



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

EXTRA ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

12 AUGUST 2011

AT 5.00pm

AGENDA

PRESENT

APOLOGIES

DECLARATION OF INTEREST

QUESTIONS FROM THE PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION - NIL

NOTICE OF RESCISSIONS - NIL

CORRESPONDENCE AND REPORTS - NIL

REPORTS FROM DELEGATES - NIL

NOTICES OF MOTION - Questions over variations to the original Principal Deed of Agreement for the Redevelopment of the Integrated Sports and Aquatic Centre, Lithgow
- Councillors M F Ticehurst and J J McGinnes

BUSINESS OF GREAT URGENCY

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

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NOTICE OF MOTIONS

ITEM: 1 NOTICE OF MOTION - 22/08/11 - COUNCILLORS M F TICEHURST AND J J MCGINNES - QUESTIONS OVER VARIATIONS TO THE ORIGINAL PRINCIPAL DEED OF AGREEMENT FOR THE REDEVELOPMENT OF THE INTEGRATED SPORTS AND AQUATIC CENTRE, LITHGOW

REFERENCES

The '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow.

COMMENTARY

As Council and Councillors would now be aware, the Lithgow City Council entered into on the 29 June 2007, a Principal Deed of Agreement with the then (John Howard) Federal Government relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow (Schedule 1 of the Agreement).

This followed a previous visit to Lithgow by the then Australian Prime Minister on the 25 May 2007 when the Lithgow Mercury reported that, "*Prime Minister John Howard yesterday announced a \$700,000 Australian Government grant towards the cost of developing an indoor heated pool and sporting complex in Lithgow.*" The Mercury further reported that, "*Mr Howard said the proposed indoor facility will be a wonderful facility for the Lithgow district and he congratulated the Mayor (Cr Neville Castle) and Council on their 'initiative and leadership'.*"

At the Ordinary Meeting of the Lithgow City Council on Monday 1 August 2011, during debate on the Lithgow City Councils own Development Application and related Tender for the proposed new Lithgow Aquatic Centre, Councillor Ticehurst requested that all Councillors be provided with a copy of all correspondence between the Lithgow City Council and the funding body, the Federal Department of Health and Ageing.

The Mayor indicated that he would take another question of Councillor Ticehurst's, relating to the funding of Stage 2 for an Indoor Heated Pool 'On Notice', which may go some way to explaining why all Councillors were not fully aware of the contents of the attached '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow.

On Friday 5 August 2011, the Lithgow City Councils Public Officer and Internal Services Manager Mrs Carol Farnsworth emailed all Councillors with a copy of the attached '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow; "**acknowledging amendments to the (original) project**" the Lithgow City Council entered into on the 29 June 2007 in the Principal Agreement with the then (John Howard) Federal Government relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow (Schedule 1 of the original Agreement).

- Q.** Could the Mayor provide all Councillors immediately with a copy of the original Principal Deed of Agreement entered into by the Lithgow City Council on the 29 June 2007 with the then (John Howard) Federal Government relating to the then proposed redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow, including Schedule 1 of the Agreement?
- Q.** Could the Mayor provide all Councillors immediately with confirmation on **what resolution of the Lithgow City Council**, if any caused Schedule 1 in the original Principal Agreement dated 29 June 2007 to be varied to a new Schedule 1 as set out in the attached document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow?
- Q.** Could the Mayor provide all Councillors immediately with confirmation on **what and upon whose authority of the Lithgow City Council**, if any caused Schedule 1 in the original Principal Agreement dated 29 June 2007 to be varied to a new Schedule 1 as set out in the document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow?
- Q.** Could the Mayor provide all Councillors immediately with confirmation on **what resolution of the Lithgow City Council**, if any caused the General Manager to sign-off on the execution of the document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow?
- Q.** Could the Mayor provide all Councillors immediately with confirmation on **what and upon whose authority of the Lithgow City Council**, if any caused the General Manager to sign-off on the execution of the document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow?

- Q.** Could the Mayor provide all Councillors immediately with confirmation that it is correct that the Councils Lithgow City Councils Lithgow Aquatic Centre Committee and Councillor Members were apparently **not** made fully aware by the General Manager of the new Schedule 1 as set out in the document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow?
- Q.** Could the Mayor provide all Councillors immediately with confirmation of why the General Manager failed to formally advise the Council, Councillors, ratepayers and residents with an open and full public disclosure that the Federal Government Grant of \$700,000 was fully restricted to, under the new document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and by the General Manager on behalf of the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow; **ONLY** include those project works as outlined under the new Deed Variation No 1 and commonly referred to by the Council and Senior Council Officers as those project works outlined under 'STAGE ONE'?
- Q.** Could the Mayor provide all Councillors immediately with confirmation of why the General Manager failed to formally advise the Council, Councillors, ratepayers and residents with an open and full public disclosure that the Federal Government Grant of \$700,000 was fully restricted under the new document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and by the General Manager on behalf of the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow; **AND** that the Indoor Heated Pool as proposed for under the original Principal Deed of Agreement entered into by the Lithgow City Council on the 29 June 2007 with the then (John Howard) Federal Government relating to the then proposed redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow, including Schedule 1 of the Agreement, had subsequently been varied and/or deleted by the Councils General Manager allegedly on behalf of the Lithgow City Council?
- Q.** Could the Mayor, in respect of all the matters as raised in the above questions, provide all Councillors with qualified legal advice that the document titled, '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and by the General Manager on behalf of the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow, is and will remain valid to satisfy the Councils future financial commitments with respect to it's resolved public tender with Hines Constructions of Bathurst?
- Q.** Could the Mayor provide all Councillors immediately with a copy of the General Managers employment contract with the Lithgow City Council?

ATTACHMENTS

1. The '**Deed Variation No 1**' dated 28th December 2010 and signed between The Commonwealth of Australia represented by the Department of the Prime Minister and Cabinet and the City of Lithgow City Council relating to the redevelopment of the Lithgow Integrated Sports and Aquatic Centre, Lithgow.

RECOMMENDATION

THAT the Mayor, Councillor Neville Castle provides an immediate response to the Council and Councillors at this Meeting with respect to the above Questions with Notice.

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.*