



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

16 FEBRUARY 2009

AT 7.00pm

AGENDA

PRESENT / APOLOGIES

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 2ND DECEMBER 2008

CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL HELD ON 2ND DECEMBER 2008

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 27TH JANUARY 2009

QUESTIONS FROM THE PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES

NOTICES OF RESCISSIONS

NOTICES OF MOTION

REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Report

REPORTS FROM DELEGATES

BUSINESS OF GREAT URGENCY (as identified by Clause 241 of the Local Government (General) Regulations 2005)

COMMITTEE MEETINGS

CLOSED MEETING

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MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 16/02/09 - VICTORIAN BUSHFIRE APPEAL 2009

REPORT FROM: THE MAYOR, COUNCILLOR N L CASTLE

COMMENTARY

As we are all well aware towns and communities in Victoria have been devastated by bushfires. The 2009 Victorian Bushfire Fund has been established to assist individuals and communities affected by these devastating bushfires. This appeal has been launched by the Premier John Brumby in partnership with Red Cross and the Federal Government.

An independent panel made up of community leaders will oversee the appeal Fund's operation. Donations are being made via the website and phone, and there has also been an overwhelmingly generous response from corporate Australia.

Council has received an approach by the Vale Ladies for Council to donate with them. The Vale Ladies have indicated that they will be starting the appeal with a donation of \$500 and would like that all business houses and Council donate also.

As we all know the Lithgow LGA is prone to bushfires that at times can cause great devastation and it would only be appropriate that Council donate to this appeal. Given the circumstances I feel that this donation be made from our general reserves rather than from a budget allocation.

RECOMMENDATION

THAT Council make a donation in the amount of \$5,000 to the Victorian Bush Fire Appeal 2009

RESCISSION MOTIONS

ITEM:2 RESCISSION MOTION - 16/02/09 - LITHGOW GOLF CLUB

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NOTICE OF MOTION TO RESCIND

28 JAN 2009

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Under the Lithgow City Councils Code of Meeting Practice, we the undersigned three Councillors lodge this formal Notice of Motion to Rescind the Lithgow City Council's resolution made in respect of: -

Agenda Item 2

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

at the Ordinary Meeting of the Lithgow City Council Meeting held on 27 January 2009.

We request that the matter be re-listed for determination before the next Ordinary Meeting of the Lithgow City Council.

1. Signed: MF Hutch
2. Signed: [Signature]
3. Signed: C.S. Hunter

ITEM:3 RESCISSION MOTION - 16/02/08 - PORTLAND OLYMPIC POOL

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NOTICE OF MOTION TO RESCIND

28 JAN 2009

Doc. No
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BACKGROUND

With respect to Agenda Item 1 of the Lithgow City Council's Policy & Services Committee Meeting held on the 2 December 2008, the Minutes confirm that: -

"Councillor M F Ticehurst moved the MOTION, seconded by Councillor J J McGinnes that Council engage Senior Auditors, KPMG to conduct and provide an independent legal and financial opinion of the Lithgow City Councils financial accounting "control" of the Portland Pool Olympic Pool."

The MOTION was put and declared LOST.

Under the Lithgow City Councils Code of Meeting Practice, we the undersigned three Councillors seek to have the above Motion as outlined rescinded and another Notice of Motion put before the elected Council for due consideration.

1. Signed: MF Ticehurst
2. Signed: [Signature]
3. Signed: [Signature]

ITEM:4 RESCISSION MOTION - 16/02/09 - LITHGOW LOCAL GOVERNMENT WATER USAGE AND WATER RESTRICTIONS

MOTION TITLE/TOPIC:

Lithgow Local Government Water Usage and Water Restrictions

DATE: February 8, 2009

BACKGROUND:

At the Council meeting held on January 27, 2009 Council resolved the following:

27-09 RESOLVED

THAT

1. Can Council provide a regular progress report on the Clarence Transfer S
2. Council provide a regular report on the effectiveness of the current water restrictions.
3. Consumers on Fish River Water supply go to level 5 water restrictions, excluding Marrangaroo residents.
4. Dependent upon the supply, the General Manager be authorised to amend the water restrictions for Marrangaroo.

During the debate there was some erroneous information presented that influenced the debate and led to what we believe to be an unjust outcome for those Lithgow Council residents on the Fish River Water supply.

This erroneous information included the level of the Oberon Dam and that the community of Oberon is on level 5 water restrictions. The current level of the Oberon Dam is almost 17%. Under the Drought Management Plan water restrictions are dependant upon the level of the Oberon Dam with agreed trigger points in operation. The agreed trigger point for increasing restrictions from level 4 to level 5 is 15%. The trigger points were agreed to by all of the users as well as the manager of the Fish River Water Supply, State Water. With such an agreement in place Council should not disadvantage its residents and allow those users and the manager of the system, State Water, to advise Council on the implementation of water restrictions.

Oberon Council currently maintains Level 4 water restrictions in accordance with the agreement.

RECOMMENDATION:

1. That Council rescind resolution number 27-09.

2. Should Resolution Number 27-09 be rescinded then we propose to move the following resolution, that:

- Should the level of Oberon Dam fall to 15% that Council adhere to the agreement reached in relation to water restrictions with State Water and other users on the Fish River Water Supply. Also should the level of the Oberon Dam fall to 15% that the Lithgow Water Supply be treated separately for the purposes of maintaining water restrictions for those users on that Supply.

Signed:

**Cr Neville Castle
Cr Grahame Danaher
Cr Howard Fisher**

NOTICES OF MOTION

ITEM:5 NOTICE OF MOTION - 16/02/09 - LITHGOW COUNCIL OWNED COMMUNITY LAND - LOT 1/840412 AT MARRANGAROO - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC:

Local Government Act Plan of Management and future classification of the Lithgow Council owned community land upon Lot 1/840412 at Marrangaroo.

Listed by Councillor Martin Ticehurst. Date: 6 February 2009.

REFERENCES:

2007 DLG Promoting Better Practice Review – Lithgow City Council.
QWN / Agenda Item 12 LCC P & S Committee Meeting 3 September 2007.
Local Government Act 1993; Sections 36; 38; 40 – 41; 46; 46A; 47 and 47A.
Property Lease between Lithgow City Council and Lithgow Golf Club Ltd.

BACKGROUND

As Councillors should be aware, Recommendation 35 of the 2007 Local Government Reform Program Promoting Better Practice Review of the Lithgow City Council, reported that the Council should establish 'Plans of Management for all community land holdings' and that they 'should be completed as a matter of priority'.

The review by the DLG stated that the Local Government Act stipulated how a Council is to govern the use and management of community land and further that at the time of the Final Report, that the Lithgow City Council did not have any Plans of Management for its Council owned community land.

Councillors should be further aware that at the Lithgow City Council's Policy & Services Committee of 3 September 2007, the Council's Policy & Services Manager identified properties under the Council's ownership which were classified as community land under the Local Government Act 1993. This included Lot 1/840412, consisting of 40.27 hectares of freehold community land leased by the Lithgow City Council to the Lithgow Golf Club Ltd.

Council's Manager further advised that Lot 1/840412 at Marrangaroo was classified as community land of which the Council could only issue a lease if it was expressly authorised in a Plan of Management; the Lease was consistent with the core objectives for the community land and was for a purpose permitted under the Local Government Act 1993.

Council's Manager further advised that having regard to then current use of this Council owned community land (Registered Club/Pro Shop/18-hole Golf Course) and the restrictions the Local Government Act 1993 imposes on community land in terms of Leases, activities and future uses, it was suggested to reclassify Lot 1/840412 from community land to operational land within a Local Environmental Plan (LEP).

However, the Council at the time resolved not to include Lot 1/840412 in a proposed LEP of operational land.

Minutes of the Questions from the Public Gallery at the Council's Policy & Services Committee of 3 September 2007, records a detailed response to a Question from Mr Ray Hammett as addressed to the Mayor, Cr Castle: -

“The recommendation to change the classification of the Lithgow Golf Club land from community to operational land under the Local Government Act 1993 is made having regard to the current use of the land and the restrictions the Act imposes on community land in terms of leases, activities and future uses such as:

- A plan of management must be prepared for all community land and any lease must be expressly authorised in the plan.
- The purpose of the lease must be consistent with the core objectives of the sports ground category of land i.e. "to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games and to ensure that such activities are managed having regard to any adverse impact on nearby residences".

This is potentially problematic with commercial activities taking place on the land.

Other leasing requirements (under the Local Government Act) include:

- A lease can not be granted for a period exceeding 21 years,
- Tenders must be called for a lease over 5 years unless the lease is to be granted to a non-profit organisation,
- Council must notify the community and adjoining land owners of its intentions to enter into a lease and consider submissions,
- The Minister for Local Government has the power to 'call in' leases under 5 years for his concurrence and if the lease is for a period between 5 and 21 years and an objection is received, the Minister determines whether or not to issue a lease,
- There are further requirements for sub leases.”

With respect to Lot 1/840412, which was leased by the Lithgow City Council to the Lithgow Golf Club Ltd for 5 years from 1 May 2004, there appears to be no public evidence of any previous public exhibition or currently existing Council Plan of Management, nor any Meeting date and/or resolution number causing the authorisation, delegation, signing and execution of the current 5-year Property Lease, signed on behalf of the Lithgow City Council by Mayor Castle and former General Manager, Mr Iain Stewart with Mr Don Farnsworth (then President, now Director) and Mr Ray Hammett (then Treasurer, now President) on behalf of the Lithgow Golf Club Ltd.

The current lease, which includes the controversial maintenance Clause (20) “Council to maintain Course and Grounds’, terminates on the 30 April 2009, without any options for an extension or renewal by either party.

As the Property Lease for Lot 1/840412 expires shortly, the Lithgow City Council must now consider firstly whether it wishes to seek to maintain the current land classification of the 40.27 hectares of freehold community land or to, given the historical and current use of the land previously described as “potentially problematic with commercial activities taking place on the land”, seek to publicly change it's land classification over to operational land.

If it is determined by the Council to maintain the current land classification of Lot 1/840412 as freehold community land, than it would be open for the Council to take the actions as outlined in the Local Government Act under Section 36; Section 38; Sections 40 – 41 and Sections 46, 46A and 47A.

ATTACHMENTS

1. Property Lease between Lithgow City Council and Lithgow Golf Club Ltd.

RECOMMENDATION

THAT the Council formally determine to maintain the classification of Lot 1/840412 at Marrangaroo as Council owned freehold community land.

THAT the Council formalise and exhibit a Plan of Management, as set out under the Local Government Act, for the Council owned community land situated at Lot 1/840412 at Marrangaroo.

Signed: *Martin Ticehurst*

GENERAL MANAGERS COMMENT

Council staff are currently in the process of:

- Developing a Plan of Management for the Lithgow Golf Course in accordance with the Local Government Act
- Preparing the Local Environmental Plan for the change of classification for the Lithgow Golf Course from Community Land to Operational Land as per Council Resolution 07-519

The Local Government Act requires that:

- Community land is required to be used and managed in accordance with the following (S.35):
 - ✓ the plan of management applying to the land
 - ✓ any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land Division 2 of the Act 'Use and management of community land'
- Preparation of draft plans of management for community land (S.36):
 - (1) A council must prepare a draft plan of management for community land.
 - (2) A draft plan of management may apply to one or more areas of community land, except as provided by Division 2.
 - (3) A plan of management for community land must identify the following:
 - (a) the category of the land,
 - (b) the objectives and performance targets of the plan with respect to the land,
 - (c) the means by which the council proposes to achieve the plan's objectives and performance targets,

- (d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.
- (3A) A plan of management that applies to just one area of community land:
- (a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
 - (b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.
- (4) For the purposes of Section 36, land is to be categorised as one or more of the following:
- (a) a natural area,
 - (b) a sportsground,
 - (c) a park,
 - (d) an area of cultural significance,
 - (e) general community use.
- (5) Land that is categorised as a natural area is to be further categorised as one or more of the following:
- (a) bushland,
 - (b) wetland,
 - (c) escarpment,
 - (d) watercourse,
 - (e) foreshore,
 - (f) a category prescribed by the regulations.
- (6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:
- (a) defining any expression used in subsection (4) or (5), and
 - (b) prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.
- Leases, licences and other estates in respect of community land-terms greater than 5 years (S.47)
 - (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
 - (a) give public notice of the proposal, and
 - (b) exhibit notice of the proposal on the land to which the proposal relates, and
 - (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
 - (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

- (2) A notice of the proposal must include:
- information sufficient to identify the community land concerned
 - the purpose for which the land will be used under the proposed lease, licence or other estate
 - the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
 - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
 - a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.
- (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
- (5) If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.
- (6) If the council applies for the Minister's consent, it must forward with its application:
- a copy of the plan of management for the land
 - details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
 - a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
 - a copy of the newspaper notice of the proposal
 - a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
 - a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.
- (7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.
- (8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:
- (a) subsections (1), (2) and (6) have been complied with, and
 - (b) such consent would not contravene section 46, and
 - (c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).
- (9) The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).
- (10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or

(b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.

- Leases, licences and other estates in respect of community land-terms of 5 years or less (S.47A)

(1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.

(2) If a council proposes to grant a lease, licence or other estate to which this section applies:

(a) the proposal must be notified and exhibited in the manner prescribed by section 47, and

(b) the provisions of section 47 (3) and (4) apply to the proposal, and

(c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)-(9) are to apply to the proposal.

(3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)-(9) are to apply to the proposal:

(a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)-(8), and

(b) section 47 (9) has effect with respect to the Minister's consent.

Council resolved in 2007, Min 07-519, that it would convert the classification of the Golf Club and other Council owned lands to Operational. This process has been commenced.

See attached reports to Council.

ITEM:6 NOTICE OF MOTION - 16/02/09 - PORTLAND OLYMPIC POOL - COUNCILLOR M F TICEHURST

[The Portland Olympic Pool Council image](#)

NOTICE OF MOTION

Lithgow City Council
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28 JAN 2009

MOTION TITLE/TOPIC:

Doc. No
GDA Ref.
Date:

Engagement of Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of Portland Olympic Pool.

Listed by Councillor Martin Ticehurst Date: 27 January 2009.

BACKGROUND

A similar Notice of Motion was originally put before the Lithgow City Council Policy and Strategy Committee Meeting on 2 December 2008 and resolved in the negative.

A Notice of Motion to Rescind has been signed by three Councillors and lodged with the General Manager, Lithgow City Council.

This Notice of Motion is to be moved and seconded following the successful resolution of the Notice of Motion to Rescind.

Councillors would be aware of past serious financial concerns that have been expressed publicly and in this Council over the Council's alleged accounting and 'control' of the \$320,000 Portland Olympic Pool asset under Section 3. Asset Control and Ownership of the Department of Local Government Asset Accounting Manual with the issue also raised in State Parliament.

Councillors would be aware that at the Councils Finance & Services Committee Meeting on 7 October 2008, (Item 3) the new General Manager reported that, "the (Portland Olympic Pool) premises is not located on 'Council owned community land' ". Further, the new General Manager reported that, "However, an (Deed of) agreement is in place (that) should the Pool ever be voluntarily wound up (to) its transfer its surplus assets, including the Pool, to Council and Council shall classify the land as community land."

As an attachment to the General Managers report was a two-page letter from Mr Richard Fewkes, the Chairperson of the Portland & District Olympic Swimming Pool Committee.

The new General Manager's report to the Council, along with the letter submitted to Council by the current President of the Portland & District Olympic Swimming Pool Committee Inc. set out the original and current objectives of the incorporated association.

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Councillors have all been provided with a copy of the Department of Lands Title Search relating to Portland Olympic Swimming Pool in Portland. Further, the Councils Auditors, MorseGroup provided additional financial advice on the Portland Olympic to the Council at the Finance and Services Committee Meeting on 5 June 2006.

Additionally, all Councillors were previously informed that the only prior 'Independent' audit as publicly stated was undertaken by a fellow Senior Partner of the Council's Auditors, Alan Morse & Co.

In light of the recent report by the General Manager and President of the Portland & District Olympic Swimming Pool Committee, it is apparent that there is now new Council evidence and statements in the public domain that appear to seriously financially contradict the Minister/s, DLG, Hansard, Council Minutes and the media.

As part of the Councils due diligence and corporate governance, this Notice of Motion seeks that the Council engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.

Following a recent Letter to the Editor published in the Lithgow Mercury offering a solution, a number of elected Councillors and ratepayers have offered, subject to conditions being met by the Lithgow City Council, to financially contribute towards the expected \$3,000 costs for an independent financial audit of this matter.

ATTACHMENTS

Substantial documentation was previously provided to Councillors at the Lithgow City Council Policy and Strategy Committee Meeting on 2 December 2008. Attached hereto Mercury Letter to Editor.

RECOMMENDATION

1. THAT the Council engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.
2. THAT legal costs of up to \$3,000, subject to the Lithgow City Council agreeing to appropriate Terms of Reference, be met by agreeable elected Councillors, ratepayers and residents.

Signed: _____



ATTACHMENT TO:

NOTICE OF MOTION

MOTION TITLE/TOPIC:

Engagement of Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of Portland Olympic Pool.

RECOMMENDATIONS

1. THAT the Council engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.
2. THAT legal costs of up to \$3,000, subject to the Lithgow City Council agreeing to appropriate Terms of Reference, be met by agreeable elected Councillors, ratepayers and residents.

PROPOSED TERMS REFERENCE:

1. That any Senior Auditor/s engaged to conduct a legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool be agreed to by all parties, including the Lithgow City Council and those Councillors, ratepayers and residents providing funding of up to \$3,000.
2. That following the Auditors independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool: -
 - That if the audit is in favour of the Lithgow City Council – up to \$3,000 of the audit costs is to be met by those Councillors, ratepayers and residents providing funding of up to \$3,000.
 - That if the audit is in favour of those Councillors, ratepayers and residents providing funding of up to \$3,000 – the full cost of the audit will be met by the Lithgow City Council.
3. The Lithgow City Council agrees that it will make available to and provide all legal and financial information requested by any Senior Auditors engaged to conduct an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.
4. That any Senior Auditor/s engaged as agreed to by Lithgow City Council and those Councillors, ratepayers and residents providing funding of up to \$3,000, must provide full and detailed answers to the 10 Questions as set on page 307 under Section 3 'Asset Control and Ownership' in the Department of Local Government Asset Accounting Manual.

ITEM:7 NOTICE OF MOTION - 16/02/09 - ROAD NAMING - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC:

Current serious public road naming discrepancies by Lithgow City Council, as the official road naming authority, of Park Ave and Park Street, Portland; Coolamigal Road and Coolamigal Road, Portland and Reservoir Road and Reservoir Street, Portland.

Listed by Councillor Martin Ticehurst

Date: 27 January 2009.

REFERENCE:

Minutes of LCC Finance and Services Committee Meeting on 7 August 2007.

Internet www.google.com ; www.whereis.com and www.lands.nsw.gov.au.

Various Blaxland Shire; Lithgow City Council, CMA Maps.

BACKGROUND

Further information has come to hand from Portland ratepayers and residents raising serious public concerns not only over the previously disputed location by Lithgow City Council of Coolamigal Road, Portland but also of further publicly named roads including, Park Ave and Park Street, Portland and Reservoir Road and Reservoir Street, Portland. Each of the identically named roads are no where near each other and as such are causing and may cause serious confusion in responding to any emergency.

Lithgow City Councils own large Shire Roads Map (Greater Lithgow City Council/CMA/1987) clearly identifies Coolamigal Road as No. 26 and running east to west as the road that runs up to the Pinch Museum in Portland and is beside the Portland Tip off the Portland-Cullen Bullen Road, Portland. The current Lithgow City Council signposted road of Coolamigal Road is listed on the Greater Lithgow City Council/CMA/1987 Map as Williewa Creek Road.

Further, correspondence with the Department of Lands has confirmed that the Lithgow City Councils previous identification of the Coolamigal Road in the Government Gazettal notice in NSW Government Gazette No 151 1970 is completely wrong. The Department of Lands has confirmed that the portion of road identified in NSW Government Gazette No. 151 of 1970 is the roadway within the Portland Common running from Ridge Street down to the Williewa Creek Road Causeway. This appears to confirm Blaxland Shire Maps and Shire Road Lists showing that the Coolamigal Road existed pre-1964 on the road that runs up to the Pinch Museum in Portland.

Further, the www.Google.com.au website has a new MAPS facility (Street View) which clearly shows the Coolamigal Road Portland as running east to west as the road that runs up to the Pinch Museum in Portland. The current Lithgow City Council signposted road is not identified with any road name. This website facility, which is also used by many Mapping authorities (i.e. Whereis.com.au) emergency services, couriers and the public using GPS facilities. New Council Maps provided to the Local Emergency Services groups when this matter arose in 2003 may be erroneous and in the interests of public safety, should be urgently replaced by the Lithgow City Council.

Additional information has also been provided confirming that there both a Park Ave and Park Street, Portland and Reservoir Road and Reservoir Street, Portland, neither of which are near their identically named road. This is seriously contrary to the policies of the Geographical Names Board and the Lithgow City Councils own Road Naming Policy on the Councils website.

At the Finance and Services Committee Meeting on Monday 6 August 2007 the General Manager indicated to the Council that a report on this matter of Coolamigal Road, Portland would be considered by staff and brought back "*in as timely manner as possible.*" It still remains outstanding to this date.

I believe it is **urgent and timely** for Lithgow City Council to provide an urgent report, including all Council/Shire Road Maps to the Council, Councillors and ratepayers on the Park Ave and Park Street, Portland; Coolamigal Road and Coolamigal Road, Portland and Reservoir Road and Reservoir Street, Portland and advise of any investigation and any action/s taken as a result of the Councils investigation into the matter.

Council Officers may also like to confirm information that none of the above mentioned public roads, streets and avenues have been formally gazetted.

RECOMMENDATION

THAT the above information be received and that the General Manager provide an urgent report to Council, including City of Greater Lithgow Council/Shire Road Maps to Council, all Councillors and ratepayers at the next Ordinary Meeting of Council.

Signed:

Martin Ticehurst

GENERAL MANAGER REPORTS

ITEM:8 GM - 16/02/09 - INQUIRY INTO SECURE AND SUSTAINABLE URBAN WATER SUPPLY AND SEWARGE SERVICES FOR NON METROPOLITAN NSW

REFERENCE

NIL

SUMMARY

The final report by the Independent Panel's report on the *Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW* has been released.

Interested parties, including councils have been invited to make submissions on this report. Submissions must be made to the Department of Water and Energy by **5pm, Friday 20 March 2009**.

COMMENTARY

Basis for the Inquiry

In an address to the annual Local Government Water Management Conference in Inverell in August 2007, the Minister for Water Utilities, the Hon Nathan Rees MP, announced an Inquiry into the institutional and regulatory arrangements by which town water supply and sewerage services are provided in country NSW.

It was stated that the last detailed review of the water supply and sewerage services for country towns was conducted in 1993. Since then, the operating environment of local water utilities has changed dramatically. Drought, climate change and sustainable extraction rules have reduced the yield of local water utilities' water systems. Forecast population growth will place additional pressure on water yields and will require sewerage system enhancements and expansion.¹

Concern was also expressed that the performance of the NSW local water utilities is wide ranging. Some local water utilities are very well managed. These utilities have achieved broad compliance with the Government's *Best-Practice Management of Water Supply and Sewerage Guidelines* and most have reasonable residential bills and operating costs per property serviced. They also have high compliance with the Australian Drinking Water Guidelines and low levels of water quality and service complaints. However, many utilities face constant challenges to plan for, and deliver, reliable, high quality water and sewerage services.

The objective of the Inquiry is to identify the most effective arrangements for the long-term provision of cost-effective and sustainable water supply and sewerage services in country NSW. The guiding principle for the Inquiry is that every person in NSW is entitled to benefit from professionalism, cost effective service standards and regulatory safeguards in the provision of water supply and sewerage services.

The Government appointed two members of the community to head the Inquiry:

- the former Deputy Premier, The Hon Ian Armstrong OBE, and
- the former head of the Premier's Department, Dr. Colin Gellatly.

Inquiry Objectives

The objectives of the Inquiry were to:

- identify the most effective institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage services in country NSW
- ensure these arrangements are cost-effective, financially viable, sustainable, optimise whole-of-community outcomes, and achieve integrated water cycle management.

The Task

As a minimum, the Government expects water supply and sewerage service providers to:

- respond and plan in advance to the challenges facing the industry
- be financially self sufficient
- be able to comply with appropriate stringent environmental and public health standards
- implement cost-effective service standards

The Inquiry was to focus on the provision of urban water supply and sewerage in rural and regional NSW. Sydney Water, Hunter Water, Gosford City Council Water Supply Authority and Wyong Shire Council Water Supply Authority were excluded from the Inquiry.

Independent Inquiry Report

The Independent Panel considered the Terms of Reference and input from a wide range of sources throughout the inquiry process. Based on these, in December 2008 the Independent Panel presented the Minister for Water with the Report of the Independent Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW.

The recommendations of the report seek to achieve the outcomes stated in the Terms of Reference, as well as the commitments made by the former Minister for Water, the Hon Nathan Rees that any new governance structure:

1. must protect or enhance councils' revenue stream;
2. must protect or enhance councils' capital expenditure;
3. must maintain or enhance job opportunities;
4. must provide ongoing access to specialised skills;
5. must adopt an independent and sustainable pricing mechanism; and
6. must have '21st century' governance arrangements in place.

The Panel indicated that *“it became clear early on in the Inquiry process that removal of water and sewerage services from councils would, in many instances, impact detrimentally on general purpose councils. This would largely be as a result of separating staff and resources from shared council functions”*.

The Panel also points out that the poor performance of several local water utilities, and the challenges that lie ahead have confirmed the need in their opinion for structural change in most instances, to enable local water utilities to better plan for and manage their responsibilities in the face of major challenges such as climate change, skills shortages, demographic changes and increasing human health and environmental standards.

The recommendations contained within the report seek to maintain council ownership and management of water supply and sewerage services, whilst centralising the planning and reporting functions and mandating planning requirements and ‘best practice pricing’. This should ensure that local water utilities are planning well into the future, and are obtaining the revenue they require to meet future challenges.

The recommended increased collaboration between local water utilities is additionally aimed to address significant skills shortages being experienced by local water utilities. Research shows that skills shortages for the water and sewerage services sector are expected to increase dramatically across Australia over coming decades, and our report identifies a number of ways in which this can be managed and mitigated.

The report examines the performance of local water utilities and the challenges that are facing them. It contains a number of recommendations for consideration by stakeholders and the NSW Government. Key recommendations are summarised as:

- Good governance: The current 104 local water utilities be aggregated into 32 regional groups that are broadly based on submissions provided by stakeholders.
- Organisation models: Three organisational structure options should be considered for the regional groups of local water utilities. The models are:
 - binding alliance (for planning and technical functions)
 - council-owned regional water corporation; and
 - status quo for some large general purpose councils and county councils.

The "binding alliance" and "status quo" options allow councils to retain ownership and management of water supply and sewerage assets and to continue providing customer services.

The "council-owned regional water corporation" option involves the transfer of water supply and sewerage assets, related staff and service delivery responsibilities from councils to the corporation. Councils that are the beneficiaries of the corporation's services would be the only shareholders of the corporation.

- Strengthen regulatory management: Strengthen the regulation of local water utilities to require implementation of all relevant plans, guidelines and standards. This must be complemented by an adequate reporting and monitoring framework and the designation of a regulator with adequate enforcement powers.

- Improve pricing regulation: The regulation of local water utilities' pricing should be strengthened to require utilities to establish prices in accordance with approved business plans and financial plans. Local water utility prices must be approved by an independent body.
- Cut red tape: The reporting and regulatory roles undertaken by State Government agencies be reviewed with a view to streamlining these requirements and to ensure a consistent approach across these agencies.
- Consumer Protection: The Energy and Water Ombudsman NSW scheme be adopted by local water utilities as a mandatory requirement, provided it can be demonstrated that there are net benefits in doing so.
- Skills shortages: A number of strategies are proposed to address regional skills shortages, including: pooling of human resources, staff incentives, skill development and training, increasing the size of local water utilities, outsourcing to the private sector and increasing the capacity of training providers.

The report does not recommend amalgamating councils or creating state-owned enterprises. It was stated that Council amalgamations are outside the Inquiry's terms of reference. The Government ruled out the forced transfer of water supply and sewerage delivery functions and related assets to State-owned corporations.

Proposal for Lithgow

The proposals for the Lithgow Council area in the report are:

- That the Lithgow Council area would become part of a binding alliance for the Bathurst Region
- That the Fish River scheme would continue to stand alone.

- **Bathurst Region Alliance**

This alliance in the State's central tablelands, contains the Bathurst Regional Council, Lithgow and Mid-Western, Oberon Councils.

Total Number of Connected Properties: 30,300

Total Current Revenue: \$32 million

Total Area: 20,800 sq km

A binding alliance model is recommended in this region because it:

- would enable operators and maintenance staff to remain in their existing locations;
- would bring additional skills and resources to small councils;
- meets the assessment criteria defined in the Terms of Reference.

The report stated that Bathurst Regional Council is a large and well resourced utility delivering water supply and sewerage services to almost 14,400 connected properties and would provide about 50% of the revenue and customer base to alliance.

The scale and resources available to this potentially viable alliance should ensure its strength and sustainability.

Member council compliance with the Best-Practice Guidelines is currently 71%.

The report comments that “Bathurst and Oberon have commenced negotiations to form an alliance with each other. The details of this alliance are not known. Lithgow City Council would prefer the status quo, but it is also comfortable with a regional alliance model given its already well established participation in the Central Tablelands Alliance. Mid-Western Regional Council has stated its preference for the status quo, but if not accepted, a binding alliance would be considered.”

- **Fish River Water Supply Scheme**

Fish River Water Supply Scheme provides bulk water to Lithgow and Oberon local government areas, Delta Electricity and Sydney Catchment Authority is administered by the State Water Corporation.

Fish River Water Supply Scheme has the scale and resources to stand alone and be sustainable. As a direct bulk supplier of raw water to a handful of large customers, they are best suited to stand alone.

Total Number of Connected Properties: 21,600
Total Current Revenue: \$5.8M

The binding alliance model is a new organisational concept for local water utilities. A binding alliance establishes a distinct legal entity (the Alliance Entity) that has responsibility for the strategic and financial planning function of member councils and for providing specialist technical skills to the member councils.

In a binding alliance, assets and the responsibility for service delivery are retained by member councils. However, asset management is directed by the Alliance Entity and service delivery is provided by the member councils in accordance with the asset management plan developed by the Alliance Entity. Service levels are agreed to between the Alliance Entity and member councils. Member councils are compelled to remain members of the alliance and implement the directions of the Alliance Entity.

The Inquiry reports that the NSW Government and councils who have made submissions to the Inquiry recognise that local water utilities are facing significant challenges and changes need to be made to address those.

Once the NSW Government has undertaken consultation on the Independent Inquiry Report with affected stakeholders, it will develop a position on the best way forward to ensure the sustainability of utilities, including whether the creation of binding alliances in specific locations will most strongly support the provision of secure and sustainable water supply and sewerage services.

Government will work closely with councils to ensure that any necessary changes are agreed and are able to take place in the interests of local water utilities and the community.

Submissions on the Independent Inquiry Report

Submissions have been invited from any interested person or organisation addressing any issue/s within the report:

- Facts
- Opinions
- Arguments
- Recommendations for action

Submissions must be received by the Department of Water and Energy by **5pm, Friday 20 March 2009**.

Following consideration of submissions, the NSW Government is expected to release its response to the Independent Inquiry Report in May 2009.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Council's submission to the Inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan NSW.

RECOMMENDATION

THAT Council request the Minister to extend the period for submission to allow Council to:

- Consult with alliance partners
- Allow Centroc to complete the study into the Water Security Plan
- Allow Centroc to consider alternative proposals

ITEM:9 GM - 16/02/09 - THE USE OF COUNCIL'S VACANT SHOP FRONTS BY COMMUNITY ORGANISATIONS

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

To provide Council an option to utilise vacant Council owned shop fronts during times of economic downturn, with a recommendation that a Committee be formed to assess the eligibility of suitable Community groups to occupy these premises for a period of up to six months on a conditional basis.

COMMENTARY

As Council would be aware Main St Lithgow is currently showing the effects of the downturn in the economy. A number of shops are vacant and have been for a considerable length of time. It is recommended that as Council is the landlord of two of these premises, namely 20 and 24 Main St, Lithgow it would be of benefit to Council, the Community and Community groups to allow occupation of the shops and provide a much needed lift to the surrounds.

Council regularly receives applications from Community groups and organisations requesting the use of a vacant shop front for promotional purposes, mainly in the lead up to an event. It may be prudent for Council to allow this to occur at times when a permanent tenant is not available.

As an example we have recently received requests from the Lithgow Business Association (LBA) and Ironfest, but use of premises would not be limited to just these organisations as similar requests may be forthcoming from groups such as Tidy Towns, The Lithgow Flash Gift, Tour Rally Cars, Cancer Council, or local schools.

As previously mentioned Council currently has two unoccupied premises, namely 20 and 24 Main St, both of which would be suitable for a Community group to use. A third shopfront which is also suitable is located at the corner of Mort and Eskbank Sts, Lithgow which has been vacant since 2007 following the termination of the lease by Mission Employment.

Should Council consider this proposal feasible a number of issues would need to be considered following receipt of an application. It should be noted that each application will be assessed on an individual basis, on its own merits.

It is recommended that a committee be formed comprising two Councillors and the General Manager, or his delegate, (eg. the Economic Development Officer or Internal Services Manager).

The Draft Terms of Reference for this Committee are recommended as follows:

Committee name

Economic Development Shop Front Committee

Establishment

The Committee will be established under section 355 of the Local Government Act 1993 which states:

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

(b) by a committee of the council

Resolutions

Request to establish the Committee to the Ordinary Meeting of Council 16 February 2009 under the following Draft Terms of Reference:

Delegations:

The Committee has limited delegation from the Council to approve or not approve the use of Council premises following receipt of an application by a Community group or group / person conducting an event.

Financial arrangements:

The Committee has the power to negotiate rental on vacant shops owned by Council and charge full, partial or no rental.

Term of the Committee

The Committee shall operate for a period of two years

The Council reserves the right to dissolve the Committee at any time by a resolution of the Council.

Committee's responsibilities:

The principal responsibilities of the Committee will be to receive and review applications from Community groups in the order in which they were received and determine the eligibility of that organisation to use a Council owned commercial properties.

The Committee will apply the following assessment criteria:

- The organisations community involvement
- The status of the organisation being either a 'for profit' or a 'not for profit' group
- The organisations demonstration of how their activity will assist Council in achieving actions identified in Council's corporate planning process, the Strategic Plan, Management Plan, Social Plan and State of the Environment Report.

The Committee will approve or disapprove the use of premises and if approval is granted advise the organisation having regard to the following:

a) Rental to be charged:

Rental will be determined by the status of the organisation, if they are a 'for profit' or a 'not for profit' organisation and if they are in a position to pay full, partial or no rental.

b) Outgoings:

During the term of occupation of the premises the organisation will organise the connection, disconnection and payment of all outgoings such as electricity, telephone, gas, water, sewerage and trade waste discharge.

c) Length of Occupation:

The occupation of the premises may only be granted for a period of 3 months with a further 3 month option with a maximum up to six months and during the occupation period if Council has been approached by a permanent full paying tenant one month's written notice will be given to the Community group to vacate the premises.

At this stage Council will endeavour to offer the group alternative accommodation if it is available.

d) Insurance:

The organisation will be responsible for its own public liability insurance and provide Council evidence of a Certificate of Currency for coverage of \$20,000,000.

e) Alterations to the premises:

Should a tenant wish to alter the premises all renovations will be at their own expense and upon vacation all furnishings, fixtures and fittings must be reinstated to their original condition.

f) Special Conditions and requests:

The Committee will consider all reasonable requests made by an organisation and note such in the approval process. Should special conditions arise as a result of a request these will be noted.

Councillor membership

The two Councillors appointed to the Council's Economic Development Advisory Committee be the Councillor representatives with the Chairman of the EDAC being the Chairman of the Community Facilities Committee.

The Mayor by virtue of holding the office of Mayor is appointed as a member of all committees established by Council. The appointment of the Mayor as a member of any committee established by the Council need not be taken into account when determining a Quorum for a meeting of the Committee. (Council policy 9.2)

Committee membership

The Committee will be comprised of the following representation:

- Two Councillors
- The General Manager or his delegate

Committee members responsibilities

- Observation and compliance with Council's Code of Conduct.
- Observation and compliance with Council's OHS system objectives and instructions.

Appointment

All members of the Committee will be appointed by a resolution of the Council.

Term of office of Committee Representatives

The Committee shall be formed following invitation to join the Committee. The term of office shall be for 2 years unless otherwise resolved by the Council.

Executive Officer

The Internal Services Manager shall be the Executive Officer to the Committee.

The Executive Officer shall:

- provide executive support to the Committee;
- be responsible for receiving and preparing applications received by Community organisations;

MEETING PRACTICE

Code of Meeting Practice

The meeting procedures outlined in the Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below.

Office holders

The Chair (The Mayor or a Councillor appointed by the Council) shall call for nominations for the position of Deputy Chair at the first meeting after the Committee is established.

The Chair and Deputy Chair shall be appointed for a period of 1 year.

The Deputy Chair will be a Councillor or the General Manager or his delegate.

Frequency of meetings

Meetings shall be held upon receipt of an application from a Community organisation at a date and time to be determined by the General Manager.

POLICY IMPLICATIONS

Policy 10.16 Property Leases

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

- a) Council agree to the use of vacant Council shops by Community groups and for community events at times when a permanent tenant is not available
- b) Council adopts the Economic Development Shop Front Committee

- c) Council appoint the Mayor, one other Councillor, the General Manager (or his delegate) as members of the Committee
- d) The Draft Terms of Reference for the Economic Development Shop Front Committee be adopted as detailed in the report as above including the delegations outlined in the Draft Terms of Reference.

ITEM:10 GM - 16/02/09 - COUNCIL INVESTMENTS TO 31 JANUARY 2009

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)
 Meeting: 27 January 2009 (Dec 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 January 2009 when compared to 31 December 2008 has decreased by \$932,675.33

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE	VALUE	% OF TOTAL
						31.01.09	31.12.08	
ANZ	TD	08.01.09	12.03.09	64	4.36	1,010,496.94	1,000,000.00	7.23%
	TD	08.01.09	12.03.09	64	4.36	502,249.59	500,000.00	3.60%
	TD	19.01.09	19.02.09	31	4.40	504,047.73	502,132.88	3.61%

BANKWEST	TD	27.01.09	02.04.09	65	4.25	250,000.00	536,248.57	1.79%
	TD	05.01.09	09.04.09	94	4.70	542,908.78	536,656.37	3.89%
	TD	07.11.08	09.02.09	94	6.40	516,910.15	516,910.15	3.70%
	TD	19.01.09	16.04.09	87	4.45	502,123.29	500,000.00	3.59%
CBA	On Call				4.20	108,239.09	51,973.11	0.77%
	TD	10.12.08	09.01.09	30	4.57	0.00	255,307.00	0.00%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.57%
	TD Shield	21.11.07	05.06.09	547	***	750,000.00	750,000.00	5.37%
CITIBANK	TD	12.01.09	12.03.09	59	4.90	588,074.45	585,429.27	4.21%
	TD	09.01.09	09.04.09	90	5.05	521,293.83	519,151.80	3.73%
	TD	07.01.09	09.03.09	62	4.88	1,011,726.58	1,007,091.20	7.24%
LGFS	On Call				4.15	7,159.79	7,159.79	0.05%
IMBS	TD	05.12.08	05.03.09	30	6.00	1,186,356.30	1,186,356.30	8.49%
	TD	05.12.08	05.03.09	90	6.00	250,000.00	250,000.00	1.79%
	TD	01.12.08	05.03.09	94	5.80	891,981.24	891,981.24	6.39%
MACQUARIE	TD	22.08.08	18.02.09	180	8.08	2,000,000.00	2,000,000.00	14.32%
ST GEORGE	TD	19.01.09	19.03.09	59	4.20	1,066,093.78	1,056,541.49	7.63%
	On Call			37	4.20	1,036,431.07	1,528,220.55	7.42%
SUNCORP	TD	08.01.09	12.02.09	34	4.62	502,391.78	500,000.00	3.60%
			TOTAL			13,968,484.39	14,901,159.72	100.00%

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

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

The CBA deposit of \$750,000 which matures in 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 interest 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 January 2009 is \$389,278.55 of an estimated \$788,728.00 for the 2008/09 financial year. Interest is paid on the maturity date of the investment.

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 has been reviewed in conjunction with the December quarterly review of the Management Plan and has been reduced to \$755,000.

The basis for this calculation is the actual received to date, \$389,000 plus known interest which will be received on current investments held which will be \$182,000, and the predicted interest to be received to the 30 June, approx \$184,000 which is based on an average return of 4%.

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 investments for the period ending 31 December 2008 be noted.

ITEM:11 GM - 16/02/09 - DIRECT PROPERTY PAYMENTS VIA CENTRELINK USING "CENTREPAY"

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Minute 04-09: Council Meeting of 27 January 2009

SUMMARY

This report is in response to a Notice of Motion from Councillor Martin Ticehurst to allow rate and water payments to be received from pensioners via Centrelink.

COMMENTARY

Prior to the Council meeting of the 27 January 2009 Councillors were emailed a report on options for Council to commence receiving property payments via Centrelink. A formal report was requested by Councillor Martin Ticehurst for a forthcoming meeting and as a result is available at this meeting.

When Centrelink introduced 'Centrepay' Council investigated a proposal of becoming 'a customer' which would allow ratepayers the option of deducting rate and water payments prior to receiving their fortnightly pension.

At the time Centrelink was unable to electronically produce a file which would detail individual transactions and directly upload into our property database. Without this file all transactions must be manually entered and due to the expected volume of transactions Council resources may not be available and manual entry of every transaction would be exposed payments to human error.

In January 2009 Centrelink was again contacted and they are still forwarding manual payments to customers but they will consider the transfer of an electronic file if a customer has a high volume of transactions. They further advise they will assess eligibility on application.

As a result Council may wish to recommence investigations to allow the introduction of the service and it is suggested we first request interested ratepayers to contact and obtain further information.

FEES FOR 'CENTREPAY'

A fee of 0.99c per transaction is payable by Council for all Centrepay entries. Should Centrelink forward a fortnightly payment for an estimated 75% of pensioners the annual cost to Council would be approx \$25.74 per ratepayer or \$42,471 per annum for all pensioners.

The following information may assist to show the trend of payments received from the 2,200 pension ratepayers currently in the area.

- Payments received in full: Approx 10% or 220
- Payments received weekly or on a regular basis: Approx 10% or 220
- Payments received in 4 quarterly instalments: Approx 80% or 1,760

Council also offers ratepayers the option to make payments via B Pay and Australia Post. The ratepayer themselves determine the frequency of their transactions.

The following table provides a guide to the number of ratepayers who use BPay and Australia Post and the applicable charges for 2007 / 08, but it should be noted that this information is only provided as a guide due to the fact that the transaction fees for BPay and Aust Post are dependant upon the payment method, ie should a ratepayer use a credit card it attracts a credit card fee and therefore an additional charge.

A credit card fee will not be involved with Centrepay payments.

COLLECTION POINT	TRANSACTIONS PER ANNUM	FEE PER TRANSACTION	TOTAL FEES PAID 07/08
Aust Post	18,030	Internet / Phone \$0.84c Aust Post Counter \$1.76 Credit Card Fee	27,500.00
B Pay	18,968	Debit A/c \$0.80 Credit A/c \$0.60 Credit Card Fee	19,878.69

Our current collection agents Australia Post, BPay and in the past Bill Express transmit daily electronic compatible files.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council note the report on Direct Property Payments using Centrelink Centrepay.

ITEM:12 GM - 16/02/09 - QUARTERLY PERFORMANCE REPORT ON 2008/09 TO 2010/11 MANAGEMENT PLAN FOR THE PERIOD 1 OCTOBER 2008 TO 31 DECEMBER 2008

REFERENCE

Min P08-32: Council Meeting 7 April 2008
 Min O08-118 Council Meeting 19 August 2008
 Min O08-193 Council Meeting 18 November 2008

SUMMARY

This report provides the Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan for the period of 1 October 2008 to 31 December 2008 with a recommendation that the adjusted surplus of \$316,920 be noted.

COMMENTARY

The December Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan has been prepared and is provided within Councillor's Business Papers.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities. The Budget Review Statement notes a surplus of \$316,920 which is an increase on the September surplus of \$311,190 by \$5,730 and is attributed to minor savings with the programs.

2008/09 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	\$61,665	-\$61,665	\$0
September Quarter	\$62,063	-\$61,752	\$311
December Quarter	\$62,420	-\$62,103	\$317

VARIATION BY PROGRAMS:

Please Note: Variations above \$10,000 are noted individually

2008/09 MANAGEMENT PLAN DECEMBER REVIEW			
PROGRAM	ORIGINAL BUDGET	REVISED	VARIATION

RECURRENT / OPERATING				
Executive		-19,735,018	-20,105,533	370,515
	Variation Comprises:			
	Exp	Savings on election costs		17,000
	Exp	Consultants executive positions not in original budget		-19,100
	Exp	Transfer from Election reserve not required		-20,000
	Exp	Tourism signage 'Tablelands Way'		-22,000
	Exp	Minor programs variations		-22,820
	Exp	Council contribution Lithgow Flash		-5,000
	Inc	Rebate Workers Compensation Insurance		26,680
	Inc	Supplementary rates – General residential		193,000
	Inc	Supplementary rates – General business		16,000
	Inc	Adjust following announcement of Financial Assistance Grant		162,000
	Inc	Adjust following announcement of Financial Assistance Grant		66,000
	Inc	Adjustment of Interest on Investments due to lower interest rates being received		-33,720
	Inc	Minor program variations		12,475
Operation		11,101,562	11,021,941	79,621
	Variation Comprises:			
	Exp	Adjust RTA Traffic Facilities Grant following advice		-10,500
	Exp	Savings identified from Lithgow footpath maintenance transferred to capital		37,000
	Exp	Adjust RTA Traffic Facilities Grant following advice		10,500

	Exp	Adjust car parks to Eskbank St capital project	32,721
	Exp	Minor program variations	-8,900
	Inc	Minor program variations	18,800
Water		993,250	993,250
			0
W Water		984,826	984,826
			0
Waste		-122,203	-122,203
			0
Develop		1,654,789	1,703,539
			-48,750
Variation Comprises:			
	Inc	Income reduced for Development Fees development not occurring	-30,000
	Inc	Income reduced from Certificates 149	-10,000
	Inc	Income reduced on Construction Certificates development not occurring	-10,000
	Inc	Minor program variations	1,250
IT		0	30,000
			-30,000
Variation Comprises:			
	Exp	Additional salaries due to Maternity leave and LSL	-30,000
Internal		1,538,418	1,510,568
			27,850
Variation Comprises:			
	Exp	Minor program variations	-3,000
	Inc	Insurance rebate: Jardine Brokers	28,850

	Inc	Minor program variations	2,000
Policy & Planning		733,089	798,589
			-65,500
	Variation Comprises:		
	Exp	Payment for legal	-65,000
	Exp	Minor program variations	-500
Comm & Cultural		2,587,746	2,555,242
			32,504
	Variation Comprises:		
	Inc	Adjustment Law Enforcement income: Parking fines	10,000
	Inc	Adjustment of Dog and Stock Control income	10,000
	Inc	Minor program variations	12,504
CAPITAL			
Executive		214,434	214,434
			0
Operation		2,279,786	2,310,286
			-30,500
	Variation Comprises:		
	Exp	Grant from Dept Transport Eskbank Taxi rank from Reserve	-148,518
	Exp	Announced Grant RLCIP 08-09 Federal grant	-529,000
	Exp	Announced Grant DLG playground Vale of Clywdd	-16,000
	Exp	Announced Grant Wolgan Rd – Federal to Reserve	-150,000
	Exp	Grant Croquet Club from reserve	-15,000

	Inc	Announced Grant due Wolgan Rd – Federal funding	150,000
	Inc	Announced Grant DLG playground Vale of Clywdd not in original budget	16,000
	Inc	Grant from Dept Transport Eskbank Taxi rank from Reserve	107,518
	Inc	Announced Grant RLCIP 08-09 Federal grant	529,000
	Inc	Grant Croquet Club from reserve	15,000
	Inc	Minor program variations	10,500
Water		-1,007,031	-1,007,031
W Water		-998,608	-998,608
Waste		122,203	122,203
Internal		461,440	461,440
Policy & Planning		-70,500	-70,500
Develop		-60,000	-45,000
	Variation Comprises:		
	Inc	Write off income Marrangaroo LEP previous years	-15,000
Comm & Cultural		147,505	151,325
	Variation Comprises:		
	Exp	Minor program variations	464

	Inc	Minor program variations	-4,284
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Copies of the report are also available for viewing at Council's Administration Centre and the website.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are reported in the December Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan for the December quarter of 2008/09.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

ATTACHMENTS

1. Quarterly Report 1 October – 31 December 2008
2. Report by Divisional Programs
3. Report by Activity

RECOMMENDATION

THAT:

1. The surplus of \$316,920 for the 2008/09 to 2010/11 Management Plan as detailed in the Quarterly Performance Report for the period 1 October 2008 to 31 December 2008 be noted.
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory.

REGIONAL SERVICES REPORTS

ITEM:13 REG - 16/02/09 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR DECEMBER 2008 AND JANUARY 2009

REPORT FROM: OPERATIONS MANAGER - S DARLINGTON

REFERENCE

Nil.

SUMMARY

To advise of the most recent Upper Macquarie County Council Weeds Report.

COMMENTARY

Attached is the Upper Macquarie County Council Chief Weeds Officer Report for December 2008 and January 2009.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Upper Macquarie County Council Chief Weeds Officer's Report for December 2008 and January 2009 (Doc:476975).

RECOMMENDATION

THAT the Upper Macquarie County Council Chief Weeds Officer's Report for December 2008 and January 2009 be received.

RECOMMENDATION

THAT:

1. Council accept the tender received from Sharpe Bros Civil Contractors and Asphalt Specialists, for the supply of hotmix shoulder widening work proposed for March 2009.
2. Council authorise the Common Seal to be affixed to contract documents as required.

**ITEM:15 REG - 16/02/09 - 072/07DA PROPOSED LITHGOW VALLEY [PLAZA
EXTENSIONS, PART LOT 9 DP 1005128, BENT STREET LITHGOW**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

The application was called in at the Finance & Services Meeting – 5/08/08.

SUMMARY

To assess and recommend determination of DA 072/07. Recommendation will be for approval subject to conditions.

The application has been assessed by the Sydney Catchment Authority (SCA), Mine Subsidence Board (MSB) and the Roads and Traffic Authority (RTA). There have been numerous negotiations with the applicant which have resulted in the current plans which comply with Council's parking requirements and have less of an impact on existing specialty retail outlets (ie. Main Street) than originally proposed.

It is also appropriate to rectify existing land ownership issues relating to the intersection of Lithgow and Bent Streets, that should have been formalised as part of the original application for the Plaza being DA 63/79, approved 26 November 1979.

COMMENTARY

Proposal

Council is in receipt of DA 072/07 from PHG Environmental Planning on behalf of Sala Pty Ltd for the demolition, excavations, alterations and additions (including car-parking and access) to the existing "Lithgow Valley Plaza" shopping centre. The development application was lodged in October 2007 and there have been a number of reviews of the design, with the application being amended more than once before the applicant settled on this proposal.

The existing Centre has a gross floor area (GFA) of 14,660m² [12,120m² gross leasable floor area (GLFA)]. An additional 4,055m² GLFA of retail floor-space is to be provided.

Proposed Works

Provision of increased floor-space within the Centre to accommodate a new supermarket, modified internal layout with new retail and additional speciality retail shops, and improved amenities. The two primary expansion areas are the central section along the eastern boundary, and a new southern wing.

Reconfiguration and additional on-site parking, including internal circulation to improve efficiency.

Improved bus and taxi parking arrangements.

New "Entry Statement" on the Lithgow Street frontage.

Provision of a formalised "on-grade" pedestrian access path connecting the southern entry of the Centre to Valley Drive and adjoining "Aldi" site.

Improved built form and urban design outcomes through architectural features, screening devices and landscape treatments.

The north-eastern (Bent Street) entry to the Centre will be redesigned, with an improved taxi and bus stop area.

The southern facade and entry to the Centre is to be demolished and the building extended into the car-park.

Excavation, Demolition and associated Works

- Excavation and Bulk Earthworks involving excavation of sections of the eastern (rear) embankment the southern section of the south-eastern boundary which adjoins the "ALDI" supermarket.
- Demolition of north-western entry, eastern "back of house" area, and southern entrance areas to allow for the additions.
- Demolition of internal walls and structures as necessary.

When completed, the expanded Centre will have a total of 19,410m² GFA (16,175m² GLFA), retail floor space and on-site parking for six hundred and ninety-five (695) vehicles.

Location

The site is known as Lot 9 DP 1005128, being on the corner of Bent and Lithgow Streets, Lithgow. The site retains the existing Valley Plaza Shopping Centre and ancillary parking facilities. The site is within the Heritage Conservation Area for the Pottery Estate, however this proposal will not extend into the conservation area.

Zoning

Business 3 under Local Environmental Plan 1994.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council's records indicate that the slip lane which joins Bent Street and Lithgow Street currently traverses the private land of Sala Pty Ltd rather than being wholly owned by Council. A search of Council's files showed that the intersection was reconfigured as part of the original Development Application for the Plaza being DA 63/79, approved 26 November 1979. The original plans show a proposed boundary change onto the correct alignment and the intersection works which were to be constructed at full cost to the developer.

Accordingly, it is deemed appropriate to require the applicant to realign the property as originally approved, at no cost to Council.

Traffic has increased at the Lithgow Street and Kirkland Link intersection as a result of increased development in the vicinity such as the Mines Rescue expansion, Aldi and the Pottery Plaza. In this respect a round-a-bout is being investigated by Council in consultation with the RTA and their Traffic Engineer as a method of improving traffic safety.

This development has the potential to further increase the amount of traffic using this intersection as there will be additional delivery vehicles exiting onto Valley Drive as a result the proposed extensions. Also, it is proposed to turn the current Exit Only on Valley Drive into an Entry/Exit, which will increase the amount of vehicles turning into Valley Drive.

Accordingly, it is deemed appropriate that the applicant enter into a Planning Agreement to contribute towards the cost of the round-a-bout as did other developments in the vicinity. The applicant has indicated that they would be willing to enter into negotiations regarding a Planning Agreement, accordingly it is considered appropriate that if the application is approved, a condition be imposed requiring the particulars of the Planning Agreement be finalised, which will require further reporting to Council at that time.

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. Planning Assessment under Section 79(c) of the Environmental Planning and Assessment Act 1979.
2. Current plans of the proposal.

RECOMMENDATION

a). **THAT** Council note the report on 072/07DA proposed Lithgow Valley Plaza extensions, Part Lot 9 DP 1005128, Bent Street, Lithgow and the application 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.
2. All development to be constructed in accordance with Lithgow City Council's "Subdivision and Development Code" adopted by Council 28 September 1992, Minute No. 1439.

Building Code of Australia Compliance

3. The existing building is to be brought into total conformity with the current provisions of Section C (Fire resistance), Section D (Access & Egress) and Section E (Services & Equipment) of the BCA2008. In particular the following matters are to be addressed:
 - a) The gross floor area of the altered building will exceed the maximum permissible floor area of 18000 m² as provided under C2.2 of BCA2008. The building must have elements which will, to the degree necessary, maintain structural stability during a fire in accordance with CP1 of BCA2008. An alternative solution is to be developed in support of this proposal. A report prepared by a practising fire safety engineer is to be furnished to and approved by NSWFB prior to the issue of any Construction Certificate.
 - b) The existing pedestrian / wheelchair ramp located adjacent to the Lithgow Street alignment shall be retained or an equivalent pedestrian link is to be provided from a street alignment to the building via the principal front entrance. A safe accessible pathway complying with AS 1428.1 shall be provided and shall adequately address potential vehicle conflict.
 - c) An additional 3 carspaces are to be provided for persons with disabilities in accordance with D3.6 of BCA2008.
 - d) Tactile indicators are to be provided throughout the existing carpark and internal vehicle ways in accordance with D3.8 of BCA2008.
 - e) The existing system of smoke hazard management is to be upgraded to comply with Table E2.2b of BCA2008. Full details prepared by a mechanical engineer are to be submitted to and approved by Council prior to the issue of a Construction Certificate.

- f) This may require the redesign of the building to provide for smaller fire compartments not exceeding 3500m² (where the existing sprinkler system is proposed to satisfy smoke hazard management provisions). Where sprinkler protection does not satisfy these provisions either an automatic smoke exhaust system complying with Specification E2.2b or automatic smoke-and-heat vents complying with Specification E2.2c are to be provided. Full details of the proposed system of smoke hazard management are to be lodged with the Construction Certificate.
 - g) Alternatively a fire engineered building solution complying with the performance provisions of EP2.2 of BCA2008 prepared by a qualified practising fire safety engineer is to be developed for the approval of NSWFB prior to the issue of a Construction Certificate.
 - h) A suitable emergency evacuation plan is to be developed and implemented in accordance with the relevant Australian Standard in respect to the building both during construction stage and prior to occupation of the new building part(s). Specific details are to be furnished to and approved by Council prior to commencement of works.
 - i) The proposal is to demonstrate that the minimum Grade water supply required under both AS 2118.1 (sprinkler system) & AS 2419.1 (hydrants) is available. A report prepared by a qualified practising hydraulic engineer is to be furnished to and approved by Council in support of this infrastructure prior to the issue of a Construction Certificate.
 - j) The existing fire control room is to be upgraded where necessary to comply with E1.8 of BCA2008. Full details are to be lodged with the Construction Certificate application.
- 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. Specific details demonstrating compliance with required fire safety upgrading works are to be lodged with the Construction Certificate application.
 - 6. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
 - 7. 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

8. 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.
9. Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.
10. 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."
11. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
18. 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.
19. 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. structural steelwork;
 - c. retaining walls;
 - d. pier and beam footings;
 - e. footings;
20. That a report from an approved practising Structural Engineer is submitted with the structural details indicating that the foundation material is capable of supporting the proposed loads.
21. Certification by a practising Structural Engineer, stating that the structure is designed to withstand a ground snow loading of 1 kPa, being provided before the commencement of any work.
22. Civil construction plans shall be submitted with application for review, before approval of any road works associated with the development, prior to the issue of a construction certificate.
23. 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.
24. The Developer will be required to convene an on-site meeting prior to and on completion of civil engineering construction works, incorporating the successful contractor. Council's Development Engineer, and Environmental Planner prior to the commencement of engineering construction.
25. 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) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) External drainage installed by a licensed plumber and prior to covering.
- h) Wet area flashing prior to tiling or covering.
- i) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- j) 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.

26. 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.
27. That an application for Water Connection be submitted to Council's Engineering Division by the licensed Plumber and Drainer prior to any plumbing and drainage work commencing on the premises.
28. The building or any part of the building which is the subject of a development consent and construction certificate must not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
29. 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.
30. Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
 - (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
 - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

The essential fire and other safety measures applicable to this building are listed in the attached Fire Safety Schedule:

Sydney Catchment Authority Conditions

Stormwater Management

31. All stormwater treatment and management measures and associated drainage works, as specified in the Water Quality Report (dated July 2008), Stormwater Management Plan and General Arrangement Plan for Water Quality Units (dated January 2001) all prepared by Henry & Hymas Consulting Engineers Pty Ltd, are to be implemented in particular as elaborated or varied in the conditions below. Any revision to this stormwater management system is to be agreed to by the Sydney Catchment Authority;
32. Rainwater tanks with a minimum total capacity of 40,000 litres above any mains top-up are to be installed for the collection of rainwater from the roof of the new buildings. The roof drainage is to be constructed in a manner that ensures all rainwater is directed to rainwater tanks with overflow to be directed to the site drainage system;
33. The rainwater tanks are as a minimum to be plumbed to toilets and other areas for non-potable use;
34. Water conservation devices that are at least AAA-rated are to be installed in the new buildings to minimise the volume of wastewater produced;
35. All stormwater runoff from car parks and other hard surface areas is to be directed to an oil and silt arrestor (Humeceptor STC 18 or equivalent) via gross pollutant traps (CleansALL 375 & 600 or equivalent) as shown in the General Arrangement Plan for Water Quality Units (Drawing No. 07453-SK01; Issue A; dated 25 January 2008) prepared by Henry & Hymas Consulting Engineers Pty Ltd. The discharge from the oil and silt arrestor is to be directed to Council's stormwater drainage system near Lithgow Street;
36. All stormwater management structures, including oil and silt arrestor and gross pollutant traps, are to be regularly inspected, cleaned and maintained in accordance with manufacturer's specifications, A simple Operational Environmental Management Plan indicating responsibilities for the inspection, cleaning and maintenance these stormwater structures is to be prepared and provided to the Sydney Catchment Authority;

Construction Activities

37. A Soil & Water Management Plan (SWMP) is required for all site works proposed as part of the development. The SWMP is to be prepared by a person with knowledge and experience in the preparation of such plans and is to meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book". The SWMP is to be to the satisfaction of Council;
38. Effective erosion and sediment controls are to be installed prior to any construction activity. The controls must be prevent sediment entering the Council's stormwater drainage system and are to be regularly maintained and retained until works have been completed and groundcover established;

Mine Subsidence Board Conditions

39. The final drawings to be submitted prior to commencement of construction, contain a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the geotechnical conditions on the site.
40. Removal of any risk of mine subsidence by a suitable means, such as grouting. Alternatively, satisfy the Board by conforming through geotechnical investigations that the workings are long term stable and there is no risk of mine subsidence affecting the site.
41. The geotechnical investigation must include a sufficient number of boreholes to the floor of the seam and numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development given the mine workings. The investigation is to contain confirmation of the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as providing details of the pillar dimensions used in any analysis. ISG co-ordinates and the measured deviation from vertical are required for any boreholes. The report must be to the satisfaction of the Mine Subsidence Board.

Roads and Traffic Authority Conditions

42. Kerb ramps are to be provided at the existing school crossing in Bent Street, and be constructed in accordance with current RTA Technical Directions,
43. Two-way traffic flows should be separated at the property boundary at each two-way access through installation of a median and appropriate signage.
44. Linemarking of Lithgow Street is currently in poor condition and requires reinstating to RTA specification, including chevron infill.
45. Sight envelopes must be maintained along the travel aisles, particularly at intersections, around building corners, and at areas of high pedestrian use.
46. Lighting of the parking and pedestrian areas is to be in accordance with AS 1158, and not be a nuisance to adjoining properties.
47. All activities including loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.
48. Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development or when entering and leaving the development.
49. All traffic signage is to be in accordance with ASI742 and AS 1743.
50. The design and content of signage is to be in accordance with the 'State Environmental Planning Policy No 64 - Advertising and Signage'.
51. Advertising signage is not to replicate any regulatory signage or give direction to traffic. The signage is not to flash, move or be objectionably glaring or luminous (not to exceed 800cd/m²). Any signage is not to be within or overhang the road reserve and is not to form a traffic hazard itself. The advertising signage must not be a distraction to drivers in respect to dynamic displays, inappropriate advertising or excessive numbers of advertising signs.
52. Despite any development conditions, the installation or removal of any regulatory signage will require submission to and recommendation by the Local Traffic Committee.
53. All works associated with the development are to be at no cost to the RTA.

Landscaping

54. The applicant is to submit a final Landscape Plan which reflects the final approved layout of the parking and access areas for approval and implementation prior to the issue of an Occupation Certificate. All cultivars used should be frost tolerant and a maintenance plan should be implemented to ensure that any failures are replaced. All trees except shrubs must be a minimum of 3m height at planting. Suitable landscaping such as low bushes and shrubs shall be adopted to allow safe lines where required. That any trees proposed for landscaping are regularly maintained, with branches below “person height” being removed to ensure there is no conflict with visibility.

Traffic and Access

55. The applicant shall submit a detailed maintenance plan for the carpark and external areas of the Lithgow Valley Plaza Shopping Centre which shall detail the upgrading and /or replacement schedule of landscaping, traffic facilities and markings, pavement, lighting, furniture and safety features to be maintained to the relevant Australian Standards. The maintenance plan shall also detail the inspection schedule and check lists for the ongoing care and maintenance of the site.
56. The applicant shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development which shall detail how construction and alterations shall be carried out whilst taking into account the movements of patrons, their vehicles and delivery vehicles. The Construction Management Plan shall detail measures taken to ensure the safety of people and vehicles, the movement of construction vehicles and contingencies for emergency situations. The CTMP shall be submitted for approval and approved by the Group Manager Regional Services prior to the start of any work on site.
57. The carpark and vehicular traffic areas shall be repaired and sealed with a minimum 40mm of ac10 bitumen. Prior to sealing the area to be sealed shall be inspected by Councils Development Engineer to ensure that repairs have been made and the surface is suitable for the laying of the bitumen.
58. The applicant shall submit a detailed plan of the signage and line marking of the vehicular and pedestrian area of the carpark areas to Council for approval prior to the commencement of work. The plan shall be compiled by a qualified Traffic Engineer and be to Australian Standards or better.

Noise

59. The applicant is to ensure that the noise intrusiveness of the continuously operating equipment in the development is 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. The applicant to undertake acoustical investigations to verify compliance for operational noise prior to the issue of an Occupation Certificate.

Waste Management

60. A trade waste application and approval is required prior to the installation of any trade waste pre-treatment facilities or the commencement of any works for the facility.
61. An Environmental Management Plan shall be submitted to Council for approval for the removal and management of excavated material. As a minimum it should include:
 - a) How excavated material from the site is to be removed, stored and transferred;
 - b) A detailed sediment and erosion controls plan and wet weather contingencies;
 - c) An assessment of excavated materials in accordance with the *Waste Classification Guideline* (DECC 2008). (Sampling frequency needs to be justified in addition to contaminant type)
 - d) Contingencies in the event contamination is found and methods for identifying contamination in the field.
62. If it is proposed to dispose of excavated material at a Lithgow Council operated facility, confirmation from Council that the waste facility can adequately handle the volume of material will be required prior to removing the material from the site. Fees for disposal may be applicable.
63. All spoil and virgin excavated natural material (VENM) for disposal at the Lithgow Solid Waste Facility is to be certified suitable for Solid Waste Class 1 Classification. All materials are required to be pulverised to less than 80mm prior to disposal at the Lithgow Solid Waste Facility. All materials complying with the above requirements may be disposed of free of charge. However, should the proponent seek to dispose of any materials larger than 80mm at Lithgow Solid Waste Facility, further negotiations regarding fees will be required with Council. Any excavated coal is to be disposed of by alternative arrangement.
64. 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.
65. 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.

Environmental Protection

66. Dust management methods to be employed during construction (such as a water truck) to ensure emissions are maintained within the site boundary and not impacting upon any adjoining property.
67. A Trolley Management Plan is to be submitted and approved by Council prior to occupation. In particular the Plan shall detail measures to be utilised to prevent abandonment of shopping trolleys off-site, e.g. a coin operated shopping trolley return system, managing contractor etc. It is recommended that a coin operated shopping trolley return system be installed at the premises or an alternative method of securing the shopping trolleys to the premises be provided.

Other Conditions

- 68. The developer is required to provide an adequate shelter at the proposed bus stop. Plans of such are to be submitted for approval prior to the commencement of construction.
- 69. That external lighting be provided to all parking areas within the site. This lighting shall be adjusted or hooded to prevent glare nuisance.
- 70. Additional signage details are to be provided prior to the issue of Construction Certificate. Details are to include dimensions and a plan showing the location of proposed signs. Such signage is to comply with the provisions of SEPP 64 and Council's Outdoor Advertising DCP. An assessment in accordance with Schedule 1 of the SEPP is to be submitted with such details.
- 71. The boundary of the property at the Bent and Lithgow Street frontages is to be realigned in accordance with the original plans approved as part of DA 63/79, approved 26 November 1979.
- 72. That the applicant enter into negotiations for a Planning Agreement to contribute towards the cost of the round-a-bout at the intersection of Lithgow Street and Kirkland Link. The particulars of the Planning Agreement are to be finalised prior to the commencement of construction and are to be reported to Council at that time.

73. Fire Safety Schedule

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

Application No: 072/07DA
Proposed Development: Alts & Adds to existing shopping centre
Property Description: Pt Lot 9 DP 1005128, BENT STREET LITHGOW
Issue date: February 2009

Fire safety measure	Performance Standard	Existing measure	Proposed / Required measure
Portable fire extinguishers & fire blanket	E1.6 of BCA2009 & AS 2444 & 1851.1	Yes	Yes
Emergency lighting & illuminated exit signs	E4.2 & E4.5 of BCA2009 & AS 2293.1	Yes	Yes
Fire alarm monitoring	Specification E2.2a & E2.2b of BCA2008 & AS 1670.3	No	Yes
Smoke detection – smoke control systems	Clause 5 Specification E2.2a & Specification E2.2b & AS 1668.1	No	Yes
Lightweight construction	C1.8 of BCA2008 & Manufacturer's	No	Yes

	specification		
Fire doors	C3.5, C3.6, C3.8 & AS 1905.1-2005	Yes	Yes
Hose reels	E1.4 of BCA2008 & AS 2441	No	Yes
Hydrants	E1.3 of BCA2008 & AS 2419.1-2005	Yes	Yes
Emergency Evacuation Control Plan	AS 3745	No	Yes
Sprinkler system	Specification E1.5 of BCA2008 & AS 2118.1-1999	Yes	Yes
Fire seals	C3.9, C3.12, C3.15 & Specification C3.15.	Yes	Yes
Open space and vehicular access	C2.4 of BCA2008	Yes	Yes
NSWFB approved Alternative solution	CP1 of BCA2008	No	Yes
NSWFB approved Alternative Solution	EP2.2 of BCA2008	No	Yes
Fire dampers	Part E2 of BCA2008 & AS 1682	Yes	Yes
Smoke & heat vents	Spec 2.2b of BCA2008 & AS2665-2001	No	Yes
Smoke dampers	AS1668.1- 1998	No	Yes
Automatic closing required exit doors	D2.19 of BCA2008	Yes	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). That Council hold a division in accordance with the requirements of Section 375A(3) of the Local Government Act 1993.

**ITEM:16 REG - 16/02/09 - INTEGRAL ENERGY, COMPULSORY ACQUISITION
 OF LAND**

REPORT FROM: MR STEPHEN DARLINGTON – OPERATIONS MANAGER

REFERENCE

Compulsory acquisition of a 3.5 metre strip of land at Old Great Western Highway, Meadow Flat, adjacent to Lot 2, DP 632190, a road reserve under the control of Council.

SUMMARY

Lithgow Council has been approached by Integral to agree to the compulsory acquisition of a 3.5 metre strip of road reserve (285.145m²) under the control of Council, adjacent to Lot 2, DP 632190, for the purpose of the upgrade of the electricity substation placed on Lot 2, DP 632190. The acquisition of this land will have no impact on the vehicles using the road reserve or their safety.

COMMENTARY

Council has been approached by Integral to agree to the compulsory acquisition of a 3.5 metre strip of land (285.145m²) in Councils road reserve adjacent to Lot 2, DP 632190, known as the old Great Western Highway, Meadow Flat. It has been confirmed by Chris Hall of the Roads and Traffic Authority, Property Division that the road reserve is in control of Council. After the acquisition of the subject land, there will still be a 5.5 metre gap from the sealed section of road to the new sub-station fencing. The road is currently used for the access to the "KAROO" property and is an alternate access from the highway to Curly Dick Road.

The acquisition of this land will have no affect on the use of the road, the safety of road users or the ability of Council to maintain the road. All legal details and costs will be dealt with by Integral.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

A suitable price may be negotiated for the acquisition of the land.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Plan of land in question
2. A photo showing the land in question, marked by the orange witches hats, from the east.
3. A photo showing the land in question, marked by the orange witches hats, from the west.

RECOMMENDATION

THAT:

1. Council enter into negotiations with Integral Energy for the compulsory acquisition of a 3.5metre strip of road reserve, adjacent to Lot 2, DP632190.
2. The common seal of Council be affixed to the relevant documentation.

ITEM:17 REG - 16/02/09 - LITHGOW SWIMMING POOL

REPORT BY: OPERATIONS MANAGER – S. DARLINGTON

SUMMARY

This report provides details of the Coroner's recommendations into a fatal incident at the Glenbrook Swimming Centre and its likely impact on operations at the Lithgow Swimming pool.

COMMENTARY

The following is a summary of the Coroners findings and recommendations following the drowning death of a child at the Glenbrook Swimming Centre.

"The childs death by drowning on a supervised school outing was a tragic but avoidable death. The evidence at this inquest would suggest that the contributing factors to her death were;

- *A failure by the Cambridge Park Primary School to identify that the child was a non-swimmer.*
- *A failure by the Cambridge Park Primary School to comply with their own guidelines as set out in the "Risk Management Form – Swimming Water Safety – Glenbrook Pool" and in particular to the requirement that states, and I quote, "adequate supervision depends on reasonable assessment of student swimming ability close to commencement of activity"*
- *A failure, perhaps due to a breakdown in communication, for an appropriate risk assessment being conducted in regard to the use and impact of the inflatable device.*
- *A failure by the Glenbrook Swimming Pool to comply with their own guidelines in regard to providing a lifeguard dedicated to supervising the use of the inflatable device.*

RECOMMENDATIONS.

I do propose to make formal recommendations pursuant to Section 22A of the Coroners Act 1980 in regard to two specific issues. They being that a standardised system of identifying swimmers and non swimmers be introduced by the use of coloured wrist bands for students who are participating in fun days or unstructured pool activities. The second recommendation is that the Royal Life Saving Society of Australia and the NSW Department of Education & Training should adopt the policy of the Blue Mountains City Council and ensure that a ratio of 1 lifeguard to 50 students is applied for all unstructured pool activities by primary school children.

I have considered a further recommendation as discussed during submissions. That recommendation was along the lines of requiring the School to maintain some form of data base in which vital information that may impact on teachers responsibility to provide a duty of care be recorded. I accept from the submissions made by Mr Shume that such a recommendation may create a number of administrative and resource issues and I am not prepared to make a formal recommendation as the Department of Education & Training may not have had the opportunity to consider and appropriately respond to that suggestion.

I am prepared, however, to forward a copy of the brief of evidence and transcripts in this Inquest to the NSW Minister responsible for the Department of Education & Training. In so doing I will suggest to the Minister that it would not be unreasonable in this day and age and with the technology available, the Schools to have an appropriate data base and software that can identify children with allergies, etc, and more importantly, as in this case, the ability to swim. Such a database could record the child's known swimming ability (from information or assessment provided by teachers) or record that the child has successfully completed a certain level of swimming ability or certification. I accept this will cost time and money, but no money or time can be compared to the life of a young child."

Since the release of recommendations by the Coroner in relation to the Glenbrook incident the Royal Life Saving Society has met with the Department of Education and Training (DET) on three occasions. The purpose of these meetings has primarily focused on developing appropriate strategies to avoid such an incident occurring in the future. The strategies currently under consideration are multi-faceted and include issues relevant to venue safety, competencies of children attending aquatic activity, teacher surveillance and aquatic scanning proficiencies and strengthening of policies and guidelines.

Whilst this information is being prepared the RLSS has advised that the following should be considered to ensure ongoing aquatic activity:

1. Hiring Agreement in place
2. Lifeguard ratios

Hire Agreement: Those who hire a facility, or part thereof, should receive from the management a letter of agreement or contract which clearly establishes the responsibility of the management and the hirer. This letter should be countersigned by the hirer to indicate that the terms and conditions have been accepted.

The letter of agreement should clearly establish:

- Information regarding the likely number of persons using the facility, and if appropriate their skills
- The name of the hirer's representative who will be personally present and in charge of the group
- The age of the hiring group
- The number of lifeguards to be present during the session
- Respective responsibilities of the facility management and the hirer in an emergency. A distinction should be drawn between generated emergencies and facility emergencies (e.g. structural problems)
- Who is responsible for insuring the activity
- Any local laws which may be enforced
- Rules of behavior to be followed, if different to the normal rules
- Any specific advice to be given to users
- Responsibility for the provision of First Aid services
- Access to First Aid equipment or otherwise.

The hiring group should be provided with a copy of the emergency action plan and procedures and should be requested to sign to the effect these have been read and understood.

Lifeguard Ratios: Royal Life Saving is seeking clarification from the coroner on the recommendation of changing lifeguard ratios from 1:100 to 1:50. This issue could have significant implications for facility operators across the country. Upon receiving further information Royal Life Saving will undertake consultations with the aquatic industry to address the issue. In the meantime facility operators should continue to observe and implement best practice guidelines addressed within the Department of Local Government Practice Note No. 15 (water safety) and the Royal Life Saving Guidelines for Safe Pool Operation.

Over the coming weeks the Royal Life Saving Society will be undertaking a campaign titled: Partners in Water Safety. This initiative will promote to schools and the community facilities that meet safety guidelines as specified in the Guidelines for Safe Pool Operation. The idea is to generate confidence and ensure patronage levels are maintained at aquatic facilities across NSW.

It is recommended that Council review its hiring policy for the Lithgow Swimming Pool to incorporate a letter of agreement and that Council continues to adopt the Local Government Practice Note No 15 in relation to lifeguard ratios until further notice.

POLICY IMPLICATIONS

Council will need to review its hiring policy for the Lithgow Swimming Pool.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council review its hiring policy for the Lithgow Swimming Pool to incorporate a letter of agreement and that Council continues to adopt the Local Government Practice Note No 15 in relation to lifeguard ratios until further notice.

**ITEM:18 REG - 16/02/09 - ROAD NAMING - ENTRANCE FOR CLARENCE
COLLIERY AND HANSON QUARRY 2KM EAST OF ZIG ZAG
RAILWAY OFF CHIFLEY ROAD**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To advise Council on a proposal to name the two hundred of road known as the entrance to Clarence Colliery and Hanson's Quarry, 1km east of Zig Zag Railway Station off Chifley Road.

COMMENTARY

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 'Clarence Colliery Road'. This name was chosen by the applicants Hanson Construction Materials and Centennial Coal. The name simply relates to the road that leads to Clarence Colliery. The road naming only relates to the two hundred metres of the road that Council controls.

The road has 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 also advised authorities of the expressions of interest including the Geographical names Board.

In this time no submissions were received.

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 road.

RECOMMENDATION

THAT the road name 'Clarence Colliery Road' suggested by the applicant be adopted as the road name for the Clarence Colliery and Hanson Quarry entrance and that Council advise the Emergency Services and Government Gazette of this road name.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:19 COMM - 16/02/09 - HERITAGE REVIEW 2008 - DISCUSSION PAPER CONSERVATION AREAS

REPORT FROM: STRATEGIC LAND USE PLANNER – SHERILYN HANRAHAN

REFERENCE

Nil

SUMMARY

The purpose of this report is:

- to inform Council of the work that has been undertaken to review and progress the 2000 Heritage Study towards implementation
- to determine Council's policy direction in relation to items proposed for Local Environmental Plan (LEP) listing where there may be an unresolved landowner objection
- to obtain approval in principle to the inclusion of conservation areas as an additional tool to manage heritage within the new LEP
- to obtain a Council resolution to progress the recommendations of the 2000 Heritage Study through the Draft Land Use Strategy and LEP process.

COMMENTARY

HERITAGE REVIEW

Council has engaged the services of a professional heritage advisor, Christo Aitken, to assist with the review of the 1996/2000 heritage study and to assist with the heritage component of the Land Use Strategy and new LEP.

As part of this process the heritage advisor has prepared a discussion paper that presents the following:

- An overview of the broader heritage values
- A review of the different aspects of heritage
- A brief statutory overview
- A summary of the findings of the 2000 City of Lithgow Heritage Study
- A discussion of the issues for consideration
- The proposed heritage places
- The suggested conservation areas and
- A summary of recommendations.

A full copy of the discussion paper is attached to the Councillor business papers for further reference.

The Heritage review undertaken focused on drawing together all partially completed work that has been undertaken to date towards finalising the list of heritage items to be included in the Environmental Heritage schedule of the new LEP.

The results of the review can be summarised as follows:

- All 97 items from the existing Lithgow LEP 1994 will remain listed.
- The review retained the listing categories of *Archaeological* and *Built* and added a natural category to particularly allow for the inclusion of National Parks in the region.
- The review also added a principle category of *Heritage Precincts, Landscapes and Conservation Areas* to allow for the inclusion of cultural landscapes and urban conservation areas.
- The 2000 Heritage Study recommended some 420 items for listing within the LEP.
- The review found that some of these items were incomplete in terms of the information available to list within the LEP and some items listed as groups needed separating for individual listing. Those items with incomplete information will be placed on a deferred list that will be systematically worked through based on the assessed level of significance of such items for listing. Presently there are 95 items included in this deferred list. In this way those items of higher significance will be further researched and completed with a view to move these items into the final LEP Schedule. The remaining items will be held over until a subsequent review of the LEP is undertaken.
- The review also identified items from the former Evans and Rylstone planning instruments and heritage studies and included these items where necessary. Again those with insufficient information have been placed on the deferred list and will be progressed as above.
- The review considered the Lithgow Main Street Study and considered it necessary only to include a few heritage items of particularly high significance and to capture further properties that are considered as “contributory” within a proposed conservation area as discussed below. Should Council not proceed with a conservation area over Lithgow Main Street the review recommends that the number of individual items proposed for listing along the entire length of Main Street be increased.
- The review also recommends that Council establish a “Heritage Committee” to advise generally on heritage matters and policy. The majority of Council’s now have a heritage committee in some form.

The completed lists of heritage items proposed to be listed and those on the deferred list are expected to be available for the consultation of the Draft Land Use Strategy, scheduled for September this year.

CONSERVATION AREAS

What is a Conservation Area?

The following is a direct extract from the discussion paper:

“A heritage conservation area is more than a collection of individual heritage items. It is an area in which the historical origins and relationships between the various elements create a sense of place that is worth keeping.

In determining conservation areas it is important to distinguish between the need to conserve heritage places and the desire to protect areas of environmental amenity.

It is natural for communities to want to retain attractive tree-lined streets by many may not possess heritage qualities, therefore the heritage conservation arguments need to be clearly articulated. On the other hand communities may reject or ignore historically significant industrial areas because they are aesthetically unattractive. Establishing heritage significance is important.

There are many aspects that contribute to the significance of conservation areas. These include natural and built elements and usually do not just consist of group of buildings. In order to conserve an area as a whole, its visual setting and character needs to be maintained. In urban and rural areas the issues are similar although the relationship of the edges of villages to the surrounding landscapes is often important to its historic significance.

Aspects that could be considered include:

- Village or town settings and relationships
- Street patterns and allotment layouts
- Public spaces and landscaping
- Views and vistas
- Signage and street furniture
- Outbuildings, garages and carports
- Fences and gates.

The conservation objective should be to maintain the heritage area’s distinctive identity and “sense of place”. The fact that some places or buildings within a Conservation Area may have little or no heritage value in themselves, does not diminish the value of the area as a whole. It is common practice to list the entire area and sometimes to specify a hierarchy of importance within the area such as buildings that are highly significant, contributory, non-contributory and perhaps intrusive. This enables appropriate new development to proceed within the Conservation area with an understanding of intended character.”(Christo Aitken)

Advantages and Disadvantages of Conservation Areas

The following table represents the broad advantages and disadvantages (identified by Council’s Heritage Advisor) of introducing conservation areas as a tool to manage heritage:

ADVANTAGES	DISADVANTAGES
The ability to protect the rare character of entire historic streetscapes which is not possible through individual listing of buildings.	The potential for an increased number of Development Applications (DA) putting pressure on Council’s resources unless a structured Development Control Plan (DCP) is prepared together with an appropriate set of Complying and Exempt development categories for minor or no-significant works.

<p>The indirect retention of contributory buildings where individual heritage listing would not be practicable. Therefore reducing the numbers of individual listings necessary, easing any community concerns and reducing DA logistics for Council.</p>	<p>The need to carry out a study to investigate and detail the values and particular qualities of each conservation area to establish a hierarchy of significant and non-significant places.</p>
<p>The likelihood of wider community support and acceptance of heritage measures aimed at an improved urban environment with resultant group benefits.</p>	
<p>The focus of the listing is with regard to streetscape changes rather than interior changes to buildings. Therefore minimising owners concerns due to Council's need to consider all changes to individual heritage listed items/ buildings.</p>	
<p>The opportunity through appropriate Development Control Plan and other guiding documents to assist appropriate development to ensure that a sense of place is retained, reinforced or recovered in the long-term.</p>	
<p>The ability to reinforce Council's CBD or town improvement programs and provide an appropriate theme and character.</p>	
<p>The opportunity for building and shop owners to work together in positive beautification programs with a clearer appreciation of the significance of their streetscape context.</p>	
<p>Increased visitation and patronage of commercial precincts by visitors and residents with improved economics for towns and villages with recognised unique qualities.</p>	
<p>Increased house values in residential areas of appealing character often leading to new markets being established in run down areas.</p>	
<p>The opportunity for heritage grant funding either for Councils, main street groups or</p>	

individual building owners to support improvement work.	
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It is clear that the advantages of using conservation areas as a planning tool far outweigh the disadvantages.

The Heritage Advisor has identified the following 11 Heritage Precincts/Conservation Areas as **highly significant** for inclusion in the LEP. The exact extent and boundaries of these areas needs to be investigated, researched and clearly documented.

ARCHAEOLOGICAL

Cox's Road – the first across the Blue Mountains to inland Australia.

Wolgan Valley – important industrial history and railway.

Airly township – important industrial history and remnant township.

Newnes and Shale Oil Works – former state of the art complex of mines, retorts and refinery

Glen Davis and Oil Works – an important early 20th C industrial complex designed to produce gasoline.

BUILT

Lithgow Main Street – a rare and intact late 19th Century urban streetscape displaying visual strength, unity and extensiveness of its historic architectural fabric.

Portland Main Street – the town owed its existence to the limestone quarries and cement works and remains as a relatively intact early 20th Century company town

Wallerawang Main Street and Railway precinct.

NATURAL

Greater Blue Mountains National Park – a World Heritage Area.

Gardens of Stone National Park – an ancient landscape of majestic cliffs and rock formations including a number of related Aboriginal sites.

Wollemi National Park – an important wilderness area related to the Blue Mountains.

Blue Mountains Walking Tracks – a system of late 19th Century and early 20th Century walking tracks related to early roads into inland Australia and set within the dramatic escarpments of the Blue Mountains.

Due to the timeframes for the LEP preparation and consultation it is considered that these are the only areas that may be able to be researched sufficiently for inclusion in the new LEP at this time.

The following areas were also identified as areas to be considered in subsequent reviews of the LEP as potential conservation areas.

The review suggested further investigation of 6 Heritage Precincts / Conservation Areas as **potentially significant**. This would allow time for further work to be undertaken to establish significance, boundaries and more fully document the heritage attributes of these areas. These areas are:

ARCHAEOLOGICAL and BUILT

Eskbank Colliery and Estate.
Glen Davis and oil works.
Lithgow Valley Colliery and Pottery Estate.
Hartley Vale village and oil works.
Oakey Park Colliery and worker's cottages
Small Arms Factory and Estate.

The review suggested further investigation of 9 Heritage Precincts / Conservation Areas as **other possible groups**. This would allow time for further work to be undertaken to establish significance, boundaries and more fully document the heritage attributes of these areas. These areas are:

ARCHAEOLOGICAL and BUILT

Lithgow Blast Furnace Site.
Newvale Colliery.
State Mine Heritage Park.
Lithgow Oil Works.
Vale of Clwydd Brickworks.
Lithgow Showground.
Rydal Village and Showground.
Tarana Village and Showground.
Pise houses.

Note: Individual items with the areas identified as potentially significant and other possible areas will still be listed as heritage items in the new LEP, pending review as conservation areas.

Having regard to the above, approval in principle is sought to further investigate conservation areas as a planning tool to manage heritage and to further explore this with both the community and Council through the Draft Land Use Issues paper and Draft Land Use Strategy process.

POLICY DIRECTION FOR UNRESOLVED LANDOWNER OBJECTIONS

The review found that there is a need to establish Council's policy position in relation to the listing of identified heritage items where there may be a landowner objection to that listing.

In 2001 landowners who expressed an objection to their property being listed were advised that it would be recommended to Council that the property not be listed.

This was repeated in 2006 where landowners were advised that it was not Council's intention to proceed with listing properties against the wishes of the landowner.

The listing of properties of heritage significance should not be solely dependent upon the view of the existing landowner. Whilst Council should make every effort to consider the views of the landowner and resolve any concerns where possible, Council has a responsibility to consider the wider public interest and benefit.

It is anticipated that upon further consultation that there will only be a very small number of unresolved landowner objections.

In this regard it is considered that Council should adopt the following policy position:

A decision to list a property as a heritage item within Council's Local Environmental Plan will be made having due regard to its assessed level of significance and the public interest, notwithstanding any landowner objection.

IMPLEMENTATION OF THE 2000 HERITAGE STUDY THROUGH CURRENT LAND USE STRATEGY AND LEP PROCESS.

In June 2004 Council resolved to prepare an amending local environmental plan to implement the listing recommendations of the 2000 Heritage Study.

Since that date, Council has commenced work on the comprehensive review of its planning instruments. As heritage management is an integral component of land use planning the process of listing heritage items and the full implementation of the 2000 Heritage Study has been incorporated into this process.

This will allow environmental heritage to be considered within a more strategic framework in the context of the extended planning horizon of the Land Use Strategy.

The community will be consulted on three separate occasions throughout this process. The consultation program will identify and involve key stakeholders in relation to heritage and an opportunity will be afforded for heritage focus group meetings.

OTHER MATTERS

The Discussion Paper raised a number of other matters in relation to heritage management such as the establishment of a heritage committee and other planning tools such as development control plans that will be given further consideration through the strategic process of the Draft Land Use Issues Paper and Draft Land Use Strategy.

POLICY IMPLICATIONS

This report does not have any implications for any adopted Council Policy.

This report asks Council to state a policy position in relation to the listing of heritage items where there may be an unresolved landowner objection.

FINANCIAL IMPLICATIONS

The engagement of the Heritage Consultant/Advisor is funded from the 2008/2009 allocation for the LEP project.

Should Council resolve to further investigate the introduction of conservation areas as a planning tool to manage heritage, it is estimated that additional funds (\$20,000) would be required to be allocated through the 2009/2010 Management Plan process.

LEGAL IMPLICATIONS

Nil arising from this report.

ATTACHMENTS

1. Lithgow City Council Heritage Review 2008 – Discussion Paper prepared by Christo Aitken & Associates.

RECOMMENDATION

THAT Council:

1. Notes the results of the heritage review undertaken by Christo Aitken and Council staff.
2. Adopts the following policy position in relation to the listing of identified heritage items:

A decision to list a property as a heritage item within Council's Local Environmental Plan will be made having due regard to its assessed level of significance and the public interest, notwithstanding any landowner objection.

3. (a) Supports, in principle, the inclusion of conservation areas as an additional tool to manage heritage within the new Local Environmental Plan.

(b) Investigates areas to be considered as conservation areas commence with those identified as highly significant within this report and progressed as time and resources permit.
4. Progresses the recommendations of the 2000 Heritage Study through the Draft Land Use Strategy and Local Environmental Plan process and notify the Department of Planning that it will not be proceeding with the preparation of Draft Local Environmental Plan Amendment 10.

**ITEM:20 COMM - 16/02/09 - INQUIRY INTO THE NSW PLANNING
FRAMEWORK**

REPORT FROM: STRATEGIC LAND USE PLANNER – SHERILYN HANRAHAN

REFERENCE

Nil

SUMMARY

The purpose of this report is to seek endorsement of a submission to the Legislative Council Standing Committee on State Development in relation to an Inquiry into the NSW Planning Framework.

COMMENTARY

BACKGROUND

Council has been invited to make a submission to the Inquiry into the NSW Planning Framework being undertaken by the Standing Committee on State Development.

The Terms of Reference for the Committee are as follows:

- (a) the need, if any, for further development of the NSW planning legislation over the next five years, and the principles that should guide such development;
- (b) the implications of the Council of Australian Governments (COAG) reform agenda for planning in NSW;
- (c) duplication of the processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and NSW planning, environmental and heritage legislation;
- (d) climate change and natural resource issues in planning and development controls,
- (e) appropriateness of considering competition policy issues in land use planning and development approval processes in NSW;
- (f) regulation of land use on or adjacent to airports;
- (g) inter-relationship of planning and building controls; and
- (h) implications of the planning system on housing affordability.

COMMENT

The need, if any, for further development of the NSW planning legislation over the next five years, and the principles that should guide such development and inter-relationship of planning and building controls.

- The Environmental Planning and Assessment Act, 1979 is now thirty years into its life and is well overdue for a full overhaul. Numerous ad hoc amendments particularly since 1997 have in many ways made the system worse through even more complex development assessment processes than those that were replaced and providing for plan making based on a “city centric” mentality.
- The system is focused on process and not outcomes. The system is frustrating to all stakeholders alike and has inadvertently become less transparent and provides a lower level of certainty.

- Local Government is best placed to determine planning policy for its area. The underlying principle of a greater focus on strategic planning and bringing development provisions upfront into higher order plans (Local Environmental Plan-LEP) is supported. However in many regional local government areas such as Lithgow, the planning reforms are a significant shift of focus and may not deliver the desired outcomes within the short term (first LEP under the Standard Instrument). In this regard the premature introduction of state wide mandatory codes for exempt and complying development are of concern and may substantially change the amenity and character of local neighbourhoods. Planning reform must be able to reflect the values of local communities.
- Any new legislation should look to providing more weight to local land use strategies within the planning framework over and above the LEP provisions as well as strengthening the role of local Development Control Plans.
- LCC currently has an average approval turnaround of only 16 days. The continued erosion of local planning control and removal of a working merit based assessment process is therefore not warranted. Instead of developing mandatory codes to be implemented state wide they could be developed into a toolkit for assessment without removing the opportunity for community participation in the planning process. The current complex system has undermined the take up of complying development within our area.
- The erosion of local government planning powers is of concern, such as the ongoing moves by the State government to relieve councils of their planning powers through Part 3A of the EPA Act, the extension of the private certification system, and the current push by the government for council building assessment staff to be accredited similar to private certifiers to fund the Building Professionals Board (BPB). The accreditation of council officers may result in Council being unable to provide a building approval and inspection service to its ratepayers because of the onerous qualification requirements being suggested by the BPB for staff having many years experience providing this service.
- The standard of services provided by private certifiers is currently of concern and is for the most part unchecked.
- The proposed establishment of the Planning Assessment Commission (PAC), Joint Regional Planning Panels (JRPP) and Independent Hearing and Assessment Panels (IHAPS) will further erode planning powers from local government and deliver less transparent decision making.
- The barrage of planning reforms and legislative changes and the absence of planned rollout of these in recent times has represented a significant resource strain on local governments, particularly the smaller regional areas and has created undue confusion and conflict for all stakeholders. Any further reforms or legislative change needs to be co-ordinated to reduce these problems.

The implications of the Council of Australian Governments (COAG) reform agenda for planning in NSW

- Rewriting of the EP&A Act could allow for a more thorough incorporation of the Development Assessment Forum (DAF) Leading Practice Model of Development Assessment that supports planning at the local level.

- The principle of e-planning is supported, but the lack of capacity within smaller councils to deliver e-planning needs to be taken into consideration. In areas such as Lithgow resources may be better placed towards developing a more streamlined internal assessment process to deliver time and cost savings to customers.

Duplication of the processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and NSW planning, environmental and heritage legislation

- Duplication of the processes under the Commonwealth Environmental Protection and Biodiversity Act 1999 and NSW planning, environmental and heritage legislation should be removed through a rewriting of the EP & A Act or enabling consent authorities to also consider the Commonwealth Act. The duplicate, sometimes conflicting, processes hinder the proper consideration of these issues.

Climate change and natural resource issues in planning and development controls

- It is certainly now time to ensure that issues such as climate change are addressed within planning controls in keeping with community expectations. The Act needs to be strengthened in terms of Ecological Sustainable Development (ESD) provisions.
- The myriad of controls and consent authorities relating to natural resource issues are often not easy to identify, are confusing and are not easily enforceable at the property level. Therefore a more strategic approach is needed to implement these at the highest level within the planning framework. The current Acts do little to deliver this outcome.

Appropriateness of considering competition policy issues in land use planning and development approval processes in NSW

- The issue of competition policy within land use planning is little understood. The issue of the impacts of new development (particularly retail) upon existing developments is exacerbated in rural and regional areas where economies are to some extent limited by the comparatively smaller catchments, making it a legitimate consideration. Again this relates to ensuring the recognition of local community values within the planning framework.

POLICY IMPLICATIONS

There are no policy implications for any existing Council Policy arising from this report. The submission to the Standing Committee provides comment for consideration only.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

ATTACHMENTS

Nil

RECOMMENDATION

THAT the comments contained in this report be forwarded to the Standing Committee on State Development as the Lithgow City Council's submission into the Inquiry into the NSW Planning Framework.

ITEM:21 COMM - 16/02/09 - REPOSE TO NOTICE OF MOTION REQUEST FOR REPORT ON POUND ACTIVITIES IN 2008

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 06-09: Notice of Motion - 27/01/09 – Councillor M F Ticehurst

COMMENTARY

The following information is provided in response to the Notice of Motion. In the 2007/2008 financial year, Lithgow City Council euthanased 156 dogs while 245 dogs were either released back to their owners, sold, or rehoused through animal welfare agencies. Many of the euthanased dogs were deemed not suitable for rehousing due to their breeding or temperament.

Animals are euthanased by Council's contracted Veterinarian, placed into sealed body bags and transported by Council Rangers to Council's Waste Management Facility. The animals are taken to the back of the Waste Management Facility, away from public view and covered over.

The Companion Animals Act is enforced by Council's Rangers who respond to reports of stray animals, barking dogs, dog attacks and other companion animal complaints. Owners of cats and dogs must ensure that their animals are permanently identified by the age of 12 weeks of age or when sold or given away (whichever comes first) and lifetime registered before the age of 6 months.

Council ensures that all animals released from the pound are microchipped. The Rangers are accredited to perform this task. Other activities are controlled by Council's Standard Working Procedure for the pound.

Fees and charges as adopted in Council's Management Plan for 2008/9 are:

- Daily Maintenance \$12.00 for a weekday and \$18.50 for weekend day.
- Release fee \$35.00
- Microchipping \$42.00.
- Registration fees, set by the Department of Local Government, are non-desexed animals \$150, de-sexed animals \$40, registered breeder \$40 and aged pensioner \$15.

Casual breeders represent a difficulty to Council as the Rangers have limited powers of entry to a residence under the Companion Animals Act. Council does however work closely with the RSPCA where casual breeders may be keeping animals in adverse conditions or there may be cruelty matters.

In the 2007/08 financial year, seven penalty infringement notices were issued for dog attacks. There is only one listed dangerous dog within the local government area as Rangers encourage owners of attacking dogs to surrender these animals to Council rather than have them declared dangerous.

A draft Companion Animals Policy, consistent with the Companion Animals Act 1998 and with good practice in other Council areas, is being developed for Council's consideration in the next two months.

LEGAL IMPLICATIONS

Council has a responsibility to regulate the Companion Animals Act 1998.

RECOMMENDATION

THAT the above information on pound activities in the 2007/08 financial year be received.

**ITEM:22 COMM - 16/02/08 - NOTICE OF MOTION COUNCILLOR TICEHURST -
AFTER HOURS CUSTOMER SERVICE POLICY**

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

08 - 09: Notice of Motion -27/01/09 – Councillor M F Ticehurst

COMMENTARY

Council's Virtual Office receives customer requests and complaints after hours including weekends and during Council Christmas and other public holiday closures.

There is an established procedure for dealing with customer requests and complaints. Urgent matters are referred to the on-call Ranger or appropriate overseer. Non-urgent matters are referred to Council's Customer Service for action on the next working day.

Over the three years that the Virtual Office system has been in place, Council has received few complaints, generally of a minor nature.

There have been times when customers have been given incorrect advice. Over Christmas/New Year 2008 for example, a number of customers wanting to retrieve their dog from the pound were told by Virtual Office that they had to wait until Council reopened on 5th January to retrieve their animal from the pound. Due to the length of the Christmas closure, Council had in fact put in place procedures for animals to be released on invoice during the closure to their owners by the on-call Ranger (no cash is collected at the Pound).

When this error was discovered, customers were not charged from when they first made contact with Virtual Office.

There was also a report that Virtual Office didn't log a call on Christmas Day concerning goats on the Great western Highway near the Hospital, however the police were informed who in turn contacted the Ranger.

All procedures, including contact details, were updated in November 2008 and Virtual Office is informed regularly of any changes in procedure or the appropriate overseer to contact.

A review is being undertaken of these procedures including special arrangements for longer closures over the Christmas and Easter periods, to ensure that Virtual Office is given the most up to date information to provide to Council's customers.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the report be noted on Council's after-hours customer service policy.

ITEM:23 COMM - 16/02/09 - UPDATE ON PROMOTING BETTER PRACTICE REVIEW

REPORT BY: GROUP MANAGER- COMMUNITY AND CULTURE – SUZANNE LOLLBACK

REFERENCE

Min 07-286: Council Meeting 16 July 2007

Min 07-465: Policy and Strategy Committee Meeting 5 November 2007

SUMMARY

This report provides an update on the action list that arose from the Department of Local Government Promoting Better Practice review completed in June 2007 and first reported to Council in July 2007.

COMMENTARY

The Local Government Reform Program – Promoting Better Practice had a number of objectives including:

- *To generate momentum for a culture of continuous improvement and greater compliance across local government*
- *To provide an 'early intervention' option for councils experiencing operating problems*
- *To promote good governance and ethical conduct principles*
- *To identify and share innovation and good practice in local government*
- *To enable the department to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.*

The Promoting Better Practice review generated a list of 38 recommendations for Lithgow City Council and the attached list and responses indicates the significant progress made on items on the list. It is a requirement of the Review that the Council reports on progress. The first time it did this was in November 2007. The report attached is the final report as part of this review process.

The Council has made sound advances in many areas including in the areas of policy development, reporting to council, training, information briefings to councillors, tendering procedures, development application guidelines, and instigation of long term financial planning.

The Council is still working towards achieving outcomes in the areas of Community Lands Plans of Management, Human Resource Strategy, and Section 94 and Section 64 Developer Plans which are currently in Draft form.

The Council's progress on the majority of the recommendations indicates a commitment to the improvement of the operations of the Council and illustrates the approach Council is taking in improving its performance.

POLICY IMPLICATIONS

A number of policies were created in response to this review with a Companion Animals and Notification Policy to be developed.

FINANCIAL IMPLICATIONS

The financial implications have been accommodated in successive management plans for the actioning of the recommendations.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Lithgow City Council Action List January 2009

RECOMMENDATION

THAT Council notes:

1. The actions achieved to date arising from the recommendations in the Department of Local Government's Promoting Better Practice Review.
2. That a copy of the updated action list has been provided to the Department of Local Government.

ITEM:24 COMM - 16/02/09 - COUNCIL POLICY REVIEW 4.5 FINANCIAL ASSISTANCE TO COMMUNITY GROUPS AND ORGANISATIONS - INTEREST FREE LOANS

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min O08-165 – Ordinary Meeting of Council – 21 October 2008
 Min P08-136 – Policy and Strategy Committee Meeting – 4 November 2008
 Min 09-17 - Ordinary Meeting of Council – 27 January 2009

SUMMARY

This report recommends the review of Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans and advertising of any changes for public comment.

COMMENTARY

At the Ordinary Meeting of Council of 27 January 2009, the Council resolved to defer the decision for adoption of this policy until the next meeting. As the Policy raised a number of comments from Councillors a separate report is now provided.

Background

The existing Policy 4.5, Version 1, was first adopted by the Council on 16 October 2006 (Min 06-349). See Attachment 1.

In reviewing the Policy in November 2008, the following changes were recommended to the Council.

POLICY NUMBER	EXISTING POLICY	PROPOSED CHANGES
Policy 4.5 Financial Assistance to Community Groups and Organisations – Interest Free Loans	Rewording of Objective (ii) required to clarify meaning. Currently reads: <i>To limit the availability the aggregate of interest free loans available to community groups and organisations up to a maximum of \$200,000.</i> Additional point to be inserted as point 3.	Objective (ii) to read: <i>ii) To set a combined limit of \$200,000 for all interest free loans to community groups</i> Additional point to read: <i>3. Council has included the loan in its Management Plan.</i>

At the Policy and Strategy Committee Meeting of the 4 November 2008, the Council resolved to advertise this policy for public comment with the removal of the reference to the \$200,000 limit. Min P08-136 reads:

Place the following policies on public exhibition 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:

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

DRAFT Policy 4.5 with the reference to \$200,000 removed, but with the inclusion of point 3. 'Council has included the loan in its Management Plan' was advertised for public comment. This Draft is at Attachment 2.

Following advertisement, no submissions were received from the public.

Officer Comment – Aggregate/combined limit

The intent of the original objective regarding the setting of an aggregate limit of \$200,000 was to limit the availability of Council revenue that would be offered to the community for interest-free loans; and which 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 recommend that Council seriously considers applying an upper aggregate/combined limit to Council interest-free loans not exceeding say \$400,000.

For example: Should interest free loans be provided to Community Groups say up to the aggregate/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, potentially in excess of \$200,000.

Any aggregate/combined limit higher than this may seriously impact upon Council's long-term operations by reducing funds available for use on Council's operations.

Regardless of whether the Council wishes to continue with removing the aggregate/combined limit upon interest free loans, it is recommended that the following measures be put in place:

- All information as required in the policy is provided by the applicant.
- All submissions for Interest Free Loans are considered in the following financial year's DRAFT Management Plan along with all other new expenditure items. This will allow the Council to consider any applications in a transparent and accountable fiscal environment.
- Prior to any new application being approved, the Council receives a report on its current financial position, including investments.

The intent of the addition of point 3 “*the Council has included the loan in its Management Plan*” is to ensure that this happens.

This is also in line with Council’s Policy 4.4 Donations – Section 356 of the Local Government Act which states: “*Applications equal to or in excess of \$10,000 will be received once per year in October/November for consideration in the annual budget process.*”

Maximum individual interest-free loans

The current policy has as Point 2:

Applications for interest free loans will be considered up to a maximum of \$50,000, subject to the loan liability to the Council for any one community group or organisation not exceeding \$50,000 at any one time.

Other points covered in the policy include the need for due diligence and probity checks, and the need for an agreement.

Conclusion

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.

POLICY IMPLICATIONS

The recommendation in this report may amend Policy 4.5 Financial Assistance to Community Groups and Organisations – Interest Free Loans

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 aggregate/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. EXISTING - Policy 4.5 - Financial Assistance to community Groups and Organisations – Interest Free Loans.
2. DRAFT Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans.

RECOMMENDATION

THAT the Council:

1. Amends existing Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans to read:

(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.

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

ITEM:25 COMM - 16/02/09 - COUNCIL POLICIES FOR ADOPTION

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min O08-165 – Ordinary Meeting of Council – 21 October 2008
 Min P08-136 – Policy and Strategy Committee Meeting – 4 November 2008
 Min 17-09 – Ordinary Meeting of Council – 27 January 2009

SUMMARY

At the Ordinary Meeting of Council of 27 January 2009, the Council resolved to defer the decision for adoption of these policies until the next meeting. This report recommends the adoption of three policies, 1.2, 4.4 and 8.6.

COMMENTARY

At the Ordinary Meeting of the Council of 21 October 2008, the Council resolved to advertise for public comment Policy 8.6 - Excessive Water Usage Allowance for Breakages with the following change:

POLICY NUMBER	EXISTING POLICY	PROPOSED CHANGES
8.6 Excessive water usage allowance for breakages	Change required to point 1.	To read: <i>“The policy applies to property owners.”</i>

At the Policy and Strategy Committee Meeting of the 4 November 2008, the Council resolved to advertise for public comment policies 1.2 Asset Acquisition, and 4.4 Donations – Section 356 of the Local Government Act, with the following changes:

POLICY NUMBER	EXISTING POLICY	PROPOSED CHANGES
Policy 1.2 Asset Acquisition	Requires the inclusion of two points under 1.	Include as points 3 and 4 under 1. <ul style="list-style-type: none"> • <i>Whether the land is suitable for its intended use in accordance with the strategy in the Council’s Strategic Plan ‘ensuring Council land is suitable for its intended use’.</i> • <i>Whether the land is suitable for its intended use in terms of levels of contamination.</i>
Policy 4.4 Donations – Section 356 of the Local Government Act	Amend in response to Res: F08-88 Finance and Services 1 July 2008 which reads: <i>4. Council report back on</i>	Insert the new point (viii) <i>(viii) Council will support local projects and activities of schools within Council’s area where those projects demonstrate</i>

	<i>the Donations – Section 356 Local Government Act Policy so it be reviewed to consider donations to schools.</i>	<i>partnerships with and benefit to the wider community</i>
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No submissions were received from the public.

POLICY IMPLICATIONS

The adoption of these policies will amend existing policies.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. DRAFT Policy 1.2 - Asset Acquisition
2. DRAFT Policy 4.4 - Donations - Section 356 of the Local Government Act
3. DRAFT Policy 8.6 - Excessive Water Usage Allowance for Breakages.

RECOMMENDATION

THAT the Council 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.

**ITEM:26 COMM - 16/02/09 - RESPONSE TO NOTICE OF MOTION -
 COUNCILLOR M F TICEHURST**

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE - SUZANNE
LOLLBACK, AND MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

REFERENCE

Min 06-09 - Notice of Motion -27/01/09 – Councillor M F Ticehurst – Learning Cities

SUMMARY

This report provides a summary of activities currently being undertaken under the umbrella of Lithgow Learning City. This report is in response to a Notice of Motion from Councillor Ticehurst on 27 January 2009.

COMMENTARY

As per Councillor Ticehurst's Notice of Motion:

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.

It would be safe to say that the focus on Lithgow Learning City has not been a focus of Council in the past couple of years, however, a number of activities have continued in relation to Lithgow Learning City and a number of opportunities can be identified.

CURRENT ACTIVITIES

Current activities include:

- Maintaining a small but mutually-beneficial relationship with the TAFE library eg. The Library Coordinator attended the opening of the TAFE Literacy project – "My Story" - in November 2008 and later displayed the work in the Homework room during December 2009.
- The Books for Babies project continues. The families of all babies born at Lithgow Hospital receive a book and resources that encourage reading, with funding coming from the children's book budget.
- DELTA continues to provide \$5,000 funding each year for the Homework Zone which pays for a teacher for 2 hours on 2 days per week during school term.
- The Library has participated in DELTA's community research project and is working with DELTA to provide ongoing career information sessions for older students.
- In 2008 the Library hosted the Central West Youth Transition Services for 2 days and anticipates this happening again in 2009. Library facilities were used to run training in resume writing, job applications and interview skills for senior high school students.
- The Library is currently negotiating with TAFE to provide volunteer teaching hours for a Homework Zone in the soon-to-be renovated Wallerawang library.
- The Learning Shop's display on educational courses of all levels is maintained in the library and staff connect inquirers with appropriate institutions.

- Small computer classes are run at the Library during Seniors' and Adult Learners' Weeks.
- The Lithgow Forum commenced in November 2007 to bring speakers on topics of local and national interest to Lithgow including Dr Leitch on the environment, Professor Kemeny on water and power security, Professor Barry on the interface between science and religion and Roger Bailey on local government.
- The Library supervises external exams for several universities with approximately 20 students per year.

FURTHER ACTIVITIES

Since the introduction of the Lithgow Learning City program in 2001, the Council has put in place a number of other programs that could provide opportunities for promotion under the Lithgow Learning City program should it choose to do so. This includes building organisational and community capacity (education, training, skills development, knowledge development, etc) in programs (to name a few) such as the following:

- Organisational capacity development
- Economic development programs
- Tourism development programs
- Urban sustainability programs (funded for 3 years)
- Arts and Cultural Plan programs
- Environmental programs in association with the community.

LEARNING CITY ACTION PLAN

The Group Manager Community and Corporate is currently working with managers to look at initiatives for future years as part of the Management Planning process. A review of the Lithgow Learning City program will be undertaken as part of this process and an assessment of opportunities to utilise the banner of Lithgow Learning City will be undertaken.

A further report will be provided to the Council within 3 months with a recommendation on the future of the program.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Costs of the above programs are contained within the Council's recurrent operational budget.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

RECOMMENDATION

THAT the report be noted on pound activities in the 2007/08 financial year.

ITEM:27 COMM - 16/02/09 - PETITION REGARDING SEPTIC SAFE PROGRAM

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

Council has received a petition signed by a number of residents objecting to the introduction by Council of Approval to Operate and Inspection charges for Aerated Wastewater Treatment Systems and Septic Systems under the Septic Safe Program. This report details the legislative basis of the Septic Safe Program and the arrangements that Council has established to administer the Program.

COMMENTARY

Aerated wastewater treatment systems are domestic sewage treatment plants that treat wastewater, disinfect the wastewater, and then irrigate wastewater within property boundaries. They are often referred to by their brand names such as envirocycles, biocycles, bioseptic etc.

In 1998 the NSW Government introduced a package of local government regulatory reforms and guidelines to enable more effective council regulation and performance supervision of small domestic wastewater systems.

These regulatory reforms were in response to a hepatitis outbreak at Wallace Lake near Foster that was linked to the consumption of oysters that had been contaminated with sewage from failing septic systems.

These reforms required all NSW councils to register all on-site sewage systems, inspect high-risk wastewater systems, and to give 'operational approvals' (licenses) for all on-site wastewater systems including septic systems. Further information on the AWTS and Septic Safe programs is provided on Council's website.

After public consultation, Lithgow City Council adopted a sewage management strategy that incorporated the registration and licensing of all aerated wastewater treatment systems (AWTS) and Septic Systems.

Council adopted a fee of \$150.00 for a five year approval (licence) to licence AWTS. Pension card holders are able to pay the \$150 fee over 5 years at \$30 per year. Council also adopted a fee of \$50.00 for a five year approval (licence) for Septic Systems and a \$70 inspection fee. The septic tank inspection includes inspection of the sludge and scum layers within the tank, structural integrity of the tank and vermin proofing, and inspection of the effluent disposal field.

The AWTS licence fee assists Council to cover the cost of processing these approvals in addition to providing the following services:

- Ensuring that wastewater systems are being serviced, by monitoring quarterly maintenance reports and ensuring that these are submitted to Council.

- Randomly inspecting Aerated Wastewater Treatment Systems (AWTS) to ensure that the irrigation systems used, and the level of servicing are adequate.
- Ensuring that faulty systems are repaired whenever service reports or the service technician has advised Council that works are required.
- Providing residents with information and educational material on how best to manage and operate their AWTS.
- Investigate complaints relating to AWTS such as, when causing odour problems or irrigating into neighbouring properties, bushland, and creeks.

Council incurs considerable costs in checking service reports 4 times a year for each system and sending reminder letters to residents where reports have not been received.

In addition, the AWTS service industry is not regulated as there are no licence requirements or skills requirements for AWTS service providers and the service providers often do not have appropriate insurances. Accordingly, Councils need to monitor the industry at Local Government level to ensure that the level of servicing is adequate.

Council has received a considerable number of complaints in addition to this petition from residents objecting to the AWTS and septic charges. One reason for this is that residents with AWTS systems are required to have their system inspected quarterly by a service technician and therefore object to the payment of an additional charge to Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

Fees and charges for the service provided by the Council are contained in Council's Schedule of Fees and Charges

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Petition objecting to service charges. Dataworks Document 473620

RECOMMENDATION

THAT the Council notes the information on the Council's responsibilities for the Septic Safe Program.

ITEM:28 COMM - 16/02/09 - 2009 WORLD MASTER GAMES - ORIENTEERING

REPORT BY: TOURISM MANAGER – MS JODIE RAYNER

SUMMARY

This report provides Council with information on a proposed event, The 2009 World Master Games - orienteering, which is hosted by World Masters Games. Lithgow is to host the orienteering component of this international event. The World Masters Games – Orienteering seeks sponsorship from Council to stage this event.

COMMENTRY

The World Master Games is a multi-sport event that attracts mature aged sports men and women from around the globe who share a commitment to the simple philosophy of "sport for life".

The seventh World Masters Games will be held in Australia's global city, Sydney, from 10 - 18 October 2009, attracting approximately 30,000 competitors to the event from over 100 countries, competing in 28 sports.

As part of the World Masters Games, orienteering events will be staged in the Lithgow region on the 14th, 15th and 17th October 2009. The events comprise of two qualification events for the long distance competition and a long distance final event. These events will attract approximately 1,200 competitors to the region, for a period of approximately six days.

The World Masters Games seeks use of the Tony Luchetti Showground, including the Civic Ballroom from Sunday 11th October 2009 to Sunday 18th October 2009. Activities to be carried out on the grounds include:

- Registration area
- Opening Ceremony (this will be open to the community to attend)
- Onsite camping
- Communications Centre

A major public relations campaign is associated with the event.

The World Masters Games – orienteering is a not-for-profit sporting club.

The World Masters Games - Orienteering Target Markets

The primary target markets for the World Masters Games - Orienteering are:

Overnight, prime markets	Overnight niche markets	Day Visits
<ul style="list-style-type: none">• Event Participants (associated with the event) – International market• VFR (Visiting friends & relatives)	<ul style="list-style-type: none">• Groupies (specifically those that attend similar events)	<ul style="list-style-type: none">• Locals

Economic Impacts of the World Masters Games - Orienteering

Estimations for economic contribution to New South Wales for the World Master Games is approximately \$25 Million expenditure into the State's Economy by participants in the various events. It is estimated that the World Masters Games - Orienteering would have the following economic benefits to the Lithgow region:

Date of Event:	Sunday 11th October 2009 to Sunday 18th October 2009
Total Attendance:	1,500
Visitor Expenditure:	\$1 million (based upon average \$120 per visitor. Average spend of visitors per day)

Benefits for the Lithgow Area

In attracting the World Masters - Orienteering to Lithgow, the following benefits would be derived:

- Community Benefit – Health and fitness awareness for the greater community. Encourage locals participation and volunteers, similar to how the Sydney Olympic.
- Economic Benefits - Spend during the event, tourism benefit with the opportunity for Return Visits due to promotion of the region
- Promotion Benefits – a promotional campaign geared specifically to this target market on an international stage

The World Masters Games - Orienteering will be promoted internationally in the following ways:

- Games specific marketing brochures
- Web based marketing campaign
- PR Campaign - TV, Press, Radio
- Promotions at the World Masters Games – orienteering in Portugal in June 2008.

Investment for the World Masters Games - Orienteering

Organisers of the World Masters Games - Orienteering have assessed sites in Lithgow for suitability for the event. Based on specifications, the event organisers have considered locations in the State Forest to stage the long distance events and the use of the Tony Luchetti Showground and Civic Ballroom for:

- Registration area
- Opening Ceremony (this will be open to the community to attend)
- Onsite camping
- Communications centre

Financial Implications for the 2009 World Masters Games - Orienteering

The following costs for use of Council facilities would apply for the 2009 World Masters Games - Orienteering from the 11th October to the 18th October 2009:

Council Charges	Fee (Daily rate)	Total Fees
Site Hire		
Tony Luchetti Showground	\$363.00	\$2,541.00
Civic Ballroom	\$363.00	\$2,541.00
Bond		
Lithgow Showground	\$313.50	\$313.50
Camp on ground		
Lithgow Showground	\$181.50 per night	\$1,270.50
Garbage Waste Removal		
Lithgow Showground	2 men @ \$35.00 per hour \$70.00 Toyota Dyna use \$52.80 Total - \$122.80	\$789.60
TOTAL		\$4,914.60

Council Investment for the 2009 World Masters Games - Orienteering

The 2009 World Master Games is an international event attracting competitors from over 100 countries. The World Masters Games - orienteering is seeking financial assistance in the way of sponsorship, which will aim to maximise attendance at the orienteering events.

The 2009 World Masters Games sought the following financial assistance from Lithgow City Council in 2008/09:

- Cash assistance \$10,000 for promotion in Portugal
- Sponsorship \$20,000 for the 2009 event
- Waiving of fees for the use of Council facilities

This request was not funded in the 2008/09 budget.

In line with other major events in the Lithgow region that Council supports, including Ironfest, Lithgow Show and Celebrate Lithgow, Council could consider sponsoring the 2009 World Masters Games – Orienteering to the value of \$10,000, which would include all associated fees and charges for the use of Council facilities and resources.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Lithgow City Council arranges a sponsorship deal with World Masters Games – Orienteering to the value of \$10,000, which would include fees and charges for the use of Council resources and facilities.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council provide \$10,000 sponsorship for the 2009 World Masters Games - Orienteering from the 2009/10 budget, which would include fees and charges for the use of Council resources and facilities.

ITEM:29 COMM - 16/02/09 - CULTURAL PLAN

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No: P08-149 Policy and Strategy Committee 02/12/08

SUMMARY

This report recommends that Council adopt the Draft Cultural Plan 2008-2013.

COMMENTARY

The Cultural Plan has been subject to an extended exhibition period from 3 December 2008 to 6 February 2009. During this time three submissions in writing have been received from the community and have been summarised below.

<p>Mr. B. Maranda Dip/Soc.Sc (Welfare)</p> <p>Member Lithgow Arts & Craft Co-Op</p> <p>Author of www.MyLithgow.com</p>	<p><u>Cultural Mapping</u></p> <ul style="list-style-type: none"> • Council adopt an all inclusive approach to engaging the broader community. • Council conduct a comprehensive survey of individual strengths, needs and aspirations to prioritise allocation of resources to engage more of the community in cultural activity. • Council conduct a confidential questionnaire to every household to assist developing a community profile of individual attitudes, skills and abilities.
<p>Catherine Rookyard – Central West Publishing, Portland on behalf of a selection of the Business Community in Portland.</p>	<ul style="list-style-type: none"> • An Artisans Trail with open weekends every 3, 6 or 12 months promoting the diversity and quality of our local artists work. • A History Trail • A proposal to the current owners for the relocation of the Charlie Pinch Museum with it being run by volunteers. • Improved informative signage with flyers and/or Brochures available providing visitors to Portland with details of: <ul style="list-style-type: none"> ○ Local heritage sites ○ The Town Common ○ Thompsons Creek Dam (fishing) ○ Walking tour of the Signs of Yesteryear.

	<ul style="list-style-type: none"> • Upgraded entries to Portland similar to the current Wallerawang-Portland entrance. • Council to investigate economic development incentives models which <ul style="list-style-type: none"> ▪ Provide a rental subsidy to encourage retail businesses to relocate to Portland revitalising the Wolgan and Williwa Street shopping centre. ▪ Develop and encourage creative/cottage industries to relocate to Portland ▪ Promotion of the Portland Village as a cultural heritage tourism destination.
<p>Maeve Dunnett, Community Development & Multicultural Worker LINC</p>	<p><u>Indigenous</u></p> <ul style="list-style-type: none"> • There are a lot of good things in this area of the plan and if they are implemented it will be a great step forward. <p><u>Culturally & Linguistically Diverse Community (CALD)</u></p> <ul style="list-style-type: none"> • The lack of a CALD section makes it difficult to see what is said about the needs of the CALD community. NOTE: A Multicultural forum was held at LINC. This was attended by the Regional Multicultural Worker and a non-CALD community representative. <p><u>Cultural Awareness Training for Councillors and Council Staff</u></p> <ul style="list-style-type: none"> • This should include annual training in both Indigenous and CALD Community issues and culture. <p><u>Bike Paths</u></p> <ul style="list-style-type: none"> • There is a need for: <ul style="list-style-type: none"> ○ Maps of local bike paths ○ Information and downloadable maps on the website. ○ Well signposted and safe bike paths in Lithgow. <p><u>Growers Market</u></p> <ul style="list-style-type: none"> • The need to include the development of Growers Markets in the Action Plan and not just referenced in the body of the document.
<p>Gill Mulholland, President Portland</p>	<p>The PDA appreciates the breadth and overall direction of the plan and in particular its acknowledgement of Council's role in</p>

Development Association	<p>“developing and shaping the community through heritage, festivals, the arts and the intangibles such as community spirit, shared stories and wellbeing”, while recognising the individual character of townships such as Portland”.</p> <p><u>5.5.1 Open Space & Recreational Needs</u></p> <ul style="list-style-type: none"> • The Association is pleased to see that support would offerend to gain funding for our major project of rebuilding the Rotunda/Bandstand in Saville Park. <p><u>Sections 6.3.1 and 6.3.2 – Civic Spaces and Public Spaces</u></p> <ul style="list-style-type: none"> • Concern that there is no section relating to Portland • The PDA would be interested in exploring with Council Officers an Enhancement Strategy for Portland which includes: <ul style="list-style-type: none"> ○ Community aspirations and resources ○ Economic development ○ Identification and interpretation of heritage and history of the township ○ Promotion of the township ○ Funding, sponsorship and partnership opportunities ○ Opportunities for youth activities ○ Signage ○ Town beautification program ○ Further development of the events calendar. <p><u>Cycleways</u></p> <ul style="list-style-type: none"> • We support the concept of new cycleways linking Wallerawang/Portland/Cullen Bullen. <p><u>6.2.1 Arts Trails</u></p> <ul style="list-style-type: none"> • It is felt that there are some significant omissions, including: <ul style="list-style-type: none"> ○ Signs of Yesteryear ○ Portland’s regular annual events
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	<ul style="list-style-type: none">○ The Youth Centre soon to open in the Portland RSL○ Tidy Towns monthly market○ The Town Common – potential for recreational use○ The establishment of a Men's Shed in Portland <p><u>7.3.1 Local Landmarks</u></p> <ul style="list-style-type: none">● The Draft Cultural Plan correctly identifies the significance of the Portland cement works Site. We seek Councils support in finding a positive resolution to the longstanding issue of its rehabilitation in a manner that conserves its cultural heritage and landmark value. <p><u>8.1 Economic Development</u></p> <ul style="list-style-type: none">● We suggest that consideration be given to providing workshop, exhibition and marketing space suitable for collaborative work or skill-sharing activities, preferably within the potential Crystal Theatre cultural precinct. This would also contribute to the Education focus of the Draft Cultural Plan.
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POLICY IMPLICATIONS

The Cultural Plan provides recommended actions for the development of policies, standard work procedures and consideration of issues in plans such as the Strategic and Management Plans.

FINANCIAL IMPLICATIONS

Although the Cultural Plan contains estimated costs of each action listed many will need to be identified and costed in relation to the various project stages within the plan. These actions are to be recalculated in each applicable management planning process for consideration by Council.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out a requirement for councils to develop a social/community plan.

ATTACHMENTS

Nil. Note: the Draft Cultural Plan was circulated to the Council for the meeting of 3 December 2008. The Draft Cultural Plan will be updated following the Council meeting.

RECOMMENDATION

THAT:

1. The Lithgow City Council Cultural Plan 2008-2013 be adopted by Council with the inclusion of the abovementioned community submissions.
2. A copy of the Lithgow City Council Cultural Plan 2008-2013 be sent to the Department of Local Government.

ITEM:30 COMM - 16/02/09 - COUNCILLOR REPRESENTATION TO HEALTH COMMITTEE

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min 07-543 – Ordinary Meeting of Council 17 December 2007
Min F08-117 Finance and Services Committee Meeting 7 October 2008
Min 18-09 - Ordinary Meeting of Council 27 January 2009.

SUMMARY

This report seeks Councillor representation to the Health Advisory Committee and provides an update on the matter of whether Council has received any advice on the claim on sale of land at Meadow Flat.

COMMENTARY

At the Ordinary Meeting of Council held on 27 January 2009 (Item 16), the Council adopted a number of recommendations concerning Advisory Committees of Council.

The Council adopted the Terms of Reference for the Health Advisory Committee, however, did not appoint Councillor Representatives to the Committee. This report seeks such representatives and the appointment of a Chairperson to the Committee.

RECOMMENDATION

THAT Council:

1. Appoints two Councillor representatives to the Health Advisory Committee.
2. Appoints a Councillor to be the Chairperson of the Committee.

**ITEM:31 COMM - 16/02/09 - LOCATION FOR THE NEW LITHGOW
 SKATEPARK**

REPORT FROM COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS

REFERENCE

Min 22-09: Ordinary Council Meeting 27 January 2009

SUMMARY

This report provides information on the outcomes of the Skate Park Citizen Access Meeting held Friday 6 February 2009 to discuss the best location for the new Lithgow skate park.

COMMENTARY

Following the Council resolution on 27 January 2009 to hold a Citizen Access Meeting, Council, community members and skaters met at Watsford and Conran Oval on the 6 February 2009 to discuss the best location for the new Lithgow skate park.

The purpose of this meeting was to provide Councillors with the necessary information from Council officers, skateboarders and other community stakeholders on the pros and cons of the two proposed sites prior to a final decision being made.

Minutes of this meeting are included as an attachment to this report. The outcomes of the meeting are as follows:

Proposed Site 1 - adjoining Conran Oval near the Corner of James and Albert Street

- Concerns were raised by community members and skaters present about this site:
 - Impact on parking during cricket matches
 - Road safety and parking issues due to James Street being narrow
 - Slope of the land
 - Lack of shade
 - Resident Impact
 - Whether there is sufficient room available after the skate park is built, for upgrade and ancillary works such as seating etc.
 - Visibility from the street.
 - Concerns that the proposed size of park, 22m², will not accommodate the diversity of needs for both skaters and bike riders and the various skating styles
- Specific Concerns raised by the skaters and bike riders were that:
 - Design and location are important as a small park often leads to issues around sharing which in turn can create tension between users, bullying etc
 - A design that allows for expansion is one of the most important aspects to consider when building park.

Proposed Site 2 – Watsford Oval adjoining George Coates Street

The community members and skaters present were strongly in favour of this location. Council Officers provided information on potential problems with this site:

- This site is currently used for junior cricket matches as well as the occasional senior match.
- Geotechnical testing has already been done on the perimeter of Farmers Creek which showed that it was highly contaminated with asbestos, ash and other contaminants however this did not include the proposed section for skate park.
- Further testing will need to be done if Watsford Oval is the selected location to assess if there is soil contamination.
- Contamination testing will delay construction of the skate park and will have to be funded out of the allocated \$260,000.
- While there are potentially no Geotechnical impediments that Council is aware of in relation to Site 1, near the corner of Conran Oval and James Street, soil samples will need to be taken before a final decision could be made.
- Flood mitigation work at Farmers Creek will delay construction of the skate park for around 4 months. In addition, the existing toilet blocks are to be demolished and new toilets built on the embankment above Watsford Oval adjoining Conran Oval. The new toilet blocks will not impact on the proposed skate park location.

Summary

The strong feeling of the community members and skaters present at the meeting was in favour of site 2, adjoining George Coates Street and Watsford Oval. Reasons given in support of this are that this site:

- Provides the best shade, is close to the pool and existing picnic tables.
- Meets the criteria of being visible and in a family friendly environment.
- Allows for skate park expansion.
- Minimises impact on cricket matches.

Site 2 was clearly the preferred location of the meeting but in view of the potential contamination issues that may delay construction and the deadline of 30 September 2009 to spend the Commonwealth grant, the Mayor proposed that a Development Application be lodged for both locations.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

1. Costs for Geotechnical testing will need to be taken from the \$260,000 allocated to skate park.
2. Funding allocated to the skate park will have to be spent by 30 September 2009.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Report of citizen access meeting held on 6 February 2009

RECOMMENDATION

THAT:

1. Development Applications for both Site 1 adjoining Conran Oval near the Corner of James and Albert Street, and Site 2 Watsford Oval adjoining George Coates Street, be prepared and lodged for both sites and that Geotechnical and other investigations be undertaken.
2. The Report of the Citizens Access Committee held on 6 February 2009 to discuss proposed site for the Lithgow Skate Park be noted.

COMMITTEE MEETINGS

ITEM:32 REG - 16/02/09 - TRAFFIC AUTHORITY LOCAL COMMITTEE
MEETING - MINUTES OF 4 DECEMBER 2008

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

COMMENTARY

At the Traffic Authority Local Committee meeting held on 4 December 2008, there were a number of items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of Meeting 4 December 2008

RECOMMENDATION

THAT Council note the report on the Minutes of Traffic Authority Local Committee Meeting on 4 December 2008 and the following actions be taken:

1. That the request from Portland Central School for street closures on 28 March 2009 be approved.
2. That the areas in front of the Bargain Basement have untimed parking except those areas which are mandatory NO STOPPING zones.
3. That the double centre lines in Lime Street, Portland be removed and the situation monitored.
4. The nuisance tree at the intersection of Amiens & Rabaul Street be removed and another tree placed in a safer position.
5. NO STOPPING signs be erected on the left hand side (as you enter the lane from Knight Street) for the full length of the lane including the mandatory sections around the corners
6. It is recommended that the trees be removed on the southern side of the driveway of the Readymix Concrete Plant on Bells Rd and a mirror be installed opposite the driveway.
7. Traffic counters be placed in the area of Hassans Walls Road near the Lithgow Street intersection to monitor traffic movements.

**ITEM:33 COMM - 16/02/09 - TOURISM ADVISORY COMMITTEE MEETING
MINUTES 23RD DECEMBER 2008**

REPORT BY: TOURISM MANAGER – MS JODIE RAYNER

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Meeting held on 23rd December 2008 for Council adoption.

COMMENTARY

At the Lithgow Flash Gift Meeting held on 23rd December 2008, there were five (5) items discussed by the Committee.

Confirmation of Minutes
Tourism Strategies
Tourism Reporting
Meeting Agenda for 2009
Actions Arising

The minutes contain updates on the Tourism Advisory Committee with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Minutes of the Tourism Advisory Committee held on 23rd December 2008

RECOMMENDATION

THAT Council notes the minutes of the Tourism Advisory Committee held on 23rd December 2008 and notes that meetings of the Tourism Advisory Committee will be held on the first Tuesday of every month, with the exception of January, at 5.00pm.

**ITEM:34 COMM - 16/02/09 - LITHGOW FLASH GIFT COMMITTEE MINUTES
20TH JANUARY AND 29TH JANUARY 2009**

REPORT BY: TOURISM MANAGER – MS JODIE RAYNER

SUMMARY

This report provides details of the Minutes of the Lithgow Flash Gift Meetings held on 20th January and the 29th January 2009 for Council adoption.

COMMENTARY

At the Lithgow Flash Gift Meeting held on 20th January 2009, there were seven (7) items discussed by the Committee.

- Adoption of Minutes
- Sponsorship update
- Event Programme
- Event Marketing
- General Business
- Actions Arising
- Task List Update

The minutes contain updates on the Lithgow Flash Gift with recommendations for Council.

At the Lithgow Flash Gift Meeting held on Monday, 29th January 2009, there were seven (7) items discussed by the Committee.

Adoption of Minutes
Sponsorship update
Event Programme
Little Athletics Update
General Business
Actions Arising
Task List Update

The minutes contain updates on the Lithgow Flash Gift with recommendations for Council.

At the time of closure of the Agenda on Monday 9 February, sponsorship of the event stood at the following level:

Prize Money Sponsors

Income	Amount
Centennial Coal	\$ 11,000.00
Lithgow City Council	\$ 5,000.00
Lithgow Workmen's Club	\$ 2,500.00
Delta	\$ 2,500.00
Westfund	\$ 2,500.00
Newnes Hotel	\$ 1,000.00
Jennmar	\$ 1,000.00
Group 10 * + football teams	\$ 1,000.00
	\$ 550.00
City Finance	
Zig Zag Motel	\$ 500.00
Lean & Bennett	\$ 500.00
Henry Plant & Equipment	\$ 500.00
Madjestic Tours	\$ 200.00
Video Ezy	\$ 100.00
Top End Newsagency	\$ 100.00
Lithgow Party Hire	\$ 100.00
K Teens	\$ 100.00
Jones Bros	\$ 100.00
CW Printing	\$ 100.00
	\$ 29,350.00

Any further sponsorship attained will be reported at the Council meeting.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined in the attached minutes.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Lithgow Flash Gift Meeting held on 20th January 2009
2. Minutes of the Lithgow Flash Gift Meeting held on 29th January 2009

RECOMMENDATION**THAT:**

1. Council notes the recommendations of the Lithgow Flash Gift Working Party for the meeting held on 20th January 2009.
2. Council notes the recommendations of the Lithgow Flash Gift Working Party for the meeting held on 29th January 2009

**ITEM:35 COMM - 16/02/09 - ECONOMIC DEVELOPMENT ADVISORY
 COMMITTEE**

REPORT FROM: Economic Development Officer – ARABELLA PERUGINI-SHEERE

REFERENCE

Minute O08-196: Ordinary Council Meeting of 18th November 2008

SUMMARY

This report recommends to the Council members to the Economic Development Advisory Committee following the calling of Expressions of Interest from specifically targeted companies and the general public for the Tourism and Creative/Cultural sectors.

COMMENTARY

As reported at the Ordinary Council Meeting of 19 August 2008 the Council resolved:

THAT Council adopt the membership for the Economic Development Working Party. Following consultation with the Department of State and Regional Development it was recommended that membership of the Working Party be as follows:

- *Two Councillors*
- *Lithgow City Council General Manager or his nominee*
- *Department State and Regional Development - Business Development Manager*
- *Power Industry - Delta*
- *Mining Industry - Centennial Coal*
- *Tourism*
- *Creative/cultural industry sector*
- *Education and Training*
- *Lithgow Business Association (Retail representative)*
- *Futures Lithgow (Manufacturing representative)*

Council officers (non-voting)

- *Group Manager Community and Corporate or nominee*
- *Economic Development Officer (executive officer)*

All expressions of interest closed on 30 January 2009. A total of seven expressions of interest were received.

Councillors Castle and Danaher met with the General Manager and recommend the names as listed below to the Council for membership to the Lithgow Economic Development Advisory Committee.

Details of all Expressions of Interest have been provided to the Councillors under separate cover.

POLICY IMPLICATIONS

This report relates to Council's:

Policy 4.1 Community representatives – Appointment of to the Committee or Working Groups

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NSW Local Government Act 1993

ATTACHMENTS

Applications provided under separate cover.

RECOMMENDATION

THAT the Council appoint the following representatives to the Lithgow City Council Economic Advisory Committee:

- Andrew Myors – General Manager Western Operations, Centennial Coal
- Stephen Saladine – General Manager Production, Delta Electricity
- Steven Anderson – Registered Land surveyor, Future of Regional Lithgow
- Wendy Dwyer – Eastern Area Manager, Central West Group Apprentices
- Janelle Johnstone – Small business owner, President of Lithgow Business Association
- John Eggenhuizen – Operations Manager, Getabout 4WD Adventures Pty Ltd (Tourism)
- Ian Millis (Creative/cultural)

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.