

**ORDINARY MEETING
OF COUNCIL
HELD ON MONDAY 9TH
MARCH 2009**

**ATTACHMENT TO
ITEM 4**



Circular No. 08/17
Date 16 April 2008
Doc ID. A127306

Contact Sonja Hewison
02 4428 4216
sonja.hewison@dlg.nsw.gov.au

DEPUTY STATE CORONER'S RECOMMENDATIONS

Councils are reminded of their legal and community obligations in the safe exercise of their service functions. Tragically, a young boy was killed in 2007 when a recycling collection truck, while reversing, collided with him. The inquest into the death of the boy was finalised in December 2007.

The Deputy State Coroner made the following recommendations to the Minister for Local Government:

"Local councils who are responsible for waste collection (either directly or through contractual arrangements) conduct a review and feasibility study in regard to the installation of rear vision camera systems capable of recording and storing images

Further to the above, that a feasibility study be undertaken into relocating the monitor screen in waste disposal vehicles to an internal position between the steering wheel and the external rear vision mirror in use."

Councils may owe a legal duty of care to some persons in certain circumstances. Actionable liability may attach to a council in any one or more of its functional capacities, including landowner or provider of services or facilities. Risk management and preventative action are important strategies in the safe delivery of council services and in minimising a council's exposure to liability.

Councils are encouraged to consider the Deputy State Coroner's recommendations as part of a systematic, pro-active approach to risk minimisation and public safety.

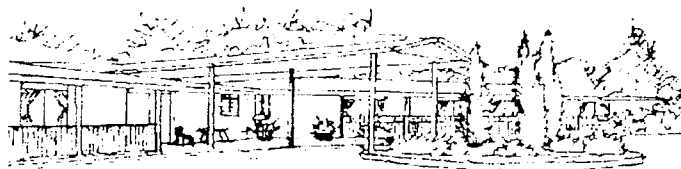
For a copy of the Motor Vehicle Collision Analysis Report in relation to the above recommendations, councils should write directly to the Registry, Coroner's Court, Westmead NSW 2145.

Garry Payne AM
Director General

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

**ORDINARY MEETING
OF COUNCIL
HELD ON MONDAY 9TH
MARCH 2009**

**ATTACHMENT TO
ITEM 12**



Lithgow City Council

Scan No.

03 FEB 2002

Doc. No.

GDA Ref.

Years.

Telephone: 6352 2788

Fax: 6352 3260

Short Street
(P.O. Box 402)
Lithgow N.S.W. 2790

TANDERRA

Tanderra Lithgow Incorporated

Mr Roger Bailey
General Manager
Lithgow City Council
For the attention of all councillors
Dear Roger

On behalf of the Board and Management of Tanderra Lithgow Incorporated we are writing to formally request that Lithgow City Council grant to Tanderra the ownership of the land located at the intersection of Coalbrook Street and Sandford Avenue for the construction of aged care facilities. To allow us to get the best from our funds it would be ideal if the land could be granted as a donation to Tanderra or sold at a nominal price. This would allow us to make the most of our limited funds for the actual building, rather than land procurement. We believe that this proposal will help secure the future Aged Care needs of the City of Lithgow. If there were concerns with placing council property in private hands (albeit a local public charity) then there is the option of granting a 99 year peppercorn lease.

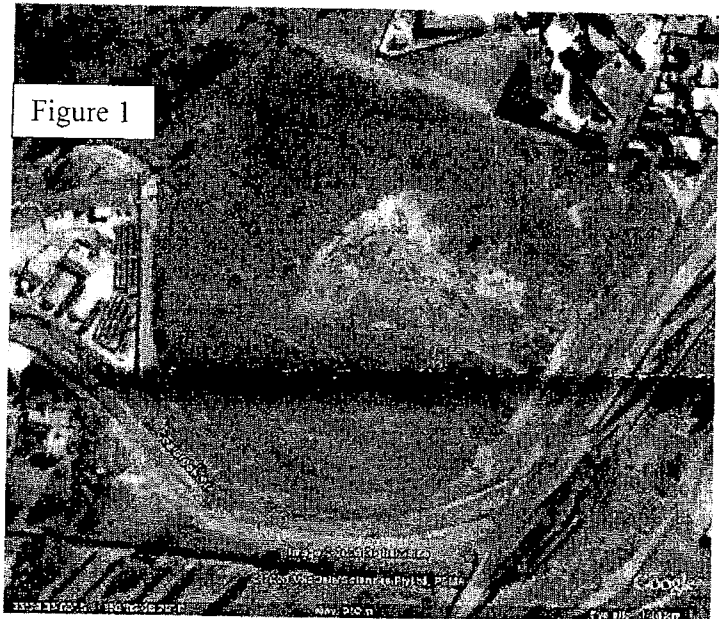
Tanderra Lithgow currently provides an aged care service to 46 residents, the majority of whom are in need of high levels of nursing care. The initial proposal is to construct a 70 bed aged care facility on the site with scope for future expansion. We have considerable sums set aside for building, but are not financially in a position to commence work on a facility of this size at the moment. Once certainty of land ownership and zoning is attained we could begin planning for the future, and make applications for commonwealth grants to assist with this construction. If government funds are insufficient, we would consider the construction of independent living units, of the Retirement Village model which would supplement the funds for the High Care Nursing Home.

We are requesting the donation of this land because of the very limited scope we have for expansion on our current site. We have been advised that to continue development on this site would be very expensive on a per bed basis. We have traditionally been located centrally, with access to public transport, shopping and other facilities and would like to maintain this profile. Many visitors, who are often elderly themselves, would find it difficult to make their way to areas west of the GWH or even to Marrangaroo or Wallerawang where more land is available.

We have had a feasibility study done previously which indicated that a site of between 20 000m² and 25 000 m² would serve our needs into the foreseeable future. We have investigated several sites in the town which have had varying levels of suitability, but have found that most were not ideal for one reason or another, some, had potential problems with drainage; others were not ideal in shape or size.

The block of land at Sandford Avenue and Coalbrook Street (Figure 1) has been identified after this process as the best site for our purposes. The land is currently vacant and is currently zoned residential in one section and open space for

the remainder. We believe that the open space section was intended as a possible site for future sporting facilities, most likely a cricket oval.

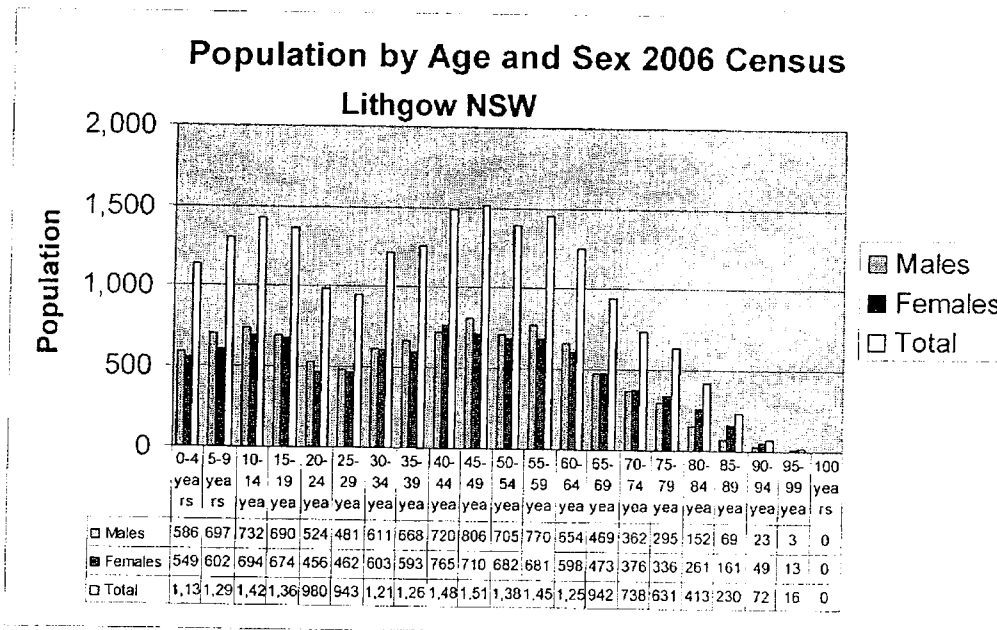


In conjunction with our request, we would need council to expedite the rezoning of the open space land to allow for the construction. Not all the land would be used for buildings of course and the remainder would be landscaped and would in effect still be open space but would provide a much improved outlook compared to the eyesore

that it is at the moment. It is also possible that some recreational facilities could be included within the complex which would be available to the elderly of Lithgow, not just the residents.

In considering our proposal, we would like Council to keep in mind the future needs of our community. While there is a need for sporting facilities, the current demographic for Lithgow as illustrated in Figure 2 below, indicates that the peak in the population at the last Census was in the older age groups with the numbers in the 60-64 and 65-69 age groups being significant as they will be those moving into the group which is likely to need aged care in the next 10 years. Whereas the numbers in the 20-40 age groups are the smallest demographic and these are the ones most likely to require sporting facilities.

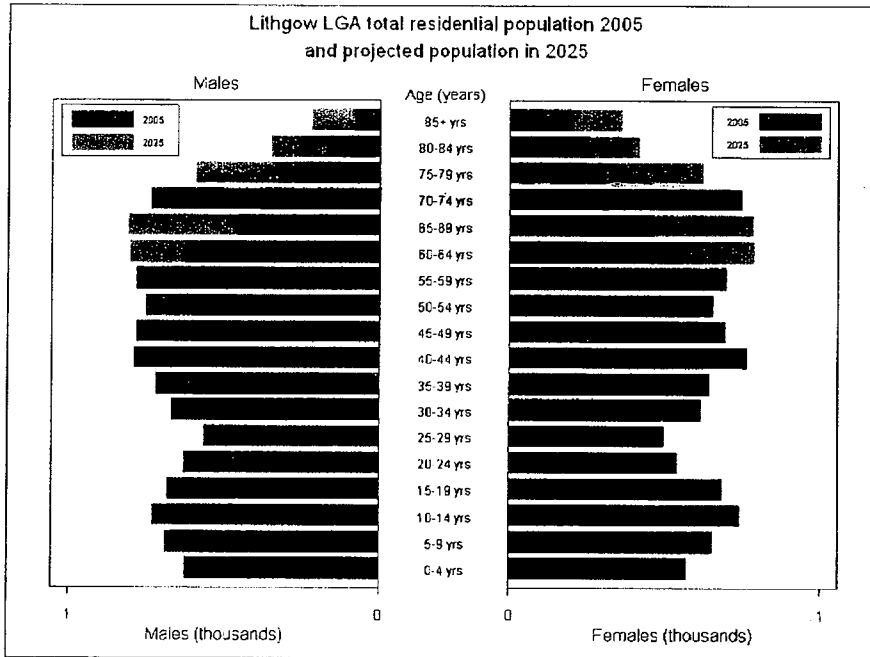
Figure 2



This is illustrated in Figure 3 which shows the projections for the years 2005 – 2025 which show a significant growth in the numbers in the over 70 age group. While not all of these will be in need of nursing care, a significant proportion will, and we need to make preparations now for this eventuality.

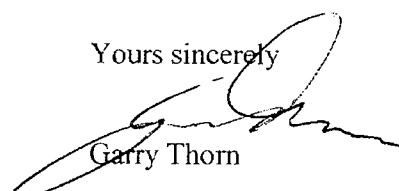
Report of the New South Wales Chief Health Officer – Updated November 2006

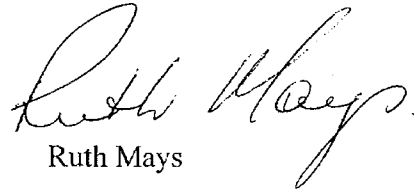
Figure 3



We believe that there is a real need to provide more places in high care Aged care, and these need to be the best quality that we can provide. The acquisition of this land would allow Tanderra to begin to make preparations to meet these needs. We cannot guarantee that construction would start as soon as rezoning was completed, but we will guarantee that it will begin as soon as finances can be arranged and planning, design and costing are completed. The construction would provide much needed work for the building industry, and after its completion it would provide increased employment prospects in the nursing sector.

We would ask Council to consider this proposal at the earliest possible Council meeting, and Board members and management would be happy to be present to answer any questions relating to the proposal.

Yours sincerely

 Garry Thorn
 President


 Ruth Mays
 Secretary

**ORDINARY MEETING
OF COUNCIL
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MARCH 2009**

**ATTACHMENT TO
ITEM 15**

27 FEB 2009

Doc. No
GDA Ref.
Years

ISSUE:

Police support for the re-establishment of the Alcohol Free Zones with the Lithgow CBD.

BACKGROUND:


Alcohol Free Zones have been in force within the Lithgow CBD for a number of years and lapsed in October, 2008. A request for the re-establishment of the zones was forwarded by police and is currently before Lithgow City Council for consideration. Council has called for responses from residents and businesses within the CBD for consideration prior to the zones being re-established.

COMMENT:

Police request and support the re-establishment of alcohol free zones for a further four years. Statistics relating to the number of infringement notices issued for breaches of the alcohol free zones cannot be provided and I would estimate very few being issued. However, I consider the issue is not the number of infringements issued it is more that police view the alcohol free zones as a great assistance in enforcing the law relating to offensive behaviour and alcohol related crime. When persons are detected with open alcohol containers in an alcohol free zone, police are required to first issue a warning with no formal action able to be taken unless they ignore the warning and do not dispose of the alcohol. Alcohol free zones though are another tool available to police when attempting to disperse people loitering outside licensed premises during the night and after closing.

RECOMMENDATION:

Forwarded for information and favourable consideration to the re-establishment of the Alcohol Free Zones within the Lithgow CBD.


W.M. Sheppard
A/Inspector
Lithgow Police Station
26/02/2009

Matthew
~~Paul~~ Johnson, Lithgow City Council



January 30, 2009

Lithgow City Council
Attention: Matthew Johnson
PO Box 19
Lithgow NSW 2790

Lithgow City Council

Scanned

02/03/2009

Doc No
GDA Ref.
Years

Dear Matthew:

RE: Proposed Re-Establishment of Alcohol Free Zone in Lithgow CBD

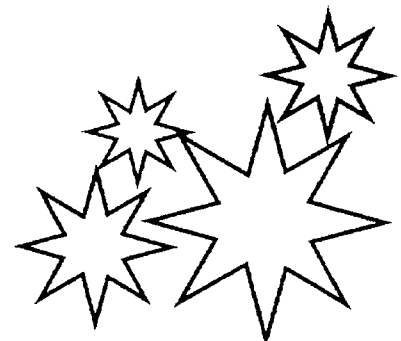
The Lithgow & District Workmen's Club commends the Council on there endeavours to re-establish and extend the alcohol free zone in Lithgow CBD.

The Club has been concerned with the amount of public nuisance especially in Main Street on Friday and Saturday Evenings.

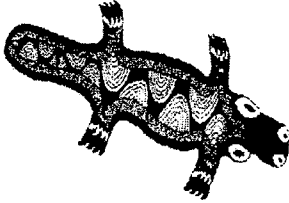
The Club supports the council and the local police in the proposal and look forward to its implementation.

Sincerely,

Michael Alexander
General Manager



Mingaan Aboriginal Corporation



ABN: 83905372168 38 Tweed Road, Lithgow NSW 2790
Telephone: 0263522473 Fax: 0262310454 email bobmeg@tpg.com.au

Lithgow City Council
PO Box 19
Lithgow NSW 2790

Lithgow City Council
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17 Feb 2009

Doc. No.
GDA Ref.
Years

Proposed re-establishment of alcohol free zone in the Lithgow Central Business District.

The Aboriginal and Torres Strait Islander community wholeheartedly support the re-establishment of the alcohol free zone as mentioned in your letter of 6th February 2009. This will certainly make an impact in reducing the incidence of alcohol related crimes in the surrounding areas of the Main Street of Lithgow and make it a safer place for the community.

Meg Huddleston
Chairperson
(for the indigenous people of the Lithgow area)

15 February 2009.

Lithgow City Council
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19 FEB 2009

LITHGOW HOTELIERS ASSOCIATION
C/O RAY SMITH
1 .MAIN ST.
LITHGOW
2790

Doc. No
GDA Ref
Years

DATE : 18 . 2 . 2009 .
ATT : GENERAL MANAGER
LITHGOW CITY COUNCIL
RE : SUBMISSION ON RE-ESTABLISHMENT OF ALCOHOL FREE
ZONES.

The hoteliers of Lithgow firmly support the re- establishment of the alcohol free zones (AFZ) and its aims to create a safer , cleaner and crime-free environment . Policing is essential not only around licensed premises but also in migration areas between premises and liquor stores .

On the proposed AFZ plan a disparity occurs where for instance Coles Liquorland and Lithgow Bowling Club have no inclusion , Woolworths Liquor and Workmens Club have partial inclusion and then others on the other hand have a full inclusion .

The premises that have full inclusion do not want to be disadvantaged if in the advent in the next four years it becomes popular to consume alcohol on the immediate areas outside licensed premises . Already local eateries and numerous Sydney CBD hotels enjoy this luxury .

Albeit the individual licensed premises would seek their own local council and licensing approvals to suit their situations .

We are requesting in the AFZ proposal that an exempted area immediately outside licensed areas be given a different classification so the door is not closed to pursue this option on commercial and trading grounds.

This may appear to contradict the purpose the AFZ proposal but with different trading practises and smoking laws patrons have reasons in their own best interest and welfare to enjoy this privilege . All licensing laws , harm minimisation and responsible service of alcohol provisions would be abided by whether inside or outside of the licensed premises .

On behalf of the Lithgow Hoteliers Association
Ray Smith



Proposal to Re- Establish the Alcohol Free Zone in the Lithgow Central Business District for a Further 4 years.

Introduction

The current Alcohol Free Zone in Lithgow CBD lapsed in late 2008. Council resolved at its meeting on 27th January 2009 to consult on a proposal to re-establish the zone for a further 4 years.

Under Section 644 of the Local Government Act 1993, this proposal to re-establish an alcohol free zone, will create a prohibition on individuals from consuming alcohol on the street, footpaths or public carparks within the zone. It does not prohibit people from carrying unopened alcohol from one location to another eg to home or a restaurant.

Benefits of Alcohol Free Zones

The aims of the Lithgow alcohol free zone include:

- To reduce the incidence of alcohol related crime in areas bordering on, adjoining or adjacent to licensed premises in Lithgow CBD.
- To reduce the amount of related litter in these areas.
- To provide a safe environment for users of local streets, footpaths and public carparks without hindrance from people irresponsibly drinking alcohol.

Alcohol related violence and other crime have been a major concern raised with Council during recent consultations with the community and local organisations in relation to Council's Crime Prevention Plan.

Lithgow Police have advised Council that the zone has been a great benefit in policing alcohol related crime in the area and ask that Council re-establish the zone for a further period.

Affected Area

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

Existing Streets and Lanes

Main Street (from Bridge Street to Laurence Street)

Main Street Lane and Burns Lane between Bridge Street and Bank Lane)

Tank Street (from Bridge Street to Read Avenue)

Bridge Street (from Tank Street to Main Street Lane)

Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)

New Streets and Lanes

Eskbank Street (from Mort Street to Railway Parade)

Cook Street Plaza

Bank Lane

Tatts Lane

Collins Laneway

Exchange Walkway

Bank Street between Main Street and Gray Street.

Refer to the attached map for details of the proposed alcohol free zone.



Time frame

The Alcohol Free Zone will operate for a period of 4 years once Council resolves to establish it and following a short public notice period.

Enforcement

Police Officers will be responsible for enforcing the alcohol free zone.

Under Section 642 of the Local Government Act 1993, a police officer may seize any alcohol that is in the immediate possession of a person in an alcohol free zone if:

- The person is drinking the alcohol in the alcohol free zone, or
- The officer has reasonable cause to believe that the person is about to drink, or has recently been drinking in the alcohol free zone.

There is no requirement for the police to first issue a warning.

Consultation

Council is required under Section 644A of the Local Government Act 1993 to undertake a public consultation process prior to re-establishing the zone. This process involves:

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

Declaration of the Zone

Under Section 644B of the Local Government Act 1993:

- Once Council receives public comment on this proposal, Council may by resolution, adopt this proposal (with or without modification) to re-establish the alcohol free zone for a 4 year period. Council will then inform all interested parties

including the Police, liquor licensees and the general community that the proposal has been adopted.

- A notice will be placed in the Lithgow Mercury declaring that the zone has been established and the period it has been established for. The proposal will come into effect 7 days after this notice is published and once all sign posts bordering the zone are in place.

Submissions on this Proposal

People are invited to make written submissions, objections or representations on this proposal to re-establish an alcohol free zone in the Lithgow CBD. A copy of this proposal is available from:

- Council's Administration Centre, 180 Mort Street Lithgow
8.30am to 4.00 pm Monday to Friday.
- Lithgow Library Learning Centre, 157 Main Street Lithgow
9am to 6pm Monday to Friday and 9am to midday Saturday.
- Lithgow Council website www.lithgow.nsw.gov.au

All submissions, objections or representations are to be sent to:

General Manager
Lithgow City Council
PO Box 19
Lithgow NSW 2790

For further information on this proposal, contact Matthew Johnson, Manager Community and Culture on 6354 9999.

**ORDINARY MEETING
OF LITHGOW
COUNCIL
HELD ON MONDAY
9TH MARCH 2009**

**ATTACHMENT TO
ITEM 20**

TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING
MINUTES – 12 February 2009

PRESENT- Bob Walker, Sgt Mark Brown, Kym Snow, Bob Willison, Paul Creelman

APOLOGIES- George Schurr

REPORT

ITEM 1 - DECLARATION OF INTEREST- NIL

ITEM 2 - MINUTES OF THE PREVIOUS MEETING

The Minutes of the Traffic Authority Local Committee Meeting held on 4 December, 2008 were read and confirmed.

The Committee recommends that the Minutes be taken as read and confirmed.

VOTE: UNANIMOUS

ITEM 3 - BUSINESS ARISING FROM THE MINUTES

- The design of the Mines Rescue Roundabout is still being looked at by both the RTA and Craven Elliston and Hayes (Councils surveyors). A design that is agreeable to both Council and the RTA is sought. The issue will continue to be considered in light of future planning.

- The Committee recommends this issue is tabled

VOTE: UNANIMOUS

ITEM 4 - The parishioners of St Matthews Church, Rydal are requesting two finger blades to be installed to direct people to their Church (carried over from last meeting). The proposed finger blades will be at the corners of New Street and Bathurst Streets.

Recommend that the installation of the signs be approved (white on blue format) at the suggested locations.

MOVED - PC

SECONDED - BW

VOTE: UNANIMOUS

ITEM 5- A request has been received for the Main Street of Lithgow to be closed from Station Street to Eskbank Street on Saturday, 18 April, 2009 from 12.30pm until 3.30pm. This is in support of the Rally of Lithgow which will be run in the Hampton State Forest. Entertainment will be held in the Cook Street Plaza, the participating cars will be lined up for the public to inspect and a ceremonial start from the pedestrian crossing at Cook Street Plaza.

The request has included to close a section of Hassans Walls Road from Sheedys Gully to the entry to Hassans Walls Lookout, on Friday 17 April from 10am until 1pm. This will be the fifth time that the event, in this format has been held.

The Committee has no objection and recommends that Council approve the closure

MOVED - BW SECONDED - MB

VOTE: UNANIMOUS

ITEM 6 – Bike Biz Bushfire Benefit - On the 8 March, 2009 the annual Bike Biz Bushfire Benefit will be conducted. The event will start in Sydney, travel along the Bells Line of Road, with a brief stop at the Lithgow Council Works Depot, and then proceed from the depot to the Showground. Fund raising and activities will be carried out and the bike riders will then disperse in their own time. The only disruption to traffic will be minor delays as bikes cross Bridge Street into Main Street. At all other times the bikes will be following road regulations.

The Committee has no objection to the event.

MOVED- PC SECONDED- MB

VOTE: UNANIMOUS

ITEM 7 – The Lithgow Gift will be held on 1 March, 2009, and whilst the majority of events will be held within the confines of the Showground, they will also be holding a 5km run. Attached is a plan of the course. The closure of the road will be for a maximum of 45 minutes and will be re-opened as the last runners pass. The same event was held last year and the proposed plan has looked at overcoming the deficiencies of the previous traffic plan.

The committee raises no objection subject to an approved traffic plan provided to the Police.

MOVED- BW SECONDED- MB

VOTE: UNANIMOUS

ITEM 8 – As part of the Lithgow Show this year, the 'King of the Hill' event is going to be run for the first time since the late 1980's. It is proposed that the runners will cross Coalbrook street on the way up and down the mountain. At the point where the runners cross Coalbrook Street there will be trained traffic controllers to safely get the runners across the road.

No objection to the event

MOVED- PC SECONDED- BW

VOTE: UNANIMOUS

ITEM 9- In the week of the 12 -18 October, 2009, The World Masters Games will be holding the Orienteering events in and around the Lithgow area. As a part of the events there will be an opening and closing ceremony held at the Showground. The organisers are looking to hold a march down Main Street to the Showground starting at 4.00pm finishing at approximately 4.30 and during that time to close Main Street.

More details are to be supplied by the organisers about the march and the event schedule as well as an application to Paul Maloney of the RTA, Parkes.

MOVED- BW

SECONDED- PC

VOTE: UNANIMOUS

Item 10- Traffic is banking up from the Caltex Service Station on Lithgow Street, TALC has been asked to see what can be done to ease the congestion.

The managers of the site are to be contacted to be made aware of the following 2 issues:

- One of the "NO ENTRY" signs on the Mort Street entry need to be raised and be made more prominent.
- A system needs to be put in place to avoid having queues back into Lithgow Street.

MOVED- MB

SECONDED- BW

VOTE- UNANIMOUS

ITEM 11- Information has been received about the new guidelines for the use of 'NO STOPPING TAXIS EXCEPTED 1 MINUTE LIMIT' zones and signposting.

It is recommended that the information be received

MOVED- MB

SECONDED- BW

VOTE: UNANIMOUS

ITEM 12 – Request for a disabled parking space in front of 67 Inch Street.

As there is a Disabled Parking space outside 67 Inch Street, no more disabled spaces are required in this area.

MOVED- BW

SECONDED-MB

VOTE: UNANIMOUS

ITEM 13- A request has come from the Regional Services Department of Council for the RTA to look at reducing the speed limit of the gap section of Wolgan Road. The request has come from reports of people who have had near misses.

The Council is to put in a request to the Roads and Traffic Authority that the speed limit be reduced to 40kmh down the Gap section of Wolgan Road. Also that Council reviews the current warning signs on both approaches to the Gap Section of Wolgan Road.

MOVED PC

SECONDED MB

VOTE UNANIMOUS

ITEM 14- A request has come to Council from residents of Rydal to look at moving the 50km speed signs on the south side of town 200m further south. The request has come about due to houses being built on that side of town and the road users speeding past their driveway.

That Council request the Roads and Traffic Authority to review the speed signs on the Rydal Road and report back to the next TALC meeting.

MOVED BW

SECONDED PC

VOTE UNANIMOUS

ITEM15 - GENERAL BUSINESS.

Coerwull School would like to see a drop-off zone for the morning busy period, within one of the bus zones. One of the bus stop zones is partially used in the morning. The committee recommends that Council approach Jones Bros. to check on the availability of the space and consult with the school Principle and assess the need.

Also at the school that NO STOPPING signs be placed at the inside of the 90 degree bend in Malvern Street, 10metres each side of the corner.

Could the council investigate the road width on either side of the bridge in Mort Street, near the Vale Hall. It is recommended that NO STOPPING signs be placed where the road width is less than 5.8 metres.

To bring to the attention of the meeting the road closure on Oakey Forest Road, Marrangaroo to facilitate the work being carried out on the level crossing by ARTC. The traffic will be diverted through Girraween Drive, Marrangaroo. The Road Closure will occur on 28 February and 1 March, 2009.

This matter arrived after the meeting but has been dealt with via email, due to the date of the event and the fact it would not go to Council prior to the event occurring.

A request has been received to hold the 1st stage of the 2009 AussieDuct Southern Cross Rally Series in the Oberon and Jenolan State Forests on the weekend of the 4 April, 2009. The details have been received and there will be no part of the events on public roads and Forests NSW have given conditional approval

The committee has no objection to the event being held.

The Committee recommends that appropriate actions be undertaken

MOVED BW

SECONDED PC

VOTE UNANIMOUS

The next meeting will be on **Thursday, 2 April, 2009, at 2.00pm** in the Committee Room, Administration Building, 180 Mort Street, Lithgow.

The meeting closed at 3.40 pm.