegated to the Mayor or General Manager or by two Councillors in writing.

The Draft Code of Meeting Practice was advertised for public comment in the Lithgow Mercury and placed on the Council's website.

No submissions have been received from the public.

#### **POLICY IMPLICATIONS**

The adoption of the Draft Code of Meeting Practice will amend the existing Code.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **LEGAL IMPLICATIONS**

Nil.

#### **ATTACHMENTS**

1. Draft Code of Meeting Practice as advertised

#### **RECOMMENDATION**

**THAT** the Council adopts the Draft Code of Meeting Practice and makes the Code of Meeting Practice Version 8.

**ITEM:8            GM - 27/01/2009 - REGIONAL AND LOCAL COMMUNITY  
INFRASTRUCTURE PROGRAM 2008/09**

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**REFERENCE**

Min O08-246 – Ordinary Meeting of Council 15 December 2008

**SUMMARY**

Council has been allocated \$529,000 as part of the Regional and Local Community Infrastructure Program. Council has allocated \$400,000 for specific projects and now needs to allocate a further \$129,000. These projects need to be identified prior to January 30, 2009.

**COMMENTARY**

The Government has made available \$300 million to local government to stimulate growth and economic activity across Australia. Of this one-off funding of \$250 million in 2008-09 is being provided to local councils under the Regional and Local Community Infrastructure Program (RLCIP). Lithgow City Council is to receive \$529,000 from this fund. Councils and shires will be required to meet guidelines.

Councils are required to provide the Department with details of projects that will be funded through the \$250M allocation by **30 January 2009**. Council will also be required to enter into an agreement prior to receipt of the payment. Funding must be expended by **30 September 2009**.

**Project Eligibility**

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

**Funding will not be available for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.**

Council previously resolved that:

**008- 246 RESOLVED**

**THAT:**

1. Council make the following allocations from the Commonwealth Government's Regional and Local Community Infrastructure Program 2008-09:

Projects	\$
Lithgow Skate Park	200,000
Union Theatre/Hoskins Building – complete linking	40,000
Union Theatre Toilets	10,000
Crystal Theatre – contribution to upgrade	80,000
Wallerawang Library	30,000
Lithgow Civic Ballroom	30,000
Vale Hall Kitchen	10,000
<b>Total</b>	<b>400,000</b>

2. Council to form a Civic Ballroom Committee to look at improvements for future budgeting.
3. The remaining \$129,000 to be decided at the January Ordinary Meeting of Council
4. Council to investigate further options in Wallerawang

At Council's last meeting the RCLIP Guidelines were provided for information. Since then a Frequently Asked Questions document has been issued and is now attached for reference.

The FAQs indicates that councils should provide **prioritised** list of projects that exceeds their allocation. This will enable eligible projects to be identified from the list which meet the total funds allocated to the council.

Council indicated that it would like to investigate further funding options in Wallerawang. Options considered have included:

- Skatepark/Bike Facility
- Library improvements
- Boatshed
- Memorial Hall upgrade
- Playground equipment
- Picnic and BBQ facilities

Investigations have been made into constructing a concrete styled skatepark in Wallerawang similar to the one at Blackheath. This skatepark is approximately 280 m<sup>2</sup> and is estimated cost in the order of \$120,000 to \$130,000 based on the design and construction costs used for the Lithgow Skatepark. Such a project would therefore use all of the remaining unallocated funding.

Also according to the information provided in the FAQs Councils may also apply on behalf of local not-for-profit organisations. The proposed boatshed for Wallerawang is to be developed by Lake Wallace Community Boating Centre and on land that is owned by Delta Electricity who in turn have leased the area to Council. There may be some doubt that Council will be eligible to get funding for this particular project.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil – the program does not require a Council contribution.

### **LEGAL IMPLICATIONS**

Nil.

### **ATTACHMENTS**

1. Frequently Asked Questions - Regional and Local Community Infrastructure Program

### **RECOMMENDATION**

**THAT** Council:

1. Make the following additional allocations from the Commonwealth Government's Regional and Local Community Infrastructure Program 2008-09:

Projects	\$
Wallerawang Skate Park	60,000
Wallerawang Boatshed	35,000
Library Refurbishment (additional allocation)	34,000
Total	129,000

2. Make the following prioritised allocations should any of the preferred items not be eligible or should:

Lithgow	\$
Playground equipment - Replace and Upgrade Queen Elizabeth Park & Brook Street Park	40,000
Civic Ballroom refurbishment - partial ceiling replacement, general asset improvement	60,000
Eskbank House BBQ & Shelter	10,000

Portland	\$
Crystal Theatre upgrade - Completion of all upgrade works, eg stage, additional fire upgrading	200,000
Electric BBQ for Saville Park	8,000
Playground upgrade - Kremer Park	30,000

Wallerawang	\$
Playground upgrades - Lake Wallace	30,000
Picnic and BBQ facilities	15,000

**ITEM:9            GM - 27/01/2009 - ELECTION FUNDING AUTHORITY SIX MONTHLY DECLARATION OF POLITICAL DONATIONS**

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

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**SUMMARY**

To advise Councillors of correspondence received from the Election Funding Authority reminding them of their responsibility to submit a declaration of political donations and electoral expenditure incurred every six months.

**COMMENTARY**

The Election Funding Authority has provided Council with the following correspondence which they have also issued to each NSW Councillor to remind them of their six monthly reporting obligations under the Election Funding and Disclosure Act 1981.

*I write to inform you that as a Local Government Councillor in New South Wales, you must comply with the provisions of the Election Funding and Disclosure Act 1981 ('the Act'). You must submit to the Election Funding Authority ('the Authority') a declaration of political donations received and electoral expenditure incurred every six months. The following information is a guide to your obligations, but it is not a substitute for the law. Further information regarding your obligations is to be found on the Authority's website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).*

*Between now and 30 days after the 2012 Local Government Election, you cannot receive political donations or incur electoral expenditure totalling or exceeding \$1,000 unless you have a campaign account and an official agent. 'Electoral expenditure' includes any expenditure of your own private funds on your campaign in the lead – up to the 2012 Election.*

*If you are required to have an official agent, you may either retain the agent you appointed prior to the recent Local Government Election or appoint a fresh one.*

*If you wish to appoint a fresh official agent, he or she must complete the prescribed on-line training and assessment available through the Authority's website. If you are endorsed by a Registered Political Party, you may wish to appoint as your official agent, "the party agent," of that party.*

*If you are required to appoint an official agent, the agent is the only person authorised to operate your campaign account, handle the receipt of political donations and make payments for electoral expenditure. You are required to immediately inform the Authority in writing if, at any time, any of the following occur:*

- *You revoke the appointment of your official agent;*
- *You appoint a fresh official agent;*
- *Your agent dies; or*
- *Your agent resigns.*

*The agent is required to make the appropriate disclosure to the Authority. **The declaration for the current disclosure period (1 July 2008 to 31 December 2008) must be lodged between 1 January and 25 February 2009.** In the event that you have no donation or expenditure to disclose in the current disclosure period, you are nevertheless required to lodge a 'nil' declaration.*

*Your campaign account must be separate from any personal account(s). The official agent must keep a record of all donations and expenses (and loans of or in excess of \$1,000) associated with your campaign. Donation of \$1,000 or more must be receipted to the donor and disclosed to the Authority. This includes multiple donations received from a single source within one financial year which together equal or exceed \$1,000.*

*Whether or not you are required to appoint an official agent, loans of \$1,000 or more from any source (other than a bank or financial institution) must be disclosed to the Authority. This includes multiple loans received from a single source within each six month period (ending on 30 June and 31 December each year) which together equal or exceed \$1,000.*

*Donations 'in kind' of office accommodation, vehicle, computers, advertising or other equipment usable in election campaigns and any of which have a value of in excess of \$1,000 are prohibited. Multiple 'in kind' donations received from a single source with one financial year are aggregated for this purpose.*

*If at any time you are required to appoint an official agent and establish a campaign account, you must maintain these arrangements until the 2012 Local Government Election. These arrangements must be maintained even if you do not receive any political donations or incur any electoral expenditure during a particular six – month period. In the event that you have no donations or expenditure to disclose in a particular six-month period, you are nevertheless required to lodge a 'nil' declaration. If it is necessary for whatever reason to replace your official agent (eg because your original agent resigns, dies or their appointment is revoked by you), you must ensure that all relevant records maintained by the original agent are transferred to the new agent.*

*Please be aware that failure to lodge a disclosure declaration every six months will result in either you or your official agent (as applicable) being in breach of the Act and liable to a penalty of up to \$22,000.*

*For more information go to the Authority's website [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au). The handbook and frequently asked questions will answer most of your enquiries.*

*From now on you should regularly monitor the EFA website for additional information regarding you disclosure obligations.*

It should be noted that Council is only providing the information to Councillors and the General Manager is not involved in the process. The onus is on the elected members to submit timely returns to the Election Funding Authority.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. The Government's response to the report by the NSW Legislative Council's Select Committee on Electoral and Political Party Funding.

### **RECOMMENDATION**

**THAT** the information be received and Councillors note the Election Funding Authority reporting requirements.

**ITEM:10 GM - 27/01/2009 - DEBT RECOVERY PROCESS**

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

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**REFERENCE**

Nil

**SUMMARY**

To respond to a previous Council request to provide a report with regard to the recovery of outstanding rates and charges as per Debt Recovery Policy 8.1.

**COMMENTARY**

Council's Debt Recovery Policy 8.1 provides the process with regard to the recovery of outstanding rates and annual charges:

In summary the following procedures apply.

**PROCEDURES OF DEBT RECOVERY:**

1. Recovery action shall be instigated if current rates and charges are not paid by the due date unless arrangement have been made for payment by instalments either pursuant to Section 562 of the Local Government Act or by mutual agreements with Council's Internal Services Division.
2. An outstanding instalment reminder notice shall be sent by Council to any defaulting ratepayer after 14 days of the instalment due date.
3. Recovery action shall commence where there is not suitable response and / or payment agreement with Council in relation to the outstanding instalment reminder notice within 14 days. Recovery action by Council's Debt Recovery agent may include telephone calls, notices of demand, Statement of Liquidated Claim, Judgement, Writ of Execution, Garnishee Orders, Section 569 Notices, Warrant of Apprehension, notice to wind up a company and sale of land for overdue rates under Section 713 of the Act. The letter will include a statement advising the ratepayer that legal costs will be added to the outstanding account.
4. Ratepayers, who because of hardship, and who comply with Council's Hardship Policy, may enter into a mutual payment agreement with Council / Debt Recovery agent to pay off the rates and charges account. Such ratepayers need to submit a written request and / or complete and sign Council's prescribed payment arrangement form.
5. Where a ratepayer who has made arrangement to pay rates and charges by mutual agreement fails to meet his / her obligations under the agreement, the agreement will be terminated and legal action shall be immediately instituted for the recovery of any outstanding rates and charges.
6. Any payment agreement entered into with a ratepayer for the outstanding rates other than pursuant to Section 562 of the Local Government Act, shall endeavour to ensure that all rates outstanding are full paid by 30 June of the rating year in which the agreement is entered into, and an agreement for payment of outstanding rates shall not extend beyond two years.
7. If the supplementary rates and charges notices issued involves more than the current year's levy, the ratepayer is asked to make payments on a quarterly basis, providing all payment of amounts due is made by 30 June of that financial year.
8. Arrears of rates report are provided to Council's Management on a quarterly basis for accounts greater than \$1,000. The report also contains details of the action which has been taken by Council to recover those debts.
9. Interest will be charged in accordance with Section 566 of the Local Government Act 1993, calculated daily by applying the maximum rate specified by the Minister, on a yearly basis.

The following statistics are provided as information:

1) No of properties in Local Government area	11,500
2) Value of rates & annual charges due 2008/09	\$16,927,670
3) Reminder letters missed 2 <sup>nd</sup> instalment due 30.11.08	773
4) Value of 2) above	\$343,445
5) 7 day letter no response to reminder letter 30.11.08	279
6) Value of 4) above	\$135,649
7) No of properties with external debt agent (not including missed 2 <sup>nd</sup> instalment 30.11.08)	209
8) Value of with external debt agent 6) above	\$991,447
9) No of properties with Lithgow Council arrangements	199
10) Value of properties with arrangements	\$305,657

Council is reminded our outstanding rates and charges percentage as disclosed in the 2007/08 General Purpose Financial Reports is 7.18%. The group average as a comparison is 5.89%.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Policy 8.1 Debt Recovery

**RECOMMENDATION**

**THAT** the report on Council's debt recovery process be noted.

**ITEM:11 GM - 27/01/09 - RETURNS UNDER SEC 449 LG ACT 1993:  
DISCLOSING INTERESTS OF COUNCILLORS FOLLOWING THE  
ELECTION ON THE 13 SEPTEMBER 2008**

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

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**SUMMARY**

To advise Council of returns lodged with the General Manager under Section 449 of the Local Government Act 1993 for all Councillors elected following the election on 13 September 2008.

**COMMENTARY**

Section 449 of the Local Government Act requires Councillors to lodge returns under Section 449 three months after declaration of the poll.

Section 449 of the Local Government Act 1993 states:

*Division 2 Disclosure of interests in written returns*

*Table of Provisions*

*449 Returns disclosing interests of councillors and designated persons*

*(1) A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form in Part 1 of Schedule 3.*

Section 450A requires the returns lodged under section 449 to be tabled at a meeting of Council. All current Councillors have lodged a return and as such the register is available at this meeting.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

Tabled: Registers of Disclosures by Councillors under Section 449 Local Government Act 1993.

**RECOMMENDATION**

**THAT** Council acknowledge the register of disclosures made under Section 449 of the Local Government Act 1993 by elected Councillors following the election of 13 September 2008.

**ITEM:12 GM - 27/01/2009 - COUNCIL INVESTMENTS TO 31 DECEMBER 2008**

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

**REFERENCE**

Meeting: 19 August 2008 (July 2008)  
Meeting: 07 October 2008 (Aug 2008)  
Meeting: 21 October 2008 (Sept 2008)  
Meeting: 18 November 2008 (Oct 2008)  
Meeting: 15 December 2008 (Nov 2008)

**SUMMARY**

To advise Council of investments held for the 2008/09 financial year to the period ending 31 December 2008.

**COMMENTARY**

The total investment portfolio as at 31 December 2008 when compared to 30 November 2008 has decreased by \$193,238.58.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.08	VALUE 31.12.08	% OF TOTAL
ANZ	TD	01.12.08	08.01.09	38	4.81	1,000,000.00	1,000,000.00	6.71%
	TD	05.12.08	08.01.09	34	4.83	0.00	500,000.00	3.36%
	TD	19.12.08	19.01.09	31	4.49	500,000.00	502,132.88	3.37%
BANKWEST	TD	29.10.08	27.01.09	90	7.20	536,248.57	536,248.57	3.60%
	TD	03.11.08	05.01.09	63	6.75	536,656.37	536,656.37	3.60%
	TD	07.11.08	09.02.09	94	6.40	516,910.15	516,910.15	3.47%
	TD	19.12.08	19.01.09	31	5.00	500,000.00	500,000.00	3.36%
CBA	On Call				4.20	549,579.05	51,973.11	0.35%
	TD	10.12.08	09.01.09	30	4.57	254,199.66	255,307.00	1.71%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.48%
	TD Shield	21.11.07	05.06.09	547	***	750,000.00	750,000.00	5.03%
CITIBANK	TD	12.12.08	12.01.09	30	5.32	582,675.53	585,429.27	3.93%
	TD	10.12.08	09.01.09	30	5.02	516,688.68	519,151.80	3.48%
	TD	08.12.08	07.01.09	30	5.60	1,000,000.00	1,007,091.20	6.76%
LGFS	On Call				4.15	7,159.79	7,159.79	0.05%
	TD	05.09.08	04.12.08	90	7.60	1,000,000.00	0.00	0.00%
IMBS	TD	05.12.08	05.03.09	30	6.00	1,180,961.09	1,186,356.30	7.96%
	TD	05.12.08	05.03.09	90	6.00	0.00	250,000.00	1.68%
	TD	01.12.08	05.03.09	94	5.80	886,777.92	891,981.24	5.99%
MACQUARIE	TD	22.08.08	18.02.09	180	8.08	2,000,000.00	2,000,000.00	13.42%
ST GEORGE	TD	20.11.08	19.01.09	60	5.50	1,056,541.49	1,056,541.49	7.09%
	TD	02.12.08	08.01.09	37	5.30	1,500,000.00	1,528,220.55	10.26%
SUNCORP	TD	03.12.08	08.01.09	36	4.85	0.00	500,000.00	3.36%
			<b>TOTAL</b>			<b>15,094,398.30</b>	<b>14,901,159.72</b>	<b>100.00%</b>

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

**\*\*\*CBA TD Shield \$750,000:**

The CBA deposit of \$750,000 which matures on the 5 June 2009 states the following:

*Principal Protection:*

*The investment is principal protected if held to maturity. Your investment amount is an unsecured obligation of the Commonwealth Bank which ranks equally with other unsecured obligations of the Commonwealth Bank”*

The original 2006 prospectus for this investment estimated a return of 16% which was based on historical investment performance over prior years. The current financial climate proves that the expected return will not be achieved and Council currently expects a nil return on this investment at maturity.

## **POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2

## **FINANCIAL IMPLICATIONS**

Interest received to 31 December 2008 is \$307,962.06 of an estimated \$788,728.00 for the 2008/09 financial year. Interest is paid on the maturity date of the investment and earnings derived from managed funds are reported quarterly. For end of year reporting purposes accrued interest to 30 June 2008 previously brought to account has been reversed.

As Council would be aware interest rates at this time are extremely volatile and are proving to fluctuate daily. Estimated interest to be received for 2008/09 will be reviewed in conjunction with the quarterly review of the Management Plan and reported to Council.

## **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

## **RECOMMENDATION**

### **THAT**

Council's 2008/09 Investments Report for the period ending 31 December 2008 be noted.

**ITEM:13 GM 27/01/09 - REVIEW OF COUNCIL INVESTMENTS**

**REPORT FROM: INTERNAL SERVICES MANAGER, CAROL FARNSWORTH**

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**REFERENCE**

Minute No P08-123: Policy and Strategy Committee – 4 November 2008  
Minute No O08-234: Ordinary Council Meeting – 15 December 2008

**SUMMARY**

This report responds to the resolution made at the Ordinary Meeting, 15 December 2008, that an investment advisor review all current investments held by Council and present a report at a meeting of Council.

**COMMENTARY**

At the Ordinary Meeting of Council held 15 December 2008 it was resolved:

*THAT:*

*Council proceed with an Open Council Meeting with Grove investment advisors to review all current investments held by Lithgow City Council*

CPG Research and Advisory Pty Ltd (formerly Grove) were requested to conduct a full portfolio review on current investments, advise on the status of structured products, make recommendations for changes and provide an indicative portfolio strategy going forward.

For additional information Councillors may wish to refer to the detailed investment documentation provided as a attachment to the report of 15 December 2008 as well as the monthly report to 31 December 2008 which is contained in this agenda.

On 20 January 2009 CPG Research & Advisory Pty Ltd completed the requested review and a copy of their report is attached. Representatives of will be present at the meeting on 27 January 2009 to present their report.

**POLICY IMPLICATIONS**

Investment Policy 8.2

**FINANCIAL IMPLICATIONS**

The fee for securing CPG Research & Advisory Pty Ltd will be included in the December quarterly review of the 2008/09 Management Plan.

## **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

## **ATTACHMENT**

1. CPG Investment Portfolio Review received 20 January 2009

## **RECOMMENDATION**

**THAT** Council note the presentation and Investment Portfolio Review from CPG Research and Advisory Pty Ltd

**ITEM:14 GM - 27/01/09 - COUNCILLOR INFORMATION SESSIONS / WORKSHOPS**

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**SUMMARY**

Council considered a report and draft policy to its meeting held on November 18, 2008 on the holding of Information Sessions/Workshops. The purpose of these is to improve communication between staff and councillors and generally improve the information flow to councillors. The policy has been advertised and is now presented for adoption.

**COMMENTARY**

At the meeting held on November 18, 2008 the following resolution was passed in relation to the Council Information Sessions/Workshops:

18<sup>th</sup> Nov 08 008-189

**THAT:**

1. *Council amend the reference to briefing in the draft policy to Information Sessions*
2. *Council advertise the proposal to adopt the Draft Policy – Council Workshops and Information Sessions*
3. *Council trial the policy for 6 months and review its effectiveness*

Since that time several Information Sessions/Workshops have been held with the feedback being quite positive.

Under the NSW Local Government Act 1993 a council can hold a workshop (or sometimes called an information or briefing session) under its general powers as a body corporate. Workshops are informal committees and can provide useful background information to councillors on issues. Such workshops may involve councillors, council staff and invited participants.

Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting.

The Department of Local Government recognises the value of workshops or information sessions in developing Councillor knowledge and expertise, and in assisting their role as public officials. However, where briefing sessions are held in relation to issues such as development applications or business enterprises, council needs to remember its obligations and responsibilities under the Model Code, and community perceptions in terms of unfair advantage and transparency of process.

The value of such sessions/workshops was also identified in the Promoting Better Practice Review conducted by the Department on Council. In the report the Department stated (p30):

Council does not provide regular formal briefing sessions to councillors on items on meeting agendas. Briefings have been provided in relation to specific strategic items such as the management plan and budget. The Mayor and general manager commented that these briefings appeared to promote a better understanding of those items on the part of councillors and reduced the amount of time taken up in meetings by questions in relation to them.

In the interests of assisting council to get through its business in a more efficient manner, council may wish to consider trialling regular briefing sessions for councillors on business to be considered at council and committee meetings.  
(*Recommendation 8*)

Attendance entitlements in the Act and the Regulation apply only to meetings of the council and its formal committees (made up of Councillors only). As workshops are not meetings of the council or its formal committees, the attendance entitlements of Councillors and the public do not apply. However Part 9.2 of the Model Code states that “any information given to a particular Councillor in the performing of their civic duties must also be available to any other Councillor who requests it”.

There is no obligation on Councillors to attend workshops.

The meeting procedures in the Act and the Regulation apply only to meetings of the council and its formal committees made up of Councillors only. As workshops are not meetings of the council or its formal committees, the meeting procedures in the Act and the Regulation do not apply. Meeting procedures for council workshops is a decision for the council or, failing that, the workshop convener.

The non-disclosure provisions of sections 664(1) and 664(2) (Disclosure and misuse of information) of the Act apply to workshops but, because they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1A) and 664(1B) do not apply.

The Draft Policy has been advertised and now is being presented to Council for adoption.

## **CONCLUSION**

The purpose of the Council Workshops and Briefing Sessions allow the mayor, elected councillors and senior management staff to:

- Exchange information (sometimes confidential in nature) on proposals that are being worked on by staff or proposals that councillors would like to see investigated.
- Provide a forum for discussion on proposed staff initiatives and discuss options for engaging the community in determining Council’s strategic corporate direction.
- Assist councillors/executive staff in team building.
- Help develop trust and understanding between those who attend the workshops.

Councillors and staff are encouraged to have issues and information reports put onto an agenda that will be prepared in preparation for the meeting. These may consist of notes, memorandums and draft reports, but not including recommendations.

The General Manager, Directors and other staff provide a five minute update on their responsibility area(s).

The use of these Information Sessions/Workshops creates an avenue for increased information flow from staff to councillors thus allowing councillors to make more informed decisions.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT:**

1. Adopt the Draft Policy – Council Information Sessions/Workshops.
2. Review the operation of these Information Sessions/Workshops after the trial period is completed in July 2009.

## COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:15            COMM - 27/01/2009 - COUNCIL POLICIES FOR ADOPTION

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

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### REFERENCE

Min O08-165 – Ordinary Meeting of Council – 21 October 2008

Min P08-136 – Policy and Strategy Committee Meeting – 4 November 2008

### SUMMARY

This report recommends the adoption of three policies, 1.2, 4.4 and 8.6, that have been advertised for public comment and the amendment of Policy 4.5.

### COMMENTARY

At the Ordinary Meeting of the Council of 21 October 2008, the Council resolved to advertise for public comment the following policy:

Policy 8.6 - Excessive Water Usage Allowance for Breakages.

At the Policy and Strategy Committee Meeting of the 4 November 2008, the Council resolved to advertise for public comment the following policies:

Policy 1.2 - Asset Acquisition

Policy 4.4 - Donations - Section 355 of the Local Government Act

Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans.

No submissions were received from the public.

### OFFICER COMMENT ON POLICY 4.5

At the Policy and Strategy Committee meeting the Council resolved the following in terms of Policy 4.5:

*Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans – with reference to the \$200,000 limit being removed from the policy.*

The existing Policy 4.5, Objective (ii), reads as follows:

*(ii) To limit the availability of the aggregate of interest free loans available to community groups and organisations up to a maximum of \$200,000.*

This Objective had the intention of limiting the availability of Council revenue that would then not be available for the Council to use for other community purposes and/or to invest for the purposes of receiving revenue from interest.

Officers would like to recommend that Council consider applying an upper aggregate limit to Council interest free loans not exceeding say \$400,000.

Should interest free loans be provided to Community Groups say up to the combined limit of \$400,000 Council should consider the loss of interest on potential investments. On current trends, at an interest rate of say 5%, the loss would be \$20,000 per annum or over a 10 year period \$200,000.

It is recommended that the existing policy be amended to read:

*Objective (ii) To set a combined limit of \$400,000 for all interest free loans to community groups*

An additional point be added (at point 3) to read:

*Council has included the loan in its Management Plan.*

Should the Council wish to continue with removing the aggregate limit upon interest free loans then it is recommended that the following measure be put in place:

- That prior to any new application being approved, the Council receives a report on its current financial position, including investments.
- All submissions for Interest Free Loans are considered in the following financial year's DRAFT Management Plan along with all other new expenditure items.

## **POLICY IMPLICATIONS**

The adoption of these policies will amend existing policies.

## **FINANCIAL IMPLICATIONS**

Any changes to Policy 4.5 may have implications for the Council's Management Plan and financial position.

Should interest free loans be provided to Community Groups say up to the combined limit of \$400,000 Council should consider the loss of interest on potential investments. On current trends, at an interest rate of say 5%, the loss would be \$20,000 per annum or over a 10 year period \$200,000.

## **LEGAL IMPLICATIONS**

NIL

## ATTACHMENTS

1. DRAFT Policy 1.2 - Asset Acquisition
2. DRAFT Policy 4.4 - Donations - Section 355 of the Local Government Act
3. DRAFT Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans.
4. DRAFT Policy 8.6 - Excessive Water Usage Allowance for Breakages.

## RECOMMENDATION

**THAT** the Council:

1. Adopts the draft Policies:

- DRAFT Policy 1.2 - Asset Acquisition
- DRAFT Policy 4.4 - Donations - Section 355 of the Local Government Act
- DRAFT Policy 8.6 - Excessive Water Usage Allowance for Breakages.

2. The Council adopts Draft Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans as advertised with an amendment to read:

*OBJECTIVE: 2. To set a combined limit of \$400,000 for all interest free loans to community groups.*

3. Places Policy 4.5 on public exhibition as a Draft for a period of 28 days and call for public comment through advertisements in the Lithgow Mercury and report back to the Council for final adoption.

**ITEM:16            COMM - 27/01/2009 - COMMITTEES OF THE COUNCIL  
ESTABLISHED UNDER s355 OF THE LOCAL GOVERNMENT ACT  
1993**

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE  
LOLLBACK**

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**REFERENCE**

Min 05-531 - Policy, Planning and Development Committee Meeting 17th October 2005  
Min 07-254 - Ordinary Meeting of Council 18 June 2007 (Review of Committees)  
Min 07-389 – Policy and Strategy Committee 3 September 2007  
Min 07-500 - Ordinary Meeting of Council 19 November 2007 (Meadow Flat)  
Min 07-543 - Ordinary Meeting of Council 17 December 2007 (Health)  
Min 07-254 – Ordinary Meeting of Council 18 June 2008  
Min O08-71 – Extraordinary Meeting of Council 10 June 2008 (Indoor Aquatic Centre)  
QWN Clr Wilson – Policy and Strategy Committee 5 August 2008 (Wolgan Valley  
Railway)  
Min O08-133 – Ordinary Meeting of Council 19 August 2008 (Economic Development)  
Min P08-105 - Policy and Strategy Committee 2 September 2008 (Bracey Family)  
Min O08-153 – Extraordinary Meeting of Council 29 September 2008 (Appointment of  
Councillors, Youth Council, Wolgan Valley Railway, Community Services)  
Min F08-117 – Finance and Services Committee Meeting 7 October 2008 (Health)  
Min O08-196 – Ordinary Meeting of Council 18 November 2008 (Economic  
Development)  
Min O08-242 – Ordinary Meeting of Council 15 December 2008 (Lithgow Flash Gift)  
Min O08-246 – Ordinary Meeting of Council 15 December 2008 (Civic Ballroom)  
Min O08-215 – Ordinary Meeting of Council 15 December 2008 (extended Bracey  
Family)  
Min O08-204 – Ordinary Meeting of Council 15 December 2008 (Street Tree Sub-  
committee)  
Min O08-238/9 – Ordinary Meeting of Council 15 December (Indoor Aquatic Centre)

**SUMMARY**

This Report provides an overview of the current status of s355 committees of the Council and makes recommendations on the Terms of Reference and establishment, or otherwise, of the committees.

**COMMENTARY**

**Legislation and Policies**

The Local Government Act 2003 (the Act), the Local Government (General) Regulations 2005 (the Regulations), the Council's Code of Meeting Practice and a number of Council's Policies provide direction for the establishment and conduct of Council appointed committees.

The Council may, under provisions of the Act, establish Committees and delegate certain powers to those committees.

Section 355 of the Act provides the Council with the power to establish Committees:

**s355 How does a council exercise its functions?**

*A function of a council may, subject to this Chapter, be exercised:*

*(b) by a committee of the council ...*

Section 377 of the Act provides the Council with the power to delegate certain powers to a committee:

**s377 General power of the council to delegate**

*1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, (other than the following): (Note: The Act lists those items that cant be delegated)*

Clause 260 of the Regulations states that:

*A Council may, by resolution, establish such Committees as it considers necessary.*

Clause 261 of the Regulations states that:

*The Council MUST specify the FUNCTIONS of each of its Committees when the Committee is established, but may from time to time amend those functions.*

Policy 9.2 Appointment of Mayor to Committees states:

*That the Mayor, by virtue of holding the office of Mayor, is appointed as a member of all committees established by the Council and that the appointment of the Mayor as a member of any committee established by the Council need not to be taken into account when determining a Quorum for a meeting of the committee.*

Policy 9.5 Council Meetings – Appointment of Chairpersons of Council Committees/Working Groups states:

*When Council resolves to establish a Committee or, when Council resolves to establish a Sunset Committee/Working Group:*

- (i) A Councillor will be elected as the Chairperson of the respective Committee/Working Group.*
- (ii) The Chairperson will be elected by the Council at the same time the Committee/Working Group is established.*

**Committees of Council that include representatives from the community**

Council for many years has had a number of committees of Council that include representatives from the community. For example there is evidence that some committees such as the tourism committee have existed in one form or another since the 1980s. Others such as the request to establish a Health Services Committee is a recent decision of the Council.

## Councillor Representation

Currently Council has resolved the following Councillors to represent Council on s355 Committees.

<b>Committees</b>	<b>2008/09 Representative</b>
<i>Environmental Advisory Committee</i>	<i>Councillor H K Fisher Councillor N L Castle</i>
<i>Lithgow Tourism Advisory Committee</i>	<i>Councillor G Danaher Councillor W Marshall</i>
<i>Sister Cities Committee</i>	<i>Councillor N L Castle Councillor R Thompson</i>
<i>Sports Advisory Committee</i>	<i>Councillor N L Castle Councillor R Thompson</i>
<i>Union Theatre Management Committee</i>	<i>Councillor J J McGinnes</i>
<i>Waste Management Committee</i>	<i>All Councillors General Manager</i>
<i>Animal Advisory Committee</i>	<i>Councillor H K Fisher</i>
<i>Bracey Family Committee</i>	<i>Councillor H K Fisher Councillor R Thompson Councillor McGinnes</i>
<i>Economic Development Advisory Committee</i>	<i>Mayor Neville Castle Councillor Danaher</i>
<i>Crystal Theatre Committee</i>	<i>Councillor N L Castle Councillor C Hunter</i>
<i>Working Group of Strategic Plan</i>	<i>All Councillors General Manager</i>
<i>Lithgow Flash Gift</i>	<i>Councillor R Thompson Councillor W McAndrew</i>
<i>Wolgan Valley Railway Working Group</i>	<i>Councillor Danaher Councillor H K Fisher</i>
<i>Indoor Aquatic Centre</i>	<i>Councillor W Marshall Councillor R Thompson</i>
<i>Youth Committee</i>	<i>Vacant</i>
<i>Community Services</i>	<i>Vacant</i>
<i>Civic Ballroom</i>	<i>Vacant</i>
<i>Health Advisory Committee</i>	<i>Vacant</i>

## Terms of Reference

A template for Terms of Reference for Committees was adopted by the Council at its Ordinary Meeting of the Council of 18 June 2007 (Min 07-254). See Attachment A.

This template has been reviewed with changes recommended. See Attachment B.

## Overview of Committee Status

#### Environmental Advisory Committee

Council confirmed this committee on the 18 June 2007. Terms of Reference were adopted for this committee on 3 September 2007. It is recommended that revised Terms of Reference be put to the Environmental Advisory Committee at its next meeting for comment and be brought back to the Council for adoption as a recommendation in the minutes of that Committee.

At the Ordinary Council Meeting of 15 December 2008, the Council resolved to "*Resurrect the Street Tree Sub Committee of the Environment Committee*".

#### Tourism Advisory Committee

There is evidence that a tourism committee, in one form or another, has been in existence since 1980. The Council at its Policy and Strategy Committee meeting held 2 December resolved that the Draft Terms of Reference for the Tourism Advisory Committee be discussed with the Committee once it had been formed with a recommendation brought back to the Council for adoption as a recommendation in the minutes of that committee.

The Committee met for the first time on 23 December. The Draft Terms of Reference will be tabled at the next meeting of the Committee to be held on 3 February 2009.

#### Sister Cities Committee

Council confirmed this committee on the 18 June 2007 with the Terms of Reference adopted on the 5 November 2008. In October 2007 the Council advertised for expressions of interest however did not get any. In February 2008 it was decided that Council proceeds with membership of the Committee limited to the two Councillors appointed and the identified staff, being at the time the General Manager and the Group Manager Community and Corporate, and to develop the Sister City relationship with Huainan in China as well as create the Shrewsbury and Atcham Borough relationship. In addition, the Councillors could discuss with members of the Community who they felt would offer input for the Committee to encourage participation.

Councillors and staff, throughout 2008 met with representatives from the Australian Chinese Chamber of Commerce and Industry to forward the development of Sister City Relationships in China.

The Economic Development Officer will be the Council's project officer for this committee.

#### Sports Advisory Committee

This is a long standing committee with the role of co-ordinating bookings of sporting facilities given competing users and providing sporting awards.

It is recommended that the Draft Terms of Reference be put to the Sports Advisory Committee at its next meeting for comment and be brought back to the Council for adoption as a recommendation in the minutes of that Committee.

### Indoor Aquatic Centre Advisory Committee

The Terms of Reference for this Committee were adopted by the Ordinary Meeting of the Council held on 15 December 2008. Expressions of Interest for this committee are currently being advertised.

### Bracey Family Committee

Council resolved to establish the Bracey Family Committee on 2 September 2008 to discuss options with the Bracey Family with regard to recognition of the Bracey Family's contribution to Lithgow.

At the Ordinary Meeting of Council held on 15 December 2008, the Council resolved to "*broaden the Bracey Committee to include road naming and to give proper recognition to people of the Lithgow City Council area*".

It is recommended that this committee be established and called the *Community Recognition Advisory Committee*.

### Economic Development Advisory Committee

Council resolved to form this committee at its Ordinary Meeting of Council on 19 August 2008 with Council adopting the Terms of Reference on 18 November 2008. Membership of the Committee is now being invited and advertised. It is envisaged that recommendations for membership to this committee will be put to the Council at the 15 February meeting.

### Lithgow Flash Gift

At the Ordinary Meeting of Council held on 15 December 2008, the Council adopted the Terms of Reference for the Lithgow Flash Gift Working Party.

### Health Advisory Committee

The Council adopted Terms of Reference for the Health Advisory Committee on 17 December 2007. The Council then called for Expressions of Interest and only received one. The Committee has not been formed to date. At the Finance and Services Committee Meeting of Council held on 7 October 2008 the Council confirmed its desire to convene the Committee. Revised Terms of Reference are submitted to the Council for adoption.

### Wolgan Valley Railway Working Group

At the Policy and Strategy Committee Meeting 05 August 2008, Councillor Wilson asked a question without notice with the result being that a report would be brought back to Council regarding the establishment of a working party to investigate the areas of damage to the Wolgan Valley Railway formation on the Newnes Plateau, and further to work with interest groups to develop ways in which the historic formation could be protected by clearing and opening it up as a walking and cycle way from Newnes Junction to the glow worm tunnels and beyond to the Wolgan Valley.

This proposed Working Group was listed at the Extraordinary Meeting of Council held 29 September 2008, and the Council appointed Councillor Danaher and Councillor Fisher as its representatives to the Group.

Councillor Fisher, the General Manager and Group Manager Regional Services met with the interest group to discuss the project. A report will come back to the Council with recommendations regarding the establishment of the Committee.

#### Waste Management Committee

The Waste Management Committee was formed several years ago and only normally meets to consider issues such as new garbage and recycling contracts. It is recommended that this committee not be reconstituted as it can be reformed on an as-needs basis.

#### Animal Advisory Committee

This committee was originally set up around 2000 for the purpose of relating changes brought about by the introduction of the Companion Animals Act and its associated regulations. It was chaired by the Environment Officer and consisted of Rangers, K9 council, breeders, rescue organisations and members of the community. It dealt with matters such as off-leash areas. It is some four years since this committee met.

It is recommended that this committee not be reconstituted.

#### Working Group of Strategic Plan

It is recommended that this committee not be reconstituted until such time as the need for this Working Group may be required with a report coming back to the Council.

The Council's Strategic Plan June 2007 states:

*“Also to ensure that the Strategic Plan remains current, Council will review it within 12 months of a Council election.”*

### **Hall Committees**

A report will be submitted to the Council regarding all Committees relating to halls in the near future. In addition the report will consider management options for other halls owned by Council.

Currently the Council committees or resolutions to form committees for the following halls. These include:

#### Union Theatre Management Committee

Council confirmed this committee on the 18 June 2007.

#### Crystal Theatre Management Committee

This Committee has operated for several years and deals with requests for maintenance issues and input into proposed capital works. Members of the committee currently co-ordinate bookings.

#### Meadow Flat Hall Committee

At the Ordinary Meeting of Council held 19 November 2007, the Council included the Meadow Flat Hall Committee on its list of committees and resolved to call for Expressions of Interest.

Expressions of Interest were called with a number of responses from the community received. The Committee was provided with a delegation to take bookings for Hall usage. It is believed that the hall is currently not being used.

This Committee, to date, has not convened.

#### Civic Ballroom Advisory Committee

At the Ordinary Council Meeting of 15 December the Council resolved to “*form a Civic Ballroom Committee to look at improvements for future budgeting*”. The proposed report will provide options for the establishment of this committee.

#### **POLICY IMPLICATIONS**

Policy 4.1 Community Representatives – Appointment to Committees or Working Groups  
Policy 9.2 Appointment of Mayor to Committees  
Policy 9.5 Council Meetings – Appointment of Chairpersons of Council Committees/Working Groups  
Code of Meeting Practice

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

Local Government Act 1993  
Local Government (General) Regulations 2005

#### **ATTACHMENTS**

1. Template for Terms of Reference to s355 Committees as adopted by the Council 18 June 2007
2. Revised template for Terms of Reference to s355 Committees
3. Draft Terms of Reference Sister Cities Advisory Committee
4. Draft Terms of Reference Community Recognition Advisory Committee
5. Draft Terms of Reference Health Advisory Committee

#### **RECOMMENDATION**

##### **THAT**

- a) Council adopts the revised template for Terms of Reference for committees formed under s355 of the Local Government Act 2005.
- b) Council adopts the following for the **Environmental Advisory Committee**:
  - Council notes that Councillor Fisher and Councillor Castle are Council’s representatives to the Environmental Advisory Committee.

- Council appoints Councillor Fisher as chairperson to the Committee with Mayor Castle as Deputy Chairperson.
  - Draft Terms of Reference be tabled at the Environmental Advisory Committee for comment and brought back to the Council for adoption as a recommendation in the minutes of that Committee.
- c) Council adopts the following for the **Sister Cities Committee**:
- The name of the Sister Cities Committee be the Sister Cities Advisory Committee.
  - Council notes that Councillor Castle and Councillor Thompson are Council's representatives to the Sister Cities Advisory Committee.
  - Council appoints Councillor Castle as chairperson to the Sister Cities Advisory Committee with Councillor Thompson as Deputy Chairperson.
  - Council adopts the Draft Terms of Reference for the Sister Cities Advisory Committee.
- d) Council adopts the following for the **Sports Advisory Committee**:
- Council notes that Councillor Castle and Councillor Thompson are Council's representatives to the Sports Advisory Committee.
  - Council appoints Councillor Castle as chairperson to the Committee with Councillor Thompson as Deputy Chairperson.
  - Draft Terms of Reference be tabled at the Sports Advisory Committee for comment and brought back to the Council for adoption as a recommendation in the minutes of that Committee.
- e) Council adopts the following for the **Bracey Family Committee**:
- The Bracey Family Committee be named the **Community Recognition Advisory Committee**.
  - The Community Recognition Advisory Committee be formed as a s355 Committee of the Council.
  - Council notes that Councillors Fisher, Thompson and McGinnes are the Council's representatives to the Committee.
  - Councillor McGinnes be elected as the Chairperson of the Committee.
  - The Draft Terms of Reference for the Community Recognition Advisory Committee be adopted.
- f) Council adopts the following for the **Health Advisory Committee**:
- Council appoints Councillor representatives to the Health Advisory Committee.
  - Council appoints a Councillor to be the Chairperson of the Committee.
  - The Draft Terms of Reference for the Health Advisory Committee be adopted.

- g) A report regarding the reformation of the **Youth Council** be prepared for Council and be considered in line with the need for the **Community Services Committee**.
- h) A report on the meeting held in November with Councillor Fisher and Council Officers with community members with interests in the Wolgan Valley Railway project be brought back to the Council with recommendations for the formal establishment of the **Wolgan Valley Railway Working Group**.
- i) A report on the management and Terms of Reference for all community halls owned by the Council be prepared and brought back to the Council.
- j) Council not reconstitutes the following Committees of Council:
- **Waste Management Committee.**
  - **Animal Advisory Committee.**
  - **Working Group of Strategic Plan** until such time as the need for this Working Group is assessed.

**ITEM:17            COMM - 27/01/2009 - SECTION 356 - DONATIONS TO COMMUNITY ORGANISATIONS**

**REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

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**REFERENCE**

Minute O08-72 – Extraordinary Meeting of Council 10 June 2008  
Minute F08 -88 Finance and Services Committee 1 July 2008  
Minute - Finance and Services Committee 5 August 2008  
Minute O08-128 – Ordinary Meeting 19 August 2008  
Minute P08-115 - Policy and Strategy Meeting 7 October 2008  
Minute O08-228 - Ordinary Meeting 15 December 2008

**SUMMARY**

The report recommends that Council consider allocating funding for the following not-for-profit organisations.

**COMMENTARY**

On the 10 June 2008 the Council adopted its Management Plan for 2008/09 – 2010/11 in which it identified its provision of donations to not-for-profit community groups. This report outlines requests from the following organizations for donations.

**1. Lithgow Poultry Club** has requested a donation of \$3,000 towards the materials cost of constructing approximately 100 new pens. Their aim is to provide greater facilities to operate large scale shows including specialist breed shows, Lithgow Agricultural Show and Lithgow Poultry Club Shows. The Poultry Club will contribute \$3,150 of their own funds to meet labour costs of the project.

It is to be recommended that a donation to the value of \$1,000 be made to the Lithgow Poultry Club.

**2. Department of Education and Training Industry Links Program**

The Industry Links Program is a pilot program supported by the Department of Education and Training which is attempting to deliver a comprehensive curriculum that incorporates academic and vocational courses.

The Portland Industry Links Program is a partnership between local area industries, Portland Central School and TAFE, and provides students with an opportunity to acquire skills sought by industries in their potential apprentices and engineering candidates. A request has come to Council asking for a contribution towards the program.

It is to be recommended that a donation to the value of \$1,000 be made to the Industry Links Program.

**3. NSW Rural Doctors Network**

The NSW Rural Doctors Network has requested that Council provide \$3,000 towards a bursary for a medical student to enable them to complete their study. In return, the student will undertake a 2 week placement within Lithgow LGA over the Christmas holidays. The intention of the scheme is to encourage medical students to become familiar with rural and regional medical practice which will hopefully encourage them to work in these areas after graduation.

In view of the limited direct benefit to Lithgow from a two week student placement and the uncertainty over whether graduates will choose to work in Lithgow, it is to be recommended that no donation be made to the NSW Rural Doctors Network for their Bush Bursary Program.

**POLICY IMPLICATIONS**

Donations are provided under Policy 4.4 Donations – Section 356 of the Local Government Act.

**FINANCIAL IMPLICATIONS**

The Council provides Financial Assistance to not-for-profit community groups. The Council has set aside some \$20,000 for distribution throughout the 2008/09 Financial Year plus an additional \$3,000 for hall hire waiver requests. \$13,072 has been allocated to date leaving \$9,928 for distribution. The total of recommended donations in this report is \$2,000 which leaves a further \$7,928 for distribution in the remainder of the financial year.

## LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

## ATTACHMENTS

1. Letter from Lithgow Poultry Club Dataworks Document 461768
2. Letter from the Industry Links Program Dataworks Document 472049
3. Letter from the NSW Rural Doctors Network Dataworks Document 471379

## RECOMMENDATION

### THAT Council provides:

1. \$1,000 to the Lithgow Poultry Club towards the materials cost of constructing new pens
2. \$1,000 to the Industry Links Program.
3. Not provide a donation to the NSW Rural Doctors Network for their Bush Bursary Program.

**ITEM:18            COMM - 27/01/2009 - DONATION TO TARANA TANKER TRAILERS INC**

**REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

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## REFERENCE

Minute P08-124: Policy and Planning Meeting 4 November 2008

## SUMMARY

This report details advice received from the NSW Rural Fire Service in relation to Tarana Tanker Trailers Inc.

## COMMENTARY

Council resolved at the Policy and Planning Meeting of 4 November 2008 (Resolution P08-124) that:

1. *Council, subject to confirmation from the NSW Rural Fire Service that Tanker Trailers are permitted to be used on fire grounds, provide Tarana Tanker Trailers Incorporated with an immediate financial donation of up to \$2,000 under its Policy 4.4 – Donations under Section 356 of the Local Government Act.*

- 2. A report be provided to Council on the use of Tarana Tanker trailers to be reported back to the new Council in the near future.*

The purpose of the Council donation was to meet the cost of registration of the 13 tanker trailers to enable them to be moved as necessary to fire locations.

Tarana Tanker Trailers Inc subsequently provided Council with a risk assessment report stating that 12 of the 13 trailers have been assessed as registrable and that a number of repairs and tyre replacements have been made in preparation for registration. The risk assessment also detailed the operational safety rules they have put in place.

Correspondence has since been received from Superintendent Greg Wardle, District Manager, Lithgow District of the NSW Rural Fire Service. Superintendent Wardle advises that the Rural Fire Service and Council disposed of the tanker trailers due to safety issues with towing the trailers behind privately owned vehicles over mountainous terrain and the lack of control and command of these appliances due to them not being fitted with RFS PMR radios.

These issues led to concerns that the Rural Fire Service and Council faced potentially liability exposure.

Subsequently, Council sold the trailers to Tarana Tanker Trailers Inc. In selling the trailers, it was the intention that they be privately owned so that owners could protect their own properties.

Superintendent Wardle further states:

*In my opinion the trailers should not be used outside privately owned land, Council should be mindful of the potential exposure if they were to assist in registering the tankers to allow (sic) free movement around the Fire District.*

A further letter has been received from Peter Moore of Tarana Tanker Trailers Inc stating that they have implemented a number of safety rules, namely:

- 1. that tanker trailers must be operated by two responsible people.*
- 2. that operators must have some form of communication, either mobile phone or UHF radio.*
- 3. tanker trailer operators must report to the Captain or Hotel when going to a fire.*
- 4. tanker trailers are only to be taken on farming land where they can be turned around easily.*

Peter Moore goes on to say that the tanker trailers should not be used outside privately owned land and in most cases won't travel more than 5kms from their base. The intention is that the community has the capacity for a quick response to fires and for landholders to be able to assist themselves and their near neighbours.

Further that in situations where the Rural Fire Service takes control of a fire, the tanker trailers would be placed to safer duties.

In summary, Peter Moore states that as the tanker trailers are owned by an incorporated body, there would be no exposure to Council. Tarana tanker trailers have exhausted their funds and require Council assistance with the cost of registration.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Council resolved at the Policy and Planning Meeting of 4 November 2008, Resolution P08-124, to provide a financial donation of up to \$2,000 “*subject to confirmation from the NSW Rural Fire Service that Tanker Trailers are permitted to be used on fire grounds*” under its Policy 4.4 Donations under Section 356 of the Local Government Act.

### **LEGAL IMPLICATIONS**

Potential public liability exposure to Council arising from the use of tanker trailers in fire situations.

Local Government Act NSW 1993

### **ATTACHMENTS**

1. Correspondence from Superintendent Greg Wardle of the NSW Rural Fire Service - Dataworks Document 463200.
2. Correspondence from Peter Moore of Tarana Tanker Trailers Inc - DataWorks Document 474123
3. Correspondence from Peter Moore of Tarana Tanker Trailers Inc - DataWorks Document 459690

### **RECOMMENDATION**

**THAT** Council advises Tarana Tanker Trailers Inc that in view of the original intention of Council and the Rural Fire Service in selling the tanker trailers, that they be kept on private land and further in view of the advice received from Superintendent Wardle, that Council not provide financial assistance towards the cost of registering the trailers.

**ITEM:19            COMM - 27/01/2009 - LOCATION FOR NEW LITHGOW SKATEPARK**

**REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

**REFERENCE**

Min O08- 246: Ordinary Meeting 15 December 2008

**SUMMARY**

This report proposes the location for the new Lithgow Skatepark.

**COMMENTARY**

On the 10 November 2008 a meeting was held with local young people, other community representatives, Councillors and Council staff to discuss ways to develop a viable skatepark for Lithgow.

The purpose of meeting was to:

- Identify the desirable features of a skate park.
- Discuss issues with the location and standard of the existing showground skate park and identify alternative locations.

**Desirable Features**

The meeting identified some of the important elements of skate park location and design and considered a presentation on a number of skate parks from other areas:

It was considered that the new skate park should be:

- Constructed of concrete, not steel.
- Integrated with other sporting & family facilities.
- In a central location with good visibility/lighting etc to promote safety.
- Of good design to maximise best flow from feature to feature.

Further:

- The design should replicate street structures.
- Have at least two bowls.

A number of potential locations were considered at the meeting:

**Option 1 Upgrading Existing Showground Site**

Advantages include:

- Existing equipment can be relocated to another township.
- No resident consultation will be needed for upgrade which will speed up the process.
- There is sufficient space for the proposed skate park.

Disadvantages include:

- Isolation
- It is not well used.
- It is not family friendly and is without seating and BBQs etc.

The location is a problem because:

- Access is difficult when the showground is locked for other events
- Kids break into showground to access the skate park
- Bullying and other violence occurs due to Skate Park not being in a high visibility location.
- Use of park conflicts with other showground users.
- Due to being unfenced, vandalism has occurred to other areas of showground.
- If park is upgraded, there may not be further room for future upgrade.

### **Option 2 Maple Street Crescent**

Advantages include:

- It is already used for sporting events.
- There is playground equipment on site.
- Proximity to Lithgow High School.
- Laneway at back of park makes it accessible to Central Lithgow

Disadvantages include:

- It is in a high residential area which may cause problems.
- Poor supervision.
- Park is confined, tucked away and has no room for growth.

### **Option 3 Endeavour Park**

Advantages include:

- Drain is already being used by skaters.
- Location near Great Western Highway.
- Close to bus transport.

Disadvantages include:

- It is in a dense residential area
- No flat areas.
- Away from shops.
- Possible safety and isolation issues.
- Too far from east Lithgow.

#### **Option 4 Council land near corner of James and Albert Streets adjoining Conran/Watsford Oval**

Advantages include:

- High visibility location.
- Central location with proximity to other sporting facilities.
- Plenty of space to build seating and other facilities that will make it more family friendly.
- Room for future upgrade of skate park.
- Close to town and transport and therefore good for kids to access site by themselves but also for families who come from out of Lithgow, drop their kids off and head into town.
- Few nearby houses.

Disadvantages include:

- Possible resident objection which may slow the development process.
- May impact on sporting events which take place in next field.

#### **Option 5 Hermitage Oval**

Advantages include:

- Plenty of space to build seating and other facilities that will make it more family friendly.
- Room for future upgrade of skate park.
- Close to other sporting facilities.
- Close to town and transport.

Disadvantages include:

- Possible resident objection which may slow the development process.
- Isolation and lack of visual observation creates security issues.
- Existing parking issues with events held at the Glanmire Complex will be compounded.
- The skate park could become 'owned' by the children who live next to it and therefore less of a community facility.
- The skate park's proximity to Hermitage Hall could increase the risk of vandalism to the building especially as it is located away from through traffic.

#### **Option 6 Queen Elizabeth Park**

This option was considered by Council Officers at the time the other options were assessed.

Advantages include:

- Very good location in centre of town, close to shops, transport and other recreation facilities.
- Toilets available
- A family friendly location used by large numbers of residents and visitors.

Disadvantages include:

- Limited suitable space available.
- Potential use conflicts with other park users.
- Likely community opposition.

### **Option 7 Barton Street between Fred Burley Drive and George Coates Street.**

This option was also assessed by Council officers following the 12 January 2009 meeting with Councillors.

Advantages include:

- Fairly good location close to other recreation facilities including the pool and showground.

Disadvantages include:

- Very small site.
- Traffic safety concerns.
- A number of trees would have to be removed.

### **Option 8 Lithgow Swimming Pool**

Further consideration has been given to co-locating the skate park on the swimming pool site.

Advantages include:

- Central location co-located with swimming pool and close to other recreation facilities.
- Good visibility and supervision during swimming season.
- There appears to be sufficient land area to accommodate the skate park.

Disadvantages include:

- Would require separate entrance and fencing to allow for access outside of pool season.
- May impede future development options for the swimming pool.
- Possible opposition from swimming pool users.
- Potential safety hazard from locating skate equipment near wet areas.

## Summary

The overall view of the 10 November 2008 meeting was that the Maple Street, Endeavour Park and Hermitage Oval sites were not supported and on balance, the most suitable locations were the current showground site or the Council land near corner of James and Albert Streets adjoining Conran/Watsford Oval.

Council officers subsequently investigated these sites further as well as Queen Elizabeth Park, Barton Street between Fred Burley Drive and George Coates Street and the Lithgow Swimming Pool. The clear finding of this investigation is that Option 4, the James/Albert Streets site is the preferred option. The benefits of this site include its central location, proximity to other sporting facilities and the swimming pool where it can form part of a sporting precinct, and clear visibility and passing traffic which will help to address safety and vandalism issues. Impacts on the few nearby residents could be ameliorated through detailed site design and tree screening measures.

Council resolved at the Ordinary Meeting of 15<sup>th</sup> December 2008 - Resolution O08- 246, that an amount of \$200,000 from Council's allocation under the Regional and Local Community Infrastructure Program be allocated to the Lithgow skate park. Preliminary discussions with Oasis Skateparks have indicated that this will be sufficient to construct a suitably sized facility of approximately 480 m<sup>2</sup> with design features that meet the wishes of skaters. There will also be additional expenditure required on ancillary works including footpaths, fencing, lighting landscaping and seats. The Lions Club of Lithgow are very supportive of the project and have indicated that they will provide some funding and will also coordinate a fund raising campaign for ancillary works with local business and other organisations. These ancillary works can be undertaken as funds become available. Council officers have and will continue to work closely with the Lions Club to ensure the best outcome.

Once Council resolves on the location and the design is finalised, a development application will be required. In order to meet the Regional and Local Community Infrastructure Program guidelines, all funding must be expended by 30 September 2009.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

The Council will submit an grant under the Regional and Local Community Infrastructure Program for \$200,000. Other funds may become available from community organisations and other grants for ancillary works.

## **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

## **ATTACHMENTS**

1. Lithgow Skate Park Options

## RECOMMENDATION

**THAT** Council endorse Option 4, Council owned land near the corner of James and Albert Streets Lithgow adjoining Conran/Watsford Oval, as the preferred location for a new skatepark facility.

**ITEM:20            COMM - 27/01/2009 - LOCATION FOR NEW WALLERAWANG SKATEPARK**

**REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

## REFERENCE

Min O08- 246: Ordinary Meeting of Council, 15 December 2008

## SUMMARY

This report proposes options for the upgrade of Wallerawang Skatepark which include three possible locations and 2 development options.

## COMMENTARY

Three possible locations have been assessed for Council to consider for the location of a skatepark in Wallerawang. There is currently a small metal skatepark located in Tweedie Street Park adjacent to the Memorial Hall.

Options assessed include:

- Option 1 Current Tweedie Street Park Location
- Option 2 Lake Wallace
- Option 3 Federation Park, Main Street Wallerawang

The criteria used for the selection of the location for the Lithgow skatepark have been used to assess location options for the Wallerawang skatepark.

These include:

- Central location with proximity to where the population of young people lives.
- Integration with other sporting and family facilities.
- Good visibility/lighting etc to promote safety.

### **Option 1 Current Tweedie Street Park Location**

Advantages include:

- Site of current skatepark, therefore no change of use is involved.

- Central location close to where the population of young people lives.
- Adjacent to playground equipment.
- Good visibility and passing traffic.
- Near Police Station.
- There are few houses nearby.

Disadvantages include:

- The current skate park is located on a bitumen area which has in the past been used as a basketball area. Local kids have stated that they need an area for continued basketball training etc.

### **Option 2 Lake Wallace**

Advantages include:

- Location in a recreation precinct with playground equipment and BBQ facilities.
- Proximity to Wallerawang Public School.
- Reasonably close to where the population of young people lives.

Disadvantages include:

- Reasonably isolated.
- Poor supervision.
- The Land is owned by Delta and leased to Council however expenditure on leased land is permissible under the Regional and Local Community Infrastructure Program.

### **Option 3 Federation Park Main Street Wallerawang**

Advantages include:

- High visibility.
- Integrated with existing family friendly recreation precinct.

Disadvantages include:

- Away from residential areas therefore more distance for kids to travel.
- Likely opposition from business community.
- This is Leased railway land however expenditure on leased land is permissible under the Regional and Local Community Infrastructure Program.

### **Development Options**

Two development options have been considered.

Option A involves construction of a small concrete skate park of approximately 280m<sup>2</sup> similar in dimension and scope to the skate park on the Great Western Highway Blackheath. Photo attached. A skatepark of 280 m<sup>2</sup>, similar to the Blackheath skate park would cost in the order of \$120,000 to \$130,000 based on the design and construction cost estimates used for the Lithgow Skatepark.

Option B involves enhancement of the existing metal structure by relocating the equipment from the current Lithgow skatepark together with landscaping, seating, providing for basketball users and other ancillary works. Detailed costs are not available for this option but preliminary estimates suggest that an amount of up to \$60,000 would be required.

## **Summary**

### Option 1

Tweedie Street Park, is considered the preferable option due to its central location in a recreation precinct; proximity to where the youth population lives; good visibility and passing traffic, and; limited impact on surrounding residential areas. There is potential on the same site to also provide for the needs of basketball users.

### Option 2

Lake Wallace is also a very suitable location but is considered less suitable than option 1 due to its relative isolation and limited visibility from the street. These disadvantages could be overcome by locating it opposite the school and recreation centre.

### Option 3

Federation Park is not supported due to its distance from residential areas where young people live and potential conflicts with other users of the park.

Council resolved at the Ordinary Meeting of 15 December 2008 - Resolution O08- 246, to make a number of allocations under the Regional and Local Community Infrastructure Program, that the remaining \$129,000 be decided at the January Ordinary Meeting of Council and further that Council investigate further options in Wallerawang.

## **Recommendation**

Accordingly, it is recommended that Council endorse Option 1, the current Tweedie Street Park site and consider making a further allocation of funds from those remaining under the Regional and Local Community Infrastructure Program for either Development Option A or B.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

A new concrete skatepark of 280 m<sup>2</sup>, similar to the Blackheath skate park would cost in the order of \$120,000 to \$130,000 based on the design and construction costs used for the Lithgow Skatepark.

Enhancement of the existing metal structure by relocating the equipment from the current Lithgow skate park together with landscaping, seating, providing for basketball users and other ancillary works would cost up to \$60,000.

## **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

## **ATTACHMENTS**

1. Wallerawang Skate Park Options

## **RECOMMENDATION**

**THAT** Council endorses Option 1, Tweedie Street Park as the preferred location for a new skatepark facility in Wallerawang.

**ITEM:21            COMM - 27/01/2009 - RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN LITHGOW CBD**

**REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

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**REFERENCE**

Resolution 05-503 from Ordinary Meeting of Council 4/10/05

**SUMMARY**

This report proposes the re-establishment of Alcohol Free Zones in the Lithgow CBD for a further 4 years.

**COMMENTARY**

The current Alcohol Free Zones in Lithgow CBD lapsed in late 2008. Correspondence has been received from Acting Inspector Mark Shepherd of Lithgow Police stating that the zones have been a great benefit in policing alcohol related crime in the area and asking that Council re-establish these zones for a further 5 years. (Under the Local Government Act 1993, the maximum allowed period that Alcohol Free Zones can be extended is 4 years)

To establish the Alcohol Free Zone for a further 4 year period, Council is required under Section 644A of the Local Government Act 1993 to undertake a public consultation process prior to implementation. This process involves:

- Publishing a notice of the proposal in the Lithgow Mercury inviting representations on the proposal within 14 days of the date of publication.
- Sending a copy of the proposal to the Officer in Charge of Lithgow Police Station and all liquor license holders and secretaries of registered clubs whose premises border on, adjoin or are adjacent to the proposed zone. A period of 30 days is given for representations to be made.

**Affected Area**

The boundaries of the proposed re-established Lithgow CBD Alcohol Free Zone include those areas in the recently lapsed Alcohol Free Zone in addition to a number of adjoining new streets:

**Existing Areas**

Main Street (from Bridge Street to Laurence Street)  
Main Street Lane and Burns Lane between Bridge Street and Bank Lane)  
Tank Street (from Bridge Street to Read Avenue)  
Bridge Street (from Tank Street to Main Street Lane)  
Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)

### **New Streets**

It is proposed that the following streets be included in the Alcohol Free Zone:

Eskbank Street (from Mort Street to Railway Parade)  
Cook Street Plaza  
Bank Lane  
Tatts Lane  
Collins Laneway  
Exchange Walkway  
Bank Street between Main Street and Gray Street.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

### **ATTACHMENTS**

1. Letter from Acting Inspector Mark Shepherd of Lithgow Police Dataworks Document 468617
2. Draft Proposal to re-establish and add additional areas to an Alcohol Free Zone in the Lithgow CBD for a further 4 years.

### **RECOMMENDATION**

#### **THAT:**

1. Council endorse the attached proposal to re-establish the Alcohol Free Zone in the Lithgow CBD for a further 4 years and advertise it for public comment in accordance with Section 644A of the Local Government Act 1993.
2. Council includes the following areas in the Lithgow CBD Alcohol Free Zone:
  - Eskbank Street (from Mort Street to Railway Parade)
  - Cook Street Plaza
  - Bank Lane
  - Tatts Lane
  - Collins Laneway
  - Exchange Walkway
  - Bank Street between Main Street and Gray Street.
3. A further report be brought to Council giving consideration to expansion of alcohol free zones in other parts of Lithgow and other townships and villages.

## REGIONAL SERVICES REPORTS

**ITEM:22        REG - 27/01/09 - PUBLIC AMENITIES - WATSFORD/CONRAN OVAL**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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### REFERENCE

Nil.

### SUMMARY

This report seeks provides details of the proposed replacement and funding of the existing male and female toilets at Watsford/Conran Oval

### COMMENTARY

Council is currently midway through the construction of Stage 2 of the Farmers Creek Flood Mitigation Works. The completion of this stage involves the continuation of the current channel widening from near the end of George Coates Avenue to a point adjacent to the embankment between Watsford and Conran Ovals. Work on this section is scheduled to commence in March 2009 and is funded by a 66% subsidy through the Flood Mitigation Programme.

The design of this section of the channel widening brings the new channel excavation hard up against the existing mens and womens toilet buildings on Watsford Oval. To enable the construction of the new channel, it has been determined that it would be safer to demolish the existing toilets and rebuild new amenities.

The existing male and female toilets are separate structures in poor condition. Council's consultant building advisor/Architect has examined the existing buildings, including the current brick pavillion/shelter shed which sits on the top embankment adjacent to Conran Oval and has recommended the demolition of the existing toilet facilities on Watsford Oval. The preferred replacement option is to convert the existing Conran pavillion into two team change areas with the addition of separate male toilets and a combined female/disabled toilet and a small club room. The change rooms and club room would then be separated by a covered pavillion providing access to the toilets.

Consultations have taken place with the local cricket association and they are enthusiastic with the proposal.

The consultant has estimated the cost of the new facility, including demolition of the old structures, at \$110,000. Council officers have negotiated with the funding authority and it has been determined that the replacement toilet facility can attract a subsidy under the Floodplain Management Program. The subsidy can be applied to the cost of demolition, construction of the new male and female toilets and a proportion of the fit out and consultants fees. It does not include the change room components, refurbishment of the existing pavillion on Conran Oval, the new pavillion roof or the extended slab to accommodate the area between the toilets and existing shed.

Therefore, Council is eligible for the following funding:

<b>Funding Source</b>	<b>Amount</b>
Floodplain Management Program – 1/3 Federal & 1/3 State	\$34,840
Floodplain Management Program – Council's 1/3 contribution allocated to program	\$17,420
Total	\$52,260

Council therefore needs to fund the balance of the project, being \$57,740 in the current financial year. Council has allocated in the current year \$90,000 for the refurbishment of Pioneer Park Toilets. Whilst design plans have been completed, work has not yet commenced. It is proposed however, that the Pioneer Park Toilets be deferred to 2009/10, that \$57,740 be allocated to the Watsford/Conran Project and that the remaining funds, being \$32,260 be placed in reserve for the Pioneer Park Toilets.

The opportunity to gain a subsidy for the replacement of public amenities is a rare one and should not be missed. It is therefore recommended that Council proceed with the above proposal.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

The proposal will require the deferral of the Pioneer Park Toilet project (\$90,000) to 2009/10, the reallocation of \$57,740 to the Watsford/Conran Amenities Project and the transfer to reserve of \$32,260 for the Pioneer Toilet Project.

#### **LEGAL IMPLICATIONS**

NIL

#### **RECOMMENDATION**

**THAT** Council:

1. Accept the subsidy offer of \$34,840 for the construction of amenities at Watsford/Conran Ovals from the Floodplain Mitigation programme.
2. Commit \$17,420 of its proportion of funding from the Floodplain Mitigation programme to the construction of amenities at Watsford/Conran Ovals.
3. Defer the Pioneer Park Toilet Project to 2009/10 and reallocate \$57,740 to the Watsford/Conran Toilets Project in 2008/09 and transfer \$32,260 to reserve for the Pioneer Park Toilet Project for expenditure in 2009/10.

**ITEM:23 REG - 27/01/2009 - DEVELOPMENT AND CONSTRUCTION APPROVALS**

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

**SUMMARY**

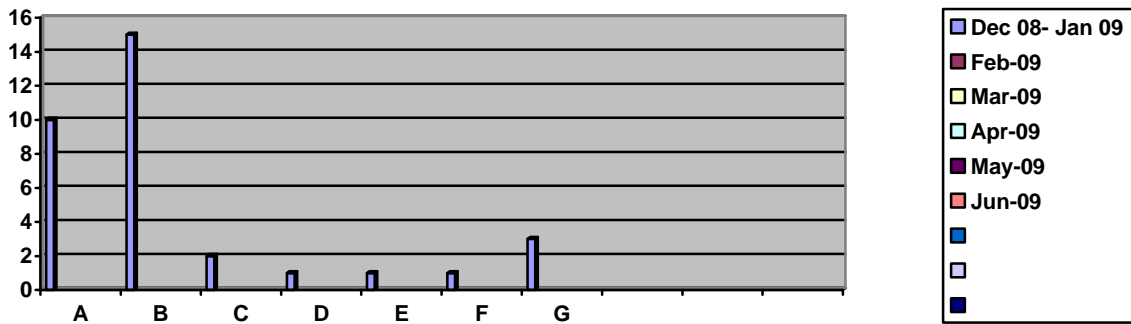
To provide statistical information on Development Applications and Construction Certificates processed.

**COMMENTARY**

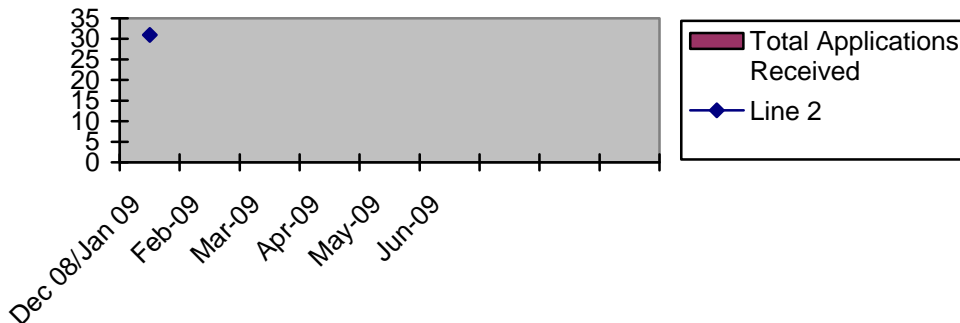
The following table indicates Development Applications and Construction Certificates approved in the period between Finance and Services Committee Meetings. A full list of individual applications received and approved is made available to Councillors and the press.

	Minor Development Approvals (including carports, garages and patios) A	Dwelling Approvals B	Dwelling Addition Approvals C	Other Residential Applications (including Dual Occupancies, Flats D)	Rural Subdivision Approvals E	Residential Subdivision Approvals F	Commercial/Industrial Approvals G	T Appl Res
Dec/Jan	10	15	2	1	1	1	3	

\* includes Approvals from 25/11/2008 TO 20/01/2009



**APPROVALS**



Total Estimated Cost:  
 Average Approval Time  
 Total Cost of Approvals from 24/11/2008 to 19 January 2009  
 No. of Applications from 25/11/2008 to 19 January 2009

\$4,247,034.00  
 19 DAYS  
 \$19,758,389.00  
 318

## RECOMMENDATION

THAT the report on development and construction approvals be received.

ITEM:24           REG - 27/01/09 - LOWTHER CEMETERY FEES - CATHOLIC SECTION

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

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### SUMMARY

To advise Council of fees required for burials at Lowther Cemetery (Catholic Section) which currently is not under Lithgow City Council control and not in Council's fees & charges.

### COMMENTARY

Lithgow City Council currently controls the Presbyterian Section only for the Lowther Cemetery. The Catholic Section of this cemetery is privately owned and maintained by the church at Lowther. Council has previously performed burials in the Catholic Section (approximately 4 burials per year) and a fee is determined by way of a WOC (Work at Owners Cost). Council's Fees & Charges currently only cover fees for the Presbyterian Section. Therefore, a nominated fee of \$950 (single or double depth) is proposed for burials to be carried out in the privately owned Catholic Section of the Lowther Cemetery.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Council currently charges \$517 for a single depth interment and \$770 for a double depth interment at all Council controlled cemeteries. These fees are 'market based' fees which are recommended having regard to fees charged at other Councils. The proposed fee of \$950 (single or double depth) includes Council's external plant hire rates as the works relate to a privately owned facility & should Council wish to reduce the fee in line with its own cemeteries it should be aware that it will not be recovering its costs.

### LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

THAT

1. Council adopt a fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery.
2. The proposed fee be advertised for a period of 28 days prior to adoption.

**ITEM:25            REG - 07/10/2008 - LITHGOW LOCAL GOVERNMENT WATER USAGE AND WATER RESTRICTIONS**

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

**REFERENCE**

Nil.

**SUMMARY**

Comparison of water usage figures for the Lithgow Local Government area and discussion on the review of the current water restrictions policy.

**COMMENTARY**

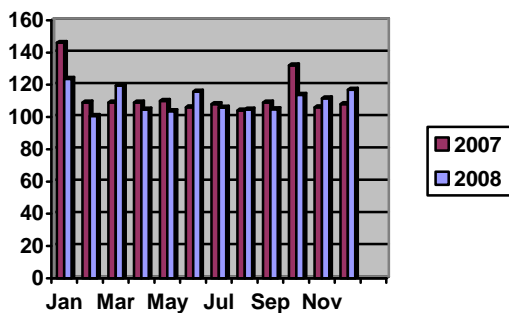
Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply is compared in the following table for the 2007/2008 and 2008/2009 financial years to date. Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 341 megalitres of water from this supply, equating to approximately 16% of its annual allocation. (NB: allocation issued per financial year, not calendar year).

	2007/2008 Water Year			2008/2009 Water Year		
	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
July	107.7	67.9	<b>175.6</b>	105.9	45.2	<b>151.1</b>
August	104.2	49	<b>153.2</b>	104.6	50.7	<b>155.3</b>
September	109.4	53.8	<b>163.2</b>	104.9	66.7	<b>171.6</b>
October	132.3	80.3	<b>212.6</b>	113.8	52.1	<b>165.9</b>
November	106.5	53.9	<b>160.4</b>	111.5	58.1	<b>169.6</b>
December	107.8	44.7	<b>152.5</b>	117.0	68.1	<b>185.1</b>
January	123.6	103.2	<b>226.8</b>			
February	100.7	64.5	<b>165.2</b>			
March	119.4	72.7	<b>192.1</b>			
April	104.7	51.1	<b>155.8</b>			
May	103.6	55.3	<b>158.9</b>			
June	115.8	65.8	<b>181.6</b>			
<b>TOTAL (ML)</b>	<b>1335.7</b>	<b>762.2</b>	<b>2097.9</b>	<b>657.7</b>	<b>340.9</b>	<b>998.6</b>

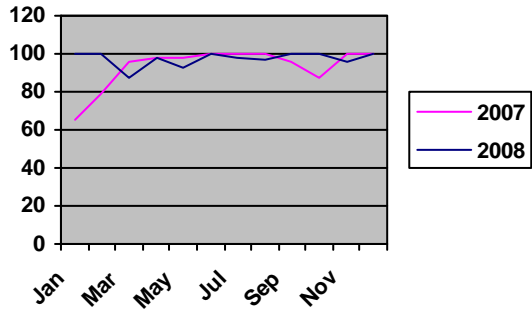
The following table represents a comparison of water usage for both the Farmers Creek Dam and Fish River Water Supply for the calendar years 2007 and 2008.

	2007					2008				
	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	TOTAL (ML)	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	TOTAL (ML)
<b>Jan</b>	65.4	21.5	146.2	93.9	<b>240.1</b>	100	20.2	123.6	103.2	<b>226.8</b>
<b>Feb</b>	78.9	20.8	109.5	72.0	<b>181.5</b>	100	19.3	100.7	64.5	<b>165.2</b>
<b>Mar</b>	95.6	19.7	108.8	59.4	<b>168.2</b>	87.8	18.1	119.4	72.7	<b>192.1</b>
<b>Apr</b>	97.9	17.8	108.8	75.8	<b>184.6</b>	97.9	16.7	104.7	51.1	<b>155.8</b>
<b>May</b>	97.9	17.0	110.4	52.8	<b>163.2</b>	92.2	16.1	103.6	55.3	<b>158.9</b>
<b>Jun</b>	100	18.0	106.2	51.0	<b>157.2</b>	100	15.5	115.8	65.8	<b>181.6</b>
<b>Jul</b>	100	23.7	107.7	67.9	<b>175.6</b>	97.9	15.5	105.9	45.2	<b>151.1</b>
<b>Aug</b>	100	24.2	104.2	49.0	<b>153.2</b>	96.7	15.6	104.6	50.7	<b>155.3</b>
<b>Sep</b>	95.6	23.7	109.4	53.8	<b>163.2</b>	100	17.1	104.9	66.7	<b>171.6</b>
<b>Oct</b>	87.8	23.0	132.3	80.3	<b>212.6</b>	100	18.3	113.8	52.1	<b>165.9</b>
<b>Nov</b>	100	22.4	106.5	53.9	<b>160.4</b>	95.6	18.8	111.5	58.1	<b>169.6</b>
<b>Dec</b>	100	21.6	107.8	44.7	<b>152.5</b>	100	18.0	117.0	68.1	<b>185.1</b>
<b>TOTAL</b>			<b>1,357.8</b>	<b>754.5</b>	<b>2,112.3</b>			<b>1,326</b>	<b>754</b>	<b>2,079</b>

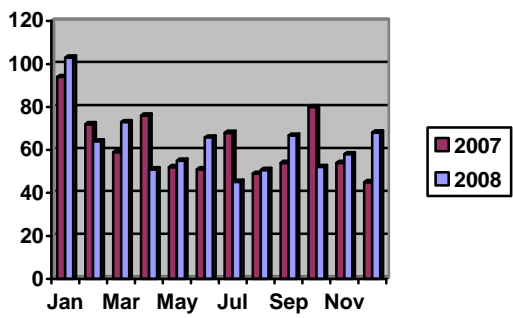
Farmers Creek Dam Usage (ML)



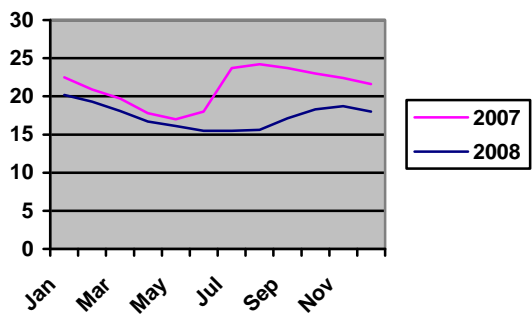
Farmers Creek Dam Storage Levels (%)



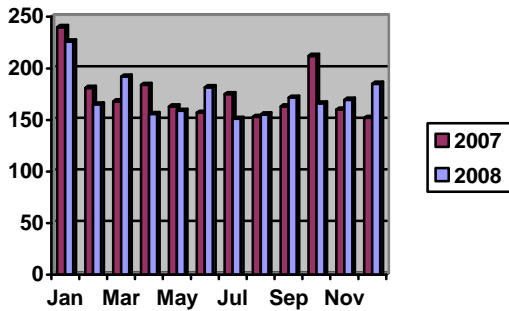
Fish River Water Supply Usage (ML)



Oberon Dam Storage Levels (%)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 100% capacity and Oberon Dam is currently at 18.05% of its full capacity (as at 19 January 2009).

**REVIEW OF WATER RESTRICTIONS**

At its Finance and Services Committee Meeting of 4 November 2008, Council resolved to review the current water restrictions. (A full copy is attached to this report). Council’s current water restrictions are part of the overall Drought Management Strategy and are linked to the Fish River Water Supply Drought Management Strategy. As a result, restrictions over the Lithgow Local Government Area equate to the levels of the Oberon Dam. Fish River Water Supply services the communities of Portland, Wallerawang and other smaller villages within the Lithgow LGA whilst Lithgow itself is serviced from the Farmers Creek Dam supply through the Oakey Park Water Treatment Plant. When Council adopted its current water restrictions the main issue for consideration was whether they would apply to the entire local government area or just the area’s serviced by the Fish River Supply. At that time Council decided on a local government area wide approach. The table below represents the various levels of water restriction and the relationship to the level in the Oberon Dam.

<b>FRWS Oberon Dam</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Level 6</b>
Dam at %	<b>50%</b>	<b>40%</b>	<b>25%</b>	<b>20%</b>	<b>15%</b>	<b>12%</b>
Dam at ML	<b>22,000</b>	<b>17,500</b>	<b>10,996</b>	<b>8,782</b>	<b>6,580</b>	<b>5,270</b>

For Council to determine whether it wishes to review its position or vary its current water restrictions it would be relevant to consider both the current level of Oberon Dam and comparative usage data. The current level of Oberon Dam is 18% which is understood to be the lowest on record for this time of year. The level is also understood to have a relationship to the turbidity of the water and the resultant dirty water complaints in the Wallerawang and Portland area. Comparative usage from 2007 to 2008 indicates almost identical consumption from the Fish River system despite level 4 restrictions being in place for the majority of 2008. Consumption from the Farmers Creek supply reduced by 31.8ML in 2008.

The current Level 4 Water Restrictions (Summer hours) are:

**Residential:** Sprinklers, hand held hoses & Micro Systems. (Odds & Evens System)  
 4 hrs per day between the Hours 6.00am - 8.00am & 5.00pm – 7.00pm

**Bowling Greens/Motels/Nursing Homes/Schools:**

Hand held hoses 2 hrs/day on alternate days for 'in use' fields only  
 Mon/Wed/Fri 8.00am – 10.00am (Odds & Evens System)

**Public gardens and Sports grounds :**

Sprinklers 2 hrs/day 7.00am to 9.00am

**Motor Vehicles**

Buckets or Trigger Hoses only

Despite the 2007 and 2008 figures it is necessary to look prior to the introduction of water restrictions to determine whether they have had any impact. Water restrictions commenced in July 2007 and in an effort to ascertain whether the restrictions have had effect the following table of water usage data from the calendar years 2005 and 2006 was compared with the 2007 and 2008 data produced earlier in this report.

	2005			2006		
	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
January	139.745	69.753	<b>209.498</b>	107.086	85.456	<b>192.542</b>
February	112.835	58.864	<b>171.699</b>	115.126	108.236	<b>223.362</b>
March	121.438	62.414	<b>183.852</b>	127.115	120.423	<b>247.538</b>
April	117.836	58.763	<b>176.599</b>	133.557	92.345	<b>225.902</b>
May	123.884	72.694	<b>196.578</b>	125.966	77.810	<b>203.776</b>
June	106.872	53.392	<b>160.264</b>	112.814	52.381	<b>165.195</b>
July	105.235	55.289	<b>160.524</b>	105.382	62.530	<b>167.912</b>
August	121.397	62.105	<b>183.484</b>	113.398	53.792	<b>167.19</b>
September	88.470	59.817	<b>148.287</b>	119.937	56.443	<b>176.38</b>
October	104.953	82.421	<b>187.374</b>	154.694	85.386	<b>240.08</b>
November	107.772	68.302	<b>176.074</b>	146.773	69.673	<b>216.446</b>
December	128.566	94.874	<b>223.440</b>	172.212	62.376	<b>234.588</b>
<b>TOTAL (ML)</b>	<b>1,379.003</b>	<b>798.688</b>	<b>2,177.691</b>	<b>1,534.06</b>	<b>926.851</b>	<b>2,460.911</b>

A comparison was then undertaken of consumption for two 18 month periods being July 2005 to December 2006 (before water restrictions) and July 2007 to December 2008 (post water restrictions). In the second period 197 ML less was used from the Farmers Creek supply and 246 ML less from the Fish River Supply when compared to the period prior to the introduction of water restrictions. Whilst this indicates that water restrictions are having some impact there are still spikes such as November and December 2008 compared to 2007. For these reasons and having regard to the current level in Oberon Dam, it is difficult to justify any relaxation of the water restrictions for consumers on the Fish River Water Supply. Therefore, it is suggested the only matter for Council to consider is whether to continue to apply the restrictions across the LGA given that Farmers Creek Dam is consistently maintained at high levels.

Should Council be of a view that separate restrictions apply, then the following table would represent the restriction level in relation to the Farmers Creek Dam level.

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

### **Conclusions**

Whilst it is quite understandable to consider separate restrictions for Farmers Creek consumers, given the consistently high levels in Farmers Creek Dam, the concern is raised that sanctioning unfettered usage will not be a responsible message from a drought management perspective. For this reason it is not proposed to recommend any change from the current situation at this stage.

### **POLICY IMPLICATIONS**

Council's water restrictions are the main consideration.

### **FINANCIAL IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil.

### **ATTACHMENTS**

Council's Water Restrictions.

### **RECOMMENDATION**

**THAT** Council note the report on the Lithgow Local Government Water Usage and take no action at this stage to alter its current position on water restrictions.

**ITEM:26            REG - 27/01/09 - DA 015-08 HEALTH AND FITNESS CENTRE - 9  
                          WOLGAN STREET, PORTLAND**

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

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**REFERENCE**

Councils Meeting of 18 November 2008, calling in of the development application by Councillor M F Ticehurst.

Council resolution made 2 December 2008 to hold a Citizens Access Committee Meeting and held 14 January 2009.

**SUMMARY**

To assess and recommend determination of DA 015/08. The recommendation will be for deferred commencement approval subject to conditions.

**COMMENTARY**

Council is in receipt of Development Application 015-08 from Portland RSL Sport-Recreation Club for the establishment of a health and fitness centre including a gymnasium, indoor pool, spa facilities and ancillary infrastructure including locker rooms and amenities on Lot 2 DP 204896 No 9 Wolgan Street, Portland. The development is an expansion of the current club facilities which are located across the road on Wolgan Street.

An objection to the development in its original form was lodged by an adjoining owner. The main objection related to the height of the rear wall of the proposed structure which in the original proposal was 7.2 metres. The applicant was advised that this resulted in an unacceptable impact on the amenity of the location. The applicant subsequently submitted an amended design with a reduced height of 5.2 metres. The impact of a blank 5.2 metre high wall is still considered to be unacceptable in the locality and further discussion and negotiation will occur through the deferred commencement approval to allow the approval to become operational.

The deferred commencement also requires negotiation on the location of the disabled access ramp. A number of options have been submitted by the applicant for consideration which were unacceptable. One option was to locate a ramp in Council's carpark. The second option was to use the existing ramp off Wolgan Street, which is almost double the required gradient and is not the main entry to the building as required by legislation.

The applicant proposes to use Council's carpark adjacent to Mick Moore Park as the carparking area for the facility. It is considered appropriate that this be negotiated with Council through a planning agreement or other commercial arrangement.

The land is zoned Village 2(v) in accordance with Council's Local Environmental Plan 1994 and is permissible within the zone. The development has been assessed in the location in terms of amenity, access and impact and it is only considered appropriate for a deferred commencement approval to be issued with conditions.

At its Financial Services Committee Meeting dated 2 December 2008, Council resolved to hold a Citizens Access Committee Meeting to give Councillors, the concerned public and the applicant an opportunity to outline objections and seek compromise as part of the assessment process. A summary and results of that meeting are highlighted in the attached Section 79(c) report.

### **POLICY IMPLICATIONS**

The application has been called in by Council under Policy 7.7 - Calling in Development Applications by Councillors.

### **FINANCIAL IMPLICATIONS**

There are financial implications relating to negotiations of a Planning Agreement with Council for carparking.

### **LEGAL IMPLICATIONS**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. A full Section 79C report is attached.

### **ATTACHMENTS**

Section 79C Planning Report.

### **RECOMMENDATION**

**THAT** Development Application 015/08 be granted deferred commencement approval subject to all conditions outlined in the attached Section 79C report.

### **DEFERRED COMMENCEMENT CONDITIONS**

- 1 A The consent will not operate until Council is satisfied in respect of the following matters:
  - i) A redesign of the rear elevation incorporating the following matters:
    - a decrease in height of the rear wall elevation so as to reduce bulk and scale issues to adjoining property
    - b Appropriate evidence in the form of shadow diagrams and photomontage depicting the accurate height of the re designed elevation
    - c Evidence depicting how the re-design minimises the impact of the development on adjoining landowners
  - ii) The applicant is to enter into a Planning agreement or other commercial arrangement with Council for off-street parking created by the development and utilisation of Council's adjoining car park.

- iii) The applicant is to provide for the approval of Council a hydraulic design for the relocation of the sewer from its current location across adjoining privately owner land into Council's formed laneway adjacent the development and into Council's reticulated sewerage system.
  - iv) The existing step ramp off Wolgan Street has a non-complying 1:54 grade which is steeper than the maximum permissible grade of 1:8 under AS1428.1. This means of access for people with disabilities is discriminatory as it does not provide for access to and within the building by way of the principal front entrance and is considered not practical for a person using a wheelchair.
- 2 A complying disabled ramp is to be provided adjacent and linked to the principal front entrance of the building within the confines of the property. Amended floor plans / elevations complying with Part D3.2 of BCA2008 are to be submitted.
  - 3 The applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied in respect of the above matters such information to be produced within 12 months.

### **GENERAL CONDITIONS**

- 1 Upon Council's written approval of satisfactory compliance with the 'deferred commencement' matters listed in the conditions above, the development consent will operate subject to the following conditions:

#### **Administrative Conditions**

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

#### **Construction/Demolition**

- 3 The existing building is to be brought into conformity with the provisions of BCA2008, except in respect to Section J (Energy Efficiency) particularly in respect to the following works:
  - a) Selection and installation of portable fire extinguishers and fire blanket in accordance with Pt E1.6 and AS 2444.
  - b) Provision of a system of emergency lighting and illuminated exit signs to E4.2 & E4.5 of BCA2008 and AS 2293.1.
  - c) Door latches to required exit doors or doors in a path of travel to a required exit door are to be upgraded to comply with D2.21 of BCA2008.
  - d) The existing brick party wall is to be upgraded, where necessary, to achieve a minimum fire-resistance level of 90/90/90 in accordance with Table 5 of Specification C1.1 of BCA2008. Details are to lodged for consideration with the Construction Certificate.

- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 5 A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
- 6 Your attention is drawn to the existence of the Disability Discrimination Act. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the Building Code of Australia, however, the development may not comply with the requirements of the Disability Discrimination Act. This is the sole responsibility of the owner, builder and applicant.
- 7 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
- 8 Prior to the commencement of any works on the land, a single vehicle/plant entry/access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement.
- 9 Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b. Stating that unauthorised entry to the work site is prohibited and
  - c. Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 10 The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
- 11 Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

- 12 Demolition works shall be carried out in accordance with the following:
- a. Prior to the commencement of any works on the land a detailed demolition work plan (or waste management plan) designed in accordance with Clause 1.7.3 of AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
  - b. Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be structurally adequate and the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
  - c. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided.
  - d. The handling or removal of any asbestos product from the building/site must be carried out in accordance with WorkCover provisions. A person/contractor licensed for asbestos removal must carry out all work.
  - e. An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.
- 13 Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.  
The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 14 Prior to the commencement of any works, documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):
- a. reinforced concrete floor slab on ground. (**Note:** Certification shall make specific reference to Australian Standard AS 2870-1986 and clearly indicate the soil classification for the given site).
  - b. suspended reinforced concrete slabs;
  - c. structural steelwork;
  - d. retaining walls;
  - e. pier and beam footings;
  - f. roof trusses;
  - g. footings;
  - h. steel beams;
  - i. timber beams;

- 15 Certification by a practising Structural Engineer, stating that the roof structure is designed to withstand a ground snow loading of 1 kPa, being provided before the commencement of any work.
- 16 Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.
- 17 To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Trenches complete with reinforcing and prior to filling with concrete.
  - c) Internal drainage carried out by licensed plumber prior to covering
  - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
  - e) Slab base if no piers required and prior to placement of the membrane.
  - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
  - g) Framing when external wall and roof cladding is in place and prior to internal linings.
  - h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
  - i) Wet area flashing prior to tiling or covering.
  - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

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

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

- 18 To ensure compliance with Australian Standard 3500 – National Plumbing and Drainage and Council (being the Water and Sewer Authority), compliance certificates are to be issued by Council for the following:
  - a) Internal drainage carried out by licensed plumber prior to covering.
  - b) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
  - c) Hot and cold water plumbing installation

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

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

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

- 20 All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- 21 If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. Must preserve and protect the building from damage; and
  - b. If necessary, must underpin and support the building in an approved manner, and
  - c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- 22 The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 23 Prior to the positioning of wall panels/bricks or block work, the submission to the principal certifying authority of a registered surveyors certificate showing the boundaries of the allotment, distances of walls and footings from boundaries and dimensions of the building.
- 24 That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

### **Engineering**

- 25 All development shall be constructed in accordance with Lithgow City Council's "Subdivision & Development Code" adopted by Council 28 September 1992 minute No. 1439.
- 26 A work as executed plan of drainage shall be drafted by an authorised person and submitted to Council and the owner upon completion of any drainage works.
- 27 A Construction Certificate Application with appropriate fees and civil construction plans shall be lodged with Council prior to the commencement of any civil construction works. No works shall occur prior to the issue of the Construction Certificate."
- 28 Provision of a separate metered water service shall be supplied to the lot and constructed to the satisfaction of the "Group Manager Regional Services" at full cost to the applicant.

- 29 Provision of separate sewerage service shall be supplied to the lot and constructed to the satisfaction of “Group Manager Regional Services” at full cost to the applicant. The common line connection to the adjoining residential premises shall not be utilised and will be decommissioned.
- 30 The applicant shall consult with an Authorised Telecommunications and Electricity Authorities for the provision of telephone and electricity services to the allotment. A notification of arrangement to the development shall be lodged with Council prior to occupation of development.
- 31 Only those areas involved in the construction of the civil works to be disturbed, with all other areas of the site to be maintained with existing vegetation cover. Any areas that do become disturbed outside of construction zone shall be revegetated immediately upon completion of all work.
- 32 All Water, Sewer and Stormwater infrastructure to be inspected and approved prior to backfill. Road construction inspections to be carried out at Sub-grade, Sub-base, base and surface sealing. Such inspections to be undertaken by LCC Development Engineer.
- 33 Upon satisfactory completion of the base course of the car parking areas, the pavement shall be sealed by the application of a surface course comprising of a layer of asphaltic concrete of 30mm minimum consolidated thickness, over a coat 10mm gauge hot bitumen tack coat prior to the laying of the first course. Alternatively the car parking areas may be constructed of concrete in accordance with Council’s Subdivision & Development Code.
- 34 The Developer shall be responsible for the supply and installation of all relevant Street signage, line marking, Traffic signage, Traffic Control, and Delineation prior to completion of development. Appropriate regulatory signage erection and traffic control shall be at full cost to the developer.
- 35 All Civil Engineering works to be inspected by Council prior to the placement of concrete and or backfilling. Forty Eight (48) hours notice shall be given to Council prior to an inspection being undertaken.
- 36 All entry and exit points to the development must be constructed in accordance with Council’s ‘Vehicular Crossing Specifications’ or as directed ‘Group Manager Regional Services’.
- 37 All existing footpaths must be maintained, where disturbance or removal of footpath is required for construction purposes. Footpath must be replaced to the same standard as existing or as directed ‘Group Manager Regional Services’.
- 38 All car parking spaces are to be delineated in accordance with the submitted plans outlined within the Statement of Environmental Effects.
- 39 A stormwater, sewer drainage and water service plan prepared by a suitably qualified hydraulic consultant is to be submitted for approval prior to commencement of any works.

Works as Executed plans for the site, with specific reference to water, power and sewer for the site and the proposed carpark are to be submitted prior to occupation.

- 40 The applicant is to be responsible for any fire services resulting in water main extension required to be provided to the development.

### **Noise**

- 41 Noise levels during construction and demolition must comply with the Environment Protection Authority's Noise Control Guideline. The L10 level measured over a period of not less than 15 minutes when the construction and demolition site is in operation must not exceed the background level by more than 10dB(A).
- 42 The applicant is to ensure that the noise intrusiveness of the development is to be acceptable ie. that the equivalent continuous (energy- average) A-weighted level of noise from the source (represented by the  $L_{Aeq}$  descriptor), measured over a 15-minute period, does not exceed the background noise level measured in the absence of the source by more than 5dB. In this regard, the applicant is to determine and provide to Council the current background noise level prior to the commencement of any works in accordance with the NSW Industrial Noise Policy.

### **Waste Management**

- 43 That the proponent adopts waste minimisation practices and recycles materials whenever possible. In this regard a waste management plan shall be provided to Council prior to occupation. However, any waste generated at the premises must be disposed of at an authorised waste management facility.
- 44 The applicant shall provide adequate public rubbish, recycling and cigarette butt bins within the public areas and provide regular clean up patrols of the carparks and gardens to remove any deposited litter and dispose of appropriately.
- 45 During demolition, details are to be submitted to Council prior to the commencement of works for the recycling of demolition materials. All concrete, bricks etc are required to be pulverised to less than 80mm prior to disposal at the **Lithgow** Solid Waste Facility. Concrete slabs will not be permitted. Receipts from the waste facility are to be provided to Council prior to the issue of an Occupation Certificate.
- 46 Any asbestos is to be removed and disposed of in accordance with WorkCover requirements. This includes the disposal at an approved waste management facility. Receipts from the waste facility are to be provided to Council prior to the issue of an Occupation Certificate.

### **Environmental Protection**

- 47 That dust emissions be maintained within the site boundary, due care is to be taken to comply with Council's water restrictions. Where a variance to the water restriction is required, an exemption can be applied for through Council.

- 48 That the premises complies with the Food Act and the proposed construction and fitout of the premises is provided with the Construction Certificate Application to the satisfaction of Council including the siting of a suitably sized grease trap.
- 49 That a Trade Waste Permit be obtained from Council for the discharge of trade wastewater to the sewer prior to occupation.
- 50 That a demolition/construction erosion and sedimentation plan be provided with the Construction Certificate Application to the satisfaction of Council.
- 51 Should a noise related complaint be received by Council after occupation of the development, Council may require the applicant to undertake acoustical investigations to verify compliance. If non-compliance is verified, the applicant will be required to undertake mitigation works.
- 52 No chlorine or chlorine storage is to be used or kept on-site for the proposed aquatic centre.

### **Lighting**

- 53 Street Lighting shall be relocated where required, in accordance with Integral Energy specifications, at full cost to the applicant.
- 54 That external lighting be provided to all parking areas within the site. This lighting shall be adjusted or hooded to prevent glare nuisance to adjoining residential receivers.

### **Liability**

- 55 The owner of the adjoining land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this clause allotment of land includes a public road and any other public place.

**ITEM:27            REG - 27/01/09 - 033/08DA PROPOSED HEALTH RETREAT, 26  
                          ORDNANCE AVENUE, LITHGOW**

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

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## **REFERENCE**

Item 8: REG 05/08/08 Development and Construction Approvals:

**F08-90 RESOLVED**

THAT the information be noted and Council call in development applications 134/08, 135/08 and 033/08 for further debate

## **SUMMARY**

To assess and recommend determination of DA 033/08DA. Recommendation will be for approval subject to conditions. The application received 4 objections and was subsequently "called in" by the elected Council. Since that time the applicant clarified the purpose of the development.

The main concerns with the application relate to the availability of parking and the potential for noise outside regular business hours.

## **COMMENTARY**

### **Proposal**

Council is in receipt of a development application for a Recreational Facility at 26 Ordnance Avenue, Lithgow. The overriding use of the building will be as a centre/retreat that provides health and healing services for the community. The centre will provide accommodation, healing therapies and workshops that all relate to health.

The proposal includes 3 accommodation bedrooms in the main building and 2 proposed within the cottage on the adjacent allotment, which would be used for people with a disability.

The kitchen of the main building will be used to provide breakfast to those staying overnight, and will occasionally be used to provide snacks for workshops. The applicant has indicated that meals will be organic vegetarian and there is no deep frying proposed.

Workshops will generally be run for no more than 14 people however occasionally there may be more than 50 people for functions.

The retreat will also incorporate a number of treatment rooms with treatments such as physiotherapy, energy healing, serenity vibration healing, crystal vibrational healing, spiritual healing, spiritual guidance, life success coaching, massage and aromatherapy. The treatments will not include any skin penetration,

Hours of operation for treatments and workshops are proposed to operate 8.30am-9pm weekdays, 8.30am-6pm weekends and occasionally finishing 10.30 -11pm.

It is proposed that the development be staged as follows:

STAGE 1: Use of Main House for therapy only on the ground floor in the meditation room and in the treatment rooms as well as providing the nominated parking spaces.

STAGE 2: Use of Main House, accommodation, workshops in the downstairs spaces, the disabled ramp at southern end of verandah, front gate ramp for disabled access. This stage could commence once the fire safety requirements for this area are identified and implemented.

STAGE 3: Use of attic area for classes, workshops and in-house movies and information DVDs. The additional stair handrail will be added at this stage. This stage will depend upon fire safety decisions and implementation.

STAGE 4: Use of Cottage. This will be providing facilities accommodation, bathroom and therapy for disabled people. The timing of this stage will depend on how quickly Stage 1 & 2 evolve, but could occur within 18 months.

STAGE 5: Possible future conversion of ensuite bathrooms. The timing for this will depend on how and when the business grows.

#### **Location of the Proposal**

Legal Description :	Lot 1 DP 221773 Lot 2 DP 221773
Property Address :	26 Ordnance Avenue Lithgow NSW 2790

The property retains an existing dwelling and a cottage which is currently tenanted. The allotment is located in a residential area and is across the road from Coerwull Primary School.

The site is known as Wenvoe and is listed on Council's Draft Heritage Study as having rare historic, aesthetic and state significance. The large 2 storey residence was built around 1910 and was designed by a prominent Sydney firm of the time. It was at one point converted into flats however it has since returned to its original state. However, the building previously used as a garage was converted to a cottage.

The property is comprised of 2 allotments, and the development relates to both, given that the cottage and parking is on one and the main dwelling on the other.

#### **Zoning**

Residential 2(a) under Lithgow's Local Environmental Plan 1994.

#### **POLICY IMPLICATIONS**

The application was called in under Policy 7.7 - calling in of development applications by councillors. Accordingly, the application requires determination by the elected Council.

## **FINANCIAL IMPLICATIONS**

In terms of headwork's payments for water and sewer the site will retain credits for a 6 bedroom dwelling and 2 bedroom cottage, which was what was originally constructed. Traditionally, Council has charged 1 Equivalent Tenement (ET), plus 1 ET per 8 beds for motels and subsequently motel like accommodation, and there are no other rates that could be adapted for this development. So in terms of accommodation the site will only offer 4 bedrooms which is less than what the original site would have accommodated for. Accordingly, no headwork's charges are considered applicable.

## **LEGAL IMPLICATIONS**

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

## **ATTACHMENTS**

1. Report undertaken under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

## **RECOMMENDATION**

**THAT** Council note the report on Proposed Recreational Facility, 26 Ordnance Avenue, Lithgow, be approved subject to the following conditions:

### **Administrative Conditions**

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

### **Building Code of Australia Compliance**

- 2 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 3 A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier. Specific details demonstrating compliance with required fire safety upgrading works are to be lodged with the Construction Certificate application.
- 4 Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.

- 5 A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 6 To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Framing when external wall and roof cladding is in place and prior to internal linings.
  - b) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.
- Note: forty-eight (48) hours notice shall be given to Council prior to inspections.
- 7 All work on site shall only occur between the following hours:
- 8
- |                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No work          |
- 9 The existing buildings on both parcels of land being, Lots 1 & 2 in DP 221773, shall be upgraded to protect persons using such buildings and to facilitate their egress from the buildings in the event of fire. In this respect the following works are to be undertaken in conjunction with a Construction Certificate approval:
- a) The external balcony at First Floor level shall not be accessed by any occupant of the building until such time as it is upgraded to Council's satisfaction. Details of any proposed upgrading are to be lodged with the Construction Certificate application.
  - b) Duct outlets associated with the heating system are to be either sealed with material not less fire-resistant than the existing ceiling lining OR fitted with fire dampers to restrict the spread of smoke between levels and / or between sole-occupancy units.
  - c) The central stair is to be smoke-isolated from the remainder of the building at each level of the building through the construction of smoke walls / doors complying with Specification C2.5 of BCA2008. Smoke doors are to be provided between public corridors and the stairway and are to be fitted with either self-closing devices or automatic devices actuated upon smoke detection. Specific details are to be submitted with the Construction Certificate application for approval prior to commencement of such works.
  - d) A system of emergency lighting and illuminated exit signs is to be installed throughout the building in accordance with E4.2 & E4.5 of BCA2008 and AS 2293.1.
  - e) Portable fire extinguishers and fire blankets are to be selected and provided in accordance with AS 2444.
  - f) Hose reel(s) are to be provided within 4m of an exit to the requirements of E1.4 of BCA2008 and AS 2441. Specific details are to be submitted with the Construction Certificate prior to commencement of such works.
  - g) An automatic fire detection and alarm system is to be fitted throughout the building to the requirements of AS 1670.1 & 1670.3 and Specification E2.2a of BCA2008.

- This system is to be connected to a third party monitoring station directly linked with the Lithgow Fire Station. Specific details of the proposed system and monitoring arrangement are to be submitted with the Construction Certificate.
- h) The floor and stair shaft walls of the basement area are to be lined with one (1) layer of 13 mm thick fire-grade plasterboard.
  - i) Existing doors to sole-occupancy units and non-sole occupancy units are to be upgraded in accordance with Heritage Council guidelines to provide for a minimum fire-resistance level of -/30/- and fitted with self-closing devices and patented smoke seals.
  - j) The existing handrail to the central stair is to be extended into the Ground Floor entry foyer in accordance with D2.16 of BCA2008.
  - k) An additional handrail is to be provided to the central stair (opposite side from the existing handrail) in accordance with D2.16 & D3.3 of BCA2008.
  - l) Existing carpet floor covering to the central stair is to be removed and / or replaced with floor covering having fire hazard properties complying with C1.10a.
  - m) Hold open devices are to be fitted to doors in a path of travel to a required exit of forming part of a required exit where the direction of swing is against the direction of egress.
  - n) Latching devices are to be fitted to required exit doors complying with D2.21 of BCA2008.
  - o) An Emergency Evacuation Control Plan is to be developed and implemented to the requirements of AS 3745. Details to be submitted to Council's satisfaction prior to issue of occupation certificate.
  - p) Warning signs indicating compromised head clearance / ceiling heights are to be displayed prominently adjacent to the central stair at Second Floor level (ballroom).
- 10 Specific details of fire safety upgrading works, including proposed heritage conservation methods / procedures are to be lodged with the Construction Certificate application for approval by Council and Council's Heritage Advisor.
  - 11 A step ramp complying with AS 1428.1 is to be provided adjacent to the southern end of the front verandah to facilitate access for persons with disabilities into the Ground Floor of the Main House building through the principal front entrance.
  - 12 Within six (6) months from the issue of an occupation certificate for the main house on Lot 2, at least one sole occupancy unit and associated sanitary accommodation is to be provided for people with disabilities within the smaller dwelling on Lot 1 in accordance with Table F2.4 of BCA2008 and AS 1428.1. Details are to be submitted for approval with the Construction Certificate application.
  - 13 At least one (1) carspace is to be provided for exclusive use by people with disabilities in accordance with D3.6 of BCA2008. Complying signage is to be erected prior to issue of an occupation certificate.
  - 14 The maximum number of persons permitted to occupy the Second Floor (top storey) Ballroom shall not exceed twenty (20) persons at any one time.
  - 15 The 'attic room' within the topmost storey shall not be used for sleeping accommodation purposes.

- 16 Upon completion of the building and prior to issue of an Occupation Certificate, all of these services must be certified on a Fire Safety Certificate as required and submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.
- 17 Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
  - (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
  - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.
- 18 The essential fire and other safety measures applicable to this building are listed in the attached Fire Safety Schedule:

### **Traffic and Access**

- 19 That the applicant install internal roads signage demonstrating a definitive one-way vehicle movement path from Ordnance Avenue through the property to Malvern Street, inclusive of Entry & Exit Only signs.
- 20 That the applicant shall install signage and space delineation for the (10) designated car parking areas as per submitted plan (Proposed On-site Parking & Vehicular Access).
- 21 The applicant shall be permitted to remove existing earth formed ramp at property entrance off Ordnance Avenue and install proposed concrete 'ramp' as per submitted plan. (1200mm x 75mm)

### **Amenity**

- 22 Generally workshops and treatment times for external patrons are to be restricted to being outside the school zone hours to avoid any traffic conflicts in the peak traffic period. Typically, all operation for external patrons to the site is to cease by 9pm Monday-Friday and 6pm Saturday-Sunday.
- 23 Any proposed external and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.

### **Noise**

- 24 Noise from any electrically amplified sound equipment or musical equipment **must not** escape from the building between the hours of 6am - 8am and 6pm - 8pm until such time an acoustic study (undertaken at the cost of the applicant) can clearly demonstrate to Council that noise will not be intrusive or a source of community annoyance within these hours.
- 25 The operator at all times must take all measures to minimise noise and reduce community annoyance.

- 26 Noise at the source shall not exceed the 85dB(A) as described by the NSW Workcover for exposure (OHS Regulation 2001 part 4.3).
- 27 Noise shall not exceed the 5 dB differential for “intrusive noise” at the closest point of impact or where any complaint may arise.
- 28 In the event Council receives noise complaints from the activity the operator must demonstrate through an acoustic report that their operation is compliant with consent conditions and not exceeding the “intrusive noise” criteria as described in the NSW Industrial Noise Policy (2000) and the DECC Noise Guide for Local Government (2004).

### **Waste Management**

- 29 Provided occupancy does not exceed 10 people on a regular basis and the activities do not differ from those described in the application, a Trade Waste Application or Agreement is not considered necessary provided that fixed sink strainers are installed and housekeeping practices are maintained in accordance with Lithgow City Council’s Trade Waste Policy.

### **Health & Safety**

- 30 That the proposed food premises areas are designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specification illustrating compliance with AS 4674-2004: *Design, construction and fit-out of food premises* for Council’s approval prior to the issue of a Construction Certificate.
- 31 Prior to the issue of an Occupation Certificate the applicant must be able to demonstrate to Council that the swimming pool and associated fencing, gates, signage and infrastructure complies with the Swimming Pool Act 1992 and Swimming Pool Regulation 2008. The operation of the pool must also be consistent with the NSW Public Health Guidelines for public swimming pools and spas.

### **Other Conditions**

- 32 The development is afforded 1 "as of right" sign in accordance with Council's Outdoor Advertising Development Control Plan. Any other signage would require further Development Approval.
- 33 This approval relates to both Lot 1 and 2 DP 221773, in that the development cannot operate on one allotment without also operating on the other. A lease is to be registered upon the titles of the property requiring both allotments be inextricably linked to the development consent. In this respect a caveat is also to be imposed upon Lot 1 DP 221773 requiring Council notification of any proposed sale of the allotment. Documentation of such arrangements is to be submitted prior to the issue of an Occupation Certificate.

### **Fire Safety Schedule**

**Issued pursuant to Clause 168 of Environmental Planning & Assessment Regulation 2000.**

**Application No:** 033/08 DA

**Proposed Development:** Change of Use - Establishment of a Class Health Retreat  
**Property Description:** Lots 1 & 2, DP 221773, No 26 Malvern Street, Lithgow  
**Issue date:** January 2009

<b>Fire safety measure</b>	<b>Performance Standard</b>	<b>Existing measure</b>	<b>Proposed / Required measure</b>
Portable fire extinguishers & fire blanket	E1.6 of BCA2009 & AS 2444 & 1851.1	No	Yes
Emergency lighting & illuminated exit signs	E4.2 & E4.5 of BCA2009 & AS 2293.1	No	Yes
Fire alarm monitoring	Specification E2.2a of BCA2008 & AS 1670.3	No	Yes
Automatic fire detection and alarm system	Specification E2.2a & AS 1670.1	No	Yes
Lightweight construction	C1.8 of BCA2008 & Manufacturer's specification	No	Yes
Self-closing & auto closing devices to doors (SOU's & Non-SOU's) opening to public corridors	Manufacturer's specification & AS 1670.1	No	Yes
Hose reels	E1.4 of BCA2008 & AS 2441	No	Yes
Fire hazard indices – smoke isolated stair floor coverings	Specification C1.10a & Manufacturer product test data	No	Yes
Emergency Evacuation Control Plan	AS 3745	No	Yes

**NB: A copy of this Schedule and of any current Annual Fire Safety Statement must be conspicuously displayed in a prominent position within the building.**

B. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

**ITEM:28            REG - 27/01/09 - ROAD RENAMING - RYDAL/ SODWALLS/ TARANA ROAD**

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

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**SUMMARY**

To update Council on a proposal to name the road between Rydal and Tarana through Sodwalls, being the Rydal/ Sodwalls/ Tarana Road.

**COMMENTARY**

Following a report presented to the Ordinary Meeting of Council on 1 July 2008 regarding the proposed naming of the road between Rydal and Tarana, Council resolved to call for submissions on the naming of this road in accordance with Council's Road Naming Policy. The proposed name of this road is 'Sodwalls Road'. The roads have been advertised in the Lithgow Mercury calling for submissions from the public for the statutory twenty eight (28) day period in accordance with Council's Road Naming Policy.

Council notified the adjoining residents and advertised for the road naming in accordance with the Geographical Names Board Guidelines.

**Issues/ Public Participation**

As a result of the notification Council received suggestions as follows:

1. 'Tarana Road'- Rydal/ Sodwalls/ Tarana Road come into existence when Council implemented the numbering of rural properties. Prior to this it has been known as 'Tarana Road' as part of the Greater Tourist Circuit linking the Blue Mountains, villages of Sodwalls and Tarana, the city of Oberon and Jenolan Caves. Tarana is the biggest and most significant of the villages associated with the road hence it should be renamed 'Tarana Road'.
2. 'Rydal Road'- As some residents on the current road have the address of 'Rydal Road' and no confusion has been encountered from this. A change would confuse officials and delivery personal.
3. 'Tarana Road' or 'Sodwalls Road' - Submissions indicated that this is our current address and has always been known as such with no confusion to date. If Council considers a change is necessary, then we agree with the name 'Sodwalls Road' and do not agree to the road being named anything different.
4. 'Sodwalls Road'- This is a good name as people refer to the road as Sodwalls or Sydney Road.

**Justification**

1. A road that is connected to Mutton Falls Road through the main part of Tarana is called 'Tarana Road' hence calling the current Rydal/ Sodwalls/ Tarana Road, 'Tarana Road' would reduce confusion further.

2. Currently, confusion exists over different roads linking different localities in this area. Rydal/ Hampton Road and Rydal/ Wallerawang Road are connector roads that run off Rydal/ Sodwalls/ Rydal Road. By changing the name of Rydal/ Sodwalls/ Tarana Road this confusion will lessen. Additionally, currently using the word 'Rydal' in the road name causes confusion as the road in it's current form does not connect directly to Rydal.
3. Sodwalls is the village that the road Rydal/ Sodwalls/ Tarana runs through. Naming this road 'Rydal Road' and 'Tarana Road' will only cause controversy between the two villages.

## **POLICY IMPLICATIONS**

That this road naming be carried out in accordance with Council's Road Naming Policy.

## **FINANCIAL IMPLICATIONS**

The applicant is to pay all costs associated with the acquisition and erection of signage.

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Plan showing the area.

## **RECOMMENDATION**

**THAT** the road name 'Sodwalls Road' submission from S. Loroche be adopted as the road name for the current Rydal/ Sodwalls/ Tarana Road and that Council advise the Emergency Services and Government Gazette of these road names.

**ITEM:29            REG - 27/01/09 - TENDERS FOR THE CONSTRUCTION OF A SKATE  
PARK FACILITY IN LITHGOW**

**REPORT BY: OPERATIONS MANAGER – S DARLINGTON**

**SUMMARY**

This report seeks a determination from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the construction of a skate park facility in Lithgow.

**COMMENTARY**

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The preferred method of procurement, due to the nature of the specific works to be undertaken, being the construction of a skate park, is the selective tendering method pursuant to s168. The specific nature of the works involves the setting out and construction of many intricate, curved shaped structures.

It is intended to call expressions of interest for the work after which invitations to formally tender for the works will be called from a suitable contractor/s.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the construction of a skate park

**ITEM:30            REG - 27/01/09 - PROPOSED ROAD CLOSURE - TORBANE ROAD**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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**REFERENCE**

The proposed road closure of Torbane Road, Capertee

**SUMMARY**

A request has been received by Council from Centennial Coal to endorse the closure of Torbane Road, Capertee. Torbane road runs from Glen Davis Road through Centennial Coal's Airly development, a planned mining development. The only other property owner to front Torbane Road has other access options.

**COMMENTARY**

A proposal has been received by Council from Centennial Coal to endorse the closure of Torbane Road, Capertee. Torbane Road runs from Glen Davis Road Capertee, near Mt Airly, to Port Macquarie Road, Glen Alice. The road is made up of 2 sections of Crown Road on either side of a section of Council dedicated public road. As is shown on the attached maps, the 2 sections of Crown Road are at the start and end of Torbane Road, with the Council controlled section in the middle. The land owned by Springvale Colliery for the proposed mine construction encompasses approximately two thirds of Torbane Road. Mine traffic will be using sections of Torbane Road.

The Crown Lands Office has advised Centennial that the proposed road closure and acquisition can not proceed with out the endorsement of Lithgow Council. The only land holder apart from Centennial with frontage to Torbane Road has a number of other accesses available. The attached plan shows land ownership and the location of Torbane Road.

The Crown lands office, as part of the application process, will advertise the proposed closure and seek public comment. Should this process uncover local concerns or objections, then Council may have to consider its position.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil – all necessary fees will be paid by the applicant

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

- 1.Map showing the Crown sections and Council section of Torbane Road
- 2.Map showing mining lease, Centennial land the path of Torbane Road.

## RECOMMENDATION

### THAT:

1. Council endorse the application for the road closure affecting Torbane Road, Capertee and the Council seal be affixed to any documentation.
2. The Crown Lands Office be advised that Council reserves the right to object to the final closure should local community objection be received as a result of the consultation process.

**ITEM:31          REG - 27/01/09 - VALE HALL**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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## REFERENCE

QWN – Councillor J J McGinnes 21/10/08

## SUMMARY

As requested by Councillor JJ McGinnes, this report provides an update of works to be undertaken at the Vale Hall

## COMMENTARY

Council's Mayor, General Manager and Operations Manager met on site with the Vale Ladies on Thursday 30 October 2009.

The following matters were discussed and a timetable for future maintenance and improvement works agreed upon

1. The electrical upgrade planned for the current financial year has been completed under budget.
2. The remaining funds from the above budget will be allocated to the removal of the stage and the rebuilding of the wall dividing the stage and the kitchen so as to increase the area of the kitchen. This work will commence in Feb/March 2009. At the same time, repairs will be undertaken to the floor in the main hall as discussed.
3. Funds will be considered for allocation in the 2009/10 Management Plan for the installation of a new kitchen. Council understands that the committee will be arranging a new quote for the kitchen.
4. The installation of a No Standing sign has been placed on the agenda of the next Traffic Committee meeting.

5. The location of the playground equipment was discussed and the location of the extension of the existing new playground and seating was agreed.

Following this meeting, Council has subsequently resolved to allocate \$10,000 from the Regional and Local Community Infrastructure Programme for a new kitchen.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Funding for all works proposed at this stage have been secured in the current budget or through R.L.C.I.P Funds.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council note the report on the Vale Hall.

**ITEM:32            REG - 27/01/09 - REMOVAL OF TREE, VICTORIA AVE, LITHGOW**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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**SUMMARY**

This report seeks Council's concurrence for the removal of a large street tree in Victoria Ave, Lithgow

**COMMENTARY**

Council's Recreation Supervisor has recommended the removal of a large street tree adjacent to 3 Victoria Ave, Lithgow. The tree in question, a Holly or Holm Oak (*Quercus ilex*), stands with an approximate height of 18m and a trunk girth of 1.2m. It is a single specimen tree and does not appear to be part of a theme.

In view of the size and nature of the tree, an independent report from an arborist was commissioned by Council. The report states:

*"The tree appears in reasonable health, although there is some yellowing of the canopy and deadwood throughout. This tree has been heavily pruned in the past resulting in a considerable amount of epicormic re-growth throughout the canopy. Another effect of the pruning are 2 large vertical scars running from the canopy to the root plate, which show signs of advanced fungal activity. To further compound these wounds the tree has suffered from what appears to be an attempted poisoning which may account for the deadwood and yellowing. More damaging however is the root pruning that has been carried out in order to install kerb and guttering. This is a massive gateway to fungal and bacterial attack which has a direct affect on the trees roots system and in turn the entire trees overall stability. In conclusion, given the fungal scarring present and the large loss of root system, potential decay issues and the fact that should the tree fall, considerable damage will occur to adjoining properties, it is recommended that this tree be removed"*

It is therefore recommended that the tree be removed and it be replaced with a more suitable species.

**POLICY IMPLICATIONS**

This report has been prepared in accordance with the following Council Policy.

**10.15 REMOVAL OF TREES FROM PUBLIC LAND**

**OBJECTIVE:**

This policy provides a consistent approach to proposals to remove trees on public land through standard inspection and maintenance regimes and customer requests. It includes street trees, parks and reserves and any land in the ownership of Council.

***POLICY:***

1. The tree(s) proposed for removal shall be inspected by Council's Recreation Supervisor to determine the health, significance and whether part of a theme.
2. The Recreation Supervisor may engage a qualified Arborist to provide an opinion on the health of the tree particularly if there is a suspicion that if no action is taken then a health and safety issue may arise. *(NB: Health and Safety in this sense does not include alleged health impacts of certain species in relation to issues such as allergies and respiratory illness.)*
3. If the tree is part of a theme, and no imminent issues of health and safety are identified, residents that benefit from the theme shall be consulted prior to removal
4. If the tree is determined to be a significant tree, and no imminent issues of health and safety are identified, the matter will be reported to Council for determination if the Recreation Supervisor is of the opinion that there is no reason to remove the tree or representations have been made to retain the tree(s).
5. In all instances, unless practical reasons dictate otherwise, any tree removed will be replaced by one of a more appropriate species.

**FINANCIAL IMPLICATIONS**

Funds are available from the tree maintenance vote.

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT** Council concur with the removal of Tree in Victoria Ave, Lithgow and the tree be replaced with a more suitable species.

**ITEM:33            REG - 27/01/09 - UPDATE ON QUESTIONS RAISED BY COUNCILLORS**

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

**REFERENCE**

Numerous – see table below

**SUMMARY**

To provide Councillors with an update on various matters that have arisen through questions or notices of motion.

**COMMENTARY**

The following table provides an update on a number of questions raised in Notices of Motion and Matters of Great Urgency by the Council.

MINUTE NO.	ACTION ITEM	RESPONSE
21 Oct 08 O08-174	<b>THAT</b> a report be provided to Councillors regarding the bridge at Hermitage Flat.	Construction of the pedestrian and bicycle bridge is nearing completion.
4 Nov 08 P08-120	<b>THAT:</b> Council report back on the current situation facing the resident of the Pottery Estate where it seems that the residents will lose their homes to the Landlord Company.	The General Manager and Group Manager Regional Services met with an existing resident and former resident of Pottery Estate to ascertain the problem. The matter does not appear to relate to any risk of residents losing their homes but to an allegation that the company who owns the land and buildings may not honour the terms of mediation agreements in relation to one existing resident and one former resident of the estate. These relate to provision of land and/or financial consideration to the two parties. Whilst the two parties were advised to seek their own legal advice due to the private nature of the matter, correspondence has been forwarded to the owner indicating Council's concern if the allegations are correct. The correspondence urges the company to investigate the matter and put in place a process where any and all agreements reached by mediation are honoured in their entirety.
4 Nov 08 P08-130	<b>THAT</b> the General Manager and his Officers provide all Councillors and the Council with a report on the recent pollution incident which occurred over the October long weekend at the Lithgow Sewerage Plant involving the discharge of water from sewerage ponds into the Farmers Creek.	The results of an investigation have concluded that sometime between 12.00am and 7.00am on 7 October 2008 a blockage occurred in the supernatant return valve causing an overflow of a sludge lagoon at the Lithgow Sewerage Treatment Plant. This may have also been exacerbated by rainfall during the night and contractors on-site pumping water into the lagoon without authorisation. Whilst it was found that the valve was not fully open, this was not the cause of the incident.  As soon as possible after the operators arrived on site at 7.00am and discovered the problem, the return valve was cleared of the blockage and opened out to allow supernatant to return to the inlet works.

MINUTE NO.	ACTION ITEM	RESPONSE
		<p>Contractors were immediately directed to cease pumping from Lagoon No 2 to No 1 and Council staff immediately turned off a fire hose that another contractor had turned on to dilute the lagoon without authorisation. A small bund was created at the overflow point to prevent further discharge and the channel that leads to Farmers Creek was dammed to prevent discharge into the creek. Following arrival of DECC and SCA officers at approximately 11.30am the drainage channel was cleaned out and the drain leading to tributary was sucked out with 2 vacuum trucks and the drain was flushed with clean water. Because of the quick actions there is doubt as to whether any of the supernatant waters actually reached Farmers Creek.</p> <p>Council undertook sampling of Lake Lyell and whilst an extremely conservative action, closed the Lake to primary contact activities until sampling results were to hand.</p> <p>The DECC have been provided with a full report on the matter.</p>
2 Dec 08	Councillor M Ticehurst asked as a matter arising that a report be brought back on the status of the Xstrata lands off Stephenson Street.	The company has advised that the issue of land disposal in Lithgow is currently on hold due to other company priorities. However, it is intended to revisit the process in 2009 at which time an assurance has been given that Council will be contacted in regard to its continuing interest in the said lands.

## POLICY IMPLICATIONS

Nil as a result of this information report.

## FINANCIAL IMPLICATIONS

Nil as a result of this information report.

## LEGAL IMPLICATIONS

Nil as a result of this information report.

## ATTACHMENTS

Nil

## RECOMMENDATION

**THAT** the information on the update of various questions raised by Councillors be noted.



#### **Item 4 Mount Victoria to Lithgow GWH Upgrade**

The RTA were asked if they were available to present to the Committee in regard to the proposals for the Great Western Highway (GWH) Upgrade from Mt Victoria to Lithgow. The Committee decided it would be best, and only if required, if the RTA addressed the Committee after they had finalised their proposal.

Recommendations:

- That Council alert the Committee of the RTA's preferred option for the Highway Upgrade if it is presented before the next planned LEAC meeting in December, in order to provide for the Committee ample opportunity to discuss and provide comment.
- That the request for the RTA to present to the Committee still be pursued.

#### **Item 5 Yarrowee Walking and Bike Trail Model**

Hedley Thompson is responsible for both award-winning planning and management strategies for the City of Ballarat that Lithgow could duplicate, given the similarities between the two Cities, and the number of current initiatives being developed and implemented here.

Hedley is currently involved with the Ballarat Environment Network, having also spent many years as a Strategic Planner with Ballarat City Council over the last two decades. Amongst other things, Hedley designed a 'Masterplan' incorporating Ballarat's local waterway (i.e. the Yarrowee River) and subsequent 'Walking and Bike Trail Plan' for the City of Ballarat.

This Plan is now into its 25<sup>th</sup> year of implementation, being successfully supported by local government and numerous other stakeholders.

Hedley has advised that he can present to the Committee and Council. Total time and subsequent costs calculated by the Committee were approximated to be \$800.

Recommendations:

- That Council approve and provide the expenditure of \$800 in order to fund Hedley Thompson to present to the Committee.

#### **Item 7 Upland Swamp Presentation**

Michael Hensen, Biodiversity Conservation Officer (housed with Blue Mountains City Council) presented detail in regard to a collaborative partnership project across both the LGAs in co-operation with Lithgow City Council.

The program titled "Save our Swamps", is a federally funded grant project successfully received through an Urban Sustainability Grant (Environmental Trust) for a period of 3 years. The project commenced two months ago.

Recommendation:

That Mr Michael Hensen be thanked for his informative presentation to the Committee, and that Lithgow Council be commended for their involvement and active support of a collaborative partnership with adjacent Blue Mountains Council.

**POLICY IMPLICATIONS**

In accordance with the terms of reference of S355 Committees of Council.

**FINANCIAL IMPLICATIONS**

That Council consider the expenditure of \$800 in order to fund Hedley Thompson to present to the Committee and that this be reflected in the March Quarterly Report.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Environmental Advisory Committee Meeting Minutes 15 October 2008

**RECOMMENDATION**

**THAT**

1. The Minutes of the Environmental Advisory Committee Meeting of 15 October 2008 be received.
2. The following recommendations of the Committee be adopted:

Item 2

- That Andrew Muir be thanked for his presentation and update to the Committee.
- That Council investigate the feasibility of methane release from the proposed Blackmans Flat WMF in order to safeguard local residents.
- That Council consider methane-capture and re-use options.

Item 3

That Neville Castle is congratulated on his re-election as Councillor and Mayor, and thanked for his past participation in the Lithgow Environmental Advisory Committee, and ongoing future involvement and continued support of the Committee.

Item 4

- That Council alert the Committee of the RTA's preferred option for the Highway Upgrade if it is presented before the next planned LEAC meeting in December, in order to provide for the Committee ample opportunity to discuss and provide comment.
- That the request for the RTA to present to the Committee still be pursued.

Item 5

- That Council approve and provide the expenditure of \$800 in order to fund Hedley Thompson to present to the Committee.

Item 7

That Michael Hensen be thanked for his informative presentation to the Committee, and that Lithgow Council be commended for their involvement and active support of a collaborative partnership with adjacent Blue Mountains Council.

3. The expenditure of \$800 in order to fund Hedley Thompson to present to the Committee be reflected in the March 2009 Quarterly Report.

**ITEM:35            REG - 27/01/09 - SPORTS ADVISORY COMMITTEE - MINUTES 19  
                          JANUARY 2009**

**REPORT BY:    STRATEGIC ENGINEER – LEANNE KEARNEY**

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## **SUMMARY**

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 19 January 2009 for Council adoption.

## **COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 19 January 2009, there were twelve (12) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Item 5 will require \$200.00 to be expended from the current allocation for Financial Assistance for Sporting Representations (approved financial assistance to Tai Denicaucau).

## **LEGAL IMPLICATIONS**

Nil.

## **ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 19 January 2009.

## **RECOMMENDATION**

### **THAT**

1. The minutes of the meeting held on Monday, 7 December 2008 were taken as a true and correct record of the meeting.
2. Council's Operations Manager arrange for the missing plinths be replaced, and the overgrown vegetation removed from the remaining plinths at Jim Monaghan Oval, Lithgow.
3. Council provide financial assistance of \$200.00 to Tai Denicaucau.
4. Permission be granted to the Easter Festival Committee & Fusion Australia Ltd to use Saville Park, Portland, on Saturday, 11 April 2009 between 9:00am and 4:00pm to conduct an Easter festival.
5. Permission be granted to the Caravan Club of Australia to use Tony Luchetti Sportsground, Lithgow between 5 June 2009 and 7 June 2009 to conduct their Queens Birthday Rally event.

6. Permission be granted to the Coromal Caravan Club to use Tony Luchetti Sportsground, Lithgow between 2 October 2009 and 6 October 2009 to conduct a weekend trip.
7. Permission be granted to Lithgow Bears RLFC to conduct training on Tuesday and Thursday evenings between 6.00pm and 8.00pm at Tony Luchetti Sportsground, Lithgow, from 20 January 2009, and for competition matches on Saturdays between 1.00pm and 6.00pm, provided the following conditions are adhered to:
  - Successful liaison with Lithgow Workmen's Club RLFC for shared use of grounds and private arrangement for lighting charges;
  - No training on number 1 field under any circumstances;
  - No training on the cricket wickets under any circumstances;
  - Grounds are unavailable on Thursdays, 2 April 2009 and 23 April 2009 due to previously approved bookings; and
  - A draw is provided to Council once finalised.
8. Permission be granted to David Turner of DogTech to use Zig Zag Oval, Lithgow Wednesdays between 6.30pm and 8.00pm until 5 April 2009, Saturdays between 3.00pm and 5.00pm from 6 April 2009 to 1 October 2009, and Wednesdays between 6.30pm and 8.00pm from 2 October 2009 to 31 December 2009.
9. Council's Operations Manager arrange an investigation into the possibility of initiating a regular maintenance programme for the lights at Tony Luchetti Sportsground, Lithgow.
10. Council's Operations Manager arrange for the drainage on the cricket wicket at Kremer Park, Portland to be restored again, as the water is pooling on the wicket after rain.
11. Alternative parking areas including the area on the northern side of Farmers Creek between Geordie Street Crossing and Coalbrook Street, and the privately owned area used by the Lithgow Harness Racing Association (owned by Ferrero) be suggested to the 2009 Ironfest event organisers for use during their 2009 event, to prevent any unnecessary damage to Council's playing fields (as occurred in 2008).
12. Council's Operations Manager investigate and urgently repair the leaking roof at Wallerawang Stadium, as the water is leaking onto the timber floors and will cause damage if not fixed urgently.
13. A letter of thanks be forwarded to Mr John Boyd for his contribution and support during his term as a valuable Committee member.

## **BUSINESS OF GREAT URGENCY**

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- 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.

## **ATTACHMENTS:**

**ITEM:36            REG - 27/01/09 - SPORTS ADVISORY COMMITTEE - MINUTES 19  
                          JANUARY 2009**

## **SPORTS ADVISORY COMMITTEE MEETING MINUTES MONDAY, 19 JANUARY 2009**

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### **PRESENT**

Councillor Ray Thompson (Acting Chairman), Mr John Boyd, Mr Wayne Vought, Mr Glen Ryan, Mr Neil Gambrill, Mr Bob Martin, Mr Mark Cronin, Mr Danny Whitty, Mrs Robyn Whitty, Ms Deb Edwards, and Miss Leanne Kearney (Strategic Engineer).

### **APOLOGIES**

Councillor Neville Castle, Mr Ray Stoneley, Mr Bill Ranse, Mr Russell Blanchard, Mr Danny Oldfield (Public Assets Engineer) and Mr Andrew Muir (Group Manager Regional Services).

### **REPORT**

#### **ITEM 1 - DECLARATION OF INTEREST**

There were no declarations of interest made by the Committee.

#### **ITEM 2 - MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on Monday, 7 December 2008 were taken as a true and correct record of the meeting.

MOVED: Neil Gambrill

SECONDED: Danny Whitty

#### **ITEM 3 - BUSINESS ARISING FROM THE MINUTES**

- Mr Eric Arnold advised that the missing plinths have not been replaced, and the overgrown vegetation has not been removed from the remaining plinths at Jim Monaghan Oval, Lithgow as stated in the previous minutes. This item will be referred to the Operations Manager for urgent action.
- Mr Neil Gambrill enquired of the progress of the maintenance of the netting on the cricket nets at Glanmire Oval, Lithgow, and Miss Leanne Kearney advised that this item is on the Recreation Department's works programme and will be undertaken when resources are available.
- Mr Danny Whitty enquired if any further progress had been made regarding applying for a grant through the Doug Walters Foundation for new cricket nets, and Miss Leanne Kearney advised that this is currently being investigated along

with costings for replacement of netting material and the asphalt surfaces, and when information is received, this will be reported to the Committee.

- Mr Danny Whitty advised that he has been approached regarding nominating a person for the December 2008 Reg Cowden Awards, and Miss Leanne Kearney advised that the December 2008 and January 2009 monthly awards are combined, meaning that nominations for December 2008 achievements will be accepted until 7 February 2009.

MOVED: Neil Gambrill

SECONDED: John Boyd

#### **ITEM 4 – 2009 REG COWDEN MEMORIAL SPORTS STAR AWARDS**

The combined December 2008 and January 2009 nominations do not close until 7 February 2009, and will be determined at the Sports Advisory Committee meeting scheduled for Monday, 23 February 2009.

The Committee recommends that the information be received.

MOVED: Wayne Vought

SECONDED: Glen Ryan

#### **ITEM 5 – FINANCIAL ASSISTANCE REQUESTS**

Council received complying financial assistance requests from the following:

- Tai Denicaucou (Athletics) – Tai is eligible for \$200.00 financial assistance after her participation as a member of the NSW Athletics team that competed in the Pacific School Games in December 2008.

The Committee recommends that financial assistance be provided to Tai Denicaucou (\$200.00)

MOVED: Bob Martin

SECONDED: Mark Cronin

#### **ITEM 6 – BOOKING REQUEST – SAVILLE PARK, PORTLAND – EASTER FESTIVAL COMMITTEE PORTLAND & FUSION AUSTRALIA LTD**

Correspondence has been received from the Easter Festival Committee & Fusion Australia Ltd requesting permission to use Saville Park, Portland, on Saturday, 11 April 2009 between 9:00am and 4:00pm to conduct an Easter festival.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to Easter Festival Committee & Fusion Australia Ltd to use Saville Park, Portland, on Saturday, 11 April 2009 between 9:00am and 4:00pm to conduct an Easter festival.

MOVED: Eric Arnold

SECONDED: Deb Edwards

#### **ITEM 7 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – CARAVAN CLUB OF AUSTRALIA**

Correspondence has been received from the Caravan Club of Australia requesting permission to use Tony Luchetti Sportsground, Lithgow between 5 June 2009 and 7 June 2009 to conduct their Queens Birthday Rally event.

An area suitable for thirty (30) to thirty five (35) caravans is required, along with access to showers, toilets and the supper room of the Civic Ballroom.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to the Caravan Club of Australia to use Tony Luchetti Sportsground, Lithgow between 5 June 2009 and 7 June 2009 to conduct their Queens Birthday Rally event.

MOVED: Neil Gambrill

SECONDED: Wayne Vought

**ITEM 8 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – COROMAL CARAVAN CLUB**

Correspondence has been received from the Coromal Caravan Club requesting permission to use Tony Luchetti Sportsground, Lithgow between Friday, 2 October 2009 and Tuesday, 6 October 2009 to conduct a weekend trip.

An area suitable for twenty (20) to thirty (30) caravans is required, along with access to showers, toilets and the supper room of the Civic Ballroom.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to the Coromal Caravan Club to use Tony Luchetti Sportsground, Lithgow between 2 October 2009 and 6 October 2009 to conduct a weekend trip.

MOVED: Robyn Whitty

SECONDED: John Boyd

**ITEM 9 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW BEARS RLFC**

Correspondence has been received from the Lithgow Bears RLFC requesting permission to use Tony Luchetti Sportsground, Lithgow for training and competition for the 2009 Mid West Rugby League season, with training to commence between 6.00pm and 8.00pm on Tuesdays and Thursdays, and competition games scheduled for Saturdays between 1.00pm and 6.00pm.

The 2009 Mid West Rugby League draw has not been finalised, but is expected to commence mid March 2009, and a draw will be provided to Council once finalised.

The Club are aware of the conditions imposed by Council, and will also work together with Lithgow Workmen's Club RLFC and Lithgow Storm Junior RLFC to maintain efficient use of the ground for all users.

The grounds will also be unavailable on the following dates due to previously approved bookings:

- Thursday, 2 April 2009 (Lithgow Show)
- Thursday, 23 April 2009 (Ironfest)

A booking has also been approved for the Caravan Club of Australia for the June long weekend (Sunday, 7 June 2009), which will not interfere with the request, but will place limitations on the amount of car parking available.

At the Sports Advisory Committee meeting held on Monday, 8 December 2008, the Committee granted permission for Workmen's Club RLFC to sue Tony Luchetti Sportsground, Lithgow on Tuesday and Thursday evenings between 6.00pm and 8.00pm. As such, Council will be forwarding any fees for lighting to Lithgow Workmen's Club RLFC, who will need to concur with this booking, and privately arrange any financial agreements in relation to lighting charges for shared use.

The Committee recommends that permission be granted to Lithgow Bears RLFC to conduct training on Tuesday and Thursday evenings between 6.00pm and 8.00pm at Tony Luchetti Sportsground, Lithgow, from 20 January 2009, and for competition matches on Saturdays between 1.00pm and 6.00pm, provided the following conditions are adhered to:

- Successful liaison with Lithgow Workmen's Club RLFC for shared use of grounds and private arrangement for lighting charges;
- No training on number 1 field under any circumstances;
- No training on the cricket wickets under any circumstances;
- Grounds are unavailable on Thursdays, 2 April 2009 and 23 April 2009 due to previously approved bookings; and
- A draw is provided to Council once finalised.

MOVED: Mark Cronin

SECONDED: Danny Whitty

**ITEM 10 – BOOKING REQUEST – ZIG ZAG OVAL, LITHGOW – DOGTECH**

Correspondence has been received from David Turner of DogTech requesting permission to use Zig Zag Oval, Lithgow to conduct adolescent dog training.

Permission is requested as follows:

- Wednesdays between 6.30pm and 8.00pm until 5 April 2009
- Saturdays between 3.00pm and 5.00pm from 6 April 2009 to 1 October 2009
- Wednesdays between 6.30pm and 8.00pm from 2 October 2009 to 31 December 2009.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to David Turner of DogTech to use Zig Zag Oval, Lithgow Wednesdays between 6.30pm and 8.00pm until 5 April 2009, Saturdays between 3.00pm and 5.00pm from 6 April 2009 to 1 October 2009, and Wednesdays between 6.30pm and 8.00pm from 2 October 2009 to 31 December 2009.

MOVED: Glen Ryan

SECONDED: Bob Martin

**ITEM 11 – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING POOL, LITHGOW – FEES AND CHARGES**

As requested at the Sports Advisory Committee meeting held on Monday, 27 October 2008, this report provides a comparison of fees and charges at Lithgow War Memorial Olympic Swimming Pool, Lithgow.

The following table provides a comparison of admission fees and charges at swimming pools in Lithgow and nearby regional centres.

Council	Single Admission			Season Ticket		
	Child	Adult	Spectator	Child	Adult	Family
<b>Lithgow</b>	\$2.00	\$4.40	\$2.00	\$73.00	\$97.00	\$215.00
<b>Orange</b>	\$2.40	\$3.50	\$2.00	-	-	-
<b>Blue Mountains (Lawson / Glenbrook)</b>	\$3.10	\$4.60	\$2.20	-	-	-
<b>Oberon</b>	\$2.50	\$2.50	-	\$85.00	\$120.00	\$220.00
<b>Mid Western (Mudgee)</b>	\$2.20	\$4.40	\$1.10	\$54.00	\$88.00	\$212.00
<b>Cowra</b>	\$2.20	\$4.10	\$2.20	\$71.50	\$130.00	\$239.50
<b>Bathurst (Indoor)</b>	\$3.10	\$5.20	\$2.10	-	-	-
<b>Blayney (Indoor)</b>	\$3.30	\$5.50	\$2.20	-	-	-

The following table provides a comparison of carnival fees and charges at swimming pools in Lithgow and nearby regional centres, noting that only Blue Mountains City Council and Orange City Council responded to Council's request for information.

	Hire charge	Reduced Fee	Equipment Fee	Exclusive Use
<b>Blue Mountains</b>	No	Yes	Free	Partial – one lane open for public if school has <100 students
<b>Orange</b>	No	Yes	Free	Limited public use during carnivals
<b>Oberon</b>	No response received			
<b>Mid Western</b>	No response received			
<b>Cowra</b>	No response received			
<b>Bathurst</b>	No response received			
<b>Blayney</b>	No response received			

The above figures indicate that Lithgow Council's fees for swimming pool admissions and special events hires are on a par with similar regional centres in the Central West. Lithgow Council's fees are reviewed annually with the Management Plan process, and the community are encouraged to make submissions and comments as part of this process.

Mr John Boyd advised that users from other areas have been utilizing the Lithgow War Memorial Olympic Swimming Pool, Lithgow due to the fees imposed by their local facilities (ie the Western Diocese Carnival), and that the fees imposed by Council will affect the Lithgow Swimming Club, as the Lithgow Swimming Club charge for hire of swimming equipment including ropes and starting blocks, and without this patronage, the Lithgow Swimming Club will not receive any income.

The Committee recommends that the information be received.

MOVED: John Boyd

SECONDED: Neil Gambrill

#### **ITEM 12 – GENERAL BUSINESS**

- Danny Whitty enquired on behalf of Bill Ranse the progress of the alterations to the Public Announcement booth at Tony Luchetti Sportsground, Lithgow. Leanne Kearney advised that discussion have taken place with Bunny Abbott and alterations are on Council's Work's programme to be completed prior to April 2009.
- Mr Neil Gambrill enquired of the progress of Council's investigations into replacing the lights at Tony Luchetti Sportsground, and Miss Leanne Kearney advised that Council has placed \$10,000 (\$6,500 for lights and \$3,500 for equipment hire) in the 2010/2011 draft estimate budget for replacement of the lights. Mr Neil Gambrill further suggested that Council should investigate initiating a regular maintenance programme for the lights, which will prevent any unnecessary costs in replacing ballasts and checking catenary wires every eighteen (18) months, which will improve the efficiency of the lights. This issue will be referred to Council's Operations Manager for appropriate action and response.
- Danny Whitty advised that the drainage on the cricket wicket at Kremer Park, Portland needs restoring again, as the water is pooling on the wicket after rain. This issue will be referred to Council's Operations Manager for action.
- Mr Neil Gambrill enquired of the cost of repairing Conran Oval, Lithgow after it was damaged by cars parking on the playing surface in conjunction with last years Ironfest Event. Miss Leanne Kearney advised that she was unsure of the cost of repairs, however, was aware that Ironfest had fully reimbursed Council for the cost of the maintenance.
- Mr Neil Gambrill raised concerns that Council's playing fields would be used as car parking areas in conjunction with this years Ironfest event, and suggested that other alternative parking areas including the area on the northern side of Farmers Creek between Geordie Street Crossing and Coalbrook Street, and the privately owned area used by the Lithgow Harness Racing Association (owned by Ferrero) be utilised as parking areas rather than Council's playing fields. Miss Leanne Kearney advised that the Sports Advisory Committee imposed conditions for approval of the 2009 Ironfest event, including no parking on any Council playing field, and this was resolved by Council, and should the Ironfest organisers wish to appeal this resolution, they would need to request this in writing to Council for determination.
- Ms Deb Edwards advised that the leaking roof at Wallerawang Stadium urgently needs investigation, as the water is leaking onto the timber floors and will cause damage if not fixed urgently. This item will be referred to Council's Operations Manager for urgent action.

- Mr John Boyd advised that this may be his last meeting, and the Committee thanked John for his contribution and support during his term as a valuable Committee member.

MOVED: Neil Gambrill

SECONDED: Danny Whitty

The meeting closed at 5.40pm.

## **RECOMMENDATION**

### **THAT**

- The minutes of the meeting held on Monday, 7 December 2008 were taken as a true and correct record of the meeting.
- Council's Operations Manager arrange for the missing plinths be replaced, and the overgrown vegetation removed from the remaining plinths at Jim Monaghan Oval, Lithgow.
- Council provide financial assistance of \$200.00 to Tai Denicaucau.
- Permission be granted to the Easter Festival Committee & Fusion Australia Ltd to use Saville Park, Portland, on Saturday, 11 April 2009 between 9:00am and 4:00pm to conduct an Easter festival.
- Permission be granted to the Caravan Club of Australia to use Tony Luchetti Sportsground, Lithgow between 5 June 2009 and 7 June 2009 to conduct their Queens Birthday Rally event.
- Permission be granted to the Coromal Caravan Club to use Tony Luchetti Sportsground, Lithgow between 2 October 2009 and 6 October 2009 to conduct a weekend trip.
- Permission be granted to Lithgow Bears RLFC to conduct training on Tuesday and Thursday evenings between 6.00pm and 8.00pm at Tony Luchetti Sportsground, Lithgow, from 20 January 2009, and for competition matches on Saturdays between 1.00pm and 6.00pm, provided the following conditions are adhered to:
  - Successful liaison with Lithgow Workmen's Club RLFC for shared use of grounds and private arrangement for lighting charges;
  - No training on number 1 field under any circumstances;
  - No training on the cricket wickets under any circumstances;
  - Grounds are unavailable on Thursdays, 2 April 2009 and 23 April 2009 due to previously approved bookings; and
  - A draw is provided to Council once finalised.
- Permission be granted to David Turner of DogTech to use Zig Zag Oval, Lithgow Wednesdays between 6.30pm and 8.00pm until 5 April 2009, Saturdays between 3.00pm and 5.00pm from 6 April 2009 to 1 October 2009, and Wednesdays between 6.30pm and 8.00pm from 2 October 2009 to 31 December 2009.
- Council's Operations Manager arrange an investigation into the possibility of initiating a regular maintenance programme for the lights at Tony Luchetti Sportsground, Lithgow.
- Council's Operations Manager arrange for the drainage on the cricket wicket at Kremer Park, Portland to be restored again, as the water is pooling on the wicket after rain.
- Alternative parking areas including the area on the northern side of Farmers Creek between Geordie Street Crossing and Coalbrook Street, and the privately

owned area used by the Lithgow Harness Racing Association (owned by Ferrero) be suggested to the 2009 Ironfest event organisers for use during their 2009 event, to prevent any unnecessary damage to Council's playing fields (as occurred in 2008).

- Council's Operations Manager investigate and urgently repair the leaking roof at Wallerawang Stadium, as the water is leaking onto the timber floors and will cause damage if not fixed urgently.
- A letter of thanks be forwarded to Mr John Boyd for his contribution and support during his term as a valuable Committee member.