



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

11 MAY 2009

AT 7.00pm

AGENDA

PRESENT / APOLOGIES

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 14TH APRIL 2009

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20TH APRIL 2009

PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES - Regional and Local Community Infrastructure Program

NOTICES OF RESCISSIONS - NIL

NOTICES OF MOTION

Councillor M F Ticehurst -	Proposed Upgrade Great Western Highway - Mt Vic to Lithgow
Councillor M F Ticehurst -	Lithgow Animal Pound Break In
Councillor M F Ticehurst -	Regional and Local Community Infrastructure Program
Councillor C Hunter -	Central West Needs Study

REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Report

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS

Sports Advisory Committee
Tourism Advisory Committee
Sister City Committee
Meadow Flat Hall Committee
Indoor Aquatic Centre Committee
Economic Development Advisory Committee

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

CLOSED MEETING - Tender Purchase of Tilt Tray Truck

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTE</u>	<u>5</u>
<u>ITEM:1</u>	<u>MAYORAL MINUTE - 11/05/09 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING</u>	<u>5</u>
	<u>NOTICES OF MOTION</u>	<u>7</u>
<u>ITEM:2</u>	<u>NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - PROPOSED UPGRADE OF THE GREAT WESTERN HIGHWAY FROM MT VICTORIA TO LITHGOW</u>	<u>7</u>
<u>ITEM:3</u>	<u>NOTICE OF MOTION -11/05/09 - COUNCILLOR M F TICEHURST - LITHGOW ANIMAL POUND BREAK - IN</u>	<u>9</u>
<u>ITEM:4</u>	<u>NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING</u>	<u>10</u>
<u>ITEM:5</u>	<u>NOTICE OF MOTION - 11/05/09 - COUNCILLOR C HUNTER - CENTRAL WEST TRANSPORT NEEDS STUDY</u>	<u>12</u>
	<u>GENERAL MANAGER REPORTS</u>	<u>13</u>
<u>ITEM:6</u>	<u>GM - 11/05/09 - MODEL CODE OF CONDUCT</u>	<u>13</u>
<u>ITEM:7</u>	<u>GM - 11/05/09 - FIRST INTERIM AUDIT VISIT 2008/09 FINANCIAL YEAR</u>	<u>14</u>
<u>ITEM:8</u>	<u>GM - 11/05/09 - GOODS AND SERVICES TAX CERTIFICATE 1 MAY 2008 TO 30 APRIL 2009</u>	<u>21</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>24</u>
<u>ITEM:9</u>	<u>REG - 11/05/09 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR MARCH AND APRIL 2009</u>	<u>24</u>
<u>ITEM:10</u>	<u>REG - 11/05/09 - 057/09DACC - DWELLING ADDITION - 88 CUPRO STREET, LITHGOW</u>	<u>25</u>
<u>ITEM:11</u>	<u>REG - 11/05/09 - ESKBANK STREET CARPARK</u>	<u>29</u>
<u>ITEM:12</u>	<u>REG - 11/05/09 - LAND AND ENVIRONMENT COURT JUDGEMENT - AGONIC HOLDINGS PTY LTD V COUNCIL</u>	<u>31</u>
<u>ITEM:13</u>	<u>REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION CERTIFICATE 045/09DACC JIM MONAGHAN ATHLETIC FIELD - STORAGE SHED</u>	<u>32</u>
<u>ITEM:14</u>	<u>REG - 11/05/09 - LOWTHER CEMETERY FEES - CATHOLIC SECTION</u>	<u>34</u>

<u>ITEM:15</u>	<u>REG - 11/05/09 - WORKS PROGRESS REPORT</u>	<u>36</u>
<u>ITEM:16</u>	<u>REG - 11/05/2009 - LITHGOW LOCAL GOVERNMENT WATER USAGE</u>	<u>38</u>
<u>ITEM:17</u>	<u>REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION CERTIFICATE 016/09DACC SES GARAGE SILCOCK STREET LITHGOW</u>	<u>42</u>
<u>ITEM:18</u>	<u>REG - 11/05/09 - LITHGOW TOWN CLOCK</u>	<u>44</u>
<u>ITEM:19</u>	<u>REG - 11/05/09 - WOLGAN GAP ROCK STABILITY CONSULTANTS REPORT</u>	<u>45</u>
<u>ITEM:20</u>	<u>REG - 11/05/09 - POLICY REVIEW BY THE REGIONAL SERVICES DEPARTMENT</u>	<u>49</u>
<u>ITEM:21</u>	<u>REG - 11/05/09 - 50 KILOMETRE PER HOUR SPEED ZONE - CHIFLEY ROAD / MORT STREET LITHGOW</u>	<u>52</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>53</u>
<u>ITEM:22</u>	<u>COMM - 11/05/09 - ESTABLISHMENT OF ALCOHOL FREE ZONES - PORTLAND AND WALLERAWANG CENTRAL BUSINESS DISTRICTS</u>	<u>53</u>
<u>ITEM:23</u>	<u>COMM - 11/05/09 - CLOSURE OF ADULT STORE ON MAIN STREET, LITHGOW AND SQUASH COURTS - YOUNG STREET CENTRE LITHGOW</u>	<u>55</u>
	<u>COMMITTEE MEETINGS</u>	<u>56</u>
<u>ITEM:24</u>	<u>REG - 11/05/09 - SPORTS ADVISORY COMMITTEE - MINUTES 27 APRIL 2009</u>	<u>56</u>
<u>ITEM:25</u>	<u>REG - 11/05/09 - INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MEETING MINUTES OF 9 APRIL 2009</u>	<u>57</u>
<u>ITEM:26</u>	<u>COMM - 11/05/09 - TOURISM ADVISORY COMMITTEE MINUTES 7 APRIL 2009</u>	<u>58</u>
<u>ITEM:27</u>	<u>COMM - 11/05/09 - SISTER CITY ADVISORY COMMITTEE</u>	<u>60</u>
<u>ITEM:28</u>	<u>COMM - 11/05/09 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE</u>	<u>61</u>
<u>ITEM:29</u>	<u>COMM - 11/05/09 - MEADOW FLAT HALL COMMITTEE</u>	<u>63</u>
	<u>CLOSED REPORTS</u>	<u>66</u>
<u>ITEM:30</u>	<u>GM - 11/05/09 - CONFIDENTIAL REPORT - TENDER / PURCHASE OF TILT TRAY TRUCK WITH VEHICLE LOADING CRANE</u>	<u>66</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>67</u>

MAYORAL MINUTE

ITEM:1 MAYORAL MINUTE - 11/05/09 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING

COMMENTARY

On Sunday the 3rd May 2009 the Council was officially informed that it had been successful in acquiring a grant of \$3.285M from the Regional and Local Community Infrastructure Program from the Federal Government. This will be a contribution to \$4.16M of work and will include a partnership with the Lithgow Hockey Association.

The work will be to have major improvements for an overall sporting and cultural precinct in the Lithgow area. The works include:

- Major improvements to the general precinct of the Tony Lucehetti Sports Grounds;
- Significant improvements to the Ashley grandstand;
- Improvements to the Civic Ballroom;
- Additional money for the Lithgow Skate Park; and
- Replacement of the sand based Hockey turf with a water based turf at the Glanmire Oval

More details of the works in the attachments.

This successful application came about through successful negotiations and lobbying between Council and the Federal Member Bob Debus who had been particularly supportive of our application. Indeed following a conversation between myself and the Federal Member, the information from that being relayed to Council precipitated a rescission motion which I obviously applaud so that the application could indeed cover a number of things that have been included and now granted.

It is clear to see that even though there had been some minimal opposition to this particular idea, the decision of Council and subsequent very hard work of Council staff in having the application done correctly and submitted on time has paid off.

This amount of money will be not only a huge benefit to the Lithgow Council and our community but will also provide many opportunities. This will be good as I am sure some of this work will be able to be done by our own staff and some work may go to other people in the local area.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. List of Projects

RECOMMENDATION

THAT:

1. Council note the grant from the Regional and Local Community Infrastructure Program funds.
2. Council write to congratulate the Federal Member, Bob Debus for his support for the project
3. Council Officers prepare a report for the program of works to complete for the grant
4. Council congratulate the staff that were so integral in the hard work to have the application prepared and organise a suitable function for those staff.

NOTICES OF MOTION

ITEM:2 NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - PROPOSED UPGRADE OF THE GREAT WESTERN HIGHWAY FROM MT VICTORIA TO LITHGOW

MOTION TITLE/TOPIC:

RTA confirmation that the Newnes Plateau is now not an option for the proposed upgrade of the Great Western Highway from Mt Victoria to Lithgow.

Listed by Councillor Martin Ticehurst.

Date: 12 April 2009.

REFERENCES:

ABC New Report of Thursday 2 April 2009.

BACKGROUND

The following information is from an ABC Central West Radio news report.

"The New South Wales Roads and Traffic Authority (RTA) has ruled out a corridor through the Newnes Plateau as a possible route for an upgrade of the Great Western Highway.

The authority has announced four corridors between Mount Victoria and Lithgow, west of Sydney, will now be considered for the proposed upgrade.

The decision was made after the RTA reviewed 462 public submissions on the five corridors initially identified.

RTA regional manager Peter Dearden says the Newnes Plateau option is not feasible because it passes through the Marrangaroo Army Base.

"We found out that Marrangaroo Army Base was essential to the Department of Defence and the department were not willing to negotiate to relocate that facility," he said.

"We also talked further to them about unexploded munitions and a number of other uses at the base [and] it was quite clear that we were not going to find a feasible route within that original Newnes Plateau corridor.

"We satisfied ourselves that the importance of that facility and the nature of its current use, the costs that might be involved either to clean up the site or to relocate that facility - which would all add to the cost of the Newnes Plateau corridor option were it to proceed - were all enough to make that corridor no longer feasible."

Environment group Colong Foundation for Wilderness says the decision will protect a natural wonderland.

Director Keith Muir says building a tunnel for the Mount Victoria bypass and improving the existing road are less damaging solutions.

But the Central West Regional Organisation of Councils says the outcome could jeopardise the future of the Bells Line Expressway.

Chairman Neville Castle says it is a disappointing the route was ruled out.

"That option was likely to be the start of the Bells Line Expressway," he said.

"If that's going to be ruled out at this stage then I guess it is a case of back to the drawing board to see if there is any other ways of being able to get the project up and running."

Mr Castle says there should have been further public consultation before the Newnes Plateau was rejected.

"It was our understanding that the actual corridors would still remain in contention until further information had been gathered and that that had come through to further public meetings," he said.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT:

1. The Council make urgent representations to the State Member, Gerard Martin, Federal Member, Bob Debus to have their consultants, the RTA re-consider their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.
2. Council makes urgent representations to CENTROC, requesting that they support and seek an independent financial opinion on the costs put forward by the RTA for their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.

Signed: *Martin Ticehurst*

ITEM:3 NOTICE OF MOTION -11/05/09 - COUNCILLOR M F TICEHURST - LITHGOW ANIMAL POUND BREAK - IN**MOTION TITLE/TOPIC:**

Lithgow City Council Media Release – ‘Lithgow Animal Pound Break-in’.

Listed by Councillor Martin Ticehurst.

Date: 12 April 2009.

REFERENCES:

Lithgow City Council Media Release on 9 April 2009.

BACKGROUND

The following information is from a Lithgow City Council Media Release issued on the 9 April 2009 and titled: ‘Lithgow Animal Pound Break-in’.

‘A senseless and cruel break-in occurred at the Lithgow Pound in Geordie Street overnight on 7th/ 8th April 2009 resulting in the death of a number of dogs. Council staff were confronted with a shocking sight this morning upon finding that there had been a break-in overnight that resulted in five dogs being so badly injured that they needed to be immediately euthenazed”, said the Mayor, Councillor Neville Castle. “I am sure that the community will be appalled by the irresponsible and cruel actions of those who committed this crime”, the Mayor said. The break-in has been reported to Lithgow Police who have information on the possible identity of those involved. The matter has also been reported to the RSPCA who have the power to prosecute under Cruelty to Animals legislation which carries a penalty of up to 5 years gaol. “Whoever committed this crime showed callous disregard for the safety and welfare of the other animals in the pound. Council asks anyone with information on this crime to please contact Lithgow Police.” said Matthew Johnson, Council’s Manager of Community and Culture.

ATTACHMENTS

Nil.

RECOMMENDATION**THAT:**

1. The General Manager provide the Council with a further report on this incident including an update on any further investigations by the NSW Police Service and the RSPCA.
2. The General Manager provide the Council with a further report on what is the current and future security of the Lithgow Animal Pound.

Signed:

Martin Ticehurst

ITEM:4 NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING

MOTION TITLE/TOPIC:

Approval of the Lithgow City Council's application for funding of \$529,000 of local works under the Federal Government's Regional and Local Community Infrastructure Program.

Listed by Councillor Martin Ticehurst.

Date: 27 April 2009.

REFERENCES:

Lithgow City Council Media Release 'Grant Funds Approved' 21 April 2009.

BACKGROUND

"Lithgow Council's application for funding under the Federal Government's Regional and Local Community Infrastructure Program for \$529,000 in local works has been approved.

Mayor of Lithgow City Council, Cr Neville Castle, said "it is very welcome news that all of the projects applied for by Lithgow City Council under the Regional and Local Community Infrastructure Program (RLCIP) have been approved by the Federal Government."

Federal Member for Macquarie, Bob Debus said, "the funding is part of the Government's \$800 million Community Infrastructure Program. These projects are an important part of the government's economic stimulus because the Council can proceed with them straight away. Obviously we need programs that will help immediately, along with bigger capital works that will provide jobs in the medium and longer term. We also need the kind of training arrangements the Government recently announced which will help us avoid bottlenecks when the economic recovery comes," Mr Debus said.

The projects approved are:

- **\$260,000 - Skate Park Development, Lithgow** – Design and construction of a skate park facility including ancillary landscaping works to provide social and recreational infrastructure for the utilisation of residents and visitors.
- **\$80,000 - Crystal Theatre Upgrade, Portland** – The provision of disabled access, construction of new public amenities, installation of a heating system, improvements to the existing kitchen and upgrade of the Crystal Theatre in Portland.
- **\$64,000 - Branch Library Refurbishment, Wallerawang** – Redevelopment and refurbishment of Wallerawang Branch Library to provide improved Library services and increased activity space.
- **\$50,000 - Union Theatre Upgrade, Lithgow** – Construction of a physical linkage between the Union Theatre and the adjoining Hoskins Building, and improvements to the public amenities within the Union Theatre Building.

- **\$35,000 - Boatshed Development Project, Wallerawang** – Provision of a boat shed within the Lake Wallace recreation ground to provide greater efficiencies in storage facilities for local sailing clubs and not-for-profit community groups.
- **\$30,000 - Civic Ballroom Upgrade Project, Lithgow** – Improvements to the Lithgow Civic Ballroom, specifically the upgrading and modernising of the entrance, amenities and kitchen facilities to enhance and improve the facility.
- **\$10,000 - Vale of Clwydd Community Hall Upgrade, Lithgow** – Upgrade of kitchen facilities at the Vale of Clwydd Community Hall.

ATTACHMENTS

Lithgow City Council Media Release 'Grant Funds Approved' 21 April 2009.

RECOMMENDATION

THAT:

1. Council receives and notes the information.
2. Council indicates which of the seven nominated Council projects are to be tendered out to provide a stimulus opportunity for businesses.
3. Council indicates if it is to immediately seek and approve tenders for the new \$260,000 Skate Park Development at the Tony Luchetti Showground, Lithgow or if it will now wait until it has received approval for their additional application of \$400,000 for the Lithgow Skate Park in the Councils outstanding Application under the Federal Governments RLCIP Program for the Lithgow Sporting and Cultural Precinct Improvement Program.

Signed: *Martin Ticehurst*

**ITEM:5 NOTICE OF MOTION - 11/05/09 - COUNCILLOR C HUNTER -
CENTRAL WEST TRANSPORT NEEDS STUDY**

NOTICE OF MOTION

MOTION TITLE/TOPIC

Central West Transport Needs Study

Listed by Councillor C. Hunter

Date 3 May 2009

BACKGROUND

There has been a study into the transport needs of the Central West. This has only been released to a select few, sworn to secrecy. What does this contain, that the public should know?

Are there further down grades of the rail infrastructure? What effects does this study have on the Mount Victoria to Lithgow highway upgrades?

RECOMMENDATION

That: Lithgow City Council seeks immediate release of the Central West Transport Needs Study.

Signed *C. J. Hunter*

GENERAL MANAGER REPORTS

ITEM:6 GM - 11/05/09 - MODEL CODE OF CONDUCT

REFERENCE

Minute No 07-453 – Council Meeting 15 October 2007
Minute No O08-31 – Council Meeting 17 March 2008
Minute No P08-77 - Policy and Strategy Committee 1 July 2008

SUMMARY

To advise Council of correspondence received from the Department of Local Government in relation to the Model Code of Conduct for Local Councils in NSW with a recommendation that Council not the update to the Education Package Facilitators Guide.

COMMENTARY

The Model Code of Conduct for Local Councils in NSW came into effect from 27 June 2008. Lithgow City Council adopted the Model Code of Conduct under section 440 of the Local Government Act 1993 at the Policy and Strategy Committee Meeting held on 1st July 2008.

The Department of Local Government has advised, on 23 March 2009 that the Model Code of Conduct Education Package Facilitators Guide has been updated and all sections have changed with the exception of:

- The Facilitators Checklist, and
- The Other Resources section, which contains the sample evaluation form and statement of attainment for facilitators who deliver in house training sessions in councils.

The Department of Local Government requests Councils replace the information in the Facilitators Guide folders that were sent to all Councils in NSW in July 2005 and to also update the information in the Model Code of Conduct.

The context of the code has not changed and as it is a direction of the Director General of the Department of Local Government it is considered that the changes are not substantial and thus do not require public exhibition.

POLICY IMPLICATIONS

The updated version of the Model Code of Conduct is provided as an attachment to this agenda.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Replace the appropriate information in the Facilitators Guide Folders
2. Provide Councillors with an updated copy of The Model Code for their information

ITEM:7 GM - 11/05/09 - FIRST INTERIM AUDIT VISIT 2008/09 FINANCIAL YEAR

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Minute 10.06.08 Ordinary Meeting: Adoption of 2008/09 Management Plan

SUMMARY

To advise Council of the first interim audit visit by auditors the Morse Group for the 2008/09 financial year with a recommendation that the report be accepted.

COMMENTARY

Councils' auditors, The Morse Group, have completed the first interim audit of Council's records for the 2008/09 financial year which commenced on 3 March 2009. The audit covered the period 1 July 2008 to 28 February 2009 and as a result an interim audit letter was received by Council on the 17 April 2009.

Of interest to Councillors may be the scope of the audit, which the auditors address:

- There were no matters to address from previous management letters of 10 July 2008 or 10 December 2008.
- Operational areas examined during the review included:
 - Purchase and general expenditure transactions
 - The receipting system and cashier processes
 - Reconciliation and sub ledger
 - Journals
 - Plant
 - Water Billing
 - Council's Minutes
 - Sec 94 contributions

The examination of transactions and records was conducted at Council's premises.

To seek an efficient audit the follow internal control structures were taken into account:

- The control environment, incorporating managements policies and procedures
- The information systems, incorporating the final reporting process used to prepare the Council's financial reports: and
- Internal control, being those policies and procedures which management has established to provide reasonable assurance that specific organisation objectives will be achieved

As part of this process it was noted amounts charged to developers under Council's developer contribution plans have not been indexed by CPI in accordance with the requirements of the plan. Regional Services Planners have noted this matter and will commence the process as soon as possible.

Policy Implications

Nil

Financial Implications

Nil

Legal Implications

Nil

ATTACHMENTS

1. Letter from The Morse Group dated 17 April 2009. Dataworks document 497087.

RECOMMENDATION

THAT the information be received and Council note the Morse Groups first interim audit for the 2008/09 financial year.

MORSE | GROUP

ACCOUNTANTS & ADVISORS

LRS: 602682

17 April 2009

The General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Lithgow City Council
Scanned

21 APR 2009

Doc. No.....
GDA Ref.....
Years.....

Dear Roger

RE: REPORT ON FIRST INTERIM AUDIT – YEAR ENDING 30 JUNE 2009

As part of our statutory audit for the year ending 30 June 2009, we advise having completed our first interim review of Council's operations.

These matters were discussed with yourself and Carol Farnsworth at the completion of our visit. This letter was issued to management as a draft on 20 March 2009, and management responses were received on 17 April 2009.

Scope

The purpose of our visit is to obtain sufficient appropriate audit evidence to enable us to express an opinion on the Council's annual financial report. Our audit procedures have been primarily designed to achieve this purpose and in order to do so in a cost-effective and efficient manner our approach will concentrate on areas of materiality and high risk.

The scope of our audit does not include a comprehensive review of all procedures and systems and our comments are therefore limited to the operational areas examined, which were:

- Purchasing and general expenditure transactions;
- Receipting system and cashier processes;
- Council's reconciliations of sub-ledger accounts;
- Journals;
- Plant;
- Water billing;
- Council's minutes;
- Section 94 contributions.

In seeking to achieve an efficient audit we have also taken into account, to the relevant extent the internal control structure, consisting of:

- the control environment, incorporating management's policies and procedures;
- the information system, incorporating the financial reporting process used to prepare the Council's financial reports; and
- internal controls, being those policies and procedures which management has established to provide reasonable assurance that specific organisation objectives will be achieved.



Liability limited by a scheme approved under
Professional Standards Legislation

266 Howick Street, Bathurst NSW 2795
PO Box 690, Bathurst NSW 2795 DX: 3114
t 02 6339 9200 f 02 6331 9068
bathurst@morsegroup.com.au www.morsegroup.com.au

Generally, our audit established that the financial management procedures and systems have been controlled effectively in a manner appropriate for Council's structure and resources. In the course of our review some matters were noted which we have outlined in the attached audit memorandum to provide an opportunity for Council to further improve its internal control environment.

It is important to note that we were unable to complete our testing of Council's payroll system during this visit due to the fact that Council payroll was being processed at that time, and Council staff were unavailable to assist us with the completion of our work.

In addition, due to the rates officer being on leave during our visit, we were unable to complete our testing of Council's rating system during this visit.

Both of these areas will be completed at our next interim visit.

Should we be able to offer any more details regarding any of the above matters or assist you in any other way then please do not hesitate to contact me.

Yours faithfully
MORSE GROUP

Per:


LEANNE SMITH
PARTNER

LITHGOW CITY COUNCIL

FIRST MANAGEMENT LETTER
AUDIT FOR THE YEAR ENDING 30 JUNE 2009

REVIEW OF MATTERS PREVIOUSLY REPORTED

There were no matters raised in either our second interim management letter for the year ended 30 June 2008 dated 10 July 2008, or in our final management letter for the year ended 30 June 2008 dated 10 December 2008 which required further review during the course of our first interim visit.

LITHGOW CITY COUNCIL

FIRST MANAGEMENT LETTER
AUDIT FOR THE YEAR ENDING 30 JUNE 2009

CURRENT MATTERS

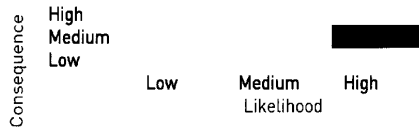
1. SECTION 94 CONTRIBUTIONS

Risk Weighting: High

Justification:

Consequence – MEDIUM

Likelihood – HIGH



Time frame for resolution: As soon as possible.

Audit Observations

During the course of our review, we selected a number of Section 94 developer contributions paid to Council in the period 1 July 2008 to 28 February 2009 for review.

As part of this process, it was noted that the amounts charged to developers under Council's developer contributions plans have not been indexed by the Consumer Price Index (CPI) in accordance with the requirements of the contributions plans. Instead, the original unindexed amount in the contributions plans has been levied on the developer.

The original issue date of Council's Section 94 contributions plans are as follows:

- the Lithgow Rural Roads Section 94 Contributions Plan was issued in February 1998;
- the Rural Fire Services Section 94 Contributions Plan was issued in May 1999;
- the Blackheath Creek Crossing Section 94 Contributions Plan was issued in January 2002; and
- the Coal Related Development Section 94 Contributions Plan was issued in March 1992.

The contribution rate for the Coal Related Development Section 94 Contributions Plan was last indexed in 2006 as an addendum to the contributions plan.

However, the contribution rates for the other three contributions plans have not been indexed or amended in any other form since they were originally set. In addition, no manual adjustments for indexation are being made by Council staff at the time the contributions are paid to Council by developers.

Implications

Council is entitled to charge a higher [indexed] rate for developer contributions than the unindexed rate specified in the contributions plans.

Whilst the plans do not specify which quarter's CPI is to be used for the indexation (ie September quarter, December quarter, March quarter or June quarter), for the purposes of our review we have used the June quarter CPI.

Based on this assumption, our estimate is that the Lithgow Rural Roads Section 94 Contributions Plan rate should be approximately \$4,080 per lot when indexed from June 1998 to June 2008. The unindexed rate for this contributions plan is \$3,000 per lot.

In the period 1 July 2008 to 28 February 2009, Council was paid \$63,000 under the Lithgow Rural Roads Section 94 Contributions Plan, which represents payment for twenty-one (21) lots. If indexation had been applied, Council would have received approximately \$22,680 in additional revenue $(\$4,080 - \$3,000) \times 21$ lots).

Council was also paid for 21 lots under the Rural Fire Services Section 94 Contributions Plan during this period. This plan has an unindexed rate of \$200 per lot. Our estimated indexed rate under this plan is \$269

per lot, which would have resulted in an additional \$1,449 being collected under this plan during the current financial year.

Recommendations

We recommend that Council make a determination as to whether it intends to apply indexation to Section 94 developer contributions.

If Council decides that indexation should be applied, Council staff should be advised of this requirement, as well as the appropriate quarterly CPI which should be used for each plan [ie. September quarter, December quarter, March quarter or June quarter].

If Council should decide not to apply indexation to these contribution rates, then a Council resolution should be passed to this effect.

In addition, given the period of time which has elapsed since the original issue of Council's Section 94 Contributions Plans, we would recommend that Council review these plans in their entirety in the near future.

Management Comments

Council has already recognised the deficiencies of its current Section 94 Contributions Plans. To this end consultants have prepared draft contribution plans intended to replace the current plans. However, it is possible that these plans may not be finalised for several months. Therefore, it is proposed to commence charging the indexed contribution rates from 1 May 2009. These will then be altered accordingly when the new plans are adopted.

ITEM:8 GM - 11/05/09 - GOODS AND SERVICES TAX CERTIFICATE 1 MAY 2008 TO 30 APRIL 2009**REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH**

REFERENCE

Nil

SUMMARY

To advise Council of reporting requirement for GST and seek authorisation for the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the 'Goods and Services Tax Certificate' for the period 1 May 2008 to 30 April 2009.

COMMENTARY

For the 2008/09 financial year the Department of Local Government requires Council to report on GST compliance for the period 1 May 2008 to 30 April 2009.

It is no longer mandatory for Councils to request their auditors to undertake a review of the GST system but Council is required to lodge a certificate of confirmation with the Department in the place of the audit review report.

This request allows the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Accordingly, local governing bodies are requested to provide the DLG with this advice in June each year who in turn provide advice to the NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

The Goods and Service Tax Certificate must be signed with a resolution of Council and which states:

To assist compliance with Section 114 of the Commonwealth Constitution, we specify that:

- *Voluntary GST has been paid by Lithgow City Council for the period 1 July 2008 to 30 April 2009*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office*

Council has claimed refund of the following GST amounts in the required period:

MONTH	GST REFUNDS
2008	
May	145,301
June	121,688
July	153,437
August	130,786
September	111,303
October	154,605
November	190,335
December	157,637
2009	
January	90,152
February	94,262
March	115,686
April	63,518

In previous financial years the Australian Taxation Office have completed a problem free GST audit of Council's records which extensively covered the following risk areas:

- Implementation Activities
- Management of Transitional Issues
- Risk Identification and Mitigation
- Internal control relating to computer system (including QA activities)
- Decision Making - Supplies (eg sales, Division 81 Fees and Charges)
- Contracts Management
- BAS Preparation
- Training and Succession Planning
- Grant Providers (Grant paid to other entities)
- Grants Received
- Recipient Created Tax Invoices - supplies and acquisition tother than grants
- Acquisitions
- Tax Invoice Integrity - Supplier and Recipient
- Disposal and acquisition of assets
- Related Party Transactions
- Record keeping and Tax Invoice Management

Policy Implications

Nil

Financial Implications

Nil

Legal Implications

Nil

ATTACHMENTS

1. Goods and Services Tax Certificate 1 May 2008 to 30 April 2009

RECOMMENDATION

THAT the information be received and Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the Goods and Services Tax Certificate for the period 1 May 2008 to 30 April 2009.

LITHGOW CITY COUNCIL GOODS AND SERVICE TAX CERTIFICATE

Payment of Voluntary GST 1 May 2008 to 30 April 2009

To assist compliance with Section 114 of the Commonwealth constitution, we certify that:

- Voluntary GST has been paid by Lithgow City Council for the period 1 May 2008 to 30 April 2009
- Adequate management arrangements and internal control were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 11 May 2009

Mr Neville CASTLE
MAYOR

Mr Graham DANAHER
DEPUTY MAYOR

Mr Roger BAILEY
GENERAL MANAGER

Mrs Carol FARNSWORTH
RESPONSIBLE ACCOUNTING
OFFICER

REGIONAL SERVICES REPORTS

ITEM:9 REG - 11/05/09 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR MARCH AND APRIL 2009

REPORT FROM: ANDREW MUIR - GROUP MANAGER REGIONAL SERVICES

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 March and April 2009.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Upper Macquarie County Council Chief Weeds Officer's Report for March and April 2009 (Doc:491237 and 498424).

RECOMMENDATION

THAT the Upper Macquarie County Council Chief Weeds Officer's Report for March and April 2009 be received.

ITEM:10 REG - 11/05/09 - 057/09DACC - DWELLING ADDITION - 88 CUPRO STREET, LITHGOW

REPORT FROM: GENERAL MANAGER - ROGER BAILEY

SUMMARY

To advise council of the submission of a Development/Construction Certificate Application No.057/09 by Mrs A Muir and recommend approval.

COMMENTARY

An application has been received from Mrs A Muir to construct a timber framed, hardiplank clad addition at the rear of the existing dwelling on the land known as Lot 352 DP 5255, 88 Cupro Street Lithgow.

The application was notified to adjoining neighbours and no submissions were received.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is a staff member or relative must be referred to council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority. Mrs Muir is the wife of Council's Group Manager Regional Services, Andrew Muir, and the application is referred to Council for consideration.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

- A.** Development/Construction Certificate Application No.057/09 be approved subject to the following conditions:

General Requirements

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. That the external cladding and roofing of the dwelling are of a natural tone, non-reflective condition.
4. A minimum clearance of 400mm is to be provided from the underneath side of the bearer throughout the whole addition.

Requirements prior to commencement of construction

5. Prior to commencing any construction works, 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.
6. A written request is to be made to Council's Development Engineer requesting a new sewer junction be cut into Councils sewerage main. The existing shared line is to be capped off to the satisfaction of Council.
7. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
8. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
9. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed.

Cut and filled areas are to be retained to Council's satisfaction prior to the issue of the Occupation Certificate. (Note retaining walls over 800mm in height require Development Consent).

10. 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.
11. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
 - (i) the method of protection and
 - (ii) the date of installation of the system and
 - (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

Requirements during construction

12. 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) Internal drainage carried out by licensed plumber prior to covering
 - c) Reinforcing steel in position and before concrete is poured (slabs, footings, lintels, beams, columns, floors, walls and the like.
 - d) Floor framing prior to covering of bearers and joists.
 - e) Framing when external wall and roof cladding is in place and prior to internal linings.
 - f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - g) Wet area flashing prior to tiling or covering.
 - h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - i) 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.

13. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number A54373 as obtained on 16 March 2009 from the Department of Infrastructure, Planning and Natural Resources.
Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.

14. 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

15. That the dwelling is set out by a Registered Surveyor and copies of the Survey Report are submitted to the Principal certifying authority prior to the footing inspection.
16. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2006 "Timber Framing Code".
17. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).
- Details shall include:
- (i) job address and builder's name;
 - (ii) design wind velocity;
 - (iii) **terrain category and 1Kpa ground snow load;**
 - (iv) truss spacing;
 - (v) roof pitch;
 - (vi) material of roof;
 - (vii) roof batten/purlin spacing;
 - (viii) material of ceiling;
 - (ix) job number
- This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2006 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).
18. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions.
19. The installation of hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
20. That the rainwater drains are connected to the street/lane gutter to the satisfaction of Council officers.
21. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

22. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
23. Subfloor ventilation is to be incorporated as per part 3.4.1 of the Building Code of Australia.

Requirements prior to issue of Occupation certificate

24. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
- B.** A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

ITEM:11 REG - 11/05/09 - ESKBANK STREET CARPARK

REPORT FROM: OPERATIONS MANAGER – STEPHEN DARLINGTON

REFERENCE

P08-128 Policy and Strategy Committee Meeting 4 November 2008

SUMMARY

This report provides details of parking spaces in the Eskbank Street Carpark following the construction of the new taxi rank and recommends that the matter be monitored for a further 12 months.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 November 2008 resolved that a report come back on the new taxi rank in Eskbank Street as to how many car parking spaces will be lost and as such the following information is provided.

The Eskbank Street taxi rank was completed in November 2008 and therefore sufficient time has elapsed to assess the impact of the loss of parking spaces in the adjacent carpark. A total of 13 parking spaces have been lost due to the construction of the taxi rank and the reconfiguration of the parking layout. However, Council officers observed that over the weeks leading up to Christmas and during the school holidays parking spaces were still available despite the loss in the number of spaces.

Additionally, alternate carpark layouts have been investigated but in order to maintain a reasonable and safe traffic flow and correct car space sizing, an additional 5 or 6 spaces can only be achieved.

Further to date, Council has not received any complaints, either in writing or verbally, regarding the loss of parking spaces. Therefore, it is assumed that the loss of the 13 spaces has had a negligible impact on the demand for parking spaces, even at peak times. However, it is suggested that Council continue to monitor the demand for parking spaces in the Eskbank Street Carpark over the next 12 months.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the report on the Eskbank Street Carpark be noted.

**ITEM:12 REG - 11/05/09 - LAND AND ENVIRONMENT COURT JUDGEMENT -
AGONIC HOLDINGS PTY LTD V COUNCIL**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Development Application No.598/04.

SUMMARY

To advise Council of the decision of the Land and Environment Court to dismiss an application for costs against Council by Agonic Holdings Pty Ltd.

COMMENTARY

Council would be aware that the Land and Environment Court had previously upheld an appeal from Agonic Pty Ltd in relation an application to subdivide the rural property known as Westholme into 38 rural lifestyle allotments.

The applicant subsequently lodged a claim for costs against Council in the Court. The matter was heard before a Justice Biscoe over two days from 11 March 2009. The Court after hearing all the evidence from both parties dismissed the Applicants motion for costs and ordered that the Applicant pay 80% of the Council's costs on the motion.

Council's costs are being assessed so that a claim can be made to the Applicant.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As indicated, the Applicant has been ordered to pay 80% of Council's costs in relation to the motion.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil.

RECOMMENDATION

THAT the report on costs in relation to a motion lodged by Agonic Holdings in the Land and Environment Court be noted.

**ITEM:13 REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION
CERTIFICATE 045/09DACC JIM MONAGHAN ATHLETIC FIELD -
STORAGE SHED**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise Council of the submission of Development Application/Construction Certificate No. 45/09 by the Lithgow Athletics Club for a storage shed at the Jim Monaghan Athletic Field off Barton Street, Lithgow. Approval of the application is recommended.

COMMENTARY

A Development Application/Construction Certificate has been received for the construction of a new storage shed located at the Jim Monaghan Athletics Field on Lots 1 DP115548 off Barton Street, Lithgow. The shed will replace an unsightly container that is currently being used for storage by the Lithgow Athletics Club. The land is owned by Lithgow City Council.

POLICY IMPLICATIONS

Council's Policy No 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land requires that applications be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority. The land which is subject of the application is owned by Lithgow City Council.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Section 79C report.

RECOMMENDATION

THAT:

A. Development Application/Construction Certificate No 045/09 be approved subject to the following conditions:

1. 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

2. That the structure is securely bolted at its supports and fixed rigidly at its base.
3. That rainwater collected by the roof is connected to downpipes and disposed of to the satisfaction of Council.
4. 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) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
 - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - d) 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.

5. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.
6. That the external cladding and roofing of the shed are of a natural tone, non - reflective condition.
7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) Which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

8. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

9. The existing shipping container on site is to be removed and relocated to the satisfaction of Council.

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

ITEM:14 REG - 11/05/09 - LOWTHER CEMETERY FEES - CATHOLIC SECTION

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

26/09 Council Meeting 27 January 2009

SUMMARY

This report provides the outcome of public exhibition of the proposed burial fee at the privately owned Catholic Section of Lowther Cemetery. It recommends adoption of the proposed fee.

COMMENTARY

At Council's meeting of 27 January 2009, it considered a report regarding fees for burials in the privately owned Catholic Section of Lowther Cemetery. Subsequently, the following was resolved:

- *“Council adopt a fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery.*
- *The proposed fee be advertised for a period of 28 days prior to adoption.*
- *A report be provided to Council regarding information from the local funeral directors outlining the costs.”*

The proposed fee was advertised with no submissions being received. Therefore, it is suggested that Council adopt the fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery.

It should be noted that the request to make a fee for burials in the Catholic Section of the Lowther Cemetery arose from a submission on the Draft Management Plan 2008/09 – 2010/11 from Kerry Linegar Funerals. The following extract is from that submission:

“To assist local families who wish to be buried in the Catholic portion of Lowther Cemetery, we ask that Lithgow Council consider placing a reasonable fee in the draft management plan for this. Our last request for a family to have a grave dug by Lithgow Council was about \$1,400 which we believe was excessive”.

Subsequently, the proposed fee of \$950 was notified to all local funeral directors and no comments were received.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications are discussed in the commentary of this report.

LEGAL IMPLICATIONS

The proposed fee was placed on public exhibition for a period of 28 days.

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council adopt a fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery for the remainder of the 2008/2009 financial year and this fee also be included in the 2009/2010 fees when adopted by Council.

ITEM:15 REG - 11/05/09 - WORKS PROGRESS REPORT**REPORT BY: OPERATIONS MANAGER – STEPHEN DARLINGTON**

REFERENCE

P08-132 Policy and Strategy Committee Meeting 4 November 2008

SUMMARY

This report provides an update of significant road construction and maintenance activities undertaken by Council in the current financial year, in addition, to highlighting upcoming works over the next 2 months.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 November 2008 requested a report on road activities that have/will be undertaken in 2008/09. Therefore, this report provides such details.

The following significant road construction activities have been completed:

- Regional Roads (REPAIR) Programme:
 - MR 531 Barton Avenue, Wallerawang – rehabilitation.
 - MR 531 Cullen Bullen to Portland Road in Cullen Bullen – rehabilitation.
 - MR 531 Cullen Bullen to Portland 3.87-4.69km - rehabilitation.

- Roads to Recovery Programme:
 - Coxs River Road, Little Hartley – rehabilitation.
 - Browns Gap Road, Hartley - rehabilitation.
 - Wolgan Road, (Maddox Lane north) – rehabilitation.
 - Replaced bridge on Pitts Lane, Hartley.
 - Replaced footbridge at Mills Street, Lithgow.

- Auslink Programme:
 - Stage 2 of Wolgan Road, Angus Place to the top of the Gap.

- Federal Black Spot Programme:
 - Shoulder widening on Browns Gap Road, Hartley.

- Gravel Sheeting Programme:
 - Extensive gravel sheeting on Glen Davis Road, Glen Davis; Glen Alice Road, Glen Alice and minor sheeting on Marsden Swamp Road, Hampton.

- Miscellaneous Road Works:
 - Traffic island at intersection of Ivatt Street and Sandford Avenue, Lithgow
 - Rehabilitation of sections of Cox and Saville Streets, Portland.
 - Bitumen resealing on Cox's River Road, Little Hartley and Lane Street, Wallerawang.

- Heavy patching on Sunny Corner Road, Portland; Portland lanes and streets; the intersection of Cypress Place and Barton Avenue, Wallerawang; Coxs River Road, Little Hartley and Barton Avenue, Wallerawang.
- Drainage improvements at Blakett Drive, Wallerawang and Windarra Place, Marrangaroo.
- Guardrail installation on Barton Avenue, Wallerawang.
- Improvements to Lane and Jamison Streets, Portland with a survey and design of the lane between Bell and William Streets being currently prepared.
- Rydal drainage works have commenced.

In addition, to the above significant projects, Council has been undertaking its normal road maintenance activities including:

- Maintenance grading of rural and town unsealed roads. Currently grading is occurring on Wolgan Road and Gangbenang Road in the rural areas and lanes in the Wallerawang and Portland area.
- Bitumen patching in rural and town areas.
- Roadside hazard reduction i.e. mowing has been completed in the areas of Glen Davis/Glen Alice, Tarana, Rydal, Wallerawang, Portland and Sunny Corner Road.

Furthermore, the following significant road works have been scheduled for the next 2 months:

- Rehabilitation works on Magpie Hollow and Rydal/Hampton Roads.
- Gravel sheeting on Hazelgrove Road, Glen Alice.
- Installation of guardrail on the Wallerawang – Portland Road and Glen Alice Road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All works have been funded in 2008/09 Budget as amended in the quarterly performance reviews of the Management Plan 2008/09-2010/11.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the works progress report be noted.

ITEM:16 REG - 11/05/2009 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: STRATEGIC ENGINEER – LEANNE KEARNEY

REFERENCE

Nil.

SUMMARY

This report provides a comparison of water usage figures for 2008 and 2009 within the Lithgow Local Government area and also gives an update on drought management.

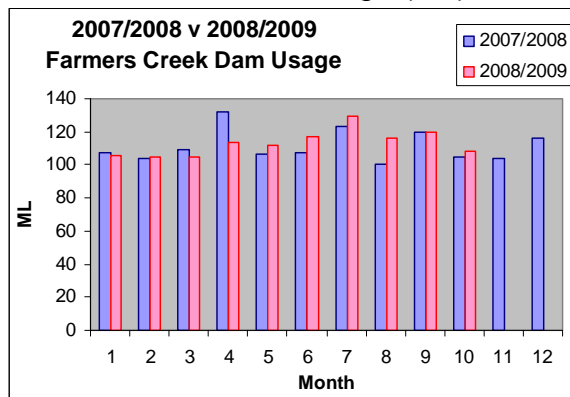
COMMENTARY

Lithgow Local Government Area water usage, including use from Farmers Creek Dam and Fish River Water Supply as at 27 April 2009 is provided. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 623.1 megalitres of water from this supply, equating to approximately 29.8% of its annual allocation (allocation issued per financial year, not calendar year).

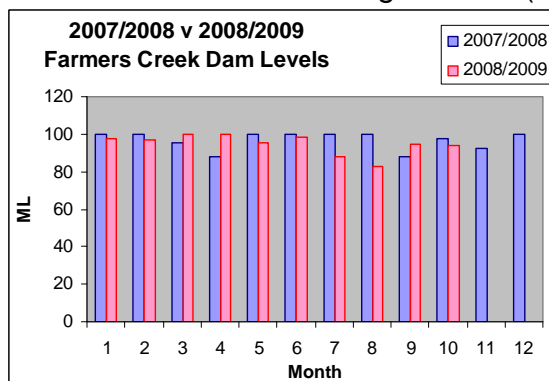
	2007/2008				
	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
Jul	100	23.7	107.7	67.9	175.6
Aug	100	24.2	104.2	49	153.2
Sept	95.6	23.7	109.4	53.8	163.2
Oct	87.8	23	132.3	80.3	212.6
Nov	100	22.4	106.5	53.9	160.4
Dec	100	21.6	107.8	44.7	152.5
Jan	100	20.2	123.6	103.2	226.8
Feb	100	19.3	100.7	64.5	165.2
Mar	87.8	19.1	119.4	72.7	192.1
Apr	97.9	16.7	104.7	51.1	155.8
May	92.2	16.1	103.6	55.3	158.9
Jun	100	15.5	115.8	65.8	181.6
TOTAL (ML)			1335.7	762.2	2097.9

2008/2009				
Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
97.9	15.5	105.8	45.2	151
96.7	15.6	104.6	50.7	155.3
100	17.1	104.9	66.7	171.6
100	18.3	113.7	52.1	165.8
95.3	18.8	111.5	58.1	169.6
98.7	18	117.1	68.1	185.2
88	17.45	129.8	68.9	198.7
82.6	16.89	116.4	70	186.4
94.3	14.34	119.8	71.3	191.1
93.9	12.93	108.1	72	180.1
				0
				0
		1131.7	623.1	1754.8

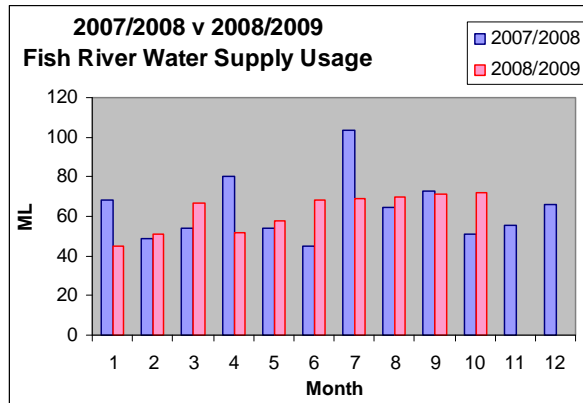
Farmers Creek Dam Usage (ML)



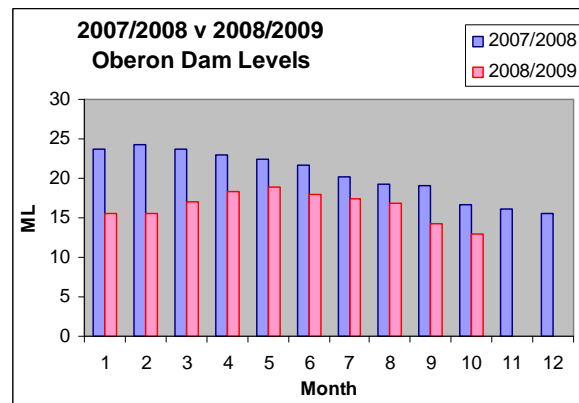
Farmers Creek Dam Storage Levels (%)



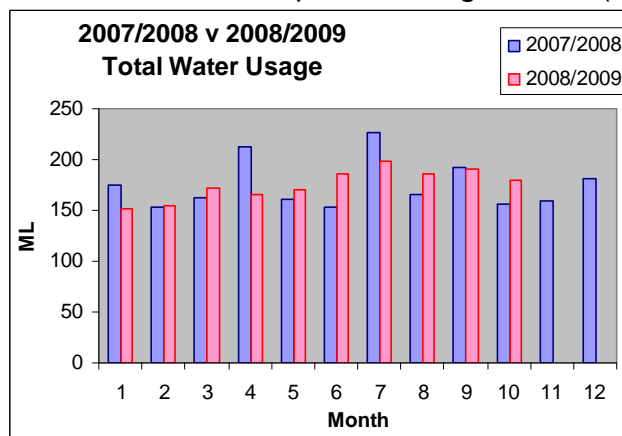
Fish River Water Supply Usage (ML)



Oberon Dam Storage Levels (%)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 93.9% capacity and Oberon Dam is currently at 12.93% of its full capacity (as at 27 April 2009).

Drought Management

Following advice to Council’s Ordinary meeting of 20 April 2009, further discussions have taken place with representatives of State Water and the Department of Water and Energy in relation to the submission of an application for drought relief funding. Council will recall that the opportunity exists to lodge an application for part funding for a project involving the installation of additional pumps and a duplicate main to one of Council’s reservoirs. This would then deliver the necessary flow rates and the water should be able to be gravity fed through the Fish River pipeline to the villages. A submission for funding was being prepared when the deadline for reports for this business paper closed.

POLICY IMPLICATIONS

Policy 12.2 relates to water restrictions from a non-compliance perspective.

FINANCIAL IMPLICATIONS

In relation to the drought relief project, it is reasonable to anticipate that up to fifty percent of the Capital costs would be covered by the Department of Water and Energy. It is logical and in Council's interests to own any additional infrastructure and therefore a contribution from Council looks likely. Although Council pays access charges to Fish River for its allocation which is constant, it would save on usage charges for any water it doesn't use from the Fish River supply. Balanced against this would be additional plant and pump operating costs. Further negotiations will also need to take place to take place on the sale of Farmers Creek water to State Water balanced against Lithgow Council's use of State Water infrastructure.

LEGAL IMPLICATIONS

The most likely legal implications will relate to private commercial agreements between State Water and Council.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT the report on Lithgow Local Government Water usage and drought management be accepted.

**ITEM:17 REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION
CERTIFICATE 016/09DACC SES GARAGE SILCOCK STREET
LITHGOW**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise Council of the submission of Development Application/Construction Certificate No. 016/09 for Lithgow City Council for a garage for use by the State Emergency Services (SES) at Silcock Street, Lithgow. Approval of the application is recommended.

COMMENTARY

A Development Application/Construction Certificate has been received for the construction of a new garage located at the Rural Fire Service building jointly used with the SES for use as a garage by the SES on Lot 3 DP 1005128 Silcock Street, Lithgow, owned by Lithgow City Council.

POLICY IMPLICATIONS

Council's Policy No 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land requires that applications be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority. The land which is subject of the application is owned by Lithgow City Council and is therefore reported to Council for determination.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Section 79C report.

RECOMMENDATION

A. THAT Development Application/Construction Certificate No 016/09 be approved subject to the following conditions:

CONDITIONS

1. That the structure be securely bolted at its supports and fixed rigidly at its base.
2. 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:
 - I. Pier holes/pad footings before filling with concrete.
 - II. Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - III. Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.
 - IV. 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.

3. 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
 4. That the proposed rainwater drains are connected to the existing rainwater disposal system.
 5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 6. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.
 7. That the garage is finished externally to ensure compatibility with existing development to the satisfaction of Council.
 8. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetate to the satisfaction of Council.
 9. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
- B. THAT** a Division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

ITEM:18 REG - 11/05/09 - LITHGOW TOWN CLOCK

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

P08-125 Policy and Strategy Committee Meeting 4 November 2008
O08-223 Council Meeting 15 December 2008

SUMMARY

This report provides an update on the provision of a Town Clock in Main Street, Lithgow.

COMMENTARY

At its meeting of 15 December 2008, Council considered a report on options for the Lithgow Town Clock. Subsequently, Council resolved that:

- *“Council note the report on the Lithgow Town Clock and consider allocating an amount of \$14,000 towards its replacement in the current location at 114 Main Street in the 2009/10 budget.*
- *Council seek information from City Rail to put one of their time keeper clocks in the Main Street of Lithgow”.*

During the process of preparing the draft Management Plan an amount of \$14,000 was not able to be accommodated in 2009/2010 to enable a balanced budget. However, such amount has been placed in 2010/2011 which will be the subject of further consideration in budget preparations for that financial year.

A meeting with a State Rail representative was held to discuss the possibility of one of their time keeper clocks being placed in Main Street. State Rail advise that they unable to undertake such an activity on assets which are not in their ownership.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the report on the information relating to the provision of a Town Clock in Main Street, Lithgow be accepted.

ITEM:19 REG - 11/05/09 - WOLGAN GAP ROCK STABILITY CONSULTANTS REPORT

REPORT FROM: OPERATIONS MANAGER – STEPHEN DARLINGTON

REFERENCE

Min No 008-224: Council Meeting of 15 December 2008

SUMMARY

This report provides a summary of the reports received from Council's specialist consultants, Golder Associates, being:

1. Road Slope Instability Risk Management Plan and
2. Road Slope Instability Remedial Options Study

COMMENTARY

Council will recall its resolution of 15 December 2008 where it resolved to engage Golder and Associates for the preparation of a Risk Management Plan and a report on remedial options for the Wolgan Gap section of the Wolgan Road and that a further report be provided to council upon receipt of the reports.

Council has now received final reports from its consultant, Golder Associates, on the instability of the rockface on the Wolgan Gap section of the Wolgan Rd

Two reports were commissioned and received. The first is the "Road Slope Instability Risk Management Plan" and the second is the "Road Slope Instability Remedial Options Study". Both reports are in response to Council's and the communities concerns to the risk and likelihood of possible rockfalls on the section of road known as Wolgan Gap.

1. Road Slope Instability Risk Management Plan

The objective of this report is the preparation of a plan to provide Council with a tool to manage the risk of rockfall on this section of Wolgan Rd and to develop procedures to deal with the effects of a rockfall. This report also refers to two previous slope risk assessments dated 09 May 2006 and 12 Nov 2008.

Reports to date indicate that the mechanisms that are likely to trigger rockfalls on these slopes are

- Rainfall – water pressures in joints behind blocks
- Wetting and drying of fine grained rocks which result in fretting, reduction in strength and erosion. This leads to loss of support for overlying sandstone blocks isolated from the face by jointing.
- Root jacking by trees
- Rainfall runoff – erosion of colluvial soils supporting rock blocks above the crest of the slope

The Management Plan includes the following aspects:

- Monitor rockfall hazards by periodic inspections
- Reassess the slope instability risks in response to changing conditions and installation of remedial measures

- Where required, develop, assess, and compare and implement remediation measures and maintenance
- Respond to rockfall events in a timely manner
- Provide training of Council personnel for induction into the requirements of this management plan
- Maintain records of inspections, risk assessments rockfall events, cleanup of rockfalls, remedial work and training records
- Update the management plan as required.

To assist Council with the implementation of the Management Plan, the report includes standard inspection and reporting forms. It is estimated that Council will incur additional maintenance expenses in the order of \$1200 pa to implement the plan. Funds will be available from Council routine road maintenance vote.

It is recommended that Council formally adopt the Road Slope Instability Risk Management Plan and commence its implementation immediately.

2. Road Slope Instability Remedial Options Study

This report presents an assessment of the slope remedial options for Council to consider. The purpose of the report is to provide guidance for Council to assess various remedial options on a cost benefit basis to manage the risks associated with the rockfall hazards. The report is attached to the business paper.

The objective of the report is to:

- Develop design concepts for various remedial options
- Estimate the cost within a range for comparative purposes
- Assess the benefit for reducing the risk (particularly the likelihood) of rockfalls

The report provides extensive details on risk assessment based on the RTA's Slope Risk Assessment (RTA, 2001). Page 3 of the report describes the Slope Instability Risk Assessment in terms of the Assessed Risk level (ARL). The ARL is applied to slopes on a scale of 1 (highest risk) to 5 (lowest risk). The reports advises that slopes with a risk level of ARL1 or 2 are unacceptable without remedial work and that slopes with ARL3 to 5 may be tolerable but require further investigation and monitoring.

The table on Page 3 indicates Face 4 with an ARL of 2. The report indicates that the risk of a rockfall of large slabs is not tolerable to Council and should be addressed to reduce the risk level. The report then goes on and provides recommendations for various remedial measures for both ARL2 and ARL3 sites.

Appendix A1 provides details of remedial option comparisons for the four identified rock face zones. Appendix A2 provides details of the cost benefit of remedial options.

It should be noted that the lower the score in the final column of the table indicates the greater benefit. Therefore, remedial measures with scores of 11, 12, and 13 are deemed to provide the greatest cost benefit and are considered to be the minimum necessary to be implemented and provide the greatest benefit to affected stakeholders.

The lowest cost benefit score is 11, being:

- Face 2 – Remove trees and scale loose blocks from face and crest
- Face 4 – Install survey points and targeted tree removal above overhand

The next lowest cost benefit score is 12 and 13, being

- Face 3 – Remove trees and scale loose blocks from face and crest (12)
- Face 4 – Rockbolt loose blocks (13)

The report estimates the cost of the above works as follows:

- Cost benefit score 11 works:- \$55000 + \$25000 = \$80000
- Cost benefit score 12 works:- \$110000
- Cost benefit score 13 works:- \$100000

The total of initial recommended works is \$290000. Council has no specific funds allocated or available for this work.

The current Auslink Project for the upgrade of the Wolgan Rd has an overall project budget of \$3.6M The approved project is in three stages, with Stages 1 and 2 completed. Stage 3, being the Wolgan Gap section is to be commenced in June 09 with the works comprising pavement reconstruction and the erection of guardrail or similar safety barrier. These works should take 8 - 10 weeks. The agreed works do not include any works on the rockface as described above.

Total expenditure to date, being the Stage 1 and Stage 2 works, as reported in the bi - monthly Auslink reports is \$2,391,735. The Stage 3 works is estimated to fully expend the remaining available funds. Consultation with Council's consultants will take place as part of the Road Slope Instability Risk Management Plan to determine the most appropriate and safest method of road reconstruction in the section immediately below the rockface. The Stage 3 works will proceed independently of any remedial works on the rockface.

It is anticipated that no funds will be available from the approved Auslink project to be allocated to the remediation of the rockface.

It is therefore recommended that Council make representations and prepare submissions to appropriate Federal and State Government authorities for additional funding to undertake the very necessary remedial works on the Wolgan Gap Rockface.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is anticipated that no funds will be available from the approved Auslink project to be allocated to the remediation of the rockface.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Road Slope Instability Remedial Options Study (Dated 27 April 2009)

RECOMMENDATION

THAT.

1. Council note the Road Slope Instability Risk Management Plan
2. Council make representations and prepare submissions to appropriate Federal and State Government authorities for additional funding to undertake the necessary remedial works on the Wolgan Gap Rockface.

ITEM:20 REG - 11/05/09 - POLICY REVIEW BY THE REGIONAL SERVICES DEPARTMENT

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

This report provides Council with the outcome of the review of policies by the Regional Services Department. It recommends amendments to the Policy Register.

COMMENTARY

Council resolved with the adoption of the Management Plan 2008/09 - 2010/11 to “develop, review and implement policies”. In this regard, those policies in the Policy Register maintained by the Regional Services Department have been reviewed by officers. As a result, the following proposed changes are suggested to the Policy Register and reported for Council’s consideration.

Policy No.	Policy Name	Proposed Changes
2.1	Lawn Cemetery - Management	Grammatical changes only.
2.2	Double Depth Internment	Nil.
5.2	Building Over Easements	Grammatical changes only.
5.3	Encroachments onto Public Roads	Nil.
5.4	Footpaths – Use of Public Footpaths for Restaurant Seating and Display of Goods	Changes to correct grammar and consistency in the policy.
5.5	Compliance – Enforcement Policy	Changes to correct grammar and consistency in the policy.
7.1	Filling and Levelling of Land	Grammatical changes only.
7.2	Provisions for Deferment of Payment of Developer Contributions Applicable under the Water Management Act 2000	Changes to correct grammar and terminology in the policy.
7.3	Subdivision – Release of Subdivision Plans	Changes include: <ul style="list-style-type: none"> • The redefinition of minor works by deleting ‘final course of road surfacing’ and ‘foot paving’. It includes activities such as ‘the erection of street signs’. • The security is also changed to be 100% of the estimate cost of the works.

		<ul style="list-style-type: none"> • The use of correct terminology and grammar.
7.4	Planning – Exhibition Homes on Land Zoned Residential	Removal of an unlawful prohibition guideline to control the location of exhibition homes on main roads and use of current terminology.
7.5	Rainwater Storage for Domestic Use – Non Urban Areas	Grammatical changes only.
7.6	Development Applications by Councillors and Staff and Relatives or on Council Owned Land	Removal of “or its appropriate committee” from point 1 of the Policy and grammatical changes.
7.7	Calling in of Development Applications by Councillors	Streamlined the process for Councillors by removing the option to ‘call in’ a development application through a notice of motion at a meeting. The reference to the Finance and Services Committee has been deleted and altered to an Ordinary Meeting of Council.
7.9	Roadworks – Provision of Unusable Materials to Property Owners	Nil.
7.10	Requirements for Restricted Premises	Removal of location requirements as these are determined by the Local Environmental Plan and grammatical changes.
8.4	Bonds Held for Works	Correction of contradicting provisions and streamlining the process for Council to utilise bonds and undertaken works which have not been completed within 1 year.
10.5	Bus Shelters/Street Seating - Advertising	Changes to correct grammar and consistency in the policy.
10.6	Footpath Reservations – Works Undertaken by Adjacent Landowners	Grammatical changes and use of correct terminology.
10.7	Kerb and Gutter Construction - Contributions	Added a 25% charge for the side and rear kerb and gutter.
10.8	Public Gates and Grids on Local Roads	Grammatical changes only.
10.9	Rural Addressing	Grammatical changes only.
10.10	Street Lighting	Grammatical changes only.
10.11	Street Naming	Changes to points 3 and 4 to more accurately reflect the legislative requirements.
10.12	Street Numbering	Altered to state the procedure which will be followed when it is not possible to

		follow the normal numerical sequence.
10.13	Crown Roads - Maintenance	Grammatical changes only.
10.15	Removal of Trees from Public Land	Inserted 2 points regarding alleged damage to private property.
10.17	Footpath Maintenance and Repairs	Grammatical changes only.
10.18	Nature Strip and Median Strip Maintenance	Added “of the urban” to distinguish the nature strips which point 2 of the Policy refers too.
11.1	Exemption to Wheelie Bin Service	Grammatical changes only.
11.2	Waste Disposal – Waste Depots – Exemption from Charges	Altered point 3 to provide the General Manager with delegation to determine exemptions from the charges instead of the Group Manager – Regional Services.
11.3	Waste Management Charge for Council Community Groups	This policy is to be deleted.
12.1	Meter Installation	Grammatical changes only.
12.2	Water Restrictions	Altered point 1 to provide for a warning and issue of a penalty infringement notice for non compliance with water restrictions. Altered point 3 to provide the General Manager with delegation to institute prosecutions for the misuse of water supply instead of the Group Manager – Regional Services.

The proposed changes to the Policy Register are not considered to be major to require public exhibition as they will only refine Council’s policy position.

POLICY IMPLICATIONS

The proposed changes will refine Council’s policy position.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The policies have been reviewed in terms of legislative requirements and subsequently amendments have been made.

ATTACHMENTS

1. Copies of the policies incorporating the proposed changes

RECOMMENDATION

THAT the proposed changes to the policies in Council’s Policy Register be made as per the report and attachments.

**ITEM:21 REG - 11/05/09 - 50 KILOMETRE PER HOUR SPEED ZONE -
 CHIFLEY ROAD / MORT STREET LITHGOW****REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

REFERENCE

Nil

SUMMARY

To highlight the issue of the 50 km per hour speed zone in Chifley Road and Mort Street Lithgow so Council may consider making representations on the matter.

COMMENTARY

Chifley Road, from the foot of Scenic Hill to Mort St, is currently designated a 50kph Zone. This road is classified as a State Road and is a major traffic route heading east from Lithgow. It has been suggested that the current 50kph speed limit is not appropriate and that a 60kph speed limit would better reflect the nature of the locality and the current traffic movements and speed.

It is therefore recommended that representations be made to the RTA, through TALC, to have the speed limit reviewed from 50kph to 60kph from the bottom of Scenic Hill to the intersection of Mort Street and Bridge Street, Lithgow.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The Roads and Traffic Authority, through TALC, has the responsibility of regulating speed zone restrictions on all public roads in NSW.

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council make representations to the Roads and Traffic Authority, and through the Traffic Authority Local Committee (TALC), to review the current 50 km/h speed zone on Chifley Road and Mort Street from the bottom of Scenic Hill to the intersection of Mort Street and Bridge Street, Lithgow.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:22 **COMM - 11/05/09 - ESTABLISHMENT OF ALCOHOL FREE ZONES - PORTLAND AND WALLERAWANG CENTRAL BUSINESS DISTRICTS**

REPORT FROM: COMMUNITY AND CULTURE MANAGER – MATTHEW JOHNSON

REFERENCE

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

Resolution 24-09 from Ordinary Meeting of Council 27/01/09

Resolution 09-138 from Ordinary Meeting of Council 30/03/09

SUMMARY

This report proposes that, following completion of a public notice period on a proposal to establish Alcohol Free Zones in the Portland and Wallerawang CBD areas for a further 4 years, that Council resolve to adopt the proposal.

COMMENTARY

Council resolved at the Ordinary meeting of Council on 30th March 2009 as follows:

THAT:

1. Council endorses the attached proposal to establish Alcohol Free Zones in the Wallerawang and Portland CBD areas for a further 4 years and advertise it for public comment in accordance with Section 644A of the Local Government Act 1993.

2. Council includes the following areas in the Portland CBD Alcohol Free Zone:
 - Williwa Street from Lett Street to Saville Street.
 - Lett Street from Vale Street to Williwa Street
 - Scheidel Lane
 - Cox Street from Villiers Street to Vale Street.
 - Vale Street from Lett Street to Wolgan Street
 - Wolgan Street from Villiers Street to Williwa Street.
 - Villiers Street from Lett Street to Wolgan Street
 - Wallerawang Road from Cullen Street to Wolgan Street
 - Cullen Street from Wallerawang Road to Williwa Street

3. Council includes the following area in the Wallerawang CBD Alcohol Free Zone:
 - Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

The proposal to establish the Portland and Wallerawang Alcohol Free zones was advertised in the Council Column with the community asked to make comment by 1 May 2009. All Liquor Licensees within or adjoining the proposed Alcohol Free Zones together with the Police and Mingaan Aboriginal Corporation were provided with a copy of the proposal and invited to make comment.

No public comment has been received on the proposal.

The Alcohol Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the areas included in the zones are adequately signposted.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Draft Proposal to re-establish and add additional areas to an Alcohol Free Zone in the Lithgow CBD for a further 4 years.

RECOMMENDATION

THAT

1. Council resolves to adopt the attached proposal to establish Alcohol Free Zones in the Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644A of the Local Government Act 1993.
2. Council advises the Police, all affected Liquor Licensees and the general community by way of publication of a notice of the re-establishment of the Alcohol Free Zone.
3. Signs be posted at appropriate locations within the Alcohol Free Zones.

**ITEM:23 COMM - 11/05/09 - CLOSURE OF ADULT STORE ON MAIN STREET,
LITHGOW AND SQUASH COURTS - YOUNG STREET CENTRE
LITHGOW**

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Min No O08-197: Ordinary Meeting of Council, 11 November 2008

SUMMARY

This report provides a response to a request raised at the ordinary meeting of Council held on 11 November 2008 in relation to the closure of the 'Flirt' adult store on Main Street, Lithgow and the closure of the Squash Courts in the Young Street Centre, Lithgow.

COMMENTARY

'Flirt' adult store

It is reported that the 'Flirt' store closed as a result of insufficient trade which can occur for a number of reasons such as inappropriate business location. It is prudent to note that some 75 % of new businesses fail within their first year of operation.

Squash Courts in the Young Street Centre

It is reported that the centre's then proprietors wanted to retire prior to their lease expiring at the end of 2008. Efforts were made to attract another operator but unfortunately there was no market demand in taking on the business. Consequently when the owners retired in 2008 the squash centre closed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council notes the information regarding the closure of the 'Flirt' store in Main Street, Lithgow and the Squash Courts in the Young Street Centre, Lithgow.

COMMITTEE MEETINGS

ITEM:24 REG - 11/05/09 - SPORTS ADVISORY COMMITTEE - MINUTES 27
 APRIL 2009

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 27 April 2009 for Council's information.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 27 April 2009, there were eleven (11) items discussed by the Committee. It is considered that all actions resolved by the Sports Advisory Committee be noted by Council in accordance with the Committee's adopted Terms of Reference and Delegations.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 27 April 2009.

RECOMMENDATION

THAT Council note the actions of the Sports Advisory Committee from the meeting held on Monday, 27 April 2009.

**ITEM:25 REG - 11/05/09 - INDOOR AQUATIC CENTRE ADVISORY
COMMITTEE MEETING MINUTES OF 9 APRIL 2009**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 9 April 2009 for Council's consideration and adoption.

COMMENTARY

The inaugural meeting of the Indoor Aquatic Centre Advisory Committee was held on 9 April 2009 and the minutes are presented for Council's consideration and adoption.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 9 April 2009.

RECOMMENDATION

THAT Council adopt the minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 9 April 2009.

**ITEM:26 COMM - 11/05/09 - TOURISM ADVISORY COMMITTEE MINUTES 7
 APRIL 2009**

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

REFERENCE

Min 09-76: Ordinary Meeting of Council 16 February 2009

Min 09-140: Ordinary Meeting of Council 30 March 2009

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 7 April 2009 for Council adoption

COMMENTARY

At the Tourism Advisory Committee Meeting held on 7 April 2009, there were (12) twelve items discussed by the Committee.

1. Confirmation of Minutes
2. Business Arising
3. Lithgow Tourism Plan
4. Membership Forum and Membership Drive
5. Marketing and Branding Strategy
6. Grant Applications
7. Hassans Walls Lookout Update
8. Replacement of Council Representative to the Blue Mountains Tourism Ltd Board
9. Privatisation of the Lithgow Visitor Information Centre
10. Workshop with John King RE: Blue Mountains Tourism Ltd
11. Tourism Office Report
12. General Business

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Tourism Advisory Committee held on 7 April 2009

RECOMMENDATION

THAT Council:

1. Notes the actions that the Committee considers to be of priority.
 - Development of tourism infrastructure including Hassans Walls Lookout and Braceys Lookout
 - Distribution of Tourism Information through agents with existing businesses.
 - Promotional Material
 - Research
 - Events
2. Notes that a forum for members of the Visitor Information Centre will be held on a date to be determined in June and that other business operators will be invited to encourage new membership.
3. Notes that the Tourism Advisory Committee will seek further information on the outcomes of discussions at the Economic Development Advisory Committee to which the Agenda Item was also put.
4. Notes the grants that have been applied for and are proposed to be applied for.
5. Considers a contribution for the development of a Master Plan for Hassans Walls Lookout in the 2009/10-2011/12 Management Plan for the next financial year.
6. Thanks Mr Malcolm Wells for being the Council's representative to the Blue Mountains Tourism Limited and for his contribution to tourism in the Lithgow Local Government Area.
7. Appoints Ms Kate Faithorn to represent Council at the Blue Mountains Tourism Limited meetings, pending approval from Royal Botanic Gardens.
8. Appoints Mr Malcolm Wells to the Council's Tourism Advisory Committee.
9. Notes that further information will be compiled and provided to the Tourism Advisory Committee on the expenditure and operations of the Visitor Information Centre.
10. A report on information from other Council areas where privatization of Visitor Information Centre Services has already occurred will be presented to the next Tourism Advisory Committee.
11. Notes the input to the workshops held with members of the Tourism Advisory Committee concerning matters relating to the working relationship of the Blue Mountains Tourism Limited and its role as regional tourism organisation inclusive of the Lithgow, Oberon and Blue Mountains local government areas.
12. Notes the update on operations from the Tourism Office and upcoming events.

ITEM:27 COMM - 11/05/09 - SISTER CITY ADVISORY COMMITTEE

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Nil

SUMMARY

This report details the Minutes of the Sister City Committee Meeting held on 6 April 2009.

COMMENTARY

At the Sister City Committee Meeting held on 6 February 2009, there were (3) three items discussed by the Committee:

- ITEM 1: Welcome and Apologies
- ITEM 2: Shrewsbury and Atcham Borough Council
- ITEM 3: General Business

The minutes contain full details on the Sister City Committee meeting with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Minutes of the Sister City Committee Meeting held on 6 April 2009.

RECOMMENDATION

THAT Council:

1. Notes that details of the newly formed Shrewsbury and Atcham Borough Council will be requested.
2. Provides Shrewsbury and Atcham Borough Council with links to the Lithgow City Council and tourism websites.
3. Notes that the progress of the 'schools debate' will be investigated.

ITEM:28 COMM - 11/05/09 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE**

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Economic Development Advisory Committee Meeting held on 7 April 2009.

COMMENTARY

At the Economic Development Advisory Committee Meeting held on 7 April 2009, there were (9) nine items discussed by the Committee:

- ITEM 1: Apologies and Member Introductions
- ITEM 2: Committee Terms of Reference
- ITEM 3: Discussion of key Economic Development issues to be addressed by Committee.
- ITEM 4: Economic Development Program Background
- ITEM 5: Economic Development Strategy
- ITEM 6: Lithgow Minerals and Industry Park
- ITEM 7: Economic Development Grant Applications
- ITEM 8: Marketing and Branding Strategy
- ITEM 9: Other Business

The minutes contain full details on the Economic Development Advisory Committee with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Minutes of the Economic Development Advisory Committee Meeting held on 7 April 2009.

RECOMMENDATION**THAT Council:**

1. Notes the minutes of the Economic Development Advisory Committee held on 7 April 2009.
2. Notes that information on the Terms of Reference was provided to the Committee.
3. Notes the key strategic issues that the Economic Development Advisory Committee consider should be examined as part of Economic Development in the region:
 - Marketing and promotional initiatives
 - Diversification of the economic base
 - Critical need for the region to market itself correctly.
4. Notes the information provided on the economic development program.
5. Notes the project timeline for the economic development strategy.
6. Notes that a consultants' brief has been completed and distributed to targeted consultants to provide a quote for a feasibility study to be completed on a ten hectare industry park site in Wallerawang – subject to funding from DSRD.
7. Notes the range of economic development orientated grant applications currently under consideration and proposed.
8. Supports the development of a Marketing and Branding Strategy that considers the principal components of the Lithgow Local Government Area, Lithgow City Council, economic development and tourism.
9. Supports the proposal by allocating funds for the development of Marketing and Branding activities in the 2009/2010 budget.
10. Actively seeks and applies for funding for the development of the Marketing and Branding Strategy proposal.

ITEM:29 COMM - 11/05/09 - MEADOW FLAT HALL COMMITTEE**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK**

REFERENCE

Min No 07-500: Ordinary Meeting of Council 19 November 2007

Min No P08-09: Policy and Strategy Committee 4 February 2008

Min No 09-103: Ordinary Meeting of Council 9 March 2009

SUMMARY

This report provides information on the Meadow Flat Hall Committee and recommends that Council appoints two representatives to the Committee.

COMMENTARY

At the Ordinary Meeting of Council 19 November 2007, the Council resolved:

- 1. Council amend its list of Committees formed under section 355 of the Local Government Act 1993 to include the Meadow Flat Hall Committee.*
- 2. Council call for Expressions of Interest for members of the Meadow Flat Hall Committee*
- 3. Council appoint Mayor N Castle as a representative on the Committee with Councillor B Moran as the alternate.*
- 4. Meadow Flat Hall be delegated to take bookings for Hall usage in accordance with the fees and charges as specified in Council's Management Plan as identified in the Draft Terms of Reference.*
- 5. Meadow Flat School be offered a position on the committee.*

Expressions of Interest were called and at the Policy and Strategy Committee Meeting held on 4 February 2008 the Council resolved:

THAT Mrs Ellen McManus, Mrs Maree Statham, Mrs Elizabeth Reen, Mr Bruce Gunning, Mrs Maureen Gunning, Mr Greg Scott and Mrs Annie Scott be appointed to the Meadow Flat Hall Committee.

On the 9 March 2009, the Council resolved:

THAT Council form the Meadow Flat Hall Committee to look at the maintenance of the hall as soon as possible

The Committee has not been convened to date.

All Committee members of the Hall Committee have now been contacted. In the meantime, officers have also been approached with regards to the use and management of the Meadow Flat Recreation Ground.

A preliminary get together of the hall committee members and other residents who have expressed interest in the management of the recreation ground was held to gauge the level of interest in convening the Committee, the future management of the hall and recreation ground by residents, and for officers to inspect the hall and recreation ground.

The Group Manager Community and Corporate and the Manager Operations attended.

Eight residents and Councillor Col Hunter were in attendance.

The outcomes, as discussed, were as follows:

- Residents would like to convene the Meadow Flat Hall Committee.
- Residents would like the Council to consider the Committee managing the recreation ground as well as the hall.
- Suggested structure would be one committee, with possibly two sub-committees.
- Some identified uses for the hall included: school activities, childcare groups, functions, etc.
- Some identified uses for the recreation ground included: school activities, pony club, BMX, grazing of animals, etc.
- The Manager Operations would have a building inspection carried out on the hall.
- A meeting of residents to be held to consider the scope of usage of both the hall and the recreation ground and this to guide future works and management of the facilities.
- A meeting of the Meadow Flat Hall Committee be convened in early June.
- Residents indicated that the majority of people would prefer to hold meetings in the morning due to other commitments of residents.
- Information be provided to the Committee on insurance cover for the committee and other community activities.
- Some discussion was held as to whether the Meadow Flat Progress Association should be reconstituted to oversee the management of the hall and undertake activities. Further discussions to be held.
- Preliminary inspections revealed that both the hall and the recreation ground require considerable work prior to usage.
- People in attendance indicated that they would be willing to contribute to the upgrade and continuing maintenance of the facilities.
- The use of inmates from the Kirkconnell Correctional Centre to carry out some of the works was suggested.

There is clear evidence that residents would like to be involved in the management of both the hall and the recreation ground, however, some residents would like to only be involved in one of the facilities and not the other. The suggested structure was one committee with a sub-committee/working party for each facility.

It is planned to convene the first Meadow Flat Hall Committee on a morning in early June. At that meeting it is proposed that the following be discussed:

- Potential future use of the Hall
- Potential future use of the Sportsground
- Draft Terms of Reference for the Meadow Flat Hall Committee – should they include Sportsground?
- Hall building condition report and works
- Future options for management - Council committee/progress association or other
- Membership of advisory committee to include sportsground.

At the Council meeting 19 November 2007 the Council appointed Mayor Neville Castle and Councillor Moran (alternate) as the representatives to the committee. As a Council election has been held in the meantime and the Meadow Flat Hall Committee representation has not been considered since, it is recommended that the Council again consider its representatives to the committee.

Whilst there is evidence of Draft Terms of Reference for the Committee, there is no record of them having been adopted by the Council.

Those Draft Terms of Reference have now been put into the adopted proforma and are attached for the Council's information. It is recommended that these Draft Terms of Reference be reviewed following the meeting to be held with the Committee and residents to consider the scope of usage and management of both the hall and recreation ground.

The Council has \$10,000 in the current budget for upgrade works on the hall. The Manager Operations has ordered a building inspection to take place with a condition report and scope of works to be identified.

POLICY IMPLICATIONS

Policy 4.1 Community Representatives – Appointment of to Committees or Working Groups

Policy 9.2 Appointment of Mayor to Committees

FINANCIAL IMPLICATIONS

The Council currently has \$10,000 in the 2008/09 budget for works on the Meadow Flat Hall.

The resolution of the Council of 19 November 2007 states: *The Meadow Flat Hall be delegated to take bookings for Hall usage in accordance with the fees and charges as specified in Council's Management Plan as identified in the Draft Terms of Reference.*

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Draft Terms of Reference Meadow Flat Hall Committee

RECOMMENDATION

THAT:

1. Council appoints 2 Councillors to the Meadow Flat Hall Committee.
2. Council notes that a meeting will be convened of the Meadow Flat Hall Committee in early June.
3. The Management of the Meadow Flat Recreation Ground by the Meadow Flat Hall Committee be considered following further discussions with the Committee.
4. The Draft Terms of Reference be reviewed following meetings with the Meadow Flat Hall Committee and consideration of scope of usage and management of the hall and recreation ground and put to Council for adoption.

CLOSED REPORTS

ITEM:30 GM - 11/05/09 - CONFIDENTIAL REPORT - TENDER / PURCHASE OF TILT TRAY TRUCK WITH VEHICLE LOADING CRANE

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

The DLG Tendering guidelines for NSW Local Government states in Section 1.3 'Confidentiality' "*that council staff or councillors must not disclose information regarding the specific details of a tendering process, including recommendation of the tender evaluation or assessment panel before the Council has made a resolution on the matter at a Council meeting.*"

REFERENCE

Nil

SUMMARY

To advise Council of the assessment of tenders recently received for the purchase of a Tilt Tray truck with Vehicle Loading Crane with a recommendation for acceptance of a suitable purchase price for the new item of plant and sale of the replacement vehicle.

RECOMMENDATION

THAT Council consider this report in closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.