



LITHGOW CITY COUNCIL

**“A Centre of Regional Excellence”**

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

24 AUGUST 2009

AT 7.00pm

# AGENDA

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## PRESENT / APOLOGIES

## CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 3<sup>RD</sup> AUGUST 2009

## PUBLIC FORUM

## DECLARATION OF INTEREST

## MAYORAL MINUTES - Confidential Report - General Manager Performance Review

## NOTICES OF RESCISSIONS - NIL

## NOTICES OF MOTION

Councillor C Hunter - Bungleboori Toilets  
Councillor c Hunter - Fuel Transport

## REPORTS

General Manager Reports  
Regional Services Reports  
Operations Department Services Reports  
Internal Services Reports  
Community and Corporate Services Report

## REPORTS FROM DELEGATES - NIL

## COMMITTEE MEETINGS

Sports Advisory Committee  
Traffic Authority Local Committee

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

**CLOSED MEETING** - General Managers Performance Review  
Purchase of Two Backhoes and Loaders  
Purchase of Street Sweeper

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## NOTICE OF MOTIONS

### ITEM:1 NOTICE OF MOTION - 24/08/09 - BUNGLEBOORI TOILETS - COUNCILLOR C HUNTER

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**Topic:** Bungleboori Toilets  
Listed by Councillor Colin Hunter

17 8 09

#### Background

Recently State Forests have removed the toilets from Bungleboori camping ground in the Newnes State Forest and relocated them to the Macquarie Woods on the Mitchell highway.

The Newnes plateau attracts a considerable amount of tourists to the area, bushwalking and visiting the glow worm tunnel.

#### Recommendation

That Lithgow Council write to State Forests requesting the toilet facilities be reinstated at the Bungleboori campsite.

Signed \_\_\_\_\_

**ITEM:2 NOTICE OF MOTION - 24/08/09 - FUEL TRANSPORT - COUNCILLOR  
C HUNTER**

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**Topic;** Fuel Transport

Listed by Councillor Colin Hunter

17.8.09

**Background**

With the closure of the Shell bulk fuel depot at Dubbo, and the threat of further depots closure that receive their fuel by rail, there will be many more road fuel tankers travelling the Great Western Highway. This represents a considerable threat to the local area with increased traffic and the potential for serious accidents.

**Recommendations**

- Lithgow Council write to the Minister for Transport informing him of our disapproval of increased transport of bulk fuel tankers through the Lithgow Council area.
- Request incentives for rail transport to encourage rail transport.

Signed\_\_\_\_\_

## **GENERAL MANAGERS COMMENTS**

In addition to Councillor Hunters Notice of Motion, Council has also received additional information on this matter.

Councils in the Central West have been advised of the loss of oil haulage by rail from Sydney to Dubbo. Council has been informed that the subsidy provided by the NSW Government is to be withdrawn and that the transport of fuel oil (petrol etc) is to cease on 31<sup>st</sup> August 2009 and that as a consequence of this decision it will be transported by road transport (B - Doubles).

This will involve a very large number of road shipments over the Great Western Highway and / or perhaps the Bells Line of Road through the Blue Mountains.

The Blue Mountains is unique and contains a World Heritage Site and heavily built up residential areas. Both roads are unsuitable for the transport of a large number of trucks transporting highly inflammable fuel. Any accident involving a B-Double or road tanker could lead to serious contamination of the environment / water catchments together with potential loss of life or at least serious injury to residents and motorists alike. Both roads are also subject to weather related issues such as fog, mist, snow and ice in winter.

The operator of the oil service which also includes rail transport of fuel to both Tamworth and Canberra is Pacific National. The trains operate from the fuel depot at Sandown in Sydney on behalf of the Shell Oily Company and supply the bulk of fuel deliveries to these country depots for distribution onwards.

The Federal Government through the Australian Rail Track Corporation is currently undertaking major rail upgrades throughout NSW and the rest of Australia with the aim of speeding up rail freight and making it competitive to road transport.



## GENERAL MANAGER REPORTS

**ITEM:3            GM - 24/08/09 - QUARTERLY PERFORMANCE REPORT ON 2008/09 TO 2010/11 MANAGEMENT PLAN FOR THE PERIOD 1 APRIL 2009 TO 30 JUNE 2009**

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### REFERENCE

Min P08-32:    Council Meeting 7 April 2008  
Min O08-118:   Council Meeting 19 August 2008  
Min O08-193:   Council Meeting 18 November 2008  
Min 09-54:     Council Meeting 16 February 2009  
Min 09-217:    Council Meeting 1 June 2009

### SUMMARY

This report provides the Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan for the period of 1 April 2009 to 30 June 2009 with a recommendation that the adjusted surplus of \$176,846 be noted.

### COMMENTARY

The June Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan has been prepared and details are provided with the attachment to the Business Paper.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities and provides information on variations to activities.

<b>2008/09 QUARTERLY BUDGET COMPARISON</b>			
<b>Budget (Inc Internal)</b>	<b>Income \$'000</b>	<b>Expenditure \$'000</b>	<b>Total \$'000</b>
Original	\$61,665	-\$61,665	\$0
September Quarter	\$62,063	-\$61,752	\$311
December Quarter	\$62,420	-\$62,103	\$317
March Quarter	\$58,899	-\$58,514	\$385
June Quarter	\$58,381	-\$58,558	\$177

The decrease in the total budget income and expenditure over the past two reporting periods is due to Divisional Managers reviewing all planned capital projects and revoting allocations for work in progress or has not commenced to the 2009/10 financial year. One of the major items is the Lithgow Sewerage Treatment Plant which will commence in the 2009/10 financial year following acceptance of a suitable tender in May 2009.

Copies of the report are also available for viewing at Council's Administration Centre and the website.

### POLICY IMPLICATIONS

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

### **FINANCIAL IMPLICATIONS**

The financial implications as reported in the June Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan.

Council is in the process of preparing the 2008/09 General Purpose Financial Reports which will finalise all end of year requirements.

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

### **LEGAL IMPLICATIONS**

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

### **ATTACHMENTS**

1. Quarterly Report 1 April – 30 June 2009

### **RECOMMENDATION**

#### **THAT:**

1. The surplus of \$176,846 for the 2008/09 to 2010/11 Management Plan as detailed in the Quarterly Performance Report for the period 1 April 2009 to 30 June 2009 be noted.
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory.

## REGIONAL SERVICES REPORTS

**ITEM:4            REG - 24/08/09 - 031-09DA CHANGE OF USE TO CLUB (MEETING PLACE) - 34-36 MAIN STREET, WALLERAWANG**

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

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### **SUMMARY**

To assess and recommend determination of DA 031-09 Recommendation will be for approval subject to conditions / refusal.

### **COMMENTARY**

Previously at Council's meeting dated 1 June 2009, Council resolved to lease the building known as 34-36 Main Street, Wallerawang to the Mid West Social Riders Incorporated, with the intention to restore the existing building and use it as a meeting place for the club. Council indicated however that any use of the building as a club would be deemed a change of use under the provisions of the Environmental Planning & Assessment Act 1979 and therefore require development consent.

Council is in receipt of a Development Application from Mid West Social Riders Incorporated to convert an existing shop in Main Street Wallerawang to a club for the purpose of a meeting place. The premise retains pedestrian and vehicular access direct from the Main Street.

This application was referred to Council for consideration on 3<sup>rd</sup> August 2009 where it was resolved to hold an onsite meeting to consider the issues and invite objectors. This meeting was held on Thursday 6<sup>th</sup> August 2009 and is reported in detail in the attached Section 79C development assessment report. Consent conditions have been amended as a result of this meeting.

Generally the development proposes to:

- Be available to members of the Mid West Social Riders Club.
- Have approximate hours of operation from 6.00pm to 1.00am Wednesday & Friday only, however available to members 7 days a week.
- Obscure motor bikes behind existing fencing and natural screens.
- Repair existing Council owned facilities in dire need of repair.

It is considered that the development is permissible in the zone and compatible with the aims and objectives of the 2(v) Village zone.

### **POLICY IMPLICATIONS (OTHER THAN DCP's)**

The following policy applies to the land and as such is forwarded to Council for its determination

## **7.6 DEVELOPMENT APPLICATIONS BY COUNCILLORS AND STAFF AND RELATIVES OR ON COUNCIL OWNED LAND**

### **OBJECTIVE:**

To provide a transparent protocol for the determination of development applications lodged by councillors, staff and relatives thereof or development applications for development on Council owned land.

### **POLICY:**

1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is in any way connected to the application, **or where the development application is on Council owned land, that such application 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.**
2. In the case of staff members who are not Senior Staff, the following applications need not be reported to the Council:
  - (i) dwellings
  - (ii) ancillary building structures
  - (iii) general applications under Section 68 of the Local Government Act 1993.
3. In the case of an application lodged by a family member and the Council officer would normally hold delegated authority to determine the application, then the application must be referred to supervising delegate or in the absence of such, will be reported to Council.

### **FINANCIAL IMPLICATIONS (eg Section 94)**

There are no financial implications of the development.

### **LEGAL IMPLICATIONS**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. This assessment has been undertaken as part of attachment 1.

### **ATTACHMENTS**

1. Complete Section 79C report

## **RECOMMENDATION**

### **THAT:**

1. That Council approve development application 031/09DA subject to the conditions outlined in the attached section 79C report.
2. That a division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

## OPERATIONS SERVICES REPORTS

**ITEM:5            OPER - 24/08/09 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR JUNE AND JULY 2009**

**REPORT FROM: ACTING GROUP MANAGER OPERATIONS - CHRIS SCHUMACHER**

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### 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 June and July 2009.

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil

### ATTACHMENTS

1. Upper Macquarie County Council Chief Weeds Officer's Report for June and July 2009 (Doc:522873 and 514477).

### RECOMMENDATION

**THAT** the Upper Macquarie County Council Chief Weeds Officer's Report for June and July 2009 be received.

**ITEM:6            OPER - 24/08/09 - PROPOSED RECLASSIFICATION OF WATTLE MOUNT ROAD "CROWN ROAD" TO PUBLIC ROAD STATUS**

**REPORT FROM:    ACTING    GROUP    MANAGER    OPERATIONS    –    CHRIS SCHUMACHER**

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**REFERENCE**

NIL

**SUMMARY**

This report advises Council of the requests from several residents on Wattle Mount Road pursuing Council to consider reclassification of the existing 'Crown Road' to a local 'Public Road' status under the ownership, control and maintenance of Lithgow City Council.

**COMMENTARY**

Council is requested to consider reclassification of rural/residential road known as 'Wattle Mount Road' at Portland. This road is located off the Portland to Cullen Bullen Road, and is approximately 2,550 meters in total length or 2.55km. Wattle Mount Road has always been classified as a 'Crown Road' controlled by Department of Lands, the number of residents whom reside along this road is currently six (6). Council has been requested to consider taking ownership of this road by reclassifying it to a 'Public Road' through an application process with the Department of Lands.

This road does not receive much, if any maintenance work from the Department of Lands, requiring the residents to resource their funds together for its ongoing upkeep. As advised by the residents, this is proving a very difficult challenge to find in-kind monies for maintenance, whilst the argument has been that these residents pay rates and believe that they are not receiving a fair go from Council.

Traffic volumes and types have marginally increased along this road over the several years requiring residents to provide for more frequent grading, this proving cost prohibitive to the average rate payer.

If Council were to take control of Wattle Mount Road, Council costs of maintaining this road would be acquired through its ongoing rural roads maintenance program. This program is funded through the federal assistance grant funding that all Councils receive on an annual basis. This funding is also subject to minor incremental increases each financial year of approximately \$4,000 or 3.5% of the total funding received.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

That Council would be required to forward a \$220.00 application fee to the Department of Lands for reclassification of Wattle Mount road to a local Public Road.

That Council cover the cost of maintaining this road through its ongoing maintenance program, as such can be funded through the “Federal Assistance Grant” funding that Council receives on an annual basis.

### **LEGAL IMPLICATIONS**

Lithgow City Council would be required to make the necessary arrangements with the Department of Lands for the existing survey plans and land transfer documentation to reclassify Wattle Mount Road as a public road under Lithgow City Council.

### **ATTACHMENTS**

1. A copy of the survey plan illustrating the road location for consideration of transfer to Lithgow City Council as a public road.
2. Attached photo's taken recently of Wattle Mount Road.

### **RECOMMENDATION**

#### **THAT**

1. Council meet all transfer costs of the Department of Lands and legal transfer expenses for the reclassification of Wattle Mount Road.
2. Council cover the cost of maintaining Wattle Mount Road through its ongoing rural road maintenance program, as such can be funded through the “Federal Assistance Grant” funding that Council receives on an annual basis.
3. Council approve of the Mayor and the General Manager to affix the Council Common Seal of Approval and undertake signing of legal documents for the road transfer.

**ITEM:7            OPER - 24/08/09 - TRANSFER OF CROWN ROAD TO PUBLIC ROAD  
- GLENROCK PLACE HARTLEY**

**REPORT FROM: ACTING GROUP MANAGER OPERATIONS – CHRIS  
SCHUMACHER**

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**SUMMARY**

This report advises Council of its intention to acquire a small piece of Crown Road which is located between the end of Glenrock Place and Lot 4 DP 1071773 – see attached plan.

**COMMENTARY**

It is intended to legally formalise a small section of Glenrock Place to provide access to the proposed subdivision of Lot 4, DP 1071773. The Department of Lands has advised that Council should apply for transfer of the land so that it can be formerly utilised as public road. The land in question is a fully formed section of bitumen sealed road and has frequently been used by the public for many years since the creation of the subdivision.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The applicant has forwarded payment of \$220.00 made out to Lithgow Council for the transfer arrangement. A cheque of \$220.00 will be required to be drawn by Lithgow Council for payment to the Department of Lands for the transfer application.

**LEGAL IMPLICATIONS**

Minor land transfer arrangement between Lithgow City Council and Department of Lands formalising this small section of land as public road.

**ATTACHMENTS**

1. Plan of Subdivision of Lot 4, DP 1071773.

**RECOMMENDATION**

**THAT:**

1. Council make the application to the Department of Lands for the transfer of Crown Road to Public Road for Lot 4, DP 1071773 – Glenrock Place, Hartley, with attached payment fee of \$220.
2. Council approve of the affixing of the Council Common Seal of Approval and undertake signing of legal documents for the land transfer.



## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:8            COMM - 24/08/09 - LITHGOW GOLF COURSE PLAN OF MANAGEMENT

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

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#### REFERENCE

Min 07-519: Policy and Strategy Committee, 3 December 2007  
Min 05-09: Ordinary Meeting of Council, 27 January 2009  
Min 09-162: Ordinary Meeting of Council, 20 April 2009  
Min 09-301: Ordinary Meeting of Council, 13 July 09

#### SUMMARY

This report recommends that the Draft Lithgow Golf Course Plan of Management be adopted.

It also advises that public submissions on the Draft Lithgow Golf Course Plan of Management have been received and that a public hearing has been held regarding the categorisation of land of Lot 1 DP 840412 commonly known as the Lithgow Golf Course.

#### COMMENTARY

The process in developing the Draft Lithgow Golf Course Plan of Management is now complete following the holding of a Public Hearing into the 'categorisation' of the land.

This report also provides an overview on submissions received following advertising of the Draft Lithgow Golf Course Plan of Management and advises that a Public Hearing was held on Monday 10 August 2009 at 7pm under Section 40A of the Local Government Act 1993.

#### Draft Plan of Management

The Draft Plan of Management has been updated to reflect the consultation that has taken place. This relates in particular to Section 9 and Appendix II. Some minor amendments have been made concerning spelling and grammar and for works that have since been completed such as the verandah railing on the club house.

#### Public Hearing

Section 40A states:

*(1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).*

The Draft Lithgow Golf Course Plan of Management proposes that the land be categorised as “sportsground’ under section 36 (4).

The public hearing was facilitated by Mr Peter Walsh, an independent person with experience in such matters.

There were 28 persons in attendance, as well as the facilitator, the Mayor and Group Manager Community and Corporate.

Mr Peter Walsh has provided a report, as required, on the Public Hearing. See Attachment A.

There were three submissions put to the Public Hearing.

The Group Manager Community and Corporate was invited to put a submission to explain the ‘categorisation’ of land as ‘sportsground’ as proposed in the Draft Plan of Management.

Two members of the public made a submission that they supported the categorisation of land as ‘sportsground’.

Mr Peter Walsh made the following conclusions and recommendation:

*There were no submissions to the public hearing which expressed any criticism of the draft Plan of Management. Only favourable comments were made.  
There are no additional matters to draw to Council’s attention in regard to the Lithgow Golf Course Plan of Management.*

*Recommendation:*

*Council note this report on the public hearing into Lithgow Golf Course Plan of Management, and the expressed comments in support of the draft Plan.*

This Council agenda item recommends that the Draft Lithgow Golf Course Plan of Management be adopted with the categorisation of ‘sportsground’.

### **Public Submissions to Draft Lithgow Golf Course Plan of Management**

An overview of the public submissions is provided for the consideration of the Council.

#### **NOTE**

A number of comments in the submissions related to the leasing arrangements of the facility and financial costs to Council for the maintenance of the facility.

Neither leasing arrangements of the facility, nor costs incurred by Council are the subject of Plans of Management for community land. All that is required within a Plan of Management is the statement about whether part or all of the facility can be leased and for what purpose.

Council can resolve to whom the lease will be granted and the terms of the lease, and in fact whether a lease will be granted at all. Financial costs to Council are the subject of annual management planning processes.

Thus the following summary does not include comments relating to either leasing arrangements nor financial costs to council.

RESPONDENT	COMMENTS	OFFICER COMMENT
Respondents 1 – 64 Individual letters with same contents (Attachment 1)	<p><i>I am writing to support the Plan of Management submitted to council on 30<sup>th</sup> March 2009.</i></p> <p><i>The document is comprehensive and concise and gives accurate assessment of the current situation regarding the course, the plant and the heritage listed clubhouse.</i></p> <p><i>The committee of the Lithgow Golf Club Ltd. and the council have a very good working relationship as can be readily seen with the improvements both out on the course and within the clubhouse, and with acceptance of this plan of management then there is no reason why this relationship should not continue. ....</i></p>	No comment required
Respondents 65 – 114 Individual letters with same contents (Attachment 2)	<p><i>I/we wish to show SUPPORT for the Draft Plan of Management for the Lithgow Golf Course which is currently on exhibition by Lithgow City Council until 29 May 2009.</i></p> <p><i>As detailed in the Draft Plan the Lithgow Golf Course and Club House are of particular importance in terms of its use by community and recreational users, namely as a golf course and a club house which provides opportunities for all golfers, social and competitive, juniors and seniors, locals</i></p>	No comment required

	<p><i>and visitors.</i></p> <p><i>It is a valuable public facility which is available for use by all members of the community and the increasing tourism market and I support the ongoing commitment made by Lithgow City Council to the Lithgow sporting community.</i></p>	
Respondent 115 (Attachment 3)	<i>The building is ratepayer owned and in fact the grounds should be maintained by the club, and building repairs paid for by council.</i>	Council may consider this as part of any future lease agreement. Any such arrangement is not required to be stated in a plan of management.
Respondent 116 (Attachment 4)	<i>The document appears to be done purely to fulfil the statutory obligation.</i>	Plans of Management for Community Land have specific requirements under the Local Government Act 1993.
	<i>Rather than put it out for open discussion prior to any draft document, the public gets a belated opportunity to have a say on what someone in Council has decided is the best way to go. The Lithgow Council Economic Advisory Committee has not even been given the chance to discuss this matter prior to its public display!</i>	The preparation and consultation process followed to date complies with the requirements and those stated in the Practice Notes.
	<i>Would an 'Operational' classification be better suited for potential future development.</i>	Council resolved on 3 December 2007 to reclassify the golf course to 'operational'. This will be considered in the development of a comprehensive Local Environment Plan.
Respondent 117 (Attachment 5)	<i>The Lithgow Golf Course is a valuable sporting facility, for the people of the Lithgow Council area. The buildings have significant heritage value and therefore should be preserved by the Lithgow Council.</i>	The Draft Plan of Management identifies that the Golf Course has significant value as a sporting facility. It also identifies the need for a conservation management plan and asset management plan for the

	<i>I do not see the need for the course to be leased to anyone; it is already maintained by Council and should be run by council, maybe by a committee.</i>	buildings.  The Council has a resolution to put in place a lease (27 January 09).
Respondent 118 (Attachment 6)	A number of questions relating to the lease agreement and financial commitments were raised.	All questions relating to the lease agreement with the Lithgow Golf Club and the financial commitments of Council are not the subject of Plans of Management for Community Lands.
	<i>... how can the identified Community Land in the Draft be classified as a Sportsground under the Local Government Act when the Lithgow city Council classifies it as a Parks and Gardens under its finances: Which one is it, it cannot be both?</i>	Note: 'Classification' refers only to whether land is classified as 'operational' or 'community'.  The requirements for 'categorisation' of land under the classification of 'community' land is prescribed under s36 of the Local Government Act.  The Council's General Purpose Financial Reports Special Schedule 1, places finances for the golf course in "recreation and culture – sporting grounds", not Parks and Gardens.
Respondent 119 (Attachment 7)	A number of questions relating to the lease agreement and financial commitments were raised.	All questions relating to the lease agreement with the Lithgow Golf Club and the financial commitments of Council are not the subject of Plans of Management for Community Lands.
	<i>Question: Is it correct that the subject lands correct category classification under the Local Government Act 1993, the Lithgow City Councils current LEP and the Department of Local Government guidelines</i>	The Lithgow Golf Course is currently classified as 'community'. The Draft Plan of Management responds to requirements under the Local Government Act to this classification.

	<p><i>should be 'Operational Land', as previously publicly stated ...</i></p>	<p>Council resolved on the 7 December 2007 to reclassify the land as operational as part of the LEP process. This will be addressed with the development of a comprehensive LEP for the Lithgow LGA.</p>
	<p><i>Question: What are the legislative grounds that the Lithgow City Council relies upon for the Minister, Council, Councillors, ratepayers and residents to accept that the Draft Plan of management for the Lithgow Golf Course, involving some 99 acres of public 'community land', should be classified as a 'Sportsground' under the Local Government Act, 1993?</i></p>	<p>Note: 'Classification' refers only to whether land is 'classified' as operational or 'community'.</p> <p>The requirements for 'categorisation' of land under the classification of 'community' land is prescribed under s36 of the Local Government Act. In addition, the Local Government Regulations provide that <i>"Land should be categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games."</i></p>
	<p><i>Question: Could the Lithgow City Council be more specific as to how does or where in the Lithgow City Councils Draft Plan of Management for lot 1 DP 840412, commonly known as the Lithgow Golf Course on public exhibition, comply with all relevant Sections, from 35 to 47F of the Local Government Act, 1993?</i></p>	<p>See pages 6-7 of the Plan of Management where the minimum requirements under the Act for a plan of management are identified.</p> <p>The Draft Plan of Management satisfies these requirements.</p>
	<p><i>Question: In the Draft Plan of Management for the Lithgow Golf Course, why has the Lithgow City Council failed to publicly recognise or address any other future public uses</i></p>	<p>The Plan of Management only relates to the use of the land, in this case proposed to be categorised as a 'sportsground', for the</p>

	<p><i>of the 'community land', apart from the current use as an ASIC listed NSW Registered Ltd. Club holding an operating a public commercial liquor and gaming venue?</i></p> <p><i>Why was this not included in the Draft Plan of Management for the Lithgow Golf Course?</i></p>	<p>purposes of golf course with the buildings to be used for the purposes of club house and storage sheds for maintenance.</p> <p>The Plan of Management authorises the provision of a lease and associated licenses over the golf course and club house. It does not state to whom that lease or associated licenses would be granted.</p> <p>8.4 (page 22) identifies some potential future uses. Point 3 would be contingent upon the land being classified as 'operational'.</p>
	<p><i>Question: The Draft Plan of Management has failed to appropriately address the future maintenance and environmental assessment for the 'community lands', including the Flora and Fauna. In particular, the Draft Plan lacks any substantive details on the current and future protection of the existing long-standing colony of kangaroos which in previous years, were to be culled?</i></p>	<p>The Plan of Management recognises the existence of flora and fauna including kangaroos.</p> <p>Should there be a need to control the kangaroo population, this would be considered as part of the operations of council and could be considered by Council if required.</p>
	<p><i>Question: The Draft Plan of Management for the Lithgow Golf Course has failed to appropriately address or provide full details on what will be the future arrangements for the public to access the 'community land' whilst if expected, it is held by an ASIC listed NSW Registered Ltd. Club holding and operating a commercial public liquor and gaming venue?</i></p>	<p>The matter of public access can be itemised in any lease agreement, such as in the current lease agreement Clause 21.1 which states:</p> <p><i>The public shall, other than at times reserved for club competitions events approved by the landlord, have free (note: meaning unhindered) and uninterrupted access to the golf course and to</i></p>

		<i>those parts of the licensed club house not especially set aside with the landlord's prior written approval for members of the golf club and the club's manager or secretary.</i>
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**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The fee of the independent facilitator will be provided from allocations to the policy and planning budget for 2009/10.

**LEGAL IMPLICATIONS**

Local Government Act 1993

**ATTACHMENTS**

Attachment 1: Draft Lithgow Golf Course Plan of Management

Attachment 2: Report from Mr Peter Walsh on Public Hearing held on 10 August 2009.

Attachment 3: Respondents 1 – 64 Individual letters with same content.

Attachment 4: Respondents 65 –114 Individual letters with same content.

Attachment 5: Respondent 115 Letter

Attachment 6: Respondent 116 Letter

Attachment 7: Respondent 117 Letter

Attachment 8: Respondent 118 Letter

Attachment 9: Respondent 119 Letter and attachments

**RECOMMENDATION****THAT** the Council:

1. Notes the report on the Public Hearing held on 10 August 2009 presented by independent facilitator, Peter Walsh, and the recommendation contained in the report "*that Council note this report on the public hearing into Lithgow Golf Course Plan of Management, and the expressed comments in support of the draft Plan*".
2. Adopts the category of 'sportsground' for the Lithgow Golf Course Plan of Management.
3. Notes the receipt of 119 public submissions.
4. Notes that the Draft Lithgow Golf Course Plan of Management has been updated in Section 9 and Appendix II to reflect the community consultation that has taken place.
5. Adopts the Draft Lithgow Golf Course Plan of Management.



**ITEM:9            COMM - 24/08/09 - LITHGOW CITY COUNCIL AGEING STRATEGY**

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

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**SUMMARY**

This report advises Council that an Ageing Strategy is to be developed and seeks Council endorsement of the attached Terms of Reference for the Ageing Strategy Advisory Group.

**COMMENTARY**

The Advisory Group is being established to oversee the development of an Ageing Strategy for Lithgow.

The development of an Ageing Strategy was a recommendation of the Lithgow Social Plan produced by Council in 2006. Lithgow, in common with many other Council areas, is experiencing growth in the number of older people due to an ageing population, the out-migration of younger people and the in-migration of older people. A number of Councils around Australia have, or are in the process of developing, an Ageing Strategy. The Lithgow Ageing Strategy will draw upon existing Ageing Strategies and research on the needs of older people as well as demographic and consultation data specific to Lithgow.

The Ageing Strategy will consider a wide range of issues that impact on older people including health, access to services, housing, well being and social connectedness to name a few. The Ageing Strategy will identify Council's role in addressing the needs of older people and will include an Action Plan for Council to implement.

Membership of the Advisory Group will include Lithgow Health Service, the NSW Department of Ageing, Disability and Home Care, Lithgow Information and Neighbourhood Centre, Lithgow Community Transport, Lithgow Uniting Care and 2 community representatives. Councillor representation is also sought. The Advisory Group will be time limited for the period during which the Ageing Strategy is being developed and will meet 4-6 times. The Ageing Strategy is scheduled for completion in the 3<sup>rd</sup> quarter of 2009/10.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The Ageing Strategy will include an Action Plan with potential actions for Council to undertake with financial implications.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993

**ATTACHMENTS**

1. Draft Lithgow Ageing Strategy Advisory Group Terms of Reference

## RECOMMENDATION

**THAT:**

1. Council note that the Ageing Strategy is being developed.
2. Council adopt the attached Lithgow Ageing Strategy Advisory Group Terms of Reference.
3. Two Councillors be nominated to the Advisory Group.

## INTERNAL SERVICE DEPARTMENTS

### ITEM:10 INTS - 24/08/09 - COUNCIL INVESTMENTS HELD TO 31 JULY 2009

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

### REFERENCE

Min 09-299: 13 July 2009 (June 2009)

### SUMMARY

To advise Council of investments held as at 31 July 2009 for the 2009/10 financial year.

### COMMENTARY

Council's total investment portfolio, as at 31 July 2009 when compared to 30 June 2009, has decreased by \$2,838,257.80.

INVESTMENT REGISTER 2009/10								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.09	VALUE 30.06.09	% OF TOTAL
ANZ	TD	15.06.09	17.08.09	63	3.60	510,415.46	510,415.46	3.27%
BANKWEST	TD	04.05.09	04.08.09	92	4.00	500,000.00	500,000.00	3.20%
	TD	14.05.09	12.08.09	90	4.00	530,910.27	530,910.27	3.40%
	TD	10.07.09	10.08.09	30	3.75	506,765.07	500,000.00	3.25%
	TD	25.06.09	24.08.09	60	3.75	500,000.00	500,000.00	3.20%
CBA	TD	09.06.09	09.07.09	30	3.42	0.00	750,000.00	0.00%
	On Call				2.95	22,305.62	1,022,305.62	0.14%
***	Ethical Nt	06.11.06	06.11.11	1,825	8.71	56,500.00	56,500.00	0.36%
CITIBANK	TD	16.04.09	16.07.09	90	4.60	0.00	595,022.87	0.00%
	TD	11.06.09	10.08.09	60	4.00	281,337.80	281,337.80	1.80%
	TD	18.05.09	17.08.09	91	4.50	500,000.00	500,000.00	3.20%
	TD	25.06.09	24.08.09	60	4.50	500,000.00	500,000.00	3.20%
	TD	25.06.09	23.09.09	90	4.50	500,000.00	500,000.00	3.20%
LGFS	On Call				2.90	7,159.79	7,159.79	0.05%
IMBS	TD	04.06.09	02.09.09	90	4.25	1,472,324.33	1,472,324.33	9.43%
	TD	07.05.09	05.08.09	90	4.00	911,476.94	911,476.94	5.84%
NAB	TD	14.05.09	14.08.09	90	4.33	1,000,000.00	1,000,000.00	6.41%
	TD	19.05.09	19.08.09	90	4.20	750,000.00	750,000.00	4.80%
WESTPAC	TD	15.05.09	15.09.09	120	4.00	1,000,000.00	1,000,000.00	6.41%
	TD	29.05.09	29.09.09	120	4.33	750,000.00	750,000.00	4.80%
MACQUARIE	TD	19.05.09	19.11.09	180	4.10	2,000,000.00	2,000,000.00	12.81%
ST GEORGE	TD	19.05.09	19.11.09	180	4.10	750,000.00	750,000.00	4.80%
	TD	04.05.09	04.08.09	92	3.75	500,000.00	500,000.00	3.20%
	On Call				3.20	46,991.99	546,991.99	0.30%
	TD	25.06.09	07.10.09	104	4.10	500,000.00	500,000.00	3.20%
SUNCORP	TD	04.06.09	04.09.09	92	4.02	1,005,041.10	1,005,041.10	6.44%
	TD	18.06.09	19.09.09	90	4.14	511,478.56	511,478.56	3.28%
			<b>TOTAL</b>			<b>15,612,706.93</b>	<b>18,450,964.73</b>	<b>100.00%</b>

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

Interest received to 31 July 2009 is (\$50,538.35), which is a combined total of \$20,871.30 actual interest received and \$71,409.65 accrued interest previously brought to account to 30 June 2009 which has been reversed.

As reported in the 2007/08 financial year the structure of the Commonwealth Bank (CBA) \$500,000 Ethical Note, purchased by Council on 06 November 2006 and maturing on 06 November 2011, is exposed to the Collateralised Debt Obligations (CDO) market. As at 30 June 2009 the principal value has declined to 11.3c per \$100 and accordingly the book value of the investment has been written down by \$163,500 to \$56,500. This value will be reported in the 2009/10 General Purpose Financial Reports and as indicated by the Ministers Investment Order of 31 July 2008 it will be held until maturity and adjusted annually as the future economic climate dictates.

It should be noted that since 20 November 2006 interest has been consistently paid by the CBA each quarter and \$103,260 total interest has been received. At this stage Council expects quarterly interest of approximately \$11,000 to continue.

## **LEGAL IMPLICATIONS**

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

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

## **RECOMMENDATION**

**THAT** Investments of \$15,612,706.93 for the period ending 31 July 2009 be noted.

## COMMITTEE MEETINGS

ITEM:11          REG - 24/08/09 - SPORTS ADVISORY COMMITTEE - MINUTES 27TH  
                        JULY 2009

**REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY**

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### SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 27 July 2009 for Council adoption.

### COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 27 July 2009, there were thirteen (13) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Item 12 will require \$194.00 to be provided from the current allocation for Donations (request by Portland Development Association for fees and charges for Saville Park, Portland booking to be waived).

### LEGAL IMPLICATIONS

Nil.

### ATTACHMENTS

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

### RECOMMENDATION

#### THAT:

1. Council note the reports of the Sports Advisory Committee from the meeting held on Monday, 27 July 2009; and
2. Council waive the hire fee of \$194.00 for Saville Park, Portland for the Portland Development Association.

**ITEM:12 REG - 24/08/09 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING - MINUTES 2ND APRIL 2009 AND 11TH JUNE 2009**

**REPORT FROM: ACTING GROUP MANAGER OPERATIONS – CHRIS SCHUMACHER**

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**SUMMARY**

Details of the Minutes of the Traffic Authority Local Committee Meetings held on 2 April 2009 & 4 June 2009.

**COMMENTARY**

Traffic Authority Local Committee meetings held on 2 April 2009 & 4 June 2009, Several items as listed below were reviewed by the Committee, recommendations are as outlined for Councils consideration.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Minutes of Meeting 2 April 2009 & 4 June 2009.

**RECOMMENDATION**

**THAT** Council note the Minutes of Traffic Authority Local Committee Meetings 2 April 2009 & 4 June 2009 and the following actions be implemented:

1. Council implement a 2 hour parking zone opposite the Lithgow Fitness Centre in Railway Parade, Lithgow. This shall consist of a minimum 4 car spaces on the southern side of Railway Parade adjacent to the Community College Building and the old Station Masters Residence.
2. Council not extend the current weekday hours of the bus stop outside the Small Arms Factory to include weekends.
3. Council to refer back to Jones Bros to ask if current bus route in Bells Road at the intersection of Victoria Avenue and Bells Road can be changed, due to the awkward turning provision at the intersection for buses.
4. Council Rangers to monitor illegal parking in John Street by motorists to ensure compliance.
5. Council note the 'World Masters Games Parade' down Main Street, Tuesday 14 October 2009 from the Workmen's Club to the showground has been approved to proceed subject to confirmation of parade times.

6. Council note the request for a 'Handicap Car Parking' zone at Lithgow Railway Station has been denied. Note - there is an existing 15 min passenger drop off zone in place.
7. The existing laneway linking Williwa Street to Paine Street, Portland be made a one way lane (north to south). Council to liaise with the St Josephs School principal in regards to the implementation of one way traffic flow for this lane.
8. Council note the 2009 Alpine Classic is being held on the 17 & 18 October 2009.
9. A minor extension to the "Emergency Only" parking space in front of the Medical Centre at 136 Main Street, Lithgow be approved and implemented.
10. Council's road safety officer is to consult with the Vale Ladies to identify and resolve alternate parking arrangements from Most Street to behind the Vale Hall building.
11. Council remove the handicap zone at 67 Inch Street, as it is no longer required.
12. A request be forwarded to the RTA requesting they repair their faulty road pavement pressure sensors at Bridge & Mort Street.
13. Council Rangers monitor illegal parking on the footpaths in the areas of Rabaul, Suvla, Lone Pine Avenue and Lemnos Streets, Lithgow to ensure compliance.

## CLOSED REPORTS

### ITEM:13 INTS - 24/08/09 - CONFIDENTIAL - PURCHASE OF TWO BACKHOES / LOADERS

#### REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

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#### 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

This report recommends the acceptance of a suitable tender for the supply of two backhoe / loaders to be funded by a monthly operating lease.

#### RECOMMENDATION

**THAT** Council consider the report on tenders for the purchase of two backhoes in closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.



**ITEM:14        INTS - 24/08/09 - CONFIDENTIAL - PURCHASE OF STREET SWEEPER**

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

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**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**

This report recommends the acceptance of a suitable tender for the supply of a new street sweeper to be funded by a monthly operating lease.

**RECOMMENDATION**

**THAT** Council consider the report on tenders for the purchase of a street sweeper in closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

**ITEM:15 MAYORAL MINUTE - CONFIDENTIAL - GENERAL MANAGERS  
PERFORMANCE REVIEW**

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**Reason for Confidentiality**

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

- (a) personnel matters concerning particular individuals (other than councillors)

**REFERENCE**

NIL

**RECOMMENDATION**

**THAT** Council consider the report on the General Managers Performance Review in closed Council pursuant to Section 10A(2)(a) of the Local Government Act 1993.

## **BUSINESS OF GREAT URGENCY**

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

- a) A motion is passed to have the business transacted at the meeting: and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.