



LITHGOW CITY COUNCIL

“A CENTRE OF REGIONAL EXCELLENCE”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

22 MARCH 2010

AT 7.00pm

AGENDA

APOLOGIES

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1ST MARCH 2010

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - Expansion to Mount Piper Power Station

NOTICES OF MOTION

Councillor M F Ticehurst - Draft lease - Lithgow Golf Course
Councillor M F Ticehurst - Lithgow Golf Course
Councillor M F Ticehurst - Coerwull School Hall
Councillor M F Ticehurst - Local Environmental Plan (LEP)
Councillor M F Ticehurst - Health Reforms

NOTICE OF RESCISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Regional Services Reports
Operation Reports
Community and Corporate Services Reports
Internal Services Reports

COMMITTEE MEETINGS

Economic Committee
Sports Advisory Committee
Traffic Authority Local Committee

REPORTS FROM DELEGATES - Mining Related Council Meeting
Centroc Meeting

BUSINESS OF GREAT URGENCY

As identified by Clause 241 of the Local Government (General) Regulations 2005

CLOSED COUNCIL - NIL

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MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 22/03/10 - EXPANSION TO MOUNT PIPER POWER STATION

REPORT FROM: NEVILLE CASTLE, MAYOR

REFERENCE

NIL

COMMENTARY

On Wednesday 3rd March 2010, the Minister for Planning, the Hon Tony Kelly visited the Mount Piper Power Station to announce the concept plan approval for Delta Electricity's proposed extension of the Mount Piper Power Station.

The Council and businesses need to prepare for a possible construction period of up to four years but the community are in support of this expansion. This development could create 950 construction jobs and 50 permanent positions. The plant is to be either coal or gas fired.

Council has been unanimous in supporting the submission of extra two units at Mount Piper from Delta Electricity. Concerns have been expressed by the NSW Greens who believe the expansion at Mount Piper will inevitably be coal-fired and will increase the States greenhouse gas emissions by up to 7.5%.

The Mount Piper Power Station is capable of producing up to 2,000 megawatts of power and the Government says it will be up to Delta electricity to decide whether it is to be coal or gas - fired.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. The information on the expansion of the Mount Piper Power Station be received.
2. Council congratulate the State Government for making the announcement and encourage the development process

NOTICES OF MOTION

ITEM:2 NOTICE OF MOTION - 22/03/10 - DRAFT LEASE - LITHGOW GOLF CLUB - COUNCILLOR M F TICEHURST

MOTION

Question with Notice

Listed by Councillor Martin Ticehurst -11 March 2010

BACKGROUND

Q1. Could the Council confirm that with respect to both their recent Public Exhibition and associated advertising over 42 days for the proposed Draft Lease to the Lithgow Golf Club (Ltd.), for the use of the Lithgow Golf Course and Club House; the Lithgow City Council, the Mayor and the General Manager did not issue either any formal Lithgow City Council Media Release for the information of their ratepayers and residents? If not, why not?

RECOMMENDATION

THAT the General Manager provides the Council, Councillors and ratepayers with a written response to the above Question with Notice.

**ITEM:3 NOTICE OF MOTION - 22/03/10 - HEALTH REFORMS - COUNCILLOR
M F TICEHURST**

MOTION

Question with Notice

Listed by Councillor Martin Ticehurst

5 March 2010

BACKGROUND

Q1. Is the Council aware of recent Media Reports that have indicated that as a result of Prime Minister Rudd's proposed new Health Reforms, senior health clinicians have claimed that some 117 NSW Hospitals, including both the Lithgow Health Service and the Portland Hospital will struggle to survive or remain open?

Attached is copy of the media report in the Daily Telegraph on Friday 5 March 2010. The text reads:

"This is the list of 117 NSW hospitals senior health clinicians claim will struggle to survive under Kevin Rudd's health reforms.

They include services in remote areas of NSW, regional centres, as well as inner-city hospitals in Balmain, Rozelle and Auburn.

All are currently block-funded and considered financially unviable under the Federal Government's plans for a pay-for-service model.

They don't perform enough medical procedures to fund their own existence.

As a war of words erupted yesterday between Mr Rudd and the States over the funding of small community hospitals, NSW Health Minister Carmel Tebbutt, who supported the plan in principle, suggested an agreement on funding must be reached before the Keneally Government would sign on.

Mr Rudd's radical health reform includes a proposal for Canberra to take over 60 per cent of the cost of funding public hospitals by taking a third of the States' GST revenue and reallocating it under an activity-based model.

It currently funds between 35 per cent and 40 per cent.

"The NSW Government does not support the closure of rural and regional hospitals, which provide essential healthcare services and are heavily relied on by local communities," Ms Tebbutt said.

"Any moves by the Commonwealth to fund hospitals based on their activity must take into account these circumstances."

Mr Rudd, who has threatened to take the issue to a referendum if the states do not agree, was adamant there was nothing in his reform package that would force any hospital closures.

"We're going to have opposition from health bureaucrats, state health bureaucrats, state politicians across the country," he said.

"My appeal out there to right-minded, right-thinking Premiers, state health ministers, state politicians and state health bureaucrats and others, is let's get on with the business of fixing this system."

Federal Health Minister Nicola Roxon would also not rule out tax increases to pay for the reforms, while Deputy Prime Minister Julia Gillard said there was nothing in the reforms about closing hospitals.

NSW Health officials, including some of the country's leading surgeons, claimed more than 100 NSW hospitals were at risk of becoming financially unviable under what is known as a case mix - or activity-based – funding."

ATTACHMENTS

1. Daily Telegraph Media Report: "***Is your Hospital at risk?***" (Friday 5 March 2010)
2. Additional Daily Telegraph Media Report: "***NSW demands no hospital closures***" (Friday 5 March 2010)

RECOMMENDATION

THAT:

1. The information be noted.
2. The Council publicly state its objections to any proposed closures of either the Lithgow Health Service or the Portland Hospital under the new proposed Rudd Federal Government Health Reforms.

**ITEM:4 NOTICE OF MOTION - 22/03/10 - COOERWULL SCHOOL HALL -
COUNCILLOR M F TICEHURST**

MOTION

Question with Notice

Listed by Councillor Martin Ticehurst - 6 March 2010

BACKGROUND

Q1. Is the Council aware of when the new \$2.5 million dollar School Hall and Covered Outdoor Learning Area (COLA) at the Coerwull Public School on Main Street, Lithgow, funded under the Federal Governments Building the Education Revolution will be officially opened?

The www.ber.nsw.gov.au website records the current status of the project:

COOERWULL PUBLIC SCHOOL

Project: New Hall and COLA - New Construction

Approved Funding for P21 Project: \$2,500,000.0

Construction Status: 90

Planning Pathway: Complying Development

RECOMMENDATION

THAT the Council seek advice from the Member for Macquarie, Mr Bob Debus MP to the Question with Notice as set out in the Notice of Motion.

ITEM:5 NOTICE OF MOTION - 22/03/10 - LOCAL ENVIRONMENTAL PLAN (LEP) - COUNCILLOR M F TICEHURST

MOTION

Question with Notice

Listed by Councillor Martin Ticehurst - 10 March 2010

BACKGROUND

Q. 1. Could the Council, Councillors, ratepayers and developers be provided with an updated timetable and current status on the ongoing development and finalisation of the new Lithgow Local Environmental Plan (LEP)?

RECOMMENDATION

THAT the General Manager and Senior Council staff provide the Council, Councillors, ratepayers and developers with an updated timetable and current status on the ongoing development and finalisation of the new Lithgow Local Environmental Plan (LEP) as soon as possible.

ITEM:6 NOTICE OF MOTION - 22/03/10 - COUNCILLOR M F TICEHURST - DRAFT LEASE LITHGOW GOLF CLUB

MOTION

Public Exhibition of the Draft Lease for the Lithgow Golf Course by the Lithgow City Council under the Local Government Act.

Listed by Councillor Martin Ticehurst - 10 March 2010

BACKGROUND

As Councillors, ratepayers and residents would be aware; the Lithgow City Council has previously resolved to grant a Lease to the ASIC listed Lithgow Golf Club Ltd. over the whole of the land comprised in Lot 1 in Deposited Plan 840412 being Folio Identifier 1/840412, ***pursuant to Sections 47 and 47A of the Local Government Act.***

The subsequent and current resolution of Council stated that:

- The Council advertise the Draft Lease to the Lithgow Golf Club (Ltd.), for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47A of the Local Government Act.

This Draft Lease remained on Public Exhibition for a period of 42 days from the 19 January 2010 until 8 March 2010.

Sections 47 and 47A of the Local Government Act 1993 in respect of this matter, relevantly states that:

47 Leases, licences and other estates in respect of community land—terms greater than 5 years

- (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
 - (a) give public notice of the proposal, and
 - (b) **exhibit notice of the proposal on the land to which the proposal relates, and**
 - (c) **give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and**
 - (d) **give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.**
- (2) A notice of the proposal must include:
 - information sufficient to identify the community land concerned
 - the purpose for which the land will be used under the proposed lease, licence or other estate
 - the term of the proposed lease, licence or other estate (**including particulars of any options for renewal**)
 - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
 - a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

47A Leases, licences and other estates in respect of community land—terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
 - (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
 - (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
 - (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
 - (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
 - (b) section 47 (9) has effect with respect to the Minister’s consent.
- Q. Could the Lithgow City Council confirm that under Section 47 (1) (b) of the Local Government Act, the advertised Draft Lease to the Lithgow Golf Club (Ltd.) for the use of the Lithgow Golf Course and Club House it did indeed “**exhibit notice of the proposal on the land to which the proposal relates**” and how it did so ?
- Q. Could the Lithgow City Council confirm that under Section 47 (1) (c) of the Local Government Act, the advertised Draft Lease to the Lithgow Golf Club (Ltd.) for the use of the Lithgow Golf Course and Club House it did indeed ‘**give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land**’ and how and to whom it did so ?

- Q. Could the Lithgow City Council confirm that under Section 47 (1) (d) of the Local Government Act, the advertised Draft Lease to the Lithgow Golf Club (Ltd.) for the use of the Lithgow Golf Course and Club House did indeed “**give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person’s enjoyment of community land**” and how and to whom it did so ?
- Q. Could the Lithgow City Council confirm that under Section 47 (2) dot point 3 of the Local Government Act, whether the Lithgow City Council did include in the advertised the Draft Lease to the Lithgow Golf Club (Ltd.) for the use of the Lithgow Golf Course and Club House, any ‘**particulars of any options for renewal**’ and if so, where in the advertised Draft Lease do they appear?

RECOMMENDATION

THAT the General Manager and Senior Council staff provides the Council, Councillors, ratepayers with a written report on the above Questions with Notice to the next Ordinary Meeting of the Lithgow City Council.

GENERAL MANAGERS REPORTS

ITEM:7 GM - 22/03/10 - AMBULANCE SERVICES IN PORTLAND

REFERENCE

NIL

SUMMARY

This report outlines correspondence received from the Hon Carmel Tebbutt, Deputy Premier and Minister for Health in relation to requests for an ambulance to be based at Portland.

COMMENTARY

Council is in receipt of correspondence from the Hon Carmel Tebbutt, Deputy Premier and Minister for Health in relation to a request for an ambulance to be based at Portland.

Mr Greg Rochford, Chief Executive of the Ambulance Service of NSW has advised the Council that whilst the Ambulance Service has no plans to base an ambulance at Portland, there is an opportunity to establish a Community First Responder Unit.

Community First Responders are volunteer members of the community who are trained to respond to emergency calls through the 000 system in conjunction with the Ambulance Service. They are groups that consist of 10 - 15 volunteers from the local community. One member of the group is designated as the 'group coordinator'. All the volunteers live and work in the local area, and with a rota scheme, ideally (but realistically not always possible) one member of the volunteer group is available and 'on call', 24 hours a day, 365 days a year.

First Responders are asked by the Ambulance Communications Centre to attend emergencies in their area and provide immediate care to patients in their local areas where distance may delay the prompt arrival of an Ambulance. They are trained to deliver Basic Life Support and defibrillation to patients in Cardiac Arrest and appropriate calls including oxygen administration to patients suffering from a range of conditions

Community First Responders do not transport patients. The Ambulance Service provides medial equipment; training and ongoing support and local community organisations provide vehicles.

Council was advised that the Ambulance Service would be happy to discuss with Council the procedures and requirements for a Community First Responder unit should members of the Portland Community wish to express an interest in applying.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Note the report on a possible Community First Responder Unit at Portland and;
2. Advertise in the local media for Expressions of Interest from the community to become a member of the Community First Responder Unit in Portland.

ITEM:8 GM - 22/03/10 - SPONSORSHIP FOR E LEARNING COMPANY

REFERENCE

MIN No 09-331 – Ordinary meeting of Council dated 3 August 2009.
MIN No 09-333 – Ordinary meeting of Council dated 3 August 2009.
MIN No 09-425 – Ordinary meeting of Council dated 6 October 2009.
MIN No 09-452 – Ordinary meeting of Council dated 2 November 2009
MIN No 09-551 – Ordinary meeting of Council dated 14 December 2009
MIN No 09-552 – Ordinary meeting of Council dated 14 December 2009
MIN No 10-30 – Ordinary meeting of Council dated 8 February 2010

SUMMARY

This report outlines a request from Lithgow Community College for the sponsorship of their new E Learning Company.

COMMENTARY

In adopting the 2008/09 – 2010/11 Management Plan Council identified its provision of financial assistance to not-for-profit community groups. The Council has set aside \$15,212.88 for distribution throughout the 2009/10 Financial Year of which \$4,019.12 remains.

Lithgow Community College requests sponsorship of their new E Learning Company, launched in late 2009.

Lithgow Community College is an independent not for profit organisation which has been providing a range of integrated training, recruitment and community support services since 2008.

Items for which they are seeking sponsorship include:

- VETRACK Administration Data System - \$1,500
- Wisent Solutions - \$3,000
- Website Design - \$15,000
- E Learning Facilities WebTrain - \$4,000
- Business Registration - \$300
- VETAB NSW - Registration \$50,000 est value

If Council were to provide sponsorship, Council's logo would be included on the E Learning Company's:

- Letter heads
- Website
- Business Cards
- Newsletters
- Brochures
- Stationary
- Publicity

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups. The Council has set aside \$15,212.88 for distribution throughout the 2009/10 Financial Year of which \$4,019.13 remains.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Letter from Lithgow Community College Dataworks No: 559369

RECOMMENDATION

THAT Council provide sponsorship of \$500 to the Lithgow Community College towards the establishment of their E Learning Company.

ITEM:9 GM - 22/03/10 - LITHGOW CROQUET CLUB

REFERENCE

Min No 09-446: Ordinary Meeting of 2 November 2009
Min No 09-496: Ordinary Meeting of 23 November 2009

SUMMARY

The report sets out the commitments provided by Council resolution to the improvements at the Glanmire Oval for the Lithgow Croquet Club. In addition the report deals with the unacceptable behaviour of a representative of the Lithgow Croquet Club at the last Council meeting.

COMMENTARY

Councillors will recall the comments made during the Public Forum section of the Council meeting held on 1 March 2010 by members of the Lithgow Croquet Club.

Council had previously made the following resolutions in relation to the Croquet grounds improvements:

09-481 RESOLVED

THAT:

1. In addition to the allocations resolved by Council at its Ordinary Meeting of 2 November 2009 the following additional items be allocated RLCIP Round 2 funding:
 - Installation of Variety Club Liberty Swing at Queen Elizabeth Park – \$15,000;
 - **Accessibility upgrade Lithgow Croquet Club – additional \$5,000;**
 - Meadow Flat Hall Refurbishment - \$50,000
2. The following items be placed on a 'reserve list' in the event that any of the submitted projects are not accepted or cannot proceed:
 - Gateway Signage - \$20,000;
 - Watsford Oval Cricket Training Nets - \$70,000.
 - Rydal Playground Equipment - \$20,000
3. Council refer to the budget process the consideration of \$10,000 for Rotunda in Portland.

09-496 RESOLVED

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 and 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.

Clearly at this stage Council is awaiting the outcome of the application under the RLCIP program before any works are to take place at the grounds. The following advice is provided by the Federal Department in relation to the commencement of any works under the RLCIP:

Can local governments start on their projects before they are formally approved by the Department?

A: Local governments should not assume that an application will be successful. Local governments should not make any financial commitments until they receive a copy of the funding agreement which has been executed by both parties.

Also during the Public Forum section of the Council meeting held on Monday 1 March 2010 a personal and unsubstantiated attack was made by a person who identified himself as Mr Stephen Barnes, President of the Lithgow Croquet Club, against individual members of Council's staff. The remarks made against those Council staff members were false, defamatory and a blatant attempt to intimidate and discredit the staff. The staff that they chose to attack is hardworking with the highest of integrity. Attracting good staff is difficult enough without having such far fetched attacks being made against them.

While an individual's right to be critical of Council should be accepted it is not acceptable to utilise the forum to attack individual members of Council staff. Clause 65 of Council's Code of Meeting Practice states:

- (vi) Up to 15 minutes of the Ordinary Council Meeting will be made available for members of the public to address the Council or submit questions, either verbally or in writing. Priority will be given to those addressing the Council or asking questions on matters included in the Business Paper. Members of the public will be permitted a maximum of 3 minutes to address or ask a question of the Council.

An extension of time may be granted if deemed necessary by the Council, such extension shall be by resolution of Council. Every such address or question is to be put directly, succinctly and without argument. Each member of the public wishing to use this Public Forum Session be required to state their name and shall be permitted to make an address or to ask two questions.

If time permits members of the public may be permitted to make further addresses or ask further questions of Council. A précis of the address or question by a member(s) of the public shall be recorded in the Council minutes. Questions may be answered at the meeting or taken on notice and dealt with in accordance with Clause 249 of the NSW Local Government (General) Regulation 2005.

- (vii) Members of the public will not be permitted to use the Public Forum for the purpose of abusing, vilifying, insulting, threatening, intimidating or harassing Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order by the Mayor and may be expelled from the Council Meeting.
- (viii) Members of the public will not be permitted to raise matters or provide information which involves:
 - a) personnel matters concerning particular individuals;

The attack by Mr Barnes was an abuse of a privilege provided through the Public Forum session at Council.

Regrettably this is a continuation of the growing list of absurd and unfounded allegations being made by representatives of the Lithgow Croquet Club against Council's staff.

Under the NSW Occupational Health and Safety Act 2000 Council has an obligation to provide:

- a secure and promote the health, safety and welfare of people at work
- protect people against workplace health and safety risks
- provide for consultation and cooperation between employers and workers in achieving the objects of the Act
- ensure that risks are identified, assessed and eliminated or controlled
- develop and promote community awareness of occupational health and safety issues
- provide a legislative framework that allows for progressively higher standards of occupational health and safety to take account of new technologies and work practices
- protect people against risks arising from the use of plant (ie. machinery, equipment or appliances).

This unprovoked attack by the representative of the Lithgow Croquet Club and the general harassment by member(s) of the Club against staff is not conducive to a safe working place and action needs to be taken to ensure that the safety and welfare of the staff is maintained.

The Lithgow Croquet Club currently has the privilege of being a member of Council's Sports Advisory Committee, a Committee that meets regularly with staff attacked by the Croquet Club in regular attendance at these meetings. It would be unreasonable to expect staff to be exposed to this type of behaviour. It is to be recommended that the Lithgow Croquet Club be removed from the membership of this committee until:

1. A full public apology is made by the President of the Lithgow Croquet Club to those Council staff orally attacked by him at the Council Meeting held on 1 March 2010; and
2. An undertaking be provided by the Lithgow Croquet Club that their members will conduct themselves in an appropriate and respectful manner during all of their dealings with Council and its staff

POLICY IMPLICATIONS

Lithgow City Council Sports Advisory Committee Terms of Reference.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Council has obligations under the Occupational Health and Safety Act 2000 to provide for the welfare of its staff.

ATTACHMENTS

NIL

RECOMMENDATION

THAT the Lithgow Croquet Club be removed from the membership of the Lithgow City Council Sports Committee until:

1. A full public apology is made by the President of the Lithgow Croquet Club to those Council staff orally attacked by him at the Council Meeting held on 1 March 2010; and
2. An undertaking is provided by the Lithgow Croquet Club that their members will conduct themselves in an appropriate and respectful manner during all of their dealings with Council and its staff.

ITEM:10 GM - 22/03/10 - DRAFT MANAGEMENT PLAN 2010/2011 - 2012/2013

REFERENCE

- Min 09-229 - Ordinary Meeting of Council 1 June 2009
- Min 09-335 - Ordinary Meeting of Council 3 August 2009
- Min 09-508 - Ordinary Meeting of Council 23 November 2009

SUMMARY

The Council's Draft Management Plan 2010/11 – 2012/13 is being prepared and will be provided for the consideration of Council to place on public exhibition. In order to meet the adoption of the document by the end of May it is being proposed that an extraordinary Council meeting be held to place the Draft Management Plan on public display.

COMMENTARY

Under the Section 402 of the Local Government Act Council is required to During each year, a council must prepare a draft management plan with respect to:

- (a) the council's activities for at least the next 3 years, and
- (b) the council's revenue policy for the next year.

The Draft Management Plan for 2010/11 to 2012/13 is presently being prepared and has been workshopped with Council with another workshop to be held.

Before adopting the Plan Council must first display the Draft Plan under Section 405 for a minimum period of 28 days and call for public comment. Once this advertising and public comment period is completed then Council must consider submissions in relation to the documents.

The timeline for the adoption of the Plan is:

- **Consideration of the Draft Management Plan**
 - 29.03.10 Extraordinary Meeting of Council
- **Advertising Period 28 Days min**
 - 01.04.10 to 30.04.10 Website, Media, Libraries, Administration Centre
- **Community Consultation**
 - 07.04.10 to 22.04.10 Five Locations, including Lithgow, Hartley, Wallerawang, Portland, Hampton & Capertee
- **Close of Submissions**
 - 30.04.10 Report to be prepared for Council

- **Adoption** of 2010/11 Management Plan
 - 24.05.10 Ordinary Council Meeting
- **Implementation** of 2010/11 Management Plan
 - 01.07.10 New Financial Year

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Adoption of the Council Management Plan including budget.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 outlines requirements for the preparation, exhibition and adoption of the Draft Management Plan. Each must be exhibited for a minimum period of 28 days.

The extra-ordinary meeting is required **prior to 1 April 2010** so as to achieve the above deadlines.

RECOMMENDATION

THAT Council hold an Extra Ordinary Council meeting on Monday 29 March 2010 to consider the Draft 2010/11 to 2012/13 Management Plan.

ITEM:11 GM - 22/03/10 - INTERNAL AUDIT

REFERENCE

Min No 09-253: Ordinary Meeting held on 22nd June 2009

SUMMARY

This report provides advice on tenders for internal audit function for Council.

COMMENTARY

Council may recall the development of a regional internal audit initiative to collectively procure internal audit services through Central NSW Councils (Centroc). This was undertaken to meet with the direction provided by the NSW Department of Local Government for Councils to develop an internal audit function.

After an EOI process undertaken by Centroc, Council agreed to take part in regional Request for Tender where Centroc managed the process at no cost to Council.

Council was previously advised that the Department of Local Government has been encouraging councils to establish Internal Audit Committees. Council subsequently resolved:

09-253 RESOLVED

THAT Council:

1. Note the report on Internal Audit;
2. Take part in the three year internal audit tender through CENTROC;
3. Request CENTROC seek a tender that provides advice on costings for a 'buy-in' approach, a service that provides up to four audits per year and the cost of 'extra services';
4. Establish the Lithgow City Council Internal Audit Committee as part of the Central Tablelands Alliance with each council (Mid Western Regional, Oberon and Lithgow) appointing one delegate to the Committee; and
5. Appoint a delegate and alternate to the Committee

It was subsequently resolved:

09-254 RESOLVED

THAT Councillor G Danaher be the delegate member, with Councillor W Marshall as the alternate member for the Lithgow City Council Internal Audit Committee.

The Selection Process of Internal Audit Services

One of the aims of Centroc is to develop programming to reduce costs to Councils. Consequently, CENTROC was asked to issue an Expression of Interest where information was sought on whether there:

- were companies who were prepared to provide internal audit services in the region
- was benefit to undertake internal audit across a number of Councils

Accordingly the brief for the Eol was developed that sought maximum flexibility in service delivery across a number of Councils.

These responses were given a brief assessment where the purpose of the assessment was to ascertain if it was possible to deliver flexible, affordable and professional internal audit services to members, rather than to undergo a selection process of an expression of interest with a view to appointment.

The Centroc Internal Audit Request for Tender (RFT) was managed under the auspices of the Sponsoring General Managers for the Centroc Compliance and Cost Savings Program, being the General Managers of Forbes, Wellington and Upper Lachlan councils.

A panel was appointed by the Sponsoring General Managers to oversee the RFT process.

The panel gave consideration to responses from 11 companies:

- Internal Audit Bureau NSW (IAB)
- Deloitte Touche Tohmatsu
- InConsult Pty Ltd
- Spencer Steer Consulting Pty Ltd
- Walter Turnbull
- PKF East Coast Practice
- WHK Audit Services (Central West)
- BDO Kendall
- Morse Group
- Oakton Pty Ltd
- RSM Bird Cameron

The panel reviewed all tendered responses utilising the APET tender evaluation tool and recommended the Internal Audit Bureau (IAB) as the provider for internal audit services to Centroc members.

As part of their response, IAB Services is to provide advice to Centroc regarding further programming through a regional approach to internal audit where cost savings and other efficiencies are demonstrable. For example, common solutions to problems identified by internal audit can be dealt with on a regional basis.

The Department has stated that there is growing acceptance of the importance of internal audit and risk management in local government. The Promoting Better Practice Program has highlighted that while progress is being made, there is still opportunity for improvement. Effective internal audit and risk management processes should become part of the 'business as usual' operations of councils.

The Internal Audit Guidelines propose oversight of council systems and processes through an audit committee. The combination of an effective audit committee and internal audit function provide a formal means by which councillors can obtain assurance that risk management and internal controls are working effectively.

As the process included a RFT, under the Local Government Act 2003, a Council resolution is now required to accept this tender.

Following Council resolving to accept this tender, contractual arrangements will be undertaken.

Background on Internal Audit

· What is Internal Audit?

Internal Audit examines the way an organisation does business and provides advice accordingly. As an audit function it needs to be separate from the rest of the organisation either through being a separate function within Council or brought in as a service from outside Council, similarly to the external auditors who sign off on our annual accounts each year.

In the first instance, an internal audit committee and internal auditor are appointed. The Department of Local Government provides guidelines for how this is to occur and this is outlined further into the report.

An Internal Audit Plan is then developed. Processes within Council are then examined and advice is provided back through the internal audit committee to Council. Examples of processes are fleet management, procurement processes, the use of contractors and debt recovery.

The internal audit can help with identifying fraud, ensure compliance and outline ways to do things more cheaply and efficiently. The Council must then put into place the processes to ensure the improvements suggested. The internal audit function can then review how the improved processes are tracking.

· Why Should Council engage in Internal Audit?

Firstly, internal audit helps protect the organisation from fraud, ensure compliance and identify ways to do things more cheaply and efficiently.

Secondly, a consequence of the Department of Local Government periodic reviews of councils is a list of expectations for organisational improvement. The inclusion of internal audit appears as a consistent feature in recommendations to councils and follow-up by the Department of Local Government has been the circular on internal audit that is paraphrased below.

Meeting the recommendation of the Department of Local Government (DLG) for Internal Audit functions to be incorporated into Council business

Two key recommendations of the DLG circular are:

1. the inclusion by Councils of an internal audit function which can be either purchased as a staff member or bought in as consultancies, some councils around the State are employing staff across a number of councils
2. the implementation of an internal audit committee whose membership includes one to two elected representatives, independent community members and attendance by the General Manager or nominee in observer status

Appointing an internal auditor

The Department of Local Government provides the following advice regarding the appointment of a full time or part time internal auditor:

2.4.1. Appointment of Full-Time or Part-Time Internal Auditor

Ideally the internal auditor should be an independent position reporting directly to the Audit Committee and administratively to the General Manager, with no other operational or management responsibilities. The role and duties and a sample position description are described in more detail in the appendices.

Depending upon the size and complexity of the organisation, councils may consider appointing an internal auditor or internal audit team. The appointment could be full-time or part-time personnel and may be staffed by more than one auditor if the size of the council demands.

Position descriptions should be set for internal audit staff and should identify required qualifications and competencies, including:

- o *Proficiency in applying internal audit standards, procedures and techniques*
- o *Proficiency in accounting principles and techniques*
- o *An understanding of management principles required recognising and evaluating the significance of deviations from good business practices*
- o *An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT*
- o *Effective interpersonal skills*
- o *Skills in oral and written communication*
- o *Ability to identify key issues in any area under review*
- o *Ability to influence senior management as and when required.*

2.4.2 Outsourced or co-sourced function

Providing that independence requirements are adhered to, councils can contract their internal audit function to private sector accounting firms or internal audit service providers. If this is the preferred option, then councils need to ensure that the service provided is for a professional internal audit service and not an extension of the financial assurance based external audit.

Councils should note that outsourcing or co-sourcing the internal audit function does not abrogate the council's responsibility to oversee and manage the internal audit function.

In monitoring the performance of the internal audit services provided by accounting firms, councils need to ensure that an appropriately qualified auditor is conducting the internal audit. To ensure an effective and comprehensive internal audit program, contracted internal auditors should have authority to independently set an ongoing audit program, which is not constrained by a narrow scope of audit coverage pre-determined by management.

A co-sourced function is one where a staff internal auditor supplements audit services with an outsourced internal audit service provider. An outsourced internal audit function is one where the service provider assumes all the responsibilities of the internal audit function.

Several options are set out below:

- o *Private sector accounting firms – most large accounting firms have specialist internal audit divisions, which provide a good service. Internal audit is a specialised skill and hence councils are advised to only use firms who have a specialised internal audit division.*
- o *Boutique firms – a number of boutique firms exist that specialise in internal audit services.*
- o *Internal audit contractors – there a range of experienced internal audit contractors available for this sort of work.*
- o *NSW GTE - IAB Services is a State Government agency that provides internal audit services to the public sector.*
- o *Each of these options will have their advantages and can be appropriate for different circumstances. The advantages of using external providers include: flexibility; access to a wide range of expertise; ability to access the service as and when required. Disadvantages include loss of corporate knowledge and possible increased costs.*

The NSW State Contracts Control Board has compiled a panel of qualified internal audit service providers at competitive rates through a competitive tender process. Councils are able to access this panel to save them time and effort in the procurement process and are encouraged to do so.

2.4.3 Regional or Inter-Council Sharing of Internal Audit Resources

Councils are also encouraged to consider resourcing their internal audit function via collaborative arrangements with other councils or through a regional organisation of councils (ROC).

A ROC or some other body (such as a strategic council alliance) could agree to jointly employ or contract an appropriately qualified internal auditor. This may have benefits in terms of cross-council benchmarking, reduction in travel costs and access to a bigger resource pool than would be available to a single council.

Each council should nevertheless establish its own independent audit committee and the internal auditor would need to report separately to each council, maintaining confidentiality. A funding model could be established that shares the costs on a user-pays basis between participating councils, with internal audit costs based on an agreed cost sharing basis.

Under this model, the appointed internal auditor would prepare an audit plan for each council, based on individual council requirements. There will be some common systems and shared knowledge and tools, such as audit planning, risk assessment, audit programs and procedures.

A small team of internal auditors directed by a suitably qualified and experienced auditor could be appropriate for serving several smaller councils in adjacent local government areas. This model should result in lower audit costs compared to councils employing separate internal auditors or consultants at various management levels.

Risk assessments and annual audit plans need to be designed with input from senior management of each of the participating councils. The internal audit team will need to retain a high degree of independence from management in the planning and conduct of audits. The reporting framework will need to ensure the independence of the audits and confidentiality of findings. The internal auditor should report directly to the General Manager and the Audit Committee of each council.

As can be seen from this advice, there are options for Council to consider regarding internal audit services and the Department of Local Government recognises that through CENTROC providing the architecture for the initiative that *“This may have benefits in terms of cross-council benchmarking, reduction in travel costs and access to a bigger resource pool than would be available to a single council.”*

The Internal Audit Committee

The DLG is looking for internal audit committees that are independent from the operational side of Council.

To assist in this process discussions have been held with the Central Tablelands Alliance (consisting of Mid Western Regional, Oberon and Lithgow councils) where a view has been expressed that one Internal Audit Committee be appointed between the three councils with each council providing one representative. This would increase the expertise and capacity of the independent members and provide information sharing possibilities for the committee.

The Internal Audit Committee for Lithgow City Council consists of:

- A councillor from Lithgow City Council
- A councillor from Mid Western Regional Council
- A Councillor from Oberon Council

The internal auditor and general managers from each council or their nominees also attend.

4.3. Structure and Membership

The structure and membership of an audit committee in the NSW local government environment will depend on the size of the council. Membership should have a balance of independent members and councillors, with between 3 and 7 members. Good practice in governance is for council staff not to be members of the committee. However, this may not be practical for some councils. The chair should be an independent member. A suggested membership is:

- 1 or 2 councillors
- 2 or 3 independent members, at least one with financial expertise and one of whom should be the chair.

The internal auditor should attend all meetings, as should the General Manager and the Chief Financial Officer. The external auditor should also be invited to attend as an independent advisor. A suggested structure for smaller councils is as follows:

- 1 councillor – eg, Mayor or Deputy Mayor
- 2 independents – at least one with financial expertise and one of whom could be from a nearby council
- 2 staff members with observer status – eg, the General Manager or representative and the Chief Financial Officer.

A structure for bigger councils could be:

- 1 or 2 councillors – eg, Mayor or Deputy Mayor and perhaps one other
- 2 or 3 independents – at least one with financial expertise and/or one with financial, legal or business expertise
- 2 staff members with observer status – eg, the General Manager or representative and the Chief Financial Officer.

The audit committee should also have its own charter that sets out the roles and responsibilities of the audit committee and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter.

An example charter for audit committees is included in Appendix 2. Councils should not use this example verbatim but should tailor it according to their specific circumstances.

Generally, the audit committee should meet at least four times a year. It is also appropriate to have meetings dedicated to considering the annual external audit plan, external management letters and council's audited annual financial reports. Where significant issues arise during the year, committees should consider the need to schedule additional meetings.

4.4.2. Functions

Clear roles and responsibilities should be given to an audit committee, and documented in the audit committee charter (see Appendix 2 for a model charter). The broad responsibilities for best practice include the following:

- *Risk management*
- *The control framework*
- *External accountability (including the council's annual audited financial reports)*
- *Legislative compliance*
- *Internal audit*
- *External audit*
- *Approving the internal audit charter that will guide the activities of an internal audit group*
- *Having input into and approving an internal audit's long-term strategic plan and annual audit plan*
- *Having input into the appointment and remuneration of the internal auditor*
- *Making enquiries of management and the internal audit to determine if there are scope or budgetary limitations that impede an internal auditor's ability to function properly*
- *Approving the scope of an external assessment or equivalent internal assessment of internal audit to be undertaken every 5 years.*

An audit committee, as a crucial component of corporate governance, is fundamental to assisting the General Manager and council with their oversight function to:

- *Ensure all key controls are operating effectively*
- *Ensure all key controls are appropriate for achieving corporate goals and objectives*
- *Meet their statutory and fiduciary duties*
- *Provide a forum for discussing problems and issues that may affect the operations of the internal audit group and acting as a forum for discussion*
- *Provide a forum for discussion to identify areas worthy of examination by an internal audit group*
- *Review the implementation of the annual audit plan and implementation of audit recommendations.*

For more information, the DLG Guidelines can be requested, as they are 53 pages long, viewing them on the web is an option at

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/08-64%20Internal%20Audit%20Guidelines.pdf>

Conclusion

The DLG have provided direction that Council develop an internal audit function.

Centroc has provided support to engage professional services through a regional tender.

A panel nominated by sponsoring General Managers from Centroc has overseen the selection of IAB.

Under the Local Government Act 2003 a Council resolution is required to accept this tender.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

As advised in previous reports to Council, \$20,000 per annum for three years is the commitment to progress a regional internal audit program. Further services may be purchased.

There will be further resourcing impacts on staff time to provide support material and advice to the internal audit function.

LEGAL IMPLICATIONS

Provides compliance with the expectations of the Department of Local Government.

RECOMMENDATION

THAT Council:

1. Note the report in relation to Internal Audit tenders;
2. Accept the tender from IAB Services for Council's internal audit services;
3. Authorise the affixing of the Council seal to any documentation necessary for the arrangement; and
4. Advise Centroc of its decision.

REGIONAL SERVICES REPORTS

ITEM:12 REG - 22/03/10 - IMPROVEMENTS TO THE ENTRANCE OF
LITHGOW

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Min No 09-534: Council Meeting 14/12/09.

SUMMARY

To advise Council of action taken to clean up the old petrol station premises on Chifley Road, Lithgow.

COMMENTARY

Council at its meeting of 14/12/09 resolved that the old service station on Chifley Road, Lithgow be cleaned up as a matter of urgency and a report come back to Council as to where Council is up to with regards to the site.

A Notice of Order was served on the owner of the premises on 21/1/10 requiring him to show cause why an Order should not be served on him to clean up the premises at No.83 Chifley Road, Lithgow through the removal of the old awning, and associated petrol bowsers.

An inspection of the property on 9/3/10 revealed that demolition has occurred of these structures and that it is no longer necessary to follow up with an order on the property.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the action of the owner to demolish unsightly structures at No.83 Chifley Road, Lithgow be noted.

ITEM:13 REG - 22/03/10 - TENDERS FOR WATER MAIN RENEWAL PROGRAM

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To seek Council approval to call for tenders for water main renewal works by the open tendering method.

COMMENTARY

As part of the 2009/2010 capital works program extensive renewal of aged water mains is proposed. The asset renewal will be focussed on aged infrastructure known to be prone to breakage and is designed to reduce ongoing callouts to mains breaks; subsequent loss of water; dirty water complaints; and inconvenience to residents. Due to the magnitude of the works program it will be necessary to tender for much of works given that Council's construction crew is busy on other projects.

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used in accordance with the Local Government Regulations.

- (a) the open tendering method (cl 167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (cl 168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts (cl 169)

It will be suggested that the open tendering method be used and tenderers be given an option to tender a schedule of rates for either:

- 1. Entire works (ie Plant, Labour and Materials); or
- 2. Plant and Labour only (ie Council provides the materials through the existing Local Government Procurement Contract)
- 3. Prices for both options.

Providing these options ensure that an assessment can be made of what is the most cost effective option.

POLICY IMPLICATIONS

Policy 1.4 – Tendering and Policy 9.11 Tenders - Canvassing/Lobbying of Councillors and Staff apply.

FINANCIAL IMPLICATIONS

Council has a total budget in 2009/2010 of \$977,400 for the water main renewal program. This should allow for approximately 2 kilometres of water mains to be renewed.

LEGAL IMPLICATIONS

The tendering procedure is to be undertaken pursuant to the provisions of Sec 55, Local Government Act 1993 and the Local Government (General) Regulations 2005.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT the open tendering method be used for sourcing suitably experienced contractors for Council's 2009/2010 water main renewal program.

ITEM:14 REG - 22/03/10 - DROUGHT MANAGEMENT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Min No 10-05: Ordinary Meeting of 18 January 2010
 Min No 10-33: Ordinary Meeting of 8 February 2010
 Min No 10-60: Ordinary Meeting of 1 March 2010

SUMMARY

This report provides an update on various drought management issues as per Min No 10-03.

COMMENTARY

In relation to drought management issues the following information is provided.

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

As at 9/3/10 Farmers Creek Dam was at 97.9% and Oberon Dam was at 10%.

CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer system for 2010 up to 8 March 2010.

Month	Oakey Park Water Treatment Plant (ML)	Clarence Transfer (ML)
January	109.99	74.68
February	100.07	19.37*
March (up to 8 March)	29.27	Nil
Total 2010	239.33	94.05

Table 1 – Oakey Park Output and Clarence Transfer 2010

* Stopped pumping on 8 February

Table 2 below indicates consumption from customers of the Fish River Water Supply from 1 July 2009 to date. It also provides the Maximum Annual Quantity (MAQ) of each customer and their annual consumption since 2004/05.

Fish River Water Supply Consumption

2009/10	Water Consumption (ML)					
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consumers	Total
Jul	179	36	0	44	20	278
Aug	328	48	0	58	20	454
Sep	266	45	0	47	20	378
Oct	370	55	0	59	20	504
Nov	356	49	0	50	20	475
Dec	193	61	0	42	20	316
Jan	107	48	0	32	20	0
Feb#						0
Mar						0
Apr						0
May						0
Jun						0
Total	1,799	342	-	332	140*	2,786
2004/05	4,960	735	1,878	677	162	8,412
2005/06	6,367	959	2,098	725	228	10,378
2006/07	6,590	795	3,115	749	218	11,468
2007/08	4,367	747	1,077	601	150	6,942
2008/09	3,356	699	208	583	240	5,086
MAQ	8,184	2,092	3,650	750	200	14,876

Table 2 - Fish River Water Supply Consumption from 1 July 2009 to date

* = 12 month total

= February data not available at time of writing report

CURRENT WATER RESTRICTIONS UPDATE

Level 4 Water Restrictions are currently in place for residents of Lithgow and Marrangaroo. Level 5 restrictions apply to consumers on the Fish River Water Supply.

WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate program provides the following rebates for residential premises:

Rainwater Tank - Option 1

- Minimum 5000 litre tank – connected to Garden Tap only - **\$200**

Rainwater Tank - Option 2

- Minimum 5000 litre tank – connected to Garden Tap & Toilet and Washing Machine - **\$800**

Household Appliances – Washing Machines and Dishwashers

- For water efficient Household appliances such as Dishwasher or Washing machine that have a four star WELS rating or AAAAA rating a rebate of **\$150/appliance/Household**.

In March to date Council has received one application for a household appliance rebate and 1 application for a water tank rebate.

ALTERNATE WATER SOURCES UPDATE

Angus Place Colliery

Discussions have taken place with representatives of Centennial Coal to clarify the possibilities of obtaining additional water. There are two sources of water from mine dewatering at Angus Place. The first is from a bore that produces up to 8 megalitres per day and this water is carried via pipeline to Delta Electricity at Wallerawang Power Station. This water is committed. There is an additional discharge of up to 5 megalitres per day into the headwaters of the Cox's River that would currently benefit Delta Electricity by flowing into Lake Lyell. In theory, this should assist Delta in relation to reducing its requirements on the Fish River system. The Department of Environment, Climate Change and Water (EPA) have requested that an options study be prepared in relation to the Angus Place licence to look at possibly reducing this discharge. This could possibly see a pipeline constructed from the colliery to Wallerawang Power Station where the water could be used by the power station or perhaps another user, eg Council. If this water could be obtained then it would require the construction of a treatment plant. Whilst the capital costs (and operating costs of a treatment plant) would be significant the option is worthy of further consideration and to this end the option of the water being pumped to Wallerawang Power Station for the benefit of another user will be included in the Centennial options study. This may then require Council commissioning its own consultant to examine the feasibility in more detail, but this would be for future consideration.

CLARENCE TRANSFER SYSTEM UPDATE

The Member for Macquarie, Bob Debus has been approached to see if representations can be made to assist in finalisation of the funding agreement.

ANY OTHER MATTER RELATING TO THE ISSUE THAT SHOULD BE REPORTED TO COUNCIL

Cook Street reservoir – At the last Ordinary meeting of Council, Councillor Hunter enquired as to the capacity of the Cook Street High Level Reservoir to be consistently replenished, particularly in periods of high demand when the project to supply Farmers Creek Water to Villages occurs. The study from which the project to provide water from the Farmers Creek system to the villages originated, considered this situation. The hydraulic modelling performed indicated that the duty/standby pumps at Cook Street booster pumping station are capable of meeting the new demand requirement when operating in parallel. However, this operation does not allow for a standby pump in the event of pump failure. For this reason, the study recommended an upgrade of the pumping station. This up-sizes the pumps and provides a standby pump arrangement. The design for these works has occurred and will be undertaken with drought relief funds prior to commissioning the system.

Water leaflet – At the last Ordinary meeting of Council, Councillor McGinnes enquired if the leaflet provided to householders correctly reflected the situation involving the use of buckets and trigger hoses. At the Ordinary meeting of 18 January 2010 the Council resolved as follows:

“That the water restriction of only watering with buckets be amended to allow watering with trigger hoses.”

An amendment at that meeting that “Council allow trigger hoses for the washing of motor vehicles where currently only watering by buckets is allowed” was lost. However, it appears that perhaps the amendment was referred to incorrectly when the leaflet was prepared. It is intended that ‘erratum’ information be published in Council connections, Council’s Website and the regular Council column in the Lithgow Mercury indicating that any reference allowing the use of buckets within the leaflet should also be read as allowing the use of trigger hoses.

Oberon Timber Complex Usage - At the last Ordinary meeting of Council, Councillor McAndrew enquired as to the water usage from the Oberon Timber Complex in comparison to other usage at Oberon. Enquiries have been made with Oberon Council which indicates:

“The Oberon Timber Complex is made up of a sawmill, MDF plant, particle board plant, door skins plant and resin plant owned by various companies. Currently the OTC is currently consuming approximately 53% of our total consumption.”

THAT ALL ITEMS ABOVE BE REPORTED BACK TO THE MEDIA SO THAT LOCAL RESIDENTS ARE AWARE OF THE SITUATION

The media are in the gallery this evening.

POLICY IMPLICATIONS

12.2 WATER RESTRICTIONS - This Policy determines Council's response to non-compliance with water restrictions.

FINANCIAL IMPLICATIONS

No specific legal issues arise as a result of this report.

LEGAL IMPLICATIONS

No specific legal issues arise as a result of this report.

RESOLVED

THAT the information in relation to drought management issues be noted.

**ITEM:15 REG - 22/03/10 - ACCEPTANCE OF FUNDING CONDITIONS -
COUNTRY TOWNS WATER AND SEWERAGE PROGRAM -
LITHGOW SEWERAGE SCHEME AUGMENTATION**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

This report advises of the conditions of funding of under the Country Towns Water and Sewerage Scheme for the upgrade of the Lithgow Sewage Treatment Plant and makes recommendations as to their acceptance.

COMMENTARY

As part of the Minister for Water's offer under the Country Towns Water and Sewerage Program for 39% funding of the cost of the upgrade to the Lithgow Sewage Treatment Plant a number of conditions must be formally accepted. These conditions are:

1. Implement appropriate step pricing for water supply to achieve at least 75% residential revenue generated through usage charges by June 2010;
2. Complete a Demand Management Plan by June 2010;
3. Complete a Drought Management Plan by June 2010; and
4. Achieve full compliance with Integrated Water Cycle Management before seeking final subsidy payment.

As Lithgow has over 4,000 water supply connected properties it is required to raise at least 75% of the total water supply revenue from user charges in order to comply with the Office of Water's Best Practice Management Guidelines. The objective of this requirement is to ensure water pricing reflects the user-pays principle and encourages efficient use of water. In 2009/2010 Council expects to raise 40% from usage charges.

Whilst the Office of Water believes that an increase in usage charge compensated by a decrease in access charge would not result in a significantly higher typical residential bill, this would also be dependent on the resultant impact on consumption. The Office of Water has advised if Council believes there are special circumstances that would warrant a phased introduction then Council can submit such details to Office of Water for consideration. A copy of modelling undertaken for various consumption levels and resultant bills is attached to the business paper. This generally indicates reduced bills for lower users of water that increases in line with consumption.

Drought Management Plan's, Demand Management Plan's and Integrated Water Cycle Management Plans are specific documents outlined by Best Practice Management and are in Preparation. Some expert consultant assistance may be required.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial comparative modelling will be presented to Council for consideration in 2010/2011 draft budget considerations.

LEGAL IMPLICATIONS

No specific legal considerations arise.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT

1. Council accept the funding conditions for 39% subsidy under the Country Towns Water and Sewerage Program with the exception that Council make representations in relation to the condition to comply with 75% of residential water reserve to come from usage charges.
2. The Common seal be authorised to be affixed to any documentation.

OPERATION SERVICES REPORTS

**ITEM:16 OPER - 22/03/10 - UPPER MACQUARIE COUNTY COUNCIL WEEDS
REPORT - DECEMBER 2009 / JANUARY 2010**

REPORT FROM: IAIN STEWART - ACTING OPERATIONS MANAGER

REFERENCE

Nil

SUMMARY

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

COMMENTARY

Upper Macquarie County Council Chief Weeds Officer Report for December 2009 & January 2010.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Copy of Upper Macquarie County Council Chief Weeds Officer's Report December 2009 & January 2010. (DW 567445)

RECOMMENDATION

THAT the report for Upper Macquarie County Council Chief Weeds Report for December 2009 & December 2010 be noted.

**ITEM:17 OPER - 22/03/10 - 2009/10 REGIONAL ROADS REPAIR PROGRAM
MR 531 AND FORMER MR 557**

REPORT FROM: CHRIS SCHUMACHER – WORKS ENGINEER

SUMMARY

The Repair Program is one of two programs under which the State Government assists Councils in the management of their Regional Road infrastructure. The other program is the Regional Road Block Grant Program which includes a supplementary component to replace the former 3X3 Council Determined Program.

COMMENTARY

The objective of the REPAIR Program is to provide additional assistance to councils to undertake larger works of rehabilitation, and development on Regional Roads to minimise the long term maintenance costs of these roads commensurate with their function and usage.

Works funded under this program are selected on a merit basis for funding across the Region.

Council has been successful in obtaining Repair Program Funding for two roads. Work proposed includes rehabilitation of a 1 kilometre section of road pavement on each road as outlined:

- (1) MR 531 – Wallerawang Railway Crossing due west 1 kilometre along pipers Flat Road toward Portland (total cost \$ 220,000) and,
- (2) MR 557 – Range Road from Pipers Flat Road intersection due south 1 kilometre toward the Great Western Highway (total cost \$ 210,000).

Combined program total \$430,000 with 50% (\$215,000) of subsidy to be funded from the State Government Repair Program.

The work will focus primarily on rehabilitation of the existing road pavements on both roads. The works are aimed at minimising future and ongoing expenditure needed to keep the road at a satisfactory standard, and the works will provide overall benefits to the community that exceed the cost of the work.

Council' construction staff are expected to have all work completed for bitumen spray sealing by 1 April 2010. The rehabilitation work will not only renew the pavement surfaces of these assets, but will improve the performance and safety for all users of these important arterial roads which link towns and villages.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The State Government has committed a contribution of 50% (\$215,000) of the project costs, as agreed between the RTA and Council. The level of funding available under the Program is determined by the Government.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

NIL

RECOMMENDATION

THAT that the report on the 2009/10 Regional Roads Repair Program for MR 531 and 557 be noted.

ITEM:18 OPER - 22/03/10 - MEADOW FLAT RECREATION RESERVE

REPORT FROM: IAIN STEWART – ACTING MANAGER OPERATIONS

SUMMARY

Further to an on-site meeting between Council Officers and Officers of the Crown Lands Office, Orange, the following correspondence has been received.

COMMENTARY

Recreation Reserve

As agreed to on the day, to improve public safety on the site Council will remove both amenity blocks, the running rail and goal post, 'lean-to' shed and do a general clean up of rubbish piles. The large 'canteen' style shed may remain on site. Council will also erect a fence on the boundary of the Reserve, fencing the Cemetery Reserve out of the Recreation Reserve, along the approximate boundary indicated on the attached diagram. The LPMA will also close the Crown road corridor on which the amenity blocks are located and return this, land to the Recreation Reserve.

Upon these works being satisfactorily completed the Authority will relinquish trusteeship of Council and appoint a Community Trust Board.

Cemetery Reserve

The Authority has come to an agreement with an adjoining owner to the Meadow Flat Cemetery concerning the restoration of some unauthorised excavation. The owner has been given a period of three months to undertake agreed remediation works including drainage and bank stabilisation, as well as removal of the concrete pipes stockpiled on the Cemetery Reserve boundary. You are notified as the adjoining land manager that this work will be commencing. LPMA will conduct a site inspection to ensure the works are completed satisfactorily.

Crown Road within Meadow Flat

The sealed roads in Meadow Flat are currently Crown Roads. As Council has built and is maintaining this road LPMA requires transfer to Council ownership.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

NIL

RECOMMENDATION

THAT the report on the Meadow Flat Recreation Reserve be noted.

ITEM:19 OPER - 22/03/10 - EASTERN APPROACH TO LITHGOW (SCENIC HILL)

REPORT FROM: IAIN STEWART – ACTING GROUP MANAGER OPERATIONS

REFERENCE

Min No 09-533: Notice of Motion Council Meeting 14 December 2009

SUMMARY

To advise Council of actions being taken to visually enhance the eastern road approach to Lithgow.

COMMENTARY

Following a number of complaints and a Notice of Motion from Councillor W Marshall concerning the appearance of the Chifley Road entry to the urban area of Lithgow, I have to advise that Council has made a concentrated effort to clean up the southern areas of the Chifley Road at the foot of the Scenic Hill leading into Mort Street.

This area is now under regular maintenance by Council. However, there still appears to be some major problems with the northern side of Chifley Road. Most of the unsightly vegetation is located on private property owned by Pacific National Pty. Ltd. and the owners of said property have been written to requesting assistance and co-operation with Council to clean up the unsightly vegetation adjacent to the road reserve. This matter is being kept under constant review and every endeavour will be made to continue to ensure that Councils areas of responsibility are maintained to a satisfactory level. Further advice will be given to Council when advice is received from the owners of the old locomotive depot adjacent to the northern side of Chifley Road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the action taken by Council be noted and that a further report be submitted when information is available

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:20 COMM - 22/03/10 - DRAFT CRIME PREVENTION PLAN

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

MIN No 09-396 – Ordinary Meeting of Council dated 14 September 2009

MIN No 09-397 – Ordinary Meeting of Council dated 14 September 2009

SUMMARY

This report recommends that Council adopt the attached Draft Crime Prevention Plan and that it be placed on public exhibition following which endorsement of the Plan be sought from the NSW Attorney General's Department.

COMMENTARY

Council resolved at the Ordinary Meeting of Council dated 14 September 2009 (Min 09-396)

THAT:

1. Council receives the Draft Lithgow Crime Prevention Plan.
2. Council adopts the Draft Terms of Reference for the Lithgow Crime Prevention Committee.

1. Crime Prevention Plan

The development of a Crime Prevention Plan (CPP) for Lithgow was an identified action in Council's 2006-11 Social Plan and 2007/08 Management Plan. Community consultation on the plan commenced towards the end of 2007/08 and continued into 2008/09. Council has undertaken the development of the plan in response to widespread concerns within the community about crime rates in the Lithgow community and a desire by Council to take a lead role in the development and implementation of crime prevention strategies.

Through development of the Crime Prevention Plan, Lithgow City Council has gained a better understanding of community safety concerns and has begun to build partnerships with the community and other key agencies.

Key Findings of the Crime Prevention Plan

Crime data from the NSW Bureau of Crime Statistics shows that rates of criminal incidents in the Lithgow LGA are in some cases, significantly above the NSW average and the average of a number of Central West LGA's.

In particular, Lithgow stands out in relation to crimes against the person, including:

- Non-domestic violence related assault and,
- Domestic violence related assault

Rates of malicious damage to property in Lithgow are also well above the NSW average.

Incident rates in Lithgow are in some cases increasing, against the trend of NSW as a whole and a number of other Central West LGA's.

Extensive community and agency consultation was undertaken in the development of the Crime Prevention Plan. Community concerns raised in the consultations were generally consistent with the crime data.

Crime Prevention Strategies

Draft Action Plans have been identified in the Crime Prevention Plan in relation to crime issues that are having the most impact on the community. These are:

Alcohol Related Violence and Related Behaviours

This strategy involves developing a strong partnership between licensed premises, Lithgow Liquor Accord, Police, Crime Prevention Committee, the local community and local business to address alcohol related violence and related issues in the Lithgow CBD.

Malicious Damage and Harrassment

Targeting underage drinking, vandalism, harassment, street bullying and gang behaviours. This is a multi-pronged strategy which aims to target the underlying causes and manifestations of youth alienation in the Lithgow local government area.

Domestic Violence

The strategy will build partnerships between the Crime Prevention Committee, Council, schools, business, licensed premises and organisations that work with domestic violence victims to develop a social marketing campaign and other initiatives targeting Domestic Violence.

Crime Prevention Committee

The Crime Prevention Committee commenced meeting monthly from November 2009 and has commenced work on implementing the crime prevention strategies identified in the Plan, with a particular focus on domestic violence and alcohol related violence. The committee is also working on identifying funding sources to assist in its implementation. Once adopted by Council, Council will seek endorsement of the Action Plans within the Crime Prevention Plan by the NSW Attorney General's Department as a Safer Community Compact. Once endorsed, Council will be able to seek funding from the Attorney General's Department to implement strategies in the Crime Prevention Plan.

The Crime Prevention Committee has considered the crime prevention strategies included in the draft report and has made no suggestions for change.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Draft Lithgow Crime Prevention Plan

RECOMMENDATION

THAT Council place the Draft Lithgow Crime Prevention Plan on public exhibition for a period of 28 days.

ITEM:21 COMM - 22/03/10 - DRAFT CULTURAL PRECINCT STUDY

REPORT BY; MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Nil

SUMMARY

This report tables the Draft Cultural Precinct Study and recommends that it be advertised for public comment.

COMMENTARY

In 2008 Lithgow City Council adopted a Cultural Plan. A key program of the Cultural Plan was the development of a Cultural Precinct in Lithgow. This Cultural Precinct Study, funded by Xstrata Coal through its Corporate Social Involvement Program, is the first stage in the implementation of this program. The area identified for the Cultural Precinct extends from the top of Main Street, past Eskbank House Museum and out to Lake Pillans Wetlands.

The Cultural Precinct Study found that there is a high proportion of Private Enterprise or For-Profit Cultural Industry organisations currently operating across the Lithgow LGA. This indicates the presence of a spirit of cultural entrepreneurship. This factor, coupled with the fact that Community Based/Run or Not-For-Profit entities form the second highest proportion of cultural organisations indicates that there is capacity within the cultural sector to form the basis of cultural sector support for a Cultural Precinct. Additional factors conducive to the development of a Cultural Precinct include the high concentration of historic/heritage sites and buildings; proximity to established tourism destinations; and existing cultural infrastructure assets within the precinct area.

The recommendations that have emerged from this study identify ways to capitalise on the strengths within the Lithgow community in order to establish a Cultural Precinct as an identifiable and thriving cultural cluster. Core to the recommendations delivered by this study is the concept that visible and supported Cultural Industries can contribute flow-on benefits across the Local Government Area (LGA) by attracting tourists, skilled workers and business investment; diversifying the economy; and improving the quality of life of residents. It is anticipated that investing in the cultural industries could have a multiplier effect for Lithgow.

Study Aims

The purpose of this study is to appraise the current functioning of the key sites and venues within the study area and, from this basis, examine how a viable Cultural Precinct may be most effectively supported. To this end, the Cultural Precinct Study aims to:

- Understand the current situation of the cultural industries within Lithgow, so as to develop context specific recommendations based on existing strengths
- Assess the strengths, weaknesses, opportunities and threats faced by the key facilities and sites within the study area
- Identify practical, context specific and feasible recommendations that can guide Council and the community in the ongoing development of a Cultural Precinct
- Identify how a vibrant Cultural Precinct can contribute to the economic and social sustainability of Lithgow

Summary of recommendations

- Develop and implement a wayfinding and signage scheme
- Design and implement public space improvements
- Revitalise and support cultural infrastructure on Bridge Street
- Revitalise the top of Main Street
- Develop and Support temporary programs and events north of the railway
- Improve accessibility and circulation
- Encourage a whole of community approach to supporting the growth of the Cultural Industries
- Plan for future expansion of the Cultural Precinct

It is recommended that the Lithgow Cultural Precinct Study be advertised for public comment and that a public forum be held to inform the community of the contents of the study and to gain feedback.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Cultural Precinct Study

RECOMMENDATION

THAT Council:

1. Endorses the Draft Cultural Precinct Study and advertises the Study for public comment for a period of 28 days.
2. Notes that a forum will be held for members of the public to inform them of the contents of the Cultural Precinct Study and to gain their feedback.

ITEM:22 COMM - 22/03/10 - DRAFT ECONOMIC DEVELOPMENT STRATEGY

REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Nil

SUMMARY

This report tables the Draft Economic Development Strategy and recommends that it be advertised for public comment.

COMMENTARY

In 2007 the Council adopted its Strategic Plan 2007. This followed extensive consultation with the community and it identified the need to undertake further strategic planning initiatives that would better inform future planning for the Lithgow Local Government Area. These initiatives included preparing such plans as a Social Plan, Cultural Plan, Economic Development Strategy, comprehensive Local Environmental Plan, Water and Sewerage Business Plans.

As of 2009, all Councils in NSW are required to adopt an integrated approach to planning by integrating social, environmental and economic issues within an improved governance and performance management framework, including reporting back to the community on progress.

Lithgow City Council has prepared this Economic Development Strategy (EDS 2010-14) which sets a sustainable economic development approach for building the economy of the Lithgow Local Government Area (LGA).

EDS 2010-14 presents a framework for the future development of the economy in the Lithgow Local Government area by adopting the principle of sustainability in encouraging responsible development and growth in the region. It focuses on maximising the economic capacity of existing local resources and meeting the needs and expectations of the community.

EDS 2010-14 has been developed by Lithgow City Council with input from a range of stakeholders including the Council's Economic Development Advisory Committee, business groups and associations, community representatives, Council staff and individual businesses. Direction has also been provided through the development of other projects such as Cultural Plan and Cultural Precinct Study, Business and Retail Strategy and a Feasibility Study into the development of an industrial park at Wallerawang, Draft Business Start-up and Advisory Centre Business Plan, and a Draft Festivals and Events Strategy. A series of comprehensive surveys and workshops have also provided critical input into the EDS 2010-14.

Critically, the EDS 2010-14 is a community document which:

- builds on community consultation
- is based on community values and aspirations for the area
- incorporates where possible previous research and consultation outcomes already completed or undertaken in conjunction with this Strategy
- provides a range of Actions that are practical, sustainable and achievable in order to assist the Lithgow Local Government Area to grow and prosper
- seeks ownership and buy-in from all stakeholders.

Relevant Documents

There are a number of relevant documents which have informed the report which are listed in the Strategy. Council has now also received a copy of the Draft Retail and Business Strategy and Draft Cultural Precinct Study. Information relating to these studies has been included in the Draft EDS 2010-14.

The Draft Economic Development Strategy was circulated to Committee Members for comment following a presentation to councillors and committee members on 21 January 2010. Any comments received have now been collated into the document.

Process

It is proposed that the following process be implemented prior to the adoption of the Strategy:

- That the Draft EDS 2010-14 be advertised for public comment.
- That a series of public forums be conducted with relevant business sectors.
- That any changes to the Strategy be presented to the EDAC for sign off with a recommendation to the Council that the Strategy be adopted.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Revised Draft Economic Development Strategy

RECOMMENDATION

THAT Council:

1. Endorses the Draft Economic Development Strategy 2010-14 and advertises the strategy for public comment for a period of 28 days.
2. Notes that a forum will be held for members of the public to inform them of the contents of the Economic Development Strategy and to gain their feedback.

**ITEM:23 COMM - 22/03/10 - SECTION 356 - FINANCIAL ASSISTANCE TO
COMMUNITY ORGANISATIONS**

REPORT BY: COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS

REFERENCE

MIN No 09-331 – Ordinary meeting of Council dated 3 August 2009.
MIN No 09-333 – Ordinary meeting of Council dated 3 August 2009.
MIN No 09-425 – Ordinary meeting of Council dated 6 October 2009.
MIN No 09-452 – Ordinary meeting of Council dated 2 November 2009
MIN No 09-551 – Ordinary meeting of Council dated 14 December 2009
MIN No 09-552 – Ordinary meeting of Council dated 14 December 2009
MIN No 10-30 – Ordinary meeting of Council dated 8 February 2010

SUMMARY

This report recommends that Council allocates financial assistance to community organisations as follows.

COMMENTARY

In adopting the 2008/09 – 2010/11 Management Plan Council identified its provision of financial assistance to not-for-profit community groups. The Council has set aside \$15,212.88 for distribution throughout the 2009/10 Financial Year of which \$4,019.12 remains.

This report outlines requests from the following organisations for financial assistance.

Portland Central School

Portland Central School has requested financial assistance of \$1,000 for their Industry Links Program which seeks to connect the education and industry sectors and is running across four other schools in the Lithgow area. Council provided financial assistance of \$1,000 in 2008/9 towards this program. At the end of the 2008/9 program, 5 boys gained apprenticeships in metal work and engineering. It is recommended that Council allocate \$1,000 towards this program in 2009/10.

Lithgow Business Association

The Lithgow Business Association has requested that Council waive fees from the 2009 Celebrate Lithgow event to the value of \$900. Council provides recurrent financial assistance of \$10,000 to the Lithgow Business Association towards Celebrate Lithgow and the Lithgow Business Awards. Council's Section 356 Financial Assistance policy states that additional financial assistance cannot be given to organisations that receive recurrent financial assistance. Council resolved at the Ordinary meeting of Council held 8 February 2010 (Min 10-30)

THAT COUNCIL:

1. Publicly advertise its intention to provide a donation under S.356 of the Local Government Act to the Lithgow Business Association \$900; and
2. During annual management plan process review Policy 4.4 'Financial Assistance - Section 356 of the Local Government Act' in relation to donations to various groups.

No comments have been received from the public objecting to this proposal. It is recommended therefore that additional financial assistance of \$900 be provided to the Lithgow Business Association.

Lithgow City Band

Lithgow City Band is seeking financial assistance from Council for the renewal of the band hall roof and repairs to some wall sheeting. A quote has been provided to the value of \$20,240. Due to budget constraints, it is recommended that Council does not provide financial assistance at this time to the Lithgow City Band for this purpose. Lithgow City Band will be advised that they can re-apply in April 2010 when Council calls for 2010/11 Financial Assistance applications.

Lithgow & District Family History Society

The Lithgow & District History Society has submitted a request to Council to the value of \$330 to assist in the advertising costs of a dinner to be held on 17 April 2010 to celebrate the Bi-Centenary of the reign of Governor Lachlan Macquarie. It is recommended that \$330 be allocated to the Lithgow District Family History Society for this purpose.

Violet Hills Charolais on behalf of Lithgow Show Society

The cattle section of the Lithgow Show Society has requested financial assistance towards their cattle event to be held during the 2010 Lithgow Show. They did not state the amount they wished to receive. As Council provides recurrent financial assistance of \$8,000 to the Lithgow Show Society, it is recommended that Council does not offer further financial assistance for this event.

POLICY IMPLICATIONS

Financial Assistance is provided under Policy 4.4 Financial Assistance – 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 \$15,212.88 for distribution throughout the 2009/10 Financial Year of which \$4,019.13 remains.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Letter from Portland Central School Dataworks No: 577585
2. Report from General Manager, Roger Bailey re: Lithgow Business Association
3. Letter and additional information from Lithgow City Band Dataworks No: 575492
4. Letter from Lithgow & District Family History Society Dataworks No: 575540
5. Letter from Violet Hills Charolais on behalf of Lithgow Show Society Dataworks No: 576513

RECOMMENDATION

THAT:

1. Council provides financial assistance to the following organisations:

- Portland Central School to the value of \$1,000
- Lithgow Business Association to the value of \$900
- Lithgow & District Family History Society to the value of \$330

2. Council does not provide financial assistance to the following organisations:

- Lithgow City Band
- Violet Hills Charolais on behalf of Lithgow Show Society

ITEM:24 COMM - 22/03/10 - LEASE FOR THE LITHGOW GOLF CLUB

REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min No 07-519 -	Policy and Strategy Committee, 3 December 2007
Min No 05-09 -	Ordinary Meeting of Council, 27 January 2009
Min No 09-162 -	Ordinary Meeting of Council, 20 April 2009
Min No 09-301 -	Ordinary Meeting of Council, 13 July 2009
Min No 09-351 -	Ordinary Meeting of Council, 24 August 2009
Min No 09-399 -	Ordinary Meeting of Council, 14 September 2009
Min No 10-15 -	Ordinary Meeting of Council, 18 January 2010

SUMMARY

This report recommends that a lease over Lot 1 DP 840412, commonly known as the Lithgow Golf Course, be granted to the Lithgow Golf Club Limited for the purposes of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

COMMENTARY

On the 18 January 2010 the Council resolved the following:

THAT

- 1. The Council advertise the Draft Lease to the Lithgow Golf Club, for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47 A of the Local Government Act.*
- 2. The lease period be for five (5) years.*
- 3. The rent to commence at \$5,000 and be subject to annual CPI increases.*
- 4. The Lithgow Golf Club be required to undertake a minimum of \$5,000 maintenance on the golf club house each year; or provide \$5,000 towards maintenance.*
- 5. A service level agreement be negotiated and reviewed each year between the Council and the Lithgow Golf Club outlining minimum works to be undertaken by Council and the Lithgow Golf Club.*
- 6. That the service level agreement includes provisions for works to be undertaken by members of the Lithgow Golf Club on a volunteer basis around the golf course and club house.*

Advertising

- A public notice was placed in the Lithgow Mercury public notice section on Saturday, 23 January 2010 with the closing date being 8 March, a period of 45 days.

- The notice was then advertised in the Council Column on:
 - 4 February 2010
 - 18 February 2010
 - 25 February 2010
 - 4 March 2010
- A notice was exhibited at the Golf Course.
- Letters were sent to adjoining properties.

The Draft Lease was attached to the Council Report on the 18 January 2010 and thus made available to the general public. The Public Notices advised that both the Council Report of 18 January 2010 and the Draft Lease was made available on the Council's website, and at the Council Administration Office.

SUBMISSIONS RECEIVED

Objections

1 correspondent submitted 52 separate letters of objection. The letter contained the same statements of objection with one paragraph only in the letter amended with a varying statement and attachments.

7 other letters of objections were submitted.
1 letter was anonymous and signed ratepayer.

Letters of Support

307 individual letters of support were received from members of the public.

List of Submissions

Section 47 (4) advises that *"Before granting the lease, licence or other estate, the council must consider all submissions duly made to it."*

Due to the number of letters with attachments received, Councillors were advised at the time of circulation of the Agenda that all submissions have been made available to Councillors upon request and are tabled at the meeting of the Council.

The following provides a summary of all submissions received following advertising.

Submission
<p>Objections</p> <p>One correspondent submitted 52 separate letters. The letter contained the same statements of objection with one paragraph only in the letter amended with a varying statement.</p> <p>The following is the contents of the letter with each variation listed.</p> <p>RE: <u>SUBMISSION ON GOLF CLUB LEASE</u></p> <p>I wish to lodge a <u>FORMAL OBJECTION</u> to the Lithgow City Councils resolution to grant a new Property Lease to the ASIC listed Lithgow Golf Club Ltd. Over the whole of the Community Land comprised in Lot 1 in Deposited Plan 840412 being Folio Identifier 1/840412 pursuant to Sections 47 and 47A of the Local Government Act.</p>

Please find enclosed the following documentation that is submitted in support of this **FORMAL OBJECTION**.

1. A COPY OF LITHGOW CITY COUNCIL MINUTES OUTLINING THE PAST HISTORY OF LAND CLASSIFICATION OF THE LITHGOW GOLF COURSE.

I understand from the Lithgow City Councils formal advertising of the Draft Lease that **"All submissions will be considered by Council"** and I ask that both this letter and the enclosed documentation be formally submitted before the Lithgow City Council and Councillors for their consideration.

I have forwarded a copy of this **FORMAL OBJECTION** and enclosed documentation to the Minister for Local Government and the Department of Local Government for their attention under Sections 47 and 47A of the Local Government Act 30/1993.

Point 1 in the above letter was replaced with the following 51 letters of objection:

2. A COPY OF LITHGOW GOLF CLUB LIMITED LETTER TO THE GENERAL MANAGER LITHGOW CITY COUNCIL DATED 24 OCTOBER 2009.
3. A COPY OF AGENDA ITEM 24. DISCLOSURE OF PECUNIARY AND NON PECUNIARY CONFLICT OF INTEREST AT A MEETING BY A COUNCILLOR OR DESIGNATED PERSON – FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
4. A COPY OF CHAPTER 7 – CONFLICT OF INTERESTS – FROM THE LITHGOW CITY COUNCILS (NSW) MODEL CODE OF CONDUCT.
5. A COPY OF A MEDIA RELEASE BY BARBARA PERRY MP MINISTER FOR LOCAL GOVERNMENT TITLED: "COUNCIL RATE APPLICATIONS DETERMINED" – DATED THE 8 JULY 2009.
6. A COPY OF A LETTER TO THE EDITOR PUBLISHED IN THE LITHGOW MERCURY OF 10 FEBRUARY 2009 TITLED "MEMBERSHIP IS NOT MANDATORY" FROM LYNNE RITCHIE VICE-PRESIDENT LITHGOW GOLF CLUB LTD.
7. A COPY OF A DOCUMENT TITLED "COUNCIL RATES HIKE PETITION" (Reference – Sixth Paragraph).
8. A COPY OF A LETTER TO THE EDITOR PUBLISHED IN THE LITHGOW MERCURY OF 7 FEBRUARY 2009 TITLED "SOME FACTS FROM PRESIDENT" RG HAMMENT PRESIDENT LITHGOW GOLF CLUB LTD.
9. A COPY OF A LETTER TO THE EDITOR IN THE LITHGOW MERCURY NEWSPAPER PUBLISHED ON 13 FEBRUARY 2010 TITLED "SHE WAS NOT IMPRESSED".
10. A COPY OF A PUBLIC SUBMISSION LETTER SUBMITTED TO THE LITHGOW CITY COUNCIL AND MINISTER FOR LOCAL GOVERNMENT ON THE PUBLIC EXHIBITION OF THE DRAFT PLAN OF MANAGEMENT FOR THE LITHGOW GOLF COURSE.
11. A COPY OF A LETTER FROM S.ANDERSON OF LITHGOW SUBMITTED TO THE LITHGOW CITY COUNCIL ON THE DRAFT MANAGEMENT PLAN FOR THE LITHGOW GOLF COURSE.
12. A COPY OF THE AGENDA AND MINUTES FOR ITEM 1 – NOTICE OF RESCISSION – LEASE FOR THE LITHGOW GOLF CLUB LTD AND ITEM 2 – PUBLIC EXHIBITION OF THE DRAFT LEASE FOR LITHGOW GOLF COURSE IN THE ORDINARY MEETING OF THE LITHGOW CITY COUNCIL ON 8 FEBRUARY 2010.

13. A COPY OF DOCUMENTS RELATING TO PUBLIC WEBPAGES OF THE WWW.LITHGOWGOLFCLUB.COM.AU WEBSITE.
14. A COPY OF AN ICAC DOCUMENT TITLED "FACILITATORS GUIDE – IN WHOSE BEST INTEREST – SCENE 4 "Anyone for Golf".
15. A COPY OF A NEWS REPORT IN THE LITHGOW MERCURY OF 30 JANUARY 2010 TITLED "PUTTING HIS FEET UP".
16. A COPY OF AGENDA ITEM 9. MODEL CODE OF CONDUCT – QUESTION WITHOUT NOTICE – FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
17. A COPY OF AGENDA ITEM 7. LEASES – QUESTION WITHOUT NOTICE – FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
18. A COPY OF A LETTER TO THE EDITOR IN THE LITHGOW MERCURY NEWSPAPER PUBLISHED ON 2 FEBRUARY 2010 TITLED "GOLF CLUB OPPOSITION CONTINUES".
19. A COPY OF AGENDA ITEM 5 SUSTAINABLE WATER SUPPLY – QUESTION WITHOUT NOTICE – FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
20. A COPY OF AGENDA ITEM 2 LITHOW GOLF COURSE – QUESTION WITHOUT NOTICE – FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
21. A COPY OF AGENDA ITEM 1. PUBLIC INFORMATION ON THE PECUNIARY INTEREST TRIBUNAL (AND ATTACHMENT) FROM THE ORDINARY MEETING OF LITHGOW CITY COUNCIL ON 1 MARCH 2010.
22. COPY OF THE MINUTES OF ITEM 4. LITHGOW GOLF CLUB – FROM THE ORDINARY MEETING OF THE LITHGOW CITY COUNCIL ON 2 NOVEMBER 2010.
23. A COPY OF A LETTER TO THE EDITOR PUBLISHED IN THE LITHGOW MERCURY OF 25 FEBRUARY 2009 TITLED "GOLF DEBATE GOES ON AND ON".
24. A COPY OF A LITHGOW MERCURY NEWSPAPER REPORT PUBLISHED ON 11 SEPTEMBER 2007 TITLED "ARE COUNCILLORS JUST RUBBER STAMPS?"
25. A COPY OF A LETTER FROM THE PUBLIC SUBMITTED TO THE LITHGOW CITY COUNCIL ON THE PUBLIC EXHIBITION OF THE DRAFT PLAN OF MANAGEMENT FOR THE LITHGOW GOLF COURSE.
26. A COPY OF A LITHGOW MERCURY NEWSPAPER REPORT PUBLISHED ON 20 FEBRUARY 2010 TITLED "COUNCILS GOLF LEASE AGAIN SURVIVED CHALLENGE (and continued on Page 2).
27. A COPY OF A LITHGOW MERCURY NEWSPAPER REPORT PUBLISHED ON 13 FEBRUARY 2010 TITLED "CLUB BATTLES FINANCIAL WOES".
28. A TRANSCRIPT COPY OF A PRIME TELEVISION NEWS REPORT ON 10 FEBRUARY 2010 TITLED "LITHGOW GOLF CLUB UNDER ATTACK".
29. A COPY OF A MEDIA REPORT ON WIN TV NEWS ON TUESDAY 9TH FEBRUARY 2010 TITLED "COURSE FUNDING".
30. A COPY OF A LETTER TO THE EDITOR IN THE LITHGOW MERCURY NEWSPAPER PUBLISHED ON 6 FEBRUARY 2010 TITLED "JUST MORE LIES SAYS PRESIDENT".

31. A COPY OF A MEDIA REPORT ON WIN TV NEWS ON FRIDAY 5 FEBRUARY 2010 TITLED "GENEROSITY DIVIDES LITHGOW COUNCIL".
32. A COPY OF LITHGOW CITY COUNCIL MINUTES POLICY & STRATEGY MEETING OF COUNCIL HELD ON 3 APRIL 2006 – (Page 8) QUESTION FROM THE PUBLIC GALLERY BY MR HAMMET (sic) LITHGOW GOLF CLUB – CHARGES OF COMMUNITY SPORTING BODIES.
33. A COPY OF ITEM 13. LATE MAYORAL MINUTE – MINISTERIAL APPROVAL FOR 2009/10 SPECIAL RATE VARIATION OF 4.77% FOR INFRASTRUCTURE WORKS – IN THE MINUTES OF THE LITHGOW CITY COUNCIL ORDINARY MEETING ON 13 JULY 2009.
34. **34.** A COPY OF A "GOLF" REPORT IN THE LITHGOW MERCURY OF SATURDAY 26 SEPTEMBER 2009. (Reference 5th paragraph).
35. A COPY OF A NEWS REPORT PUBLISHED IN LITHGOW MERCURY OF 18 SEPTEMBER 2008 TITLED "HAMMET RETURNED AS GOLF CLUB PRESIDENT."
36. A COPY OF THE AGENDA AND MINUTES FROM ITEM 13 – LEASE FOR THE LITHGOW GOLF CLUB – AT THE ORDINARY MEETING OF THE LITHGOW CITY COUNCIL ON 18 JANUARY 2010.
37. SECTIONS 47 AND 47A OF THE LOCAL GOVERNMENT ACT 30/1993.
38. A COPY OF A PUBLIC NEWSLETTER TITLED "COUNCIL LEASE OR COUNCIL DISGRACE – LITHGOW GOLF COURSE".
39. LITHGOW GOLF CLUB LTD HAS NEVER SUBMITTED TO THE LITHGOW CITY COUNCIL OR THE MINISTER FOR LOCAL GOVERNMENT ANY FORMAL OR WRITTEN "BUSINESS PLAN", EITHER WITH RESPECT TO THE CURRENT EXPIRING LEASE OR THE DRAFT FUTURE PUBLIC LEASE CURRENTLY ON PUBLIC EXHIBITION.
40. A COPY OF THE PUBLIC MEDIA RELEASES ISSUED BY THE LITHGOW CITY COUNCIL FROM JANUARY 2010 TO EARLY MARCH 2010 – PUBLISHED ON THE LITHGOW CITY COUNCILS WEBSITE.
41. A TRANSCRIPT COPY OF A RADIO INTERVIEW BETWEEN RADIO 2GB'S RAY HADLEY AND LITHGOW CITY COUNCILLOR JOE MCGINNES ON MONDAY 1 FEBRUARY 2010.
42. A COPY OF THE MINUTES OF ITEM 1. LITHGOW GOLF CLUB AND ITEM 2. LITHGOW GOLF CLUB – FROM THE ORDINARY MEETING OF THE LITHGOW CITY COUNCIL ON 6 OCTOBER 2010.
43. A COPY OF A LITHGOW MERCURY NEWSPAPER REPORT PUBLISHED ON 4 FEBRUARY 2010 TITLED "GOLF CLUB VENDETTA SEEMS NEVER ENDING".
44. A COPY OF THE FINANCIAL STATEMENTS AND REPORTS FOR THE LITHGOW GOLF CLUB LTD. FOR THE FINANCIAL YEAR 2007-2008 FROM THE AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION.
45. A COPY OF LITHGOW CITY COUNCIL MINUTES OUTLINING THE PAST HISTORY OF THE LITHGOW GOLF CLUB LTD. AND THE LITHGOW GOLF COURSE.
46. A COPY OF THE FINANCIAL STATEMENTS AND REPORTS FOR THE LITHGOW GOLF CLUB LTD. FOR THE FINANCIAL YEAR 2008-2009 FROM THE AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION.
47. COPY OF LITHGOW CITY COUNCIL'S SUBMISSION TO THE INQUIRY INTO SECURE AND

SUSTAINABLE URBAN WATER SUPPLY AND SEWERAGE SERVICES FOR NON-METROPOLITAN NSW” – MAY 2008. (Reference Page 9 – Effluent Reuse – Lithgow STP to Lithgow Golf Club).

48. A COPY OF DOCUMENTS RELATING TO THE WINGECARRIBEE SHIRE COUNCIL'S PUBLIC LEASE FOR THE BOWRAL PUBLIC GOLF COURSE.
49. A COPY OF ALL LITHGOW CITY COUNCIL PUBLIC ADVERTISEMENTS FOR THE DRAFT LEASE FOR THE LITHGOW GOLF CLUB PUBLISHED IN THE LITHGOW MERCURY DURING THE PUBLIC EXHIBITION PERIOD FROM 18 JANUARY 2010 TO 8 MARCH 2010.
50. A COPY OF THE FINAL LITHGOW CITY COUNCIL LITHGOW GOLF COURSE PLAN OF MANAGEMENT.
51. A COPY OF A MEDIA REPORT ON THE PORTLAND GOLF CLUB – LOCATED IN THE LITHGOW CITY COUNCIL LOCAL GOVERNMENT AREA. – THE “OTHER” AND “FORGOTTEN” LOCAL GOLF CLUB.
52. A (INTERNET) COPY OF A NEWS REPORT PUBLISHED IN LITHGOW MERCURY OF 30 JANUARY 2009 TITLED “NO NEW FEES ON TEES”.

A total of 7 other submissions were received being objections to the granting of the lease to the Lithgow Golf Club.

The reasons noted for the objections were stated as follows:

1. Please note my objection to the Lithgow Golf Clubs use of Ratepayers money to enable some Council Staff and Councillors plus some who don't even pay rates to play golf. If you want a golf course let it pay for itself we all have to work to pay our way and get nothing but grief from this Council. Why should we support this Golf Course?
2. I object to monies being spent to prop up Lithgow Golf Wonderland. I have trees growing out of the side of our roads. No drainage to the subdivision on which I live. Massive holes in the road, St John's Wort, Blackberries, Bracken Fern and Pattersons Curse is the lovely entrance to our home. I notice the nice entrance well looked after at the bridge entrance to Golf Club done by Lithgow Council workers. You wonder why people get upset at your expenditure in this matter?
3. Please note my objection to the monies spent on the Lithgow Golf Course. Lithgow is fast becoming the have and have nots. The have's are winning as are those who pay no rates to Council but are all for this Golf Club perhaps they have good friends who live in the vicinity.
4. Please accept this letter as an objection to Council spending this huge amount of money on the Lithgow Golf Course. The money should be going to other things eg roads, sewage etc. If Council did not have this millstone around your neck there would have been no need for the huge rate rise. You need to look at the bigger picture not just the Lithgow Golf Course.
5. I object to expeditor on Lithgow Golf Club by your Council. You have made no attempt to settle the matter of my road quickly yet you seem to be willing to bend over backwards to assist those who want to have the Golf Course for a select few. Get your act together.
6. Dear Sir, I am writing to strongly object to the Lithgow City Council entering into a lease agreement the with Lithgow Golf Club in the form being presently presented to the public. For many years now it would appear that Lithgow City Council has been spending money on the golf club for the benefit of just a few hundred ratepayers, while our roads and other things that council should be maintaining go wanting. If Lithgow Golf Club are unable to enter into a lease whereby they pay what may be considered a reasonable commercial rent, then they are not a suitable tenant. This lease appears to no follow the normal pattern of

leases in that the landlord maintains the building, the tenant the grounds. Lithgow Golf Club, it would appear is a registered club, trading for profit, and have poker machines bringing in income. If the income is not enough to pay a commercial rent, then, like the squash courts which closed due to lack of patronage, the Lithgow Golf club should do the same. I would be hopeful that you make sure that Councillors, who have a "conflict of interest" in any way, refrain from voting in this matter.

7. The General Manager, I wish to object to the granting of a lease to Lithgow Golf Club Ltd. For the following reasons:

- Weekly rental is severely underestimated. This facility is being used for commercial purposes and holds a Liquor and Poker Machine Licence. [A room at a local hotel costs more than \$100.00 PW].
- Lithgow Golf Club Ltd is insolvent. [Confirmed by President].
- The tendering process for the lease was not fair to other prospective parties that may have shown an interest in leasing the golf course. A more transparent process may well of resulted in this facility actually turning a profit for the council instead of the enormous burden to ratepayers that this proposed lease will bring about.
- The huge amount of money [RATEPAYERS MONEY] being spent to prop up an insolvent REGISTERED CLUB.
- I am particularly disturbed by the ongoing participation of Councillors and council staff who have a clear and demonstrated conflict of interest in this matter, being involved in the decision making process.

There was one objection that was received from a ratepayer who did not identify him/herself.

- The ratepayers/council paying the water and lawn/land maintenance of the grounds.
- The pegging of the rates means a loss to Council of \$100,000. Communities across NSW are at risk of losing vital services and facilities
- Lithgow Public School is one of three schools performing lower than average.
- Would prefer to see the money spent on breakfasts for underprivileged children and after school coaching.
- Would prefer to see the pavers in t Main Street be repaired
- Believes that Lithgow City Council should accept a lessee who will pay his own overheads.

SUPPORTING LETTERS

50 letters were received from individuals in support of the Lithgow Golf Club Lease stating the following:

I, the undersigned, fully support Lithgow Council granting a lease to the Lithgow Golf Club.

30 letters were received from individuals in support of the Lithgow Golf Club Lease stating the following:

I would like to congratulate the Council on the issuing of a lease to the Lithgow Golf Club.

I believe the golf club is one of council's finest assets and it would appear to be very well run, and I am just so pleased that another one of this city's wonderful sporting areas has not gone as one or two of our councillors would like to see happen. Once again I fully and wholeheartedly support the granting of the lease to the golf club.

174 letters were received from individuals in support of the Lithgow Golf Club Lease stating the following:

I fully support the granting of the lease to the Lithgow Golf Club.

The following was received and signed by two different people in favour of the Lithgow Golf Club Lease:

Both [*] and myself are supporters of Council granting the continuation of the Lease to the Lithgow Golf Club. It is paramount that the Golf Club remains as a sporting and social venue for the benefit of all the community and the Greater City of Lithgow.

Two submissions were received from Associations in favour of the Lithgow Golf Club Lease.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Council provides an annual allocation for the on-going maintenance of the golf course in its Management Plan.

Under the new agreement the following financial arrangements will be put in place:

- The rent commences at \$5,000 and is subject to annual CPI increase.
- The golf club to undertake a minimum of \$5,000 of maintenance on the golf club house each year; or provide \$5,000 towards the cost of maintenance to the golf club house. All works will be discussed with Council prior to being undertaken.

LEGAL IMPLICATIONS

Local Government Act 1993

ATTACHMENTS

Due to the number of letters with attachments received, all submissions have been made available to Councillors upon request and are tabled at the meeting of the Council.

In addition submissions may be viewed by the public at the Council's administration building and on the Council's website.

A summary of all submissions received is included in this report.

RECOMMENDATION

THAT:

1. A lease over Lot 1 DP 840412, commonly known as the Lithgow Golf Course, be granted to the Lithgow Golf Club Limited for the purposes of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.
2. The lease period be for five (5) years.
3. The rent to commence at \$5,000 and be subject to annual CPI increases.
4. The Lithgow Golf Club be required to undertake a minimum of \$5,000 maintenance on the golf club house each year; or provide \$5,000 towards the cost of maintenance to the golf club house.

INTERNAL SERVICE REPORTS

**ITEM:25 INTS - 22/03/10 - COUNCIL INVESTMENTS HELD TO 28TH
 FEBRUARY 2010**

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 09-299: 13 July 2009 (June 2009)
Min 09-354: 24 August 2009 (July 2009)
Min 09-393: 14 September 2009 (August 2009)
Min 09-459: 02 November 2009 (September 2009)
Min 09-511: 23 November 2009 (October 2009)
Min 09-548: 14 December 2009 (November 2009)
Min 10-20: 18 January 2010 (December 2009)
Min 10-40: 08 February 2010 (January 2010)

SUMMARY

To advise Council of investments held as at 28 February 2010 for the 2009/10 financial year.

COMMENTARY

Council's total investment portfolio, as at 28 February 2010 when compared to 31 January 2010, has increased by \$621,019 from \$14,877,431 to \$15,518,885.

As previously reported investments have gradually declined over recent months from net total on 30 June 2009 of \$18,450,964.73 to \$15,518,885 at end of February 2010 as part of the normal process for investments to fluctuate depending on a particular month and to the extent of expenditure on major works.

INVESTMENT REGISTER 2009/10								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.01.10	VALUE 28.02.10	% OF TOTAL
ANZ	TD	12.02.10	13.05.10	90	4.61	513,587.03	523,661.78	3.37%
BANKWEST	TD	08.01.10	10.03.10	61	5.20	517,359.97	517,359.97	3.33%
	TD	07.01.10	09.03.10	62	5.20	511,043.42	511,043.42	3.29%
CBA	On Call				3.70	490,705.84	1,490,705.84	9.61%
	Ethical Nt	06.11.06	06.11.11	1,825	**	56,500.00	56,500.00	0.36%
	TD	01.02.10	03.03.10	32	4.24	500,000.00	503,902.33	3.25%
CITIBANK	TD	25.02.10	25.05.10	90	5.32	509,259.46	515,587.67	3.32%
LGFS	On Call				2.90	7,159.79	7,159.79	0.05%
IMBS	TD	02.12.09	02.03.10	62	5.40	1,503,834.76	1,503,834.73	9.69%
	TD	01.02.10	04.05.10	90	5.70	930,226.32	500,000.00	3.22%
NAB	TD	10.12.09	10.03.10	90	5.07	1,024,000.59	1,024,000.59	6.60%
	TD	14.01.10	14.03.10	60	5.05	365,241.00	365,241.00	2.35%
WESTPAC	TD	15.02.10	17.09.10	212	6.00	1,013,526.03	1,033,961.21	6.66%
	TD	03.02.10	03.03.10	30	5.20	769,725.02	772,878.00	4.98%
	TD	04.02.10	04.07.10	150	5.90	750,000.00	765,058.76	4.93%
MACQUARIE	TD	15.02.10	15.05.10	90	5.50	2,040,663.01	2,040,663.01	13.15%
ST GEORGE	TD	19.11.09	03.07.10	226	5.20	758,294.37	758,294.37	4.89%
	On Call				3.45	47,872.78	48,023.22	0.31%
	TD	05.02.10	08.03.10	33	4.29	257,579.42	259,661.23	1.67%
	TD	01.02.10	01.05.10	90	5.50	757,397.26	763,409.75	4.92%
SUNCORP	TD	08.02.10	10.05.10	92	5.39	1,030,959.00	1,035,442.12	6.67%
	TD	17.12.09	17.03.10	90	5.28	522,496.80	522,496.80	3.37%
			TOTAL			14,877,431.87	15,518,885.59	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 January 2010 is \$377,745.39 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)

ATTACHMENTS

Nil

RECOMMENDATION

THAT Investments of \$15,518,885.59 for the period ending 28 February 2010 be noted.

ITEM:26 INTS - 22/03/10 - AUDIT RESPONSE TO A SUBMISSION RECEIVED TO THE 2008/09 GENERAL 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
Min No 09-409: Ordinary Meeting 23 November 2009: Audit Presentation to Council

SUMMARY

To advise Council of a response received from Council Auditors, the Morse Group, in relation to a submission from Councillor M Ticehurst following the presentation of the 2008/09 General Purpose Financial Reports (GPFRs) with a recommendation that the information be received.

COMMENTARY

A submission was received on 1 December 2009 from Councillor Martin Ticehurst in relation to the 2008/09 General Purpose Financial Reports. As required under Section 420 of the Local Government Act 1993 the submission was forwarded to auditors, the Morse Group for comment.

Section 420 of the Local Government Act 1993 states:

Submissions on financial reports and auditor's reports:

- (1) *Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.*
- (2) *A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.*
- (3) *The council must ensure that copies of all submissions received by it are referred to the auditor.*

- (4) *The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.*

The submission was forwarded to the Morse Group on the 1 December 2010 and a copy of their response dated 2 March 2010 and the original submission are provided below.

The majority of the submission related to the Portland Pool, Three Tree Lodge. The Auditors response indicates that they have answered the same questions in conjunction with the 2005/06 General Purpose Financial Reports and they are unaware of any changes since that time. In relation to the lease of the Lithgow Golf Club they are aware the current lease expired on the 30 April 2009 and Council has a monthly rental agreement in place. They will review a new lease when finalised.

MORSE | GROUP
ACCOUNTANTS & ADVISORS

Lithgow City Council
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- 2 MAR 2010

Doc. No.
GDA Ref.
Year

1 March 2010

Lithgow City Council
PO Box 19
LITHGOW NSW 2790

Attention: Carol Farnsworth

Dear Roger

RE: 2009 FINANCIAL STATEMENTS SUBMISSION

We refer to your letter dated 1 December 2009 and respond as a matter of record in relation to the issues raised by Mr Tichhurst.

The specific issues referred to in section one of Mr Tichhurst's submission dated 27 November 2009 have been considered. We are unaware of any substance to the matters referred to in sections 1.1 to 1.3 inclusive and believe they have been dealt with.

In relation to sections 1.4 to 1.8 inclusive, these matters appear to be referring to administrative and operational matters which are within the authority of Council in the normal course of business. As such, we are not in a position to comment on these items.

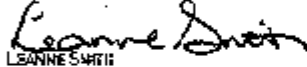
In relation to the second item mentioned in Mr Tichhurst's submission, we note that on 6 October 2009 Council resolved to request that the financial accounting of Lithgow City Council's current lease with Lithgow Golf Ltd be reviewed by Morse Group.

At the time of our visit in February 2010 it was found the existing lease had expired on 30 April 2009, the Golf Club was on a monthly rental agreement and a new lease had not yet been signed. The new lease will be reviewed by us at our next interim visit to Council which is currently scheduled to commence on 15 June 2010.

Should you require any further information or require specific work undertaken in relation to the matters raised, please call me.

Yours faithfully
MORSE GROUP

PER:



LEANNE SMITH
PARTNER



Liability limited by a scheme approved under
Professional Standards Legislation

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DataWorks Document Number: 076493

P.O. Box 578
LITHGOW NSW 2790

27 November 2009

Lithgow City Council

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- 1 DEC 2009

Doc. No.

GDA Ref.

Year.

Roger Bailey
General Manager
Lithgow City Council
180 Mart Street
LITHGOW NSW 2790

Re: Public submission under Section 420 of the Local Government Act 1993, with respect to the Lithgow City Council's 2008/2009 Financial Reports audited by the Morse Group.

Dear Roger

On behalf of Lithgow City Council ratepayers, under Section 420 (1) of the Local Government Act 1993, I wish to make both a formal submission with regard to the Lithgow City Council's 2008/2009 Financial Reports.

The Financial Reports were audited by and publicly presented by Mrs Leanne Smith on behalf of the Morse Group Accountants and Advisors Bathurst to the Council, Councillors and ratepayers at the Ordinary Meeting of the Lithgow City Council on Monday 23 November 2007.

I understand that under Section 420 (3), the Lithgow City Council must ensure that this formal submission is referred to the Council's Auditors, Morse Group Bathurst and further under Section 420 (4), that the Council may take such action as it considers appropriate with respect to this submission, including the giving of notice to the Director-General of Local Government of any matter that appears to require amendment of the Lithgow City Council's Financial Reports.

LITHGOW CITY COUNCIL 2008/2009 FINANCIAL REPORTS.

1. Could the Auditors, Morse Group Bathurst provide detailed written comment on the Lithgow City Council's ongoing financial accounting of the Portland & District Olympic Pool Association Incorporated's owned and operated Portland Swimming Pool as a 'controlled asset' of the Lithgow City Council owing to a Deed of Agreement existing between the Lithgow City Council and the Portland & District Olympic Pool Association Incorporated in light of the following attached documentation:
 - 1.1. Department of Local Government – Local Government Asset Account Manual Section 3 – Asset Control and Ownership – page 307 and pages 312-313.
 - 1.2. Land & Property Information New South Wales – Title Search Folio 39/842893 - Portland & District Olympic Pool Association Incorporated.

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This is a reprint of a scanned image

- 1.3 Alan Morse & Co. Letter of the 22 May 2006 Re: Three Tree Lodge and Portland Pool. Publicly published in the Minutes of the Finance and Services Committee Meeting of the Lithgow City Council of 5 June 2006.
 - 1.4 Agenda and Minutes of the Finance and Services Committee Meeting of the Lithgow City Council of 7 October 2008 - Item 3. Portland Pool – Request for Financial Assistance including a letter from Mr Richard Fewkes, Chairperson of the Portland & District Olympic Pool Association Incorporated.
 - 1.5. Minutes of the Ordinary Meeting of the Lithgow City Council of 20 April 2009 – Item 2. Portland & District Olympic Pool Association Incorporated – Council Agreement including the attachment of a letter dated 5 December 2008 and associated related documentation from I.e. Fevre & Co. Councils Solicitors.
 - 1.6. Minutes of the Ordinary Meeting of the Lithgow City Council of 2 November 2009 – Item 1. Mayoral Minutes – Portland District Olympic Pool – Request for Financial Assistance.
 - 1.7. Lithgow City Council letter of 21 September 2009 to the Portland Olympic Pool Association Inc. – Overdue Rates and Water balances.
 - 1.8. Portland District Olympic Pool letter of 22 October 2009 to the Lithgow City Council.
2. Could the Auditors, Morse Group Bathurst provide detailed written comment on the contents of Item 1. Notice of Motion – Lithgow Golf Club – Councillor M F Ticehurst at the Ordinary Meeting of the Lithgow City Council of 6 October 2009, at which it was resolved that: -

09-413 RESOLVED

THAT Council refer the financial accounting of the Lithgow City Councils current Lease with the Lithgow Golf Club Ltd to Councils Auditors when they are next at Council.

MOVED: Councillor G Danaher **SECONDED:** Councillor W Marshall **CARRIED**

Yours sincerely



Martin Ticehurst
Councillor
Lithgow City Council

c.c. DLG.

Section 420(4) advises Council may take such action as it considers appropriate should the financial reports require amendment.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the audit response by Councils Auditor, the Morse Group to a submission received to the 2008/09 General Purpose Financial Reports be noted.

DELEGATES REPORTS

ITEM:27 DELEGATES REPORT - 22/03/10 - MINING RELATED COUNCIL MEETING 26TH FEBRUARY 2010

REPORT FROM: NEVILLE CASTLE, MAYOR

COMMENTARY

The most recent meeting of the Association of Mining Related Councils was held in Newcastle on Friday 26th February 2010.

The Association was welcomed by the Lord Mayor of Newcastle, Councillor John Tate.

The main agenda item was a discussion regarding royalties. As people are aware royalties are paid by mining companies, whether it be coal, gold or indeed any other metal. These payments are made to the government for the digging up of a resource; the money from these royalties goes into consolidated revenue and is then used by the Government in spending on various projects.

However, there has been an increasing push to have some of this money that is generated in regional areas be returned to the regions to pay for greatly needed infrastructure.

To this end Doctor Cath Pattered gave an overview of her project which as the Senior Research fellow at the Centre for Social Responsibility in Mining as part of the Sustainable Minerals Infrastructure of the University of Queensland. Dr Pattered as the Project Manager for this study, gave an overview of the social and psychological impacts and cumulative impacts of mining on communities miners and their families. This project is currently underway and I'm sure all mining communities will be interested to see the outcome of this project and the recommendations from it.

The Association was pleased to have Mr Brett Sabien from the Western Australian Government, Department of Regional Development and Lands who was the main key note guest speaker for the meeting. In a deal made through the formation of government in Western Australia, a percentage of 24% of all royalties in Western Australia are returned to the rural regions of Western Australia. Currently this figure equates to \$500M annually. The particular method and distribution of the money has a three pronged attack in being able to deliver money to all regional communities with major portions of the money going to the communities from which the various mining takes place. This model was enthusiastically embraced by the Delegates and visitors to the Newcastle meeting. As such the Western Australian model for royalties is attached. Each of the Councils in the Mining Related Association have been asked to see if they endorse this model or wish to have any changes and relay the changes to the Executive Officer of the Mining Related Councils so that a policy can be brought to the next meeting in May for final determination.

RECOMMENDATION

THAT:

1. The information regarding the Mining Related Councils Meeting held in Newcastle be noted.
2. Lithgow City Council agree with the Western Australian Model “royalties to Regions” and convey this agreement to the Executive Officer of the Mining Related Councils towards the formation of the policy.

**ITEM:28 DELEGATES REPORT - 22/03/10 - CENTROC BOARD MEETING
25TH FEBRUARY 2010**

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

The most recent meeting of the Centroc Board was held on the 25th February 2010 in Molong, hosted by Cabonne Shire.

The guest speaker was Deb Bardon, who was from the Practice Support Manager Central West Division of General Practice. She spoke about the Cancer Care facility and what advantages it will have and what service it will provide not only to Orange but the entire Central West. She also gave an updat on funding for the centre.

Centroc have furthered their push for water security for the region and have put in a submission to Infrastructure Australia regarding the possibility of funding the projects from the study. It is anticipated that a delegation will need to go to Canberra in the near future. This delegation from Centroc will also have members of the State Government and Central Tablelands Water as they talk to Infrastructure Australia regarding the importance of these programs for the long term sustainability of the Central West.

The Bells Line of Expressway was again on the agenda as it is one of the highest priorities in the Central West. The Centroc board have been informed that in step towards the project, a meeting of the various levels of government as well as WSROC and Centroc should take place in the next few weeks. The main aim of these meetings will be to secure the corridor for the eventual construction of the expressway.

A report was received by Centroc regarding the audit of services as has been taken place in a number of Councils which has resulted in significant savings in a number of areas. In Lithgow's case a saving of \$33,000 was found with the auditing of telephony services.

At the next meeting of Centroc a representative from the Federal Government will be asked to talk about the Carbon Pollution Reduction Scheme so that all members are aware exactly how this complicated scheme may effect their individual council areas.

RECOMMENDATION

THAT the Delegates report on the Centroc Board Meeting held on 25th February 2010 be noted.

COMMITTEE MEETINGS

ITEM:29 COMM - 22/03/10 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min No 09-404 – Ordinary Meeting of Council 14 September 2009

Min No 10-44 – Ordinary Meeting of Council 8 February 2010

SUMMARY

This report recommends the adoption of the changes to the Terms of Reference as prepared by the Economic Development Advisory Committee under Section 355, NSW Local Government Act 1993.

COMMENTARY

Following two recent meetings being cancelled due to a lack of a quorum a review of the membership of the Economic Development Advisory Committee has been undertaken with some changes recommended to Council.

Vacant Positions

Mr John Eggenhuizen has tendered his resignation as the tourism representative from the committee due to work commitments. It is recommended that expressions of interest be called for this position.

As the Futures of Lithgow Group has now disbanded, the Manufacturing representative from that committee be replaced with another business representative from the manufacturing/industrial sector.

It is recommended that the Terms of Reference be amended as follows:

Committee Responsibilities

Point two of the Committees Responsibilities be amended to read:

Assist with the implementation of the Economic Development Strategy 2010 – 1014.

Committee membership

- The State Member of Parliament and the Federal Member of Parliament be honorary members of the committee and be non-voting with their personal advisors being permitted to attend the meeting either with them or in their absence.
- The power industry and Mining Industry be permitted alternative representatives should the first representative not be able to attend. The name of the alternative representative to be submitted to the Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

NSW Local Government Act 1993, Section 355.

ATTACHMENTS

1. Amended Terms of Reference for the Economic Development Advisory Committee.

RECOMMENDATION

THAT Council:

1. Amends the Terms of Reference as presented for the Economic Development Advisory Committee.
2. Calls for expressions of interest for a representative from the Tourism Sector.
3. Calls for expressions of interest for a representative from the manufacturing/industrial sector.

**ITEM:30 OPER - 22/03/10 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES 22 FEBRUARY 2010**

REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 22 February 2010 for Council's information.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 22 February 2010, there were eighteen (18) items discussed by the Committee, and all items were resolved under the Committee's delegated authority.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 22 February 2010.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 22 February 2010.

ITEM:31 OPER - 22/03/10 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING HELD ON 18TH FEBRUARY 2010

REPORT FROM: IAIN STEWART, ACTING OPERATIONS MANAGER

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee Meeting held on 18th February 2010 for Council adoption.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 18th February 2010 there were items discussed by the Committee, and it is considered that 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 Local Committee

RECOMMENDATION

THAT:

1. The Minutes of the Traffic Authority Local Committee Meeting held on 18th February 2010 be noted.
2. Loading Zones in Main Street Lithgow be installed subject to the following conditions:
 - i. Wording should read "1P 11am - 6pm"
 - ii. 1 hour parking wording to be removed
3. No Stopping Signs at Main Street and Rifle Parade Lithgow be installed as per guidelines at 341a Main Street Lithgow to improve site distance and road safety for traffic exiting Rifle Parade.

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.*

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