



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 NOVEMBER 2009

AT 7.00pm

AGENDA

PRESENT / APOLOGIES

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2ND NOVEMBER 2009

PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES - Confidential Report - General Managers Performance Review

NOTICES OF RESCISSIONS - NIL

NOTICES OF MOTION

Councillor M F Ticehurst - Lithgow Aquatic Centre
Councillor M F Ticehurst - Wolgan Gap
Councillor M F Ticehurst - DA 045/09 and DA 046/09

REPORTS

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

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS

Tourism Advisory Committee
Lithgow Aquatic Centre Committee
Lithgow Flash Gift Committee
Traffic Authority Local Committee
Economic Development Advisory Committee

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

CLOSED MEETING - General Managers Performance Review

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NOTICES OF MOTION

ITEM:1 **NOTICE OF MOTION - 23/11/09 - DA 045/09 AND DA 046/09 -
COUNCILLOR M F TICEHURST**

MOTION TITLE/TOPIC:

Questions with Notice from Lithgow City Councillor Martin Ticehurst.

Listed by: Councillor Martin Ticehurst

Date: 14 November 2009.

QUESTION WITH NOTICE

Q. Further to the debate with respect to Item 7. at the Ordinary Meeting of the Lithgow City Council Meeting of 2 November 2009, (DA 045/09 and DA 046/09 Subdivision Of Land into 15 Lots and 8 Lots respectively - Use of Council Land for road purposes - off Great Western Highway Bowenfels / Marrangaroo) and the subsequent Council Resolution 09-422

THAT Council seek from the developer proposed traffic Management plan, intersection plan and access plan prior to Council determining if it will give its consent to the lodgment of its development application utilising Council land; it is requested that the Council be provided with an urgent report on the concerns of residents with respect to the current poor condition of the Timber Bridge over the Railway Line into and out of the Marrangaroo Fields Estate, Golf Links Estate and Lithgow Golf Club, in particular to the condition of the timber fencing and the timber supporting the Bridge which appears to be a serious state of decay at the current time.

RECOMMENDATION

THAT Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

ITEM:2 NOTICE OF MOTION - 23/11/09 - WOLGAN GAP - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC:

Questions with Notice from Lithgow City Councillor Martin Ticehurst.

Listed by: Councillor Martin Ticehurst

Date: 14 November 2009.

QUESTION WITH NOTICE

Q. Following the recent rock wall stabilisation works conducted by the Lithgow City council on the Wolgan Gap, it is requested that the Council be provided with an urgent report on residents concerns over the possibility of both rock and tree falls from the eastern rock face of The Gap Road, Lithgow between the top of the Hassans Walls Lookout turnoff down towards the Lithgow Paintball Centre, particularly as there are a number of large trees that are located high on the eastern rock face of The Gap Road that appear to have severely exposed root bases and appear to be in future danger of falling across the roadway.

RECOMMENDATION

THAT Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

**ITEM:3 NOTICE OF MOTION - 23/11/09 - LITHGOW AQUATIC CENTRE -
COUNCILLOR M F TICEHURST**

MOTION TITLE/TOPIC:

Questions with Notice from Lithgow City Councillor Martin Ticehurst.

Listed by: Councillor Martin Ticehurst

Date: 14 November 2009.

QUESTION WITH NOTICE

Q. In respect of Resolution 09 – 292

THAT Council:

1. Support in principle and investigate further the feasibility of the concept of entering into a Public Private Partnership for the provision of an Aquatic Centre for the Lithgow Local Government Area; and
2. Advise the Department of Local Government of Council's intentions to investigate a Public Private Partnership in relation to an Aquatic Centre for Lithgow.

As made at the Ordinary Meeting of the Lithgow City Council on Monday 13 July 2009, it is requested that the Council also investigate along with any proposed possible joint venture with the Lithgow Workmen's Club, a joint venture with other parties including possibly the State and Federal Governments and Delta Electricity in the establishment of an Indoor Aquatic Centre at/near the Wallerawang Power Station or on the still vacant State Government owned Minerals Processing Park.

Brief Information:

It is sought that the Council and their Indoor Pool Committee investigate the possibility of establishing an Indoor Pool on a site near the Wallerawang Power Station that:

could utilise the steam emissions from the adjoining Power Station to provide heating for an Indoor Pool that would substantially reduce the ongoing heating costs for any proposed new facility; and

could as an innovative community project, attract substantive funding under various grant programmes from the State and Federal Governments; ie. Sports, Green, ETS, etc.

could subsequently be operated by a private contractor (such as Bathurst) or by a volunteer based community organisation (such as the Lithgow Swimming Club) on behalf of the Lithgow City Council.

It should be noted that the site at Wallerawang would place the proposed new Indoor Aquatic Centre facility substantially in the middle of the Lithgow LGA.

RECOMMENDATION

THAT Council Officers and the Councils Indoor Pool Committee provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

GENERAL MANAGER REPORTS

ITEM:4 GM - 23/11/09 - UNION PICNIC DAY CLOSURE

REFERENCE

Min No 06-3: Policy and Strategy Committee Meeting - 6th February 2006

SUMMARY

This report advises Council of the closure of the administration office for Union Picnic Day being held on Friday 11 December 2009 and the essential service operations that will operate on this day.

COMMENTARY

The Local Government (State) Award 2007 allows for a Union Picnic Day to be held annually.

Lithgow City Council first closed part of all of its business for Union Picnic Day in 2006 and has closed on this day each year since. Council is again ceasing operations this year for Union Picnic Day on Friday 11 December 2009.

Essential service and minimal works staff will remain on duty to form a 'skeleton' crew and there will be a number of staff on-call to attend to emergencies.

An advertising program will be conducted to advise the community along with advertising advice to many of the Council clients. Council's out of office call centre has also been notified of the closure.

Essential services operating on Picnic Day are as follows;

- Lithgow Visitor Information Centre
- Lithgow Library Learning Centre
- Ranger
- Eskbank House Museum
- Rural Tip Controller
- Cleaner Driver
- Streetsweeper
- Water and Sewerage Treatment Plants
- Cleansing Unit

CONCLUSION

This report has advised Council on the office closure for Union Picnic Day in line with many councils, Government Departments and private organisations in New South Wales and Australia.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Award outlines that employees required to work ordinary hours on Union Picnic Day are entitled to be paid double time and a half for hours worked, or be paid time and a half for the hours worked and in addition, be granted a day off in lieu to be paid at ordinary time. The closure will result in a savings in staff wages as there will be less staff required working on this day, and thus limited payment of penalty rates and time in lieu accruals.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the report that the Picnic Day closure for Friday 11 December 2009.

ITEM:5 GM - 23/11/09 - RIGHT OF CARRIAGEWAY TO LOTS 1-25 CHIFLEY ROAD DARGAN

REFERENCE

NIL

SUMMARY

Council has received a request from a number of residents associated with the right of carriageway to lots 1-25 DP 232170.

COMMENTARY

Council has received a request from a number of residents associated with this right of carriageway seeking for Council to take over the control and for it to become a public road. This would therefore involve Council undertaking the maintenance of this private road and access.

The residents cite that for sometime now the maintenance of this carriageway has been paid for by a handful of the residents and that the co-ordination of this maintenance is becoming impractical. Due to these problems the road has fallen into disrepair, including being narrow, having poor drainage and issues with overhanging trees. Problems also exist in relation to the contributions to expenditure on the road with some residents not being prepared to fund the maintenance that is required.

Due to these concerns various service providers, including Australia Post and garbage contractors, have indicated concerns in providing their services to the local area because of the condition of the road. Some of these service providers have indicated that they may be unwilling to continue to provide that service.

Concern has also been expressed in relation to the fire safety of the situation.

The subdivision was originally completed in 1966 with the right of carriageway created to provide access to the new allotments without each individual allotment having access directly to the main road, Chifley Road. The length of possible roadway is approximately 1.6kms.

There is a large degree of sympathy for the problem that exists however the landholders would have all purchased their respective allotments with the full knowledge of the condition of the right of carriageway and the condition of and maintenance arrangements for that carriageway. This situation would have also been reflected in the price of those parcels of lands at the time of purchase.

Should a proposal come before Council now for a similar subdivision and a road was required then Council would be requiring the developer to construct a road at the developer's cost and dedicate that road to Council.

Council would need to expend a significant sum of money in order to bring this road up to a satisfactory standard and then allocate funds annually for the ongoing maintenance of the road. A preliminary estimate of \$60,000 has been made to bring the road up to a satisfactory gravelled all weather condition. Maintenance of the road is estimated at up to \$6,000 per visit depending upon the level of maintenance required. If only minimal grading works then it could be as low as \$2,000 per visit.

In addition Council is also reminded that many similar situations exist across the Council area where there are rights of carriageway that provide access to various properties. Should an arrangement be made with this particular one to become a public road then there would be a number of similar requests for other areas to be treated in the same manner.

Options

The following options could be considered for this situation:

1. Offer to have the road transferred to Council to become a local public road and Council take full responsibility for its maintenance
2. Offer to have the road transferred to Council to become a local public road and Council take full responsibility for its maintenance once the local residents have brought the road up to a satisfactory standard
3. Council maintain the road to a minimal standard, through its regular maintenance program, at no cost to the local residents
4. Take no action

POLICY IMPLICATIONS

This could impact upon Council's position in relation to other similar roads across the local government area.

FINANCIAL IMPLICATIONS

An estimate of bringing the right of carriageway up to an all weather standard is \$60,000. In addition, if made a public road then ongoing maintenance of the road would then be required.

LEGAL IMPLICATIONS

Agreement would be required by all landholders, i.e. lots 1-25 for a proposal for the road to become a public road.

ATTACHMENTS

1. Local Maps

RECOMMENDATION

THAT Council:

1. Note the report in relation to the right of carriageway across lots 1-25 of DP 232172 Chifley Road Dargan; and
2. NOT enter into discussions to convert the right of carriageway to local public road.

REGIONAL SERVICES REPORTS

ITEM:6 REG - 23/11/09 - CROQUET CLUB

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Min No 09-446: Ordinary Meeting of 2 November 2009

SUMMARY

To advise Council of the results of an on site meeting held to resolve accessible parking issues at Lithgow Croquet Club.

COMMENTARY

An on-site meeting was held with accessibility advocate, Mr Bob Triming and Council staff on 12 November 2009. It was agreed, subject to Council agreement, that an acceptable temporary solution could be achieved as follows:

- Construct a layback and access to fence line from James Street;
- Provide a lockable gate;
- Sign signifying Croquet Club - Temporary Carpark;
- The carpark is to be used for LIGHT vehicles only (no buses etc);
- Fencing will be constructed between Tennis Court & Croquet fields fencing with allowances for Council vehicles and pedestrians.

It was considered that a long term solution may involve input from the Tennis Association as a combined carpark for both Tennis and Croquet players may be a preferred solution given the overflow parking experienced during tennis competitions. This would need to be the subject of future budget considerations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The temporary solution would cost in the order of \$2,000 which can be funded from the recurrent budget. Permanent works including concrete footway connections would be funded from an allocation under the RLCIP Round 2 funding.

LEGAL IMPLICATIONS

No specific legal implications arise other than Council protecting its position should a person commence proceedings under the Disability Discrimination Act.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council formally agree to undertake works involving:
 - Construction of a layback and access to fence line from James Street;
 - Provision of a lockable gate;
 - Provision of signage;
 - The temporary carpark be designated for LIGHT vehicles only;
 - Provision of fencing between Tennis Court & Croquet fields fencing with allowances for Council vehicles and pedestrians.
2. The works be funded from the recurrent budget or RLCIP Round 2 funding as appropriate.
3. An amount be considered as part of the 2010/2011 budget process for the development of a combined car park (including accessible spaces) for both Tennis and Croquet players and this be referred to the Sports Advisory Committee.

**ITEM:7 REG - 23/11/09 - DEVELOPMENT APPLICATION / CONSTRUCTION
CERTIFICATE 160/09 LINC GARAGE - 1 PADLEY STREET LITHGOW**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To advise Council of the submission of Development Application/Construction Certificate No.160/09 for Lithgow City Council for a garage for use by the Lithgow Information and Neighbourhood Centre (Linc) at 1 Padley Street, Lithgow.

Approval of the application is recommended.

COMMENTARY

The proposal involves the construction of a steel framed garage at the rear of the Lithgow Information and Neighbourhood Centre on Lots 19/20 Section 53 DP 9485 No.1 Padley Street, Lithgow for use as a garage to house Linc vehicles.

POLICY IMPLICATIONS

Council's Policy 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

The construction is being funded by Linc.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A Section 79C report pursuant to the provisions of the Environmental Planning and Assessment Act.

RECOMMENDATION

THAT:

- A. Development Application/Construction Certificate No 160/09 be APPROVED subject to the following conditions:

CONDITIONS

1. That the structure is 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:
 - 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.
 - i. 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. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
5. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.

6. That the garage is finished to ensure compatibility with existing development to the satisfaction of Council.
 7. A separate development application shall be submitted and approved for any retaining walls that exceed 800mm in height.
 8. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
 9. That the proposed rainwater drains are connected to the existing rainwater disposal system.
 10. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (Council).
- B.** A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

**ITEM:8 REG - 23/11/09 - GLEN ALICE COMMUNITY ASSOCIATION
 PROPOSED TOILET BLOCK REQUEST TO WAIVE FEES**

REPORT FROM: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Development Application/Construction Certificate No.181/09.

SUMMARY

A Development Application/Construction Certificate from Glen Davis Community Association for the construction of a new toilet block to replace an existing toilet block behind the Glen Alice Hall at Glen Alice has been approved under delegation. The Association has requested that Council waive the application fees for this project in the amount of **\$648.53**.

COMMENTARY

In their request the Glen Alice Community Association advise that they are a community group that own the hall and that the hall is open for use by the local community seven days a week. The facilities are also available for use by the Rural Fire Service when using the adjacent bush fire shed which does not have toilets.

The request is considered to be reasonable as the hall is for community use and there has been discussion in the past about it becoming a Council asset because of its value to the local community.

POLICY IMPLICATIONS

Council does not have a policy for waiving of application fees.

FINANCIAL IMPLICATIONS

Accepting the request will result in a loss of income of \$648.53.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council agree to the request from Glen Alice Community Association to waive fees of \$648.53 for the Development Application/Construction Certificate for the new toilet block at Glen Alice Community Hall.

**ITEM:9 REG - 23/11/09 - HOWARD AND SONS PYROTECHNICS FACTORY
RE-DEVELOPMENT**

REPORT FROM: DEVELOPMENT MANAGER – JIM NICHOLS

REFERENCE

Development Application/Construction Certificate No. 190/09.

SUMMARY

To advise Council of the submission of a Development Application/Construction Certificate for the redevelopment of the Howard & Sons Pyrotechnics factory at Wallerawang.

COMMENTARY

An application has been lodged for the redevelopment of the pyrotechnics factory at Lot 2 DP 1124158 No.581 Portland Road, Wallerawang. The application includes demolition and reconstruction of existing sheds, construction of new magazines, earthworks and roads.

The proposal is Designated Development under the provisions of the Environmental Planning and Assessment Act. Council would be aware of changes recently made to the Act requiring Designated Development to be determined by the Joint Regional Planning Panel (JRPP).

Council is no longer the consent authority for this type of development, although the assessment is to be carried out by Council Development Officers. Council's representatives on the JRPP, the Mayor and the Group Manager Regional Services, are prohibited by the JRPP Code of Conduct from having any role in the assessment of the application.

Council, should it wish, can make a submission to the JRPP in relation to this application. Such a submission would need to be made by a person not involved in the assessment of approval of the application.

The application has been notified by Council Development Officers to residents within a two kilometre radius of the development and to all the residents of Wallerawang

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil at this stage

RECOMMENDATION

THAT The information contained in the report on the development application in respect of Howard and Sons be received.

**ITEM:10 REG - 23/11/09 - WESTERN REGION JOINT REGIONAL PLANNING
 PANEL**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Ordinary Meeting – 1 June 2009
Ordinary Meeting – 22 June 2009
Ordinary Meeting – 14 September 2009

SUMMARY

To advise of progress with the Western Region Joint Regional Planning Panel.

COMMENTARY

The State appointed Members of the Western Region Joint Regional Planning panel have been announced. They are:

GABRIELLE KIBBLE AO (Chair)

Gabrielle Kibble is the Chair of the Heritage Council of New South Wales; Chair of the Planning Assessment Commission; and Administrator of Wollongong City Council. She was also the Chair of Sydney Water from August 1998 to May 2007. Between 1987 and 1997 she was the Director General of the Department of Urban Affairs and Planning and from 1992 until 1994, Director General of the NSW Department of Housing.

RUTH FAGAN

Ruth Fagan has extensive experience in a wide range of community services including local government, tourism, small business and cultural planning, serving on the Board of Tourism NSW from 1998 to 2008, and as a member of the NSW Regional Flagship Events panel for 10 years. As a resident of Cowra for 28 years, she has held a number of regional leadership roles, acting as Chairman of the Cowra Tourism Corp from 1989 to 2003 and serving as a Councillor on Cowra Shire Council from 2004 to 2008. She has also been Director and Board Member of the Central West Community College since March 2006 and the Regional Manager for the NSW Cancer Council

GORDON KIRKBY

Gordon Kirkby has 17 years' experience in both private and public sectors as an urban and regional planning expert, holding a number of senior positions at the NSW Department of Planning from 1992 to 2006, including as Director of Strategic Assessments and Director of Urban Assessments. During this time, he worked as part of the Western Region team on a number of major manufacturing and rural industry projects. Since 2006, he has managed a broad range of major urban renewal, greenfield and industrial projects as an Associate at JBA Urban Planning Consultants, and was appointed Partner in April 2008.

MARK GRAYSON (Alternate)

Mark Grayson has held a number of senior roles in both local and State Government planning across rural NSW, including as a senior planner at Shoalhaven City, Penrith City, Yass Valley, and Wollongong City Councils. He also has six years' experience with the NSW Department of Planning, as Acting Director of Regional Coordination and as Manager of Local and Regional Planning for the Southern Region.

The Western Region covers 43 local government areas, including Lithgow. The Department of Planning have indicated that all nominees provided by councils will be accepted. Council will recall that the Mayor, Neville Castle and Group Manager Regional Services were nominated to the Panel and Councillors Graeme Danaher and Col Hunter as alternates. Training was attended by Councillors Castle, Hunter and the Group Manager Regional Services at Dubbo on 5 November 2009. The training was informative in providing information on the process and how to deal with potential conflicts between Council and JRPP responsibilities. As indicated in a separate item on the agenda, the development application for the Howard and Son's development has now been lodged. It will be necessary for the local JRPP representatives to be cautious about any involvement in the passage of the application and any representations the Council may wish to make given their likely involvement in the determination of the application as members of the panel.

POLICY IMPLICATIONS

It is important to note that applications that fall into the categories for determination by the Joint Regional Planning Panel will then fall outside the scope of Council Policies 7.6 Development Applications by Councillors and Staff and Relatives or on Council Owned Land and 7.7 calling in of Development Applications or Development Application/Construction Certificates by Councillors. That is, if the application is for 'regional development' that must be determined by the JRPP then it is self evident that it cannot be referred to Council for determination.

FINANCIAL IMPLICATIONS

Nil in regard to this report.

LEGAL IMPLICATIONS

State Environmental Planning Policy (Major Development) requires certain types of development to be determined by the Joint Regional Planning Panel. These include:

- Development that has a capital investment value of more than \$10 million.
- Development for affordable housing, air transport facilities, child care centre's, community facilities, correctional centre's, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities if it has a capital investment value of more than \$5 million.
- Crown development that has a capital investment value of more than \$5 million.
- Development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million.
- Designated development.
- Subdivision of land into more than 250 lots
- Development that has a capital investment value of more than \$5 million if a council for the area in which the development is to be carried out is the applicant for development consent; or the council is the owner of any land on which the proposed development is to be carried out; or the development is to be carried out by the council; or the council is a party to any agreement or arrangement relating to the development.

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information on the Western Region Joint Regional Planning panels be noted.

ITEM:11 REG - 23/11/09 - NSW WIND RENEWABLE ENERGY PRECINCTS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Mayoral Minute - 2/11/09 – NSW Wind Renewable Energy Precincts Minute No.09-438.

SUMMARY

To further inform Council of the establishment of NSW Wind Renewable Energy Precincts and determine if Council wishes to nominate a representative to the Central Tablelands Precinct Advisory Committee.

COMMENTARY

Introduction

Council considered a Mayoral Minute at its meeting on 2 November 2009 on NSW Wind Renewable Energy Precincts requesting nominations for the Central Tablelands Committee, and resolved to seek further information and subsequent report.

The expanded national Renewable Energy Target Scheme requires 45,000 gigawatts hours of electricity to be generated from renewable sources by 2020. This target is expected to drive major new investment in renewable energy across NSW. This is seen as a major opportunity to attract green investment and green jobs in NSW. The state government has announced plans to make it easier to establish clean, renewable energy projects in NSW.

Renewable energy sources such as wind and solar power will be a key part of the energy mix in the future, but initially most of the renewable energy supply is expected to be delivered by wind energy initiatives.

NSW has introduced a number of state-wide reforms to attract new investment in renewable energy, including six Wind Renewable Energy Precincts to be established in areas with the best know wind resources. The six precincts are:

- Central Tablelands
- Upper Hunter
- New England Tablelands
- NSW/ACT Border Region
- South Coast
- Cooma-Monaro

The state government has introduced additional measures to encourage the use of renewable energy including:

- Amending the Environmental Planning and Assessment Act by lowering the threshold for renewable energy projects that will be given “critical infrastructure” status from 250 megawatts (MW) to 30MW. As a result, development applications for projects over 30MW will no longer be assessed by councils but will be assessed under Part 3A of the Act by the Department of Planning.

- Guaranteeing a four-month turnaround time for planning processes for critical infrastructure projects.
- Waiving fees for critical infrastructure projects from August 2009 to June 2011.
- Employing environmental staff in each of the new renewable energy precincts to drive the clean energy agenda and work with local communities.

These reforms are aimed at facilitating the establishment and ongoing operation of wind farms and other forms of renewable energy through streamlined planning approval processes and improved community consultation processes. Renewable energy projects under 30MW will that are not defined as “critical infrastructure” will be assessed by council and determined either by council or the local Joint Regional Planning Panel. For information the two wind towers at Hampton generate 1.34MW.

Purpose of Precinct Advisory Committee

The purpose of the precinct advisory committee is to:

- Provide advice to councils on regionally appropriate and consistent approaches to key wind development assessment issues that are not covered in the national guidelines
- Disseminate and promote the economic and environmental benefits of wind energy generation
- Help Councils within each precinct to develop regionally appropriate and consistent approaches to developer contributions into community enhancement programs
- Identify and facilitate renewable energy opportunities within the precinct
- Identify and discuss issues of concern at the precinct level in relation to the uptake of renewable energy opportunities.

Role of the Precinct Advisory Committees

Each Precinct Advisory Committee will bring representatives from local councils and the community together to discuss and provide state and local government with regionally specific input on issues and actions that will support the development of renewable energy within the Precinct.

The Committee will maintain a Precinct-wide perspective on renewable energy resources and issues. It is not the role of Precinct Advisory Committees to assess individual wind farm projects.

The Committee will:

- Provide input and assistance with the development and implementation of the renewable energy education and information campaign for the precinct
- Provide input to the development of community enhancement guidelines
- Explore the feasibility and interest of community cooperatives in the precinct
- “trouble-shoot” issues that arise related to attracting and developing renewable energy within the precinct
- Provide information for reports to the Minister for Climate Change and the Environment and to the Minister for Planning on community involvement and renewable energy issues related to the precinct, including any policy and regulatory issues that cannot be resolved at the regional level.

The Precinct Advisory Committee is not a decision-making body. It will **not** determine planning and development outcomes.

Committee Membership

The Precinct Advisory Committee will comprise up to 10 members representing the range of interests in the precinct. It will include:

- An independent Chairperson
- Up to 4 representatives from the local councils located within the precinct
- Up to 4 representatives, covering a cross-section of community interests (eg. Landowners, industry, environment, local business and township community)
- A regional coordinator from the Department of Premier and Cabinet.

Council Committee Nomination

Council must determine if it wishes to nominate a representative to the Central Tablelands Precinct Advisory Committee. The views of the committee will carry substantial weight in how the development of wind energy resources within the region proceeds. It is a high level committee that will meet every three months with a Regional Coordinator from the Premiers Department.

As Council is in a critical location in the future development of wind energy it is considered that it should request high level representation on the Central Tablelands Precinct Advisory Committee. For this reason it is suggested that the Mayor, Councillor Neville Castle be nominated to the committee.

Councillors should be aware that the cut-off for nominations was the 3 November 2009 but an extension of time has been requested to meet council meeting deadlines.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Daily sitting fees will be paid to any Councillor appointed to the committee.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT a Councillor be nominated as a representative for the Central Tablelands Precinct Advisory Committee.

ITEM:12 REG - 23/11/09 - DA 033-09 - AMUSEMENT CENTRE - NOAMI STREET LITHGOW

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To assess and recommend determination of DA 033-09. Recommendation will be made for approval subject to conditions.

COMMENTARY

Council is in receipt of a development application to operate an amusement centre from an existing building in Naomi Street, Lithgow. The proposal seeks to fit out the shop for the use of an amusement centre. The fit out includes the installation of 18 amusement machines, internet connection, drink and snack facilities.

Proposed hours of operation are:

Winter times (April to September)

School Term

Monday to Friday:	11.00am to 6.30pm
Saturday:	9.00am to 7.30pm
Sunday Public Holidays:	10.00am to 7.00pm (see below)

School Holidays

Monday to Friday:	9.00am to 6.30pm
Saturday:	9.00am to 7.30pm
Sunday Public Holidays:	10.00am to 7.00pm (see below)

Summer times (October to March)

School Term

Monday to Friday:	11.00am to 8.00pm
Saturday:	9.00am to 8.00pm
Sunday Public Holidays:	10.00am to 8.00pm (see below)

School Holidays

Monday to Friday:	9.00am to 8.00pm
Saturday:	9.00am to 9.00pm
Sunday Public Holidays:	10.00am to 8.00pm (see below)

Finally as part of the application the proponent indicated the following:

“I propose that I be granted provisional for a period of 12 months during which time council can assess and impact that my development is having on the community and the town. During this time I shall maintain a constant information flow between council and myself so as I can meet the standards required for ongoing approval.”

The application was notified to surrounding neighbours for a period of 14 days. As a result of this notification there were two (2) submissions received.

The following were identified from the submissions:

- The amusement centre will create safety problems for the surrounding business.
- Vandalism in terms of damage and graffiti.
- Poorly lit access
- Social problems
- Security

POLICY IMPLICATIONS (OTHER THAN DCP's)

The application has been called in accordance with POLICY 7.7 CALLING IN OF DEVELOPMENT APPLICATIONS OR DEVELOPMENT APPLICATION/CONSTRUCTION CERTIFICATES BY COUNCILLORS.

The Policy provides that:

3. Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:
 - Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and
 - Reported to an Ordinary Meeting of Council for determination.

FINANCIAL IMPLICATIONS (eg Section 94)

There are no financial implications of the development in relation to assessment of the application.

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.

ATTACHMENTS

1. A complete Section 79C report.

RECOMMENDATION

THAT:

1. Council APPROVE DA 033-09 in accordance with the conditions outlined in the attached Section 79C report separately;
2. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:13 **COMM - 23/11/09 - TEMPORARY SUSPENSION OF LITHGOW ALCOHOL FREE ZONE**

REPORT BY: LIVE LIFE WELL LITHGOW OFFICER – ANGELA MILLS

REFERENCE

Min No 05-503: Ordinary Meeting of Council 4/10/05
Min No 24-09: Ordinary Meeting of Council 27/01/09
Min No 09-101: Ordinary Meeting of Council 09/03/09

SUMMARY

This report provides an update on the fresh produce markets that are being trialled in Lithgow from September to December 2009 and recommends the temporary suspension of the Lithgow Alcohol Free Zone to include wine producers.

COMMENTARY

Fresh produce markets are being trialled in Cook Street Plaza Lithgow between September and December 2009 as one of the initiatives of the Live Well Lithgow program. The markets are held on the second Saturday of each month from 9am to 12.30pm.

Feedback and support from the community for the markets has been very positive, with strong attendance each month and positive feedback from producers and stallholders. The only criticism has been that the range of products and producers is limited. To address this concern, a broader range of producers have been targeted.

Requests have been received from two local wine producers who wish to sell their wines at the market on 12 December 2009. As is common practice at fresh produce markets, they would provide small taste samples of their wines to the public to try before they buy. All alcohol sold would be unopened.

Cook Street Plaza however is included in the Lithgow Alcohol Free Zone and wine tasting is viewed as consumption of alcohol.

Under Section 645 of the Local Government Act, Council has the power to suspend an alcohol free zone during its period of operation in order to respond to situations that may arise eg in order to hold a community event.

Council must pass a valid resolution to suspend an alcohol free zone and must publish a notice of the suspension. The Ministerial Guidelines on Alcohol Free Zones encourage Councils to liaise with the Police to coordinate any action required and state that signage should be removed for the duration of the suspension.

Council has been in contact with Lithgow Police who have no objection to the temporary suspension of the Alcohol Free Zone for this purpose.

There is no provision in the Local Government Act or accompanying Ministerial Guidelines on Alcohol Free Zones to suspend part of a zone, therefore a resolution by Council would suspend the entire zone. Given that the suspension will only apply to a 3.5 hour period on a Saturday morning, this is not considered to be a problem. Alcohol Free Zone signage in Cook Street Plaza would be covered over for the duration of the market.

Pending the success of this initiative and continuation of the markets next year, future recommendations will be made to Council for further temporary suspensions of the Alcohol Free Zone in 2010.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council suspend the Lithgow Alcohol Free Zone from 9am to 12.30pm on Saturday 12 December 2009 for the purpose of wine tastings during a fresh produce market.
2. Council publish a public notice of the temporary suspension.

ITEM:14 COMM - 23/11/09 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS

REPORT FROM: CORPORATE STRATEGY AND COMMUNICATIONS OFFICER – DEBORAH MCGRATH

REFERENCE

Min 07-541: Ordinary Meeting of Council 17 December 2007.
Min O08-194: Ordinary Meeting of Council 18 November 2008

SUMMARY

This report provides copies of the Annual and State of the Environment Reports to Council for its information.

COMMENTARY

The Local Government Act 1993 states:

Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.

It goes on to also state:

*A report must contain the following:
(c) a report as to the state of the environment in the area*

Every four years following the local government election, Council is required to prepare a comprehensive State of the Environment Report. As such, the attached State of the Environment Report includes details of activities undertaken within the 2008/09 financial year and an internal review of the pressures to the environment has been undertaken.

The Annual and State of the Environment Reports for the year 2008/09 have been prepared and will be forwarded to the Department of Local Government. A copy of both Reports has been provided to Councillors within their Business Paper Packages. In addition, the Reports will be placed on Council's website and a hard copy will be available for viewing at the Council's Administration Centre and the Lithgow Library and Learning Centre.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Annual and State of Environment Reports were produced internally and funded from the Policy and Planning recurrent budget.

LEGAL IMPLICATIONS

The Annual and State of the Environment Reports were prepared in accordance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Freedom of Information Protection Act 1998, Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

ATTACHMENTS

1. Annual Report 2008/09
2. State of the Environment Report 2008/09

RECOMMENDATION

THAT the Council:

1. Receives the Lithgow City Council Annual Report 2008/09.
2. Receives the Lithgow City Council State of the Environment Report 2008/09.

ITEM:15 **COMM - 23/11/09 - SECTION 356 - DONATIONS TO COMMUNITY ORGANISATIONS**

REPORT BY: COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS

SUMMARY

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

COMMENTARY

In adopting the 2008/09 – 2010/11 Management Plan Council identified its provision of donations to not-for-profit community groups. This report outlines requests from the following organizations for donations.

Rydal A H & P Society

Rydal A H & P Society have requested that Council sponsor the Heavy Horse Section of the 2010 Rydal Show. In 2008/09 Council sponsored the Heavy Horse Section of the Rydal Show to the value of \$500. In view of the limited remaining ‘as resolved’ funding for 2009/10 it is recommended that Council’s sponsorship of the Rydal Show be reduced to \$300.

First Australian Muzzleloading Gun Rifle and Pistol Club Inc

The First Australian Muzzleloading Gun Rifle and Pistol Club have requested financial assistance to assist them to undertake safety and maintenance works required to comply with the NSW Police Firearms Registry requirements.

It is recommended that financial assistance be provided to the First Australian Muzzleloading Gun Rifle and Pistol Club to the value of \$600.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups. The Council has set aside \$7,310 for distribution throughout the 2009/10 Financial Year of which \$1,058.57 remains.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Letter from Rydal AH&P society Dataworks No: 543831
2. Letter from the First Australian Muzzleloading Gun Rifle and Pistol Club Dataworks No: 539274

RECOMMENDATION

THAT Council provides:

1. \$300 to Rydal A H & P Society for the Heavy Horse Section of the Rydal show.
2. \$600 to the First Australian Muzzleloading Gun Rifle and Pistol Club to undertake safety and maintenance works.

**ITEM:16 COMM - 23/11/09 - INTEGRATED PLANNING AND REPORTING -
IMPLEMENTATION TIMEFRAME**

**REPORT BY: CORPORATE STRATEGY AND COMMUNICATIONS OFFICER –
DEBORAH McGRATH**

REFERENCE

Min 09-218 - Ordinary Meeting of Council 1 June 2009

SUMMARY

The Local Government Amendment (Planning and Reporting) Act 2009 was assented to by the Governor on 9 October 2009. Implementation of the new Integrated Planning and Reporting Framework for councils commences as of that date. The Department of Local Government now requires councils to nominate in which of the three groups they will be adopting their Community Strategic Plan and first four year Delivery Program.

COMMENTARY

The new Integrated Planning and Reporting Framework has been developed following extensive consultation with NSW local government and key stakeholders. It is intended that the framework will provide a consistent approach to planning by all NSW councils and aid in developing sustainability through long-term planning.

Councillors will be aware that the Integrated Planning and Reporting Guidelines require all NSW councils to have in place by 2012 the following planning processes:

- A Community Strategic Plan
- A Community Engagement Strategy that sets out how each council will engage its community when developing its Community Strategic Plan.
- A Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans.
- A four-year Delivery Program in line with Councillors term of office.
- An annual Operational Plan, including a statement of revenue policy, and a detailed annual budget.

In addition to this councils will be required to implement the following reporting processes:

- An annual report outlining achievements against the Delivery program
- A State of the Environment Report as part of the Annual Report, which outlines achievements in relation to the environmental objectives in the Community Strategic Plan.
- A comprehensive State of Environment Report to be undertaken every four years at the end of each electoral term.
- Audited financial statements as part of the Annual Report
- An end of term report by each outgoing council outlining the achievements in implementing the Community Strategic Plan presented to the final meeting of that council.

The Department of Local Government has requested that Council now nominates in which group it will be adopting a Community Strategic Plan and Delivery Program. The nomination of which will be formally Gazetted and Council will be named in a Ministerial Order.

- Group 1 – 30 June 2010.
- Group 2 – 30 June 2011
- Group 3 – 30 June 2012.

Council Officers have begun planning for the implementation of the Integrated Planning and Reporting framework. Implementation of which will be a staged process with the Community Strategic Plan being developed and implemented by 30 September 2011 to enable the commencement of the 2012/13 – 2015/16 Delivery Plan. This will ensure compliance with the Department of Local Government timeframe of 30 June 2012.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act 1993

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council adopts Group 3 timeframe of 30 June 2012, for the adoption of its Community Strategic Plan and 2012/13 – 2015/16 Delivery Program.

INTERNAL SERVICES REPORTS

ITEM:17 INTS - 23/11/09 - QUARTERLY PERFORMANCE REPORT ON 2009/10 TO 2011/12 MANAGEMENT PLAN FOR THE PERIOD 1 JULY 2009 TO 30 SEPTEMBER 2009

REFERENCE

Min No 09-229: Council Meeting 1 June 2009
Min No 09-335: Council Meeting 3 August 2009

SUMMARY

This report provides the Quarterly Performance Report on the 2009/10 to 2011/12 Management Plan for the period of 1 July 2009 to 30 September 2009 with a recommendation that the adjusted surplus of \$90,689 be noted.

COMMENTARY

The September Quarterly Performance Report on the 2009/10 to 2011/12 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.

2009/10 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	\$69,511	-\$69,507	\$4
September Quarter	\$76,572	-\$76,482	\$90

The major adjustment to the 2009/10 revised Management Plan to the original budget is the adjustment of the RLCIP Round 2 grant funding of \$4,158,000 which was not included in the original Management Plan due to the late announcement of the successful grant application. All works in progress as report to the meeting of 1 June 2009 have also now been brought forward from 2008/09 to 2009/10.

The additional income of \$90,689 is attributed to rate revenue increasing due to the opening of one additional mine in the Local Government area.

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 2009/10 to 2011/12 Management Plan.

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 2009/10 to 2011/12 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 July 2009 – 30 September 2009

RECOMMENDATION

THAT:

1. The surplus of \$90,689 for the 2009/10 to 2011/12 Management Plan as detailed in the Quarterly Performance Report for the period 1 July 2009 to 30 September 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 2009/10 to 2011/12 Management Plan has been reviewed and the financial position of Council is satisfactory.

**ITEM:18 INTS - 23/11/09 - VALUER GENERALS PROPOSAL TO CONVERT TO
A THREE YEAR VALUATION CYCLE FOR RATING PURPOSES**

REPORT FROM - INTERNAL SERVICE MANAGER C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of a proposal from the Valuer General to transfer Lithgow City Council from the existing four year valuation cycle for rating purposes to a three year cycle with a recommendation that the proposal be accepted.

COMMENTARY

The Valuer General has advised of a proposal to adopt a three year valuation cycle for rating purposes instead of the current four year cycles.

The advice is as follows:

“As Valuer General I am focused on NSW having a valuation system that is fair, consistent and transparent. The system has undergone extensive changes over the past few years, to ensure it is meeting the needs of our key stakeholders and the community.

Building on the key principles of fairness and consistency I would like to encourage City of Lithgow Council to give serious consideration to adopting a three year valuation cycle for rating purposes.

A more frequent valuation cycle will help ensure periodic fluctuations in the local property market are more regularly reflected in council’s rate models this will assist in enhancing equity for ratepayers.

It is not only larger urban and regional centres that can be impacted by significant changes in land values over short time frames creating disparity amongst rate payers. This was recently experienced in Broken Hill. To reduce the impact of fluctuations in land values Broken Hill City Council has adopted a three year rating cycle.

Increased frequency of valuations will also reduce troughs and spikes in land values for rating purposes which can cause concern within the community, as well as often providing administration issues for councils. Landowners are issued with a Notice of Valuation when councils receive new land values for rating purposes. A more frequent valuation cycle will allow landowners to be better informed about their land values and the valuation system and also provide them with contact details for our valuation customer service centre if they have any concerns.

Land and Property Information, Valuation Services is well placed to respond in a timely and efficient manner to any additional enquiries from Council and landowner that may stem from more frequent land values for rating purposes.

As you may be aware under the pricing regime determined by the Independent Pricing and Regulatory Tribunal (IPART) to apply from 1 July 2009 to 30 June 2014 there is no additional cost to Council for the more frequent provision of land values for a three year rating cycle.

The majority of councils now opt to receive new land values every three years to assist in providing an equitable rating system for landowners.”

The Valuer General is requesting comments from Lithgow Council on the proposal.

As detailed in the correspondence the change in the valuation cycle will ensure periodic fluctuations in the local property market are more regularly reflected in Council's rates model, thus reducing troughs and spikes in land values and assisting in enhancing equity for ratepayers.

As Council is aware the Lithgow local government area experienced a major increase in revaluations on 1 July 2008. Should a three year valuation system be in place it may have lessened the impact on individual ratepayers who experienced excessive valuation increases.

A more frequent valuation cycle will allow landowners to be better informed about their land value and the valuation system and provide greater opportunity for contact with the Office of the Valuer General.

The Office of the Valuer General confirms there will be no additional cost to Council for the more frequent advice of land values due to the fact that their charges are determined by IPART for a five year period to 30 June 2014 and apart from additional resources to adjust Councils property database each three years Council can see no disadvantage with the introduction of the three year revaluation.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Variation to notional yield based on a three year revaluation cycle.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council adopt a three year revaluation cycle on land for rating purposes and provide written confirmation to the Office of the New South Wales Valuer General.

**ITEM:19 INTS - 23/11/09 - EXTENSION OF RAIL LEASE FOR LAND,
BATHURST STREET RYDAL**

REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of a request to extend the current lease with Rail Infrastructure Australia Rail Track Corporation Ltd for land adjoining the Rydal Railway Station currently used as a community reserve. A recommendation is included that the additional land be leased and negotiations continue with The Rail Infrastructure Corporation, Country Regional Network – NSW.

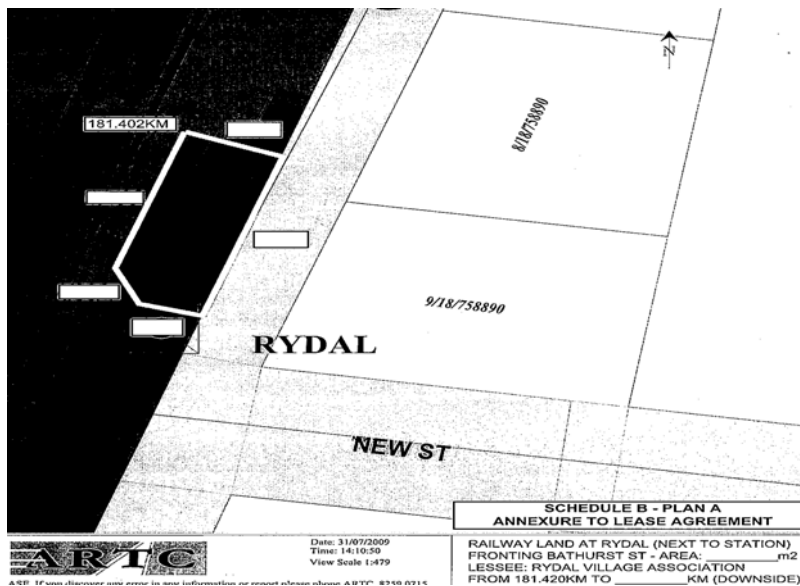
COMMENTARY

Council entered into a lease in March 2005 with the Rail Infrastructure Corporation, Country Regional Network - NSW, for land fronting Bathurst St, Rydal, north of the Rydal Railway Station which was developed as the 'Greg Featherstone Park'. The land is described by the Australia Rail Track Corporation Ltd as the downside of the rail corridor from 181.172km to 181.332km and was leased by Council at the request of the Rydal Village Association who wished to develop a reserve for use by the general public.

Since 2005 The Rydal Village Association have erected a shelter shed, a gazebo and maintained the area for community use at an exceptionally high standard which is a credit to all their members.

The Rydal Village Association have now contacted to advise that they had been negotiating with the Rail Corporation to lease the additional land but both the Association and Rail Corporate agree that it would be preferable if Council extended the existing lease.

The new proposal includes land that surrounds the guards van to allow public access to the van.



A summary of the existing lease is as follows:

- Annual Rental: \$200.00 (GST Exc) Subject to annual CPI
- Term: 5 years less on day
- Option to renew: 1 year 6 months
- Outgoings: Payable by Council
- Lease preparation: Payable by Council. Advised as \$220.00
- Property manager: Australia Rail Track Corporation Ltd

Should Council resolve to increase the area of land leased a further report will be provided advising of the negotiated terms.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Annual rental to be advised.

LEGAL IMPLICATIONS

Real Property Act 1900

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council enter into negotiations with Rail Infrastructure Corporation to extend the current lease for land to the north of the Rydal Railway Station, known as the downside of the rail corridor from 181.172km to 181.332km, fronting Bathurst St, Rydal to include land that surrounds the guards van to allow public access to the van.

ITEM:20 INTS - 23/11/09 - COUNCIL INVESTMENTS HELD TO 31 OCTOBER 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min No 09-299: 13 July 2009 (June 2009)
 Min No 09-354: 24 August 2009 (July 2009)
 Min No 09- 393: 14 September 2009 (August 2009)
 Min No 09-459: 02 November 2009 (September 2009)

SUMMARY

To advise Council of investments held as at 30 September 2009 for the 2009/10 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 October 2009 when compared to 30 September 2009, has decreased by \$780,286.98.

INVESTMENT REGISTER 2009/10								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.09.09	VALUE 31.10.09	% OF TOTAL
ANZ	TD	17.08.09	12.02.10	179	4.00	513,587.03	513,587.03	2.95%
BANKWEST	TD	10.08.09	09.11.09	90	4.00	508,379.08	508,379.08	2.92%
	TD	24.08.09	23.11.09	91	4.00	503,082.19	503,082.19	2.89%
CBA	On Call				2.95	1,025,129.24	478,625.00	2.75%
	Ethical Nt	06.11.06	06.11.11	1,825	**	56,500.00	56,500.00	0.32%
	TD	06.10.09	05.11.09	30	3.46	1,000,000.00	1,003,236.71	5.76%
CITIBANK	TD	10.08.09	10.11.09	92	4.30	283,187.69	283,187.69	1.63%
	TD	16.10.09	18.01.10	90	4.82	505,609.59	509,108.69	2.92%
	TD	24.08.09	24.11.09	92	4.38	503,698.50	503,698.50	2.89%
	TD	23.09.09	23.12.09	90	4.50	505,547.95	505,547.95	2.90%
LGFS	On Call				2.90	7,159.79	7,159.79	0.04%
IMBS	TD	02.09.09	02.12.09	90	4.35	1,487,753.48	1,487,753.48	8.54%
	TD	05.08.09	03.11.09	90	4.30	920,466.85	920,466.85	5.28%
NAB	TD	14.08.09	14.11.09	90	4.00	1,010,676.72	1,010,676.72	5.80%
	TD	17.08.09	17.11.09	90	4.00	757,767.13	757,767.13	4.35%
WESTPAC	TD	15.09.09	15.02.10	150	4.81	1,013,526.03	1,013,526.03	5.82%
	TD	29.09.09	29.12.09	120	4.56	760,978.56	760,978.56	4.37%
	TD	03.09.09	03.02.10	150	4.79	750,000.00	750,000.00	4.31%
MACQUARIE	TD	19.05.09	19.11.09	180	4.10	2,000,000.00	2,000,000.00	11.48%
ST GEORGE	TD	19.05.09	19.11.09	180	4.10	750,000.00	750,000.00	4.31%
	TD	04.08.09	04.11.09	90	4.15	505,041.10	505,041.10	2.90%
	On Call				3.20	47,207.38	47,207.38	0.27%
	TD	25.06.09	07.10.09	104	4.10	500,000.00	0.00	0.00%
	TD	07.10.09	07.12.09	60	4.00	0.00	255,841.10	1.47%
	TD	03.09.09	02.12.09	90	4.00	750,000.00	750,000.00	4.31%
SUNCORP	TD	04.10.09	07.12.09	60	4.51	1,015,224.78	1,018,865.13	5.85%
	TD	17.09.09	17.12.09	90	4.50	516,699.85	516,699.85	2.97%
			TOTAL			18,197,222.94	17,416,935.96	100.00%

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

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 October 2009 is \$98,899.00 of an estimated \$525,000.00 which is shown in the 2009/10 Management Plan. Interest is paid on the maturity date of the investment.

** The interest on the CBA Ethical note is subject to the global financial markets and therefore interest is subject to change.

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 \$17,416,935.96 for the period ending 31 October 2009 be noted.

**ITEM:21 INTS - 23/11/09 - AUDIT PRESENTATION OF THE FINAL 2008/09
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

REPORT FROM: INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 09-428: Ordinary Meeting 6 October 2009: Draft 2008/09 General Purpose & Special Purpose Financial Reports to Auditors.

SUMMARY

To advise Council of the receipt of the 2008/09 Audit Certificate for the General Purpose Financial Reports and Special Purpose Finance Reports on the 30 October 2009 and further advise that Councils' Auditors, The Morse Group, will be available to make a presentation at the meeting of 23 November 2009.

COMMENTARY

Council is in receipt of the 2008/09 Audit Certificate for the General Purpose Financial Reports and Special Purpose Finance Reports on the 30 October 2009.

Due notice has been provided in the local media that Auditors, The Morse Group, will present the Audited 2008/09 General Purpose Financial Reports and Special Purpose Reports to this meeting. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions in writing within seven days following the audit address.

FINAL RESULT 2008/09 GENERAL PURPOSE FINANCIAL REPORTS

As reported to the meeting of the 6 October 2009 the 2008/09 Financial Statements showed a surplus result of \$2,965,000 for the financial year which included capital income and contributions. The operating result, before abnormal and capital items, as reported is deficit of \$3,566,000. The remains the result now the statements have been finalised.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2008/09 General Purpose Financial reports and Special Purpose Schedules represent Council's position as at 30 June 2009

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

- 1) 2008/09 Audit Certificates dated 30 October 2009
- 2) Tabled: 2008/09 General Purpose Financial Reports and Special Purpose Schedules

RECOMMENDATION

THAT Council acknowledge the 2008/09 General Purpose Financial Reports and Special Purpose Financial Reports and thank Mrs Leanne Smith of the Morse Group for her presentation.

ITEM:22 INTS - 23/11/09 - LEASING OF 26 MAIN STREET LITHGOW

REPORT FROM: JAMES OVENSTONE - INTERNAL SERVICES

SUMMARY

To seek Councils authorisation to lease premises known as 26 Main Street Lithgow as an after school learning centre.

COMMENTARY

A local proprietor has requested the use of 26 Main Street Lithgow to conduct classes four (4) days per week for after school teaching. The proprietor has requested a three (3) year lease with a further (3) year option to renew.

The above shop front has been vacant for some time and will require maintenance. The new tenant would complete repainting and repair to floor coverings.

The tenant has also requested one month occupancy before commencing the lease for the purposes of painting and repairs to floor coverings.

POLICY IMPLICATIONS

Policy 10.16 – Property Leases – The rental amount for the property shall be market value.

FINANCIAL IMPLICATIONS

The rent to be collected will increase Councils revenue for the 2009/10, 2010/11, 2011/12 financial years.

Solicitor's fees in relation to lease will be at cost to Council.

LEGAL IMPLICATIONS

Real Property Act 1900 would apply should Council resolve to lease the property.

RECOMMENDATION

THAT Council:

1. Resolve to lease the property 26 Main Street Lithgow for 3 years with a further 3 year option to renew.
2. Authorise the affixing of the seal of Lithgow City Council to the lease documentation.

COMMITTEE MEETINGS

ITEM:23 COMM - 23/11/09 - 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 22 October 2009.

COMMENTARY

At the Economic Development Advisory Committee Meeting held on 22 October 2009, there were (9) nine items discussed by the Committee:

- ITEM 1: Attendance and apologies
- ITEM 2: Confirmation of minutes from previous meeting
- ITEM 3: Business arising from previous minutes
- ITEM 4: Business Retention and Expansion Surveys
- ITEM 5: Business and Retail Strategy
- ITEM 6: Cultural Precinct Project
- ITEM 7: Business Incubator Proposals
- ITEM 8: Business Enterprise Centre Update
- ITEM 9: Other Business

The minutes contain full details on the Economic Development Advisory 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 Economic Development Advisory Committee Meeting held on 22 October 2009.

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Economic Development Advisory Committee held on 22 October 2009.
2. Calls for expressions of interest from those considering starting a business regarding an Incubator type facility in the area.

ITEM:24 COMM - 23/11/09 - LITHGOW FLASH GIFT COMMITTEE MINUTES - 21ST OCTOBER 2009

REPORT BY: ACTING TOURISM MANAGER – KELLIE BARROW

REFERENCE

Min No 09-235 – Ordinary Meeting 1 June 2009.
Min No 09-305 – Ordinary Meeting 13 July 2009.
Min No 09-462 – Ordinary Meeting 2 November 2009.

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee held on 21 October 2009 for Council adoption.

COMMENTARY

At the Lithgow Flash Gift Committee meeting held on 21 October 2009, there were (6) six items discussed by the Committee.

- 1.Sponsorship update
- 2.NSW Athletics League update
- 3.Little Athletics update
- 4.Marketing & expenditure – Lithgow Flash Gift
- 5.Action list
- 6.General business

The minutes contain updates on the Lithgow Flash Gift Committee.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Lithgow Flash Gift Committee held on 21 October 2009

RECOMMENDATION

THAT Council notes the minutes of the Lithgow Flash Gift meeting held on 21 October 2009.

ITEM:25 COMM - 23/11/09 - TOURISM ADVISORY COMMITTEE MINUTES - 3RD NOVEMBER 2009

REPORT BY: ACTING TOURISM MANAGER – KELLIE BARROW

REFERENCE

- Min No 09-234 – Ordinary Meeting 1 June 2009
- Min No 09-338 – Ordinary Meeting 3 August 2009
- Min No 09-381 – Ordinary Meeting 14 September 2009 Item 5
- Min No 09-338 – Ordinary Meeting 14 September 2009 Item 25
- Min No 09-463 – Ordinary Meeting 2 November 2009 Item 28
- Min No 09-464 – Ordinary Meeting 2 November 2009 Item 29

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 3 November 2009 for Council adoption.

COMMENTARY

At the Tourism Advisory Committee Meeting held on 3 November 2009, there were (9) nine items discussed by the Committee.

1. Present and Apologies
2. Presentation on “Seeing the Gardens” Gardens of Stones Stage Two Park Proposal
3. Confirmation of Minutes from the Previous Meeting
4. Business Arising from the Previous Minutes
5. Presentation to Councillors and Tourism Advisory Committee by Chairperson Blue Mountains Tourism Limited
6. Assessment of Attractions
7. Committee Membership
8. Tourism Manager’s Report
9. 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 3 November 2009

RECOMMENDATION

THAT Council notes:

1. The minutes of the Tourism Advisory Committee held on 3 November 2009.
2. A presentation was provided by the Blue Mountains Conservation Society on the report *Seeing the Gardens ... the other Blue Mountains* and that further discussion will occur at the next Tourism Advisory Committee meeting.
3. That the meeting scheduled to be held on Tuesday 5 January will not be held due to Christmas and New Year holidays. The first meeting in 2010 will be held on Tuesday 2 February.

**ITEM:26 OPER - 23/11/09 - TRAFFIC AUTHORITY LOCAL COMMITTEE
MEETING - MINUTES 29TH OCTOBER 2009**

REPORT BY: ACTING GROUP MANAGER – IAIN STEWART

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee Meeting held on 29 October for Council adoption.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 29 October 2009 there were items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Traffic Authority

RECOMMENDATION

THAT:

1. Council note the Minutes of the Traffic Authority Local Committee Meeting held on 28th October 2009
2. Street closures for Celebrate Lithgow proceed in accordance with the proposal submitted to the Traffic Authority Local Committee for closure of Main Street (from Gray Street to Bridge Street) on Sunday 29 November 2009 from 6.00am to 6.00pm
3. Council approve the Lithgow Swimming Club street closures for the Lithgow Triathlon on 6 December 2009.

ITEM:27 OPER - 23/11/09 - LITHGOW AQUATIC CENTRE COMMITTEE MEETING - MINUTES 4TH NOVEMBER 2009

REPORT FROM: ACTING GROUP MANAGER OPERATIONS – IAIN STEWART

REFERENCE

Nil

SUMMARY

To advise Council of the outcome of the Aquatic Centre Committee Meeting held on Wednesday, 4 November 2009.

COMMENTARY

DISCUSSION ON THE PUBLIC PRIVATE PARTNERSHIP PLAN FOR THE PROVISION OF AN AQUATIC CENTRE FOR THE LITHGOW GOVERNMENT LOCAL AREA.

There was considerable discussion on the contents of the report and the issues of maintaining and operating two centres including the existing Lithgow Memorial Pool and a potential new Aquatic Centre. It was agreed that the public private partnership should be advertised for expressions of interest.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of Aquatic Centre Meeting.

RECOMMENDATION

THAT:

1. That the report be endorsed and that Council advertise the public private partnership for a satisfactory period for expressions of interest.
2. That the viability of the existing Lithgow Memorial Swimming Pool be further investigated with a view to developing a business plan for the future rehabilitation and operation of the centre.

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.

CLOSED REPORTS

ITEM:28 MAYORAL MINUTE - 23/11/09 - CONFIDENTIAL REPORT - GENERAL MANAGERS PERFORMANCE REVIEW

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

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

Min No 09-365: Ordinary Meeting of Council 24th August 2009

RECOMMENDATION

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