



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 JANUARY 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 12 DECEMBER 2011

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION

- Lithgow CBD – Councillor G Danaher
- ICAC Tip sheet for NSW public officials – Bribery, Corrupt Commissions and Rewards -Councillor M F Ticehurst
- High Speed WI-FI in Lithgow CBD and Council Libraries - Councillor M F Ticehurst
- Code of Conduct - Councillor Martin Ticehurst - Eurobodalla shire council - Councillor M F Ticehurst
- Update on Tender Construction of stage one Lithgow Aquatic Centre - Councillor M F Ticehurst
- Lithgow City Council cleaning of the Portland and Wallerawang CBD - Councillor M F Ticehurst
- Sale by Caltex of Quota Park / Pioneer miners memorial in Lithgow -Councillor M F Ticehurst
- Question of the re-location of current users of the Hoskins Institute in Lithgow - Councillor M F Ticehurst
- Proposed sale of the Thales owned Lithgow Small Arms Museum building - Councillor M F Ticehurst

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Environment and Development Reports
Operation Services Reports
Community and Strategy Services Reports
Financial Services Reports

COMMITTEE MEETINGS

- Lithgow Flash Gift Committee Meeting
- Crystal Theatre Management Committee Meeting
- Environmental Advisory Committee Meeting
- Sports Advisory Committee Meeting

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

CLOSED REPORTS

Property 72020 Glen Davis

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ITEM-32 FINAN - 23/01/12 - CONFIDENTIAL REPORT - PROPERTY 72020 68
MARKET ST GLEN DAVIS

ITEM-1 NOTICE OF MOTION - 23/1/12 - LITHGOW CBD - COUNCILLOR G DANAHER

COMMENTARY

The Lithgow area had a fabulous result with the achievement of the Australian Tidy Towns victory. It allowed the Lithgow area significant bragging rights and undoubtedly allowed the Lithgow brand to take on a more favoured image. As we know, an area is often judged by the “look” of its CBD.

We are aware since the new Council we had some 42 shops vacant which is now reduced to about 20 vacant shops.

We have also seen a number of new developments in the CBD, most notably the commencement of the White Rooster, once a particular eyesore and we are seeing the Shell Garage being developed quite attractively. We are also thrilled to see the likelihood of the University of Western Sydney university campus project which has now taken another step toward development.

There are also several other shops developments and renovations in the Main Street that are taking place and we are to see one of our most significant blocks on the corner of Main Street and Lithgow Street having a significant development of Super Cheap Auto and BWS liquor outlet.

Council through its Shop Front Committee, have also provided support with a grant of up to \$1,000 on a 50/50 basis for improvement to the facade of Main Street, Railway Parade and Mort Street building which has attracted some interest.

While Lithgow has some degree of momentum for its CBD, it may be appropriate to consider the following recommendations.

RECOMMENDATION

THAT

1. Council provide a promotional plan for 2012 to include Christmas/New Year lights and other promotions through 2012 which can include Easter, Celebrate Lithgow, Lithgow Flash Gift and any other notable events.
2. To increase the shop front up-grade to the facade grant to up to \$2,500 on a 50/50 arrangement for 2012.

ITEM-2 NOTICE OF MOTION - 23/1/12 - ICAC TIP SHEET FOR NSW PUBLIC OFFICIALS - BRIBERY, CORRUPT COMMISSIONS AND REWARDS - COUNCILLOR M F TICEHURST

REFERENCE

ICAC Tip Sheet for NSW Public Officials - Bribery, Corrupt Commissions and Rewards from the www.icac.nsw.gov.au website.

COMMENTARY

- Q. Could the Council note the information contained in the ICAC publication titled, 'Tip Sheet for NSW Public Officials - Bribery, Corrupt Commissions and Rewards'.

ATTACHMENTS

1. ICAC Tip Sheet for NSW Public Officials - Bribery, Corrupt Commissions and Rewards

RECOMMENDATION

THAT Council note the information contained in the ICAC publication titled, 'Tip Sheet for NSW Public Officials - Bribery, Corrupt Commissions and Rewards'.

**ITEM-3 NOTICE OF MOTION - 23/1/12 - HIGH SPEED WI-FI IN LITHGOW
CBD AND COUNCIL LIBRARIES - COUNCILLOR M F TICEHURST**

REFERENCE

Daily Telegraph media report on 5 December 2011 titled: '**Gunnedah high speed Wi-Fi internet works as leaked reports reveal NBN cost could blow out to \$50b**'.
<http://www.dailytelegraph.com.au/news/gunnedah-high-speed-wi-fi-internet-works-as-leaked-reports-reveal-nbn-cost-could-blow-out-to-50b/story-e6freuy9-1226213578597>

COMMENTARY

On 5 December 2011, the Daily Telegraph issued a media report titled: 'Gunnedah high speed Wi-Fi internet works as leaked reports reveal NBN cost could blow out to \$50b'. The media report stated,

"WELCOME to Gunnedah, population 12,000, 440km from Sydney - and the first Wi-Fi town in Australia. IT walks like the NBN, talks like the NBN - but is about \$40 billion cheaper. Welcome to Gunnedah, population 12,000. It's 440km from Sydney and is now the first Wi-Fi town in Australia. Instead of waiting years for fibre optic cables to be laid out to their doorsteps while small surrounding communities were left unconnected, the council teamed up with a new company to deliver high-speed Wi-Fi internet to doctors, patients, school students and every business in town. The main street boasts free Wi-Fi as the new pilot scheme connects to the web using fibre-optic cables that were laid three decades ago. Prior to Wi-Fi, the only options for the town were slow dial-up or pricey satellite internet. Now video conferencing is allowing doctors to talk to patients at home, the mayor to confer with emergency services during storms and students to connect to the school curriculum from home. Gunnedah Mayor Adam Marshall said it would allow Gunnedah businesses to have high quality internet without the broadband cost. "We can save the government a heap of money but they are only going to bring it (the NBN) to the edge of town anyway. This uses the existing fibre optic and we can provide that cover to every home in Gunnedah," he said. Mr Marshall said the scheme could hook up any community with fibre optics. "You could argue that it can negate the need for NBN Co to be rolling it out in these communities," he said. TUPS Company managing director Geoff Peach said the NBN forgets about 7 per cent of people in the most remote areas. "There is a massive advantage for the population in having high speed broadband - it's just the delivery I am confused about," he said. "I think if the approach that we had taken in Gunnedah was taken in every town we would save a great bit of money." A spokesman for Communications Minister Stephen Conroy said Wi-Fi would not be as fast as fibre-optic broadband. "The Wi-Fi service is shared by many users, which causes a decrease in speed for every user accessing the service and is influenced by other factors which also significantly decrease speeds," he said. "Fibre to the premises technology is the state-of-the-art, future proof, fixed-line broadband technology that provides consistent speeds to all users. This is why it was chosen."

- Q. Could the Lithgow City Council note the attached media report on the installation of Wi-Fi internet services in the township of Gunnedah and conduct further investigations into the similar possibility of the installation of Wi-Fi internet services in the Lithgow Local Government area, in particular the Lithgow CBD and Council Libraries?

ATTACHMENTS

1. The Australian newspapers online media report on 5 December 2011 Daily Telegraph report titled: 'Gunnedah high speed Wi-Fi internet works as leaked reports reveal NBN cost could blow out to \$50b'.

RECOMMENDATION

THAT Council note the attached media report on the installation of Wi-Fi internet services in the township of Gunnedah and conduct further investigations into the similar possibility of the installation of Wi-Fi internet services in the Lithgow Local Government area, in particular the Lithgow CBD and Council Libraries

**ITEM-4 NOTICE OF MOTION - 23/1/12 - CODE OF CONDUCT - COUNCILLOR
MARTIN TICEHURST - EUROBODALLA SHIRE COUNCIL -
COUNCILLOR M F TICEHURST**

REFERENCE

Lithgow City Council Resolution 11 – 200 of the Ordinary Meeting of Council on 30 May 2011.

Lithgow City Council Resolution 11 – 283 of the Ordinary Meeting of Council on 11 July 2011.

Eurobodalla Shire Council Media Release: 'Eurobodalla Shire Council appoints a new General Manager' dated Friday 2 May 2008.

<http://www.esc.nsw.gov.au/publications/mediacentre/mediareleases/2008/may/eurobodalla-shire-council-appoints-new-general-manager/>

COMMENTARY

On Friday 2 May 2008, the Eurobodalla Shire Council issued the attached formal Media Release titled, '**Eurobodalla Shire Council appoints new General Manager**'.

Later on the 25 January, 2011, *more than 2 and half years later*, the Mayor of the Eurobodalla Shire Council, Councillor Fergus Thomson issued an, '**Addendum to (this) Media Release**' which stated,

"Council wishes to correct the statement referred to in the above media release regarding Mr Anderson's qualifications.

There was an obvious error in the qualification referred to in the release. It should have in fact read: "Mr Anderson holds a Graduate Diploma of Local Government Management from Deakin University."

Council apologises for any misunderstanding this may have caused."

Q. With respect to Lithgow City Council resolutions 11 – 200 and 11 - 283, why has the Lithgow City Councils General Manager and it's Code of Conduct Reviewer, Mr Ian Woodward of Storey & Gough Solicitors Parramatta, to date not provided both the Lithgow City Council and all Councillors, ratepayers and residents with the publicly available attached important information as contained within the Eurobodalla Shire Council Media Release: 'Eurobodalla Shire Council appoints a new General Manager' dated Friday 2 May 2008; including the very important information contained within follow up Eurobodalla Shire Council 'Addendum to Media Release' issued more two and half years later?

ATTACHMENTS

1. Eurobodalla Shire Council Media Release: 'Eurobodalla Shire Council appoints a new General Manager' dated Friday 2 May 2008.

RECOMMENDATION

THAT with respect to Lithgow City Council resolutions 11 – 200 and 11 – 283; the General Manager provide a formal written response to the next Ordinary Meeting of Council on why the Lithgow City Councils General Manager and it's Code of Conduct Reviewer, Mr Ian Woodward of Storey & Gough Solicitors Parramatta, to date not provided both the Lithgow City Council and all Councillors, ratepayers and residents with the publicly available attached important information as contained within the Eurobodalla Shire Council Media Release: 'Eurobodalla Shire Council appoints a new General Manager' dated Friday 2 May 2008; including the very important information contained within follow up Eurobodalla Shire Council 'Addendum to Media Release' issued more two and half years later.

**ITEM-5 NOTICE OF MOTION - 23/1/12 - UPDATE ON TENDER
CONSTRUCTION OF STAGE ONE LITHGOW AQUATIC CENTRE -
COUNCILLOR M F TICEHURST**

REFERENCE

Min No 11 – 315 Ordinary Meeting of Lithgow City Council on 1 August 2011.

COMMENTARY

- Q. Could the General Manager provide an immediate verbal detailed report to the Council, Councillors ratepayers and residents now on:
1. The status of the current tender and construction process currently being undertaken for Stage One of the Lithgow Aquatic Centre; and
 2. Council re-confirmation that no Trees at all will be removed either along George Coates Drive or in Barton Street, Lithgow for works associated with the Lithgow Aquatic Centre?

RECOMMENDATION

THAT the General Manager provide an immediate verbal detailed report to the Council, Councillors ratepayers and residents now on:

1. The status of the current tender and construction process currently being undertaken for Stage One of the Lithgow Aquatic Centre; and
2. Council re-confirmation that no Trees at all will be removed either along George Coates Drive or in Barton Street, Lithgow for works associated with the Lithgow Aquatic Centre.

**ITEM-6 NOTICE OF MOTION - 23/1/12 - LITHGOW CITY COUNCIL
CLEANING OF THE PORTLAND AND WALLERAWANG CBD -
COUNCILLOR M F TICEHURST**

REFERENCE

NIL

COMMENTARY

- Q. Could the General Manager and/or responsible Senior Council Officer provide a report to the Council, Councillors ratepayers and residents on what the current public cleaning program is for both the Portland and Wallerawang Central Business / Shopping Districts?

RECOMMENDATION

THAT the General Manager and/or responsible Senior Council Officer provide a report to the Council, Councillors ratepayers and residents on what the current public cleaning program is for both the Portland and Wallerawang Central Business / Shopping Districts?

ITEM-7 NOTICE OF MOTION - 23/1/12 - SALE BY CALTEX OF QUOTA PARK / PIONEER MINERS MEMORIAL IN LITHGOW - COUNCILLOR M F TICEHURST

REFERENCE

Resolution 11 – 521 made at the Ordinary Meeting of the Lithgow City Council 12 December 2011.

‘Caltex want it back’, Lithgow Mercury 15 December 2011.
<http://www.lithgowmercury.com.au/news/local/news/general/caltex-want-it-back/2393258.aspx>

‘Land sold but park will remain’, Lithgow Mercury 29 December 2011.
<http://www.lithgowmercury.com.au/news/local/news/general/land-sold-but-park-will-remain/2405114.aspx>

COMMENTARY

The draft Minutes of the Ordinary Meeting of the Lithgow City Council on 12 December 2011 confirm under Business of Great Urgency that:

UB - 12/12/11 - MR IAIN STEWART, GROUP MANAGER OPERATIONS

The Group Manager Operations advised Council that Quota Park, located on the eastern side of the Great Western Highway between the car yard and the Lithgow Visitor Information Centre has possibly been sold by Caltex. Council is to see if an arrangement can be made for Council to maintain this land or acquire this land from Caltex.

11-520 RESOLVED

THAT the matter of Quota Park, Lithgow being acquired by Council from Caltex be declared as urgent and dealt with at this meeting.

MOVED: Councillor H K Fisher **SECONDED:** Councillor R Thompson

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

11-521 RESOLVED

THAT Council contact Caltex and seek advice on whether Council can negotiate the acquisition of Quota Park.

MOVED: Councillor H K Fisher **SECONDED:** Councillor R Thompson

Q. Could the General Manager provide an immediate verbal detailed report to the Council, Councillors ratepayers and residents on this matter, in particular between the discrepancies in the Council Minutes and that as later published in the Lithgow Mercury?

ATTACHMENTS

1. 'Caltex want it back', Lithgow Mercury 15 December 2011.
2. 'Land sold but park remain', Lithgow Mercury 29 December 2011.

RECOMMENDATION

THAT the General Manager provide an immediate verbal detailed report to the Council, Councillors ratepayers and residents now on this matter, in particular between the discrepancies in the Council Minutes and that as later published in the Lithgow Mercury.

ITEM-8 NOTICE OF MOTION - 23/1/12 - QUESTION OF THE RE-LOCATION OF CURRENT USERS OF THE HOSKINS INSTITUTE IN LITHGOW - COUNCILLOR M F TICEHURST

REFERENCE

Min No 09 – 336 Ordinary Meeting of Lithgow City Council on 3 August 2009.
Min No 10 – 370 Ordinary Meeting of Lithgow City Council on 23 August 2010.
Min No 11 – 149 Ordinary Meeting of Lithgow City Council on 18 April 2011.
Min No 11 – 214 Ordinary Meeting of Lithgow City Council on 30 May 2011.
Lithgow City Council Media Release ‘University presence for Lithgow’ 9 December 2011.

COMMENTARY

Q. Further to Lithgow City Council Media Release, ‘University presence for Lithgow’ on the 9 December 2011, could the General Manager provide an immediate verbal detailed report to the Council, Councillors, ratepayers and residents on what the fall back position is for the urgent and long-term re-location of the following organisations:

1. Lithgow Theatre Group.
2. Lithgow Senior Citizens Group.
3. Lithgow Musical Society Group.
4. Seniors Gym.
5. Lithgow City Council Administration and Depot storage.
6. Lithgow Volunteer Rescue Association.

Who currently occupy the Hoskins Institute building and land for the proposed College Parking area?

RECOMMENDATION

THAT the General Manager provides an immediate verbal detailed report to the Council, Councillors ratepayers and residents now on what the Councils fallback position is for the urgent and long-term re-location of the following organisations:

1. Lithgow Theatre Group.
2. Lithgow Senior Citizens Group.
3. Lithgow Musical Society Group.
4. Seniors Gym.
5. Lithgow City Council Administration and Depot storage.
6. Lithgow Volunteer Rescue Association.

ITEM-9 NOTICE OF MOTION - 23/1/12 - PROPOSED SALE OF THE THALES OWNED LITHGOW SMALL ARMS MUSEUM BUILDING - COUNCILLOR M F TICEHURST

REFERENCE

Lithgow Mercury 'Threat to Small Arms Museums future' 10 January 2012.
<http://www.lithgowmercury.com.au/news/local/news/general/threat-to-small-arms-museums-future/2414263.aspx>

COMMENTARY

Q. Could the General Manager provide an immediate verbal detailed report to the Council, Councillors, ratepayers and residents now on the current status surrounding the proposed sale by Thales of their current building which currently houses the local popular tourist attraction, The Small Arms Museum?

ATTACHMENTS

1. Lithgow Mercury 'Threat to Small Arms Museums future' 10 January 2012.

RECOMMENDATION

THAT the General Manager provide an immediate verbal detailed report to the Council, Councillors ratepayers and residents now on the current status surrounding the proposed sale by Thales of their current building which currently houses the local popular tourist attraction, The Small Arms Museum?

GENERAL MANAGERS REPORTS

ITEM-10 GM - 23/1/12 - OUTSTANDING NOTICE OF MOTIONS - 2008 TO PRESENT

REFERENCE

Min No 11-392: Ordinary Meeting of Council 10th October 2011

SUMMARY

Council previously requested that a quarterly report be provided on Notices of Motion and the progress made in relation to those items.

COMMENTARY

Council resolved that:

THAT at least quarterly, Council report to our Ordinary Meeting of Council of its outstanding motions from the commencement of the current Council term.

Attached to the Business Paper is an updated table of notices of motion resolved by Council since October 2008 along with resolutions from Business of Great Urgency for Council consideration. Included in the tables is information on action taken to implement the Council resolutions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Table of Notices of Motion adopted by Council since October 2008.
2. Table of resolutions of Council from Business of Great Urgency since October 2008.

RECOMMENDATION

THAT Council note the report on Outstanding Notices of Motion.

ITEM-11 GM - 23/01/12 - CODE OF CONDUCT REPORT - COUNCILLOR MARTIN TICEHURST

REFERENCE

Min No. 11-200 – Ordinary Meeting of 30 May 2011
Min No. 11-263 – Ordinary Meeting of 11 July 2011
Min No. 11-429 – Ordinary Meeting of 31 October 2011

SUMMARY

The purpose of this report is to provide Council with the findings of the investigation following a matter being brought to the General Manager's attention under the Code of Conduct with respect to Clr Martin Ticehurst.

COMMENTARY

The Report, by the independent Conduct Reviewer Mr Ian Woodward of Storey and Gough, concerns an alleged breach of the Lithgow City Council's Code of Conduct by Councillor Martin Ticehurst as a consequence of him not complying with a Resolution of Lithgow City Council No. 11- 200 dated 30 May, 2011. The Resolution required that he apologise to the General Manager of Eurobodalla Shire Council for his conduct following findings of prima facie breaches of the Code arising from a Report into his behaviour concerning correspondence with Eurobodalla in December, 2010.

A Conduct Reviewer was appointed in accordance with the provisions of the Code to conduct an enquiry. This enquiry assessed the complaint made against the Councillor that he has failed to comply with Council's decision and thereby breached Clause 6.4 of the Code.

The Reviewer found that there is a prima facie breach of the Code of Conduct (Clause 6.4) in that the Councillor did not comply with the Council Resolution of 30 May, 2011 requiring him to take action, namely sent a letter of apology as a result of that breach. The following factors have been taken into account when recommending a course to be taken under the Code:

- The breach is considered to be serious;
- The breach is not the first by the Councillor (he has been previously censured on 2 occasions this Council term and suspended twice);
- Contrition has not been expressed;
- The breach arises out of an action sought by Council Resolution to deal with earlier breach of the Code;
- The findings and recommendations will withstand the test of public interest and public scrutiny.

If Council finds a prima facie breach of the Code of Conduct by Councillor Ticehurst in that he failed to comply with the Council Resolution of 30 May, 2011 which required him to take action for a breach of the Code, namely, making a formal apology in writing, within 28 days, to the General Manager of Eurobodalla Shire Council, Paul Anderson, and forwarding a copy of such apology to the General Manager of Lithgow City Council, the Conduct Reviewer has recommended that Council resolve the following:

- Council finds that Councillor Ticehurst breached the Code of Conduct in that he failed to comply with the Council Resolution of 30 May, 2011 which required him to take action for a breach of the Code, namely making a formal apology in writing within twenty eight (28) days to the General Manager of Eurobodalla Shire Council, Paul Anderson and providing a copy of such apology to the General Manager of the Lithgow City Council.
- Council censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.
- Council initiate the process for suspension of Councillor Ticehurst from Civic Office for breaching the Code of Conduct by Council making a request to the Director General of Department of Local Government.

Council may now either:

- adopt the recommendation of the Sole Conduct Reviewer;
- amend the recommendation of the Sole Conduct Reviewer; or
- reject the recommendation of the Sole Conduct Reviewer.

The Sole Conduct Reviewer's report is shown as ATTACHMENT 1 for consideration by Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Not known at the time of writing the report.

LEGAL IMPLICATIONS

The investigation has been conducted in accordance with the Local Government Act 1993 and the Council's Code of Conduct.

ATTACHMENTS

1. Report by the Sole Conduct Reviewer

RECOMMENDATION

THAT

1. Council finds that Councillor Ticehurst breached the Code of Conduct in that he failed to comply with the Council Resolution of 30 May, 2011 which required him to take action for a breach of the Code, namely making a formal apology in writing within twenty eight (28) days to the General Manager of Eurobodalla Shire Council, Paul Anderson and providing a copy of such apology to the General Manager of the Lithgow City Council.
2. Council censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.
3. Council initiate the process for suspension of Councillor Ticehurst from Civic Office for breaching the Code of Conduct by Council making a request to the Director General of Division of Local Government.

ITEM-12 GM - 23/1/12 - LOCAL INFRASTRUCTURE RENEWAL SCHEME GUIDELINES

REFERENCE

NIL

SUMMARY

The NSW State Government has announced assistance, through the NSW State Plan, for Local Infrastructure Renewal Scheme Guidelines. This proposes to make available to local councils a 4% interest subsidy to reduce the infrastructure backlog.

COMMENTARY

The NSW Government has indicated that it recognises that investment in infrastructure is needed across NSW, and as part of its *NSW 2021* State Plan, the Government has committed to increase expenditure on critical infrastructure.

To achieve this, the NSW Government has committed to implementing a Local Infrastructure Backlog Policy that comprises the following elements:

- An audit of each council's local infrastructure backlog to provide better information on investment needs, which is being undertaken by the Division of Local Government (DLG);
- A Local Infrastructure Renewal Scheme (LIRS) to provide the opportunity for councils to access interest subsidies for the purpose of funding legitimate infrastructure backlogs; and
- Setting up a system for financial assessment and benchmarking of councils' finances including gearing levels and investment strategies.

The infrastructure backlog audit will be based on councils' 10-year Asset Management Plans (AMPs) prepared under the IP&R framework and data included in councils' annual financial reports. The audit is being undertaken in stages during 2011 to 2014.

The LIRS will provide support for projects/programs that commence over three years from 2011/12. By 2012/13 all councils are required to have completed their 10 year AMPs under the IP&R framework, and will have been able to undertake the necessary project/program preparation for negotiating loans for which they intend to seek interest subsidies under the LIRS.

The LIRS aims to provide a 4% interest subsidy to assist those councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

The LIRS is to be administered by the DLG.

It is anticipated that there will be two to three rounds of applications for LIRS assistance commencing with a first round in 2011/12. The final round of applications will commence no later than 2013/14, to enable loan drawdown by 30 June 2015.

All loans subsidised by the LIRS must have a loan term not exceeding ten years (irrespective of starting date of the loan agreement), and will be subject to specific conditions of LIRS support.

Preference will be given to projects/programs or groups of projects/programs with a total cost of at least \$1 million. For small councils, projects/programs with a total cost of less than \$1 million may still be considered on a case-by-case basis, provided they comply with other eligibility requirements and the essential and desirable assessment criteria.

NSW Treasury Corporation (TCorp) is also establishing a system for financial assessment and benchmarking of NSW councils' financial position. The purpose of the assessment is to assist councils' asset acquisition and investment management strategies, including providing advice on their capacity to utilise debt when appropriate.

Councils that apply for assistance under the LIRS will be required to have a TCorp assessment completed.

Council will recall that it was successful previously in sourcing a loan from the previous State Government for \$4.897M on an interest free basis over 10 years. This loan was taken out to fund the construction of the Wallerawang Sewage Treatment Plant.

Some projects that may meet the criteria for funding under the LIRS include:

- Doctors Gap Sewer
- Cullen Bullen Sewer
- Union Theatre improvements
- Lithgow Aquatic Centre Stage II or even Stage IV (refurbishment of the existing pool)

Obviously there will be many other projects that may be eligible for funding however these will be the most advanced though significantly more effort would need to go into these to have them at a standard of being able to apply for funds.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Assistance would be the provision of a 4% interest subsidy over 10 years

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. DLG Circular 12-01 – Local Infrastructure Renewal Scheme Guidelines
2. DLG – NSW Local Infrastructure Renewal Scheme Guidelines

RECOMMENDATION

THAT Council note the report in relation to the Local Infrastructure Renewal Scheme (LIRS) Guidelines.

ITEM-13 GM - 23/01/12 - COUNCIL GIFTS AND BENEFITS REGISTER

REFERENCE

NIL

SUMMARY

Following a resolution of Council an audit was requested by Council of it's compliance with the Gifts and Benefits Policy. This report outlines the outcomes of that audit completed by IAB Services.

COMMENTARY

Council previously resolved (11-386):

THAT Council request that their internal independent Auditors, Internal Audit Bureau – IAB Services, conduct an urgent audit of the Lithgow City Councils Gifts and Benefits Register to ensure compliance with the Lithgow City Council Policy 9.7 Gifts and Benefits – Councillors and Staff and the ICAC Guidelines for Managing Gifts and Benefits in the Public Sector.

The review was conducted by IAB and found that the overall compliance rating of Lithgow City Council's revised Gifts & Benefits Policy 9.7 and Gifts & Benefits Register is mostly compliant with the ICAC guidelines contained in the document, Managing Gifts & Benefits in the Public Sector. In forming its conclusion, IAB took into account the Council's existing and revised Policy 9.7 Gifts & Benefits – Councillors & Staff.

There were no findings with a risk rating higher than Medium. Some of the recommendations include:

- Requirement to report other employees – Policy 9.7 needs to establish accountability for employees to report workmates soliciting gifts and benefits.
- Need to reflect cumulative gifts and benefits – Policy 9.7 should address the risks attaching to gifts and benefits accepted over a period of time.
- Gift cards – Policy 9.7 should prohibit acceptance of all gift cards. As these are redeemable for goods and services up to a dollar amount they are arguably in the nature of cash.
- Employees in “at risk” positions – Policy 9.7 expressly places restrictions on employees involved in procurement. This should extend to all “at risk” areas such as regulation and management of Council assets such as machinery.
- Periodic “refresher” training – Council should ensure that “refresher” training including Gifts and Benefits policy is undertaken for all employees at least biannually. It should also include reminders to employees at regular meetings.

- Tender documents and Council contracts – Council should consider inclusion of an express reference to Council's gifts and benefits policy in tender documents and contracts.
- Periodic management review of the Gifts & Benefits Register – Council should establish periodic review of the register to ensure completed correctly and identify any developing trends that may lead to corruption.
- Periodic independent audit of the Gifts & Benefits Register – Council should consider establishing a program of periodic independent audits of the register against Policy 9.7.

The report is attached.

POLICY IMPLICATIONS

Council's Policy on Gifts and Benefits will be updated to take into account the recommendations of the report.

FINANCIAL IMPLICATIONS

The cost of the review was \$3720 (GST inclusive). This amount was not initially allowed for in the 2011/12 Management Plan and will be adjusted with the December reviews.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. IAB Services Report on Council's Gifts and Benefits Register.

RECOMMENDATION

THAT Council note the report on the audit of the Gifts and Benefits Register

**ITEM-14 GM - 23/01/12 - NSW COUNCILS COMPLAINT TO THE DIVISION OF
LOCAL GOVERNMENT**

REFERENCE

NIL

SUMMARY

The Division of Local Government has released complaint statistics for the 2010-2011 period. This report outlines information in relation to the complaints against Lithgow City Council.

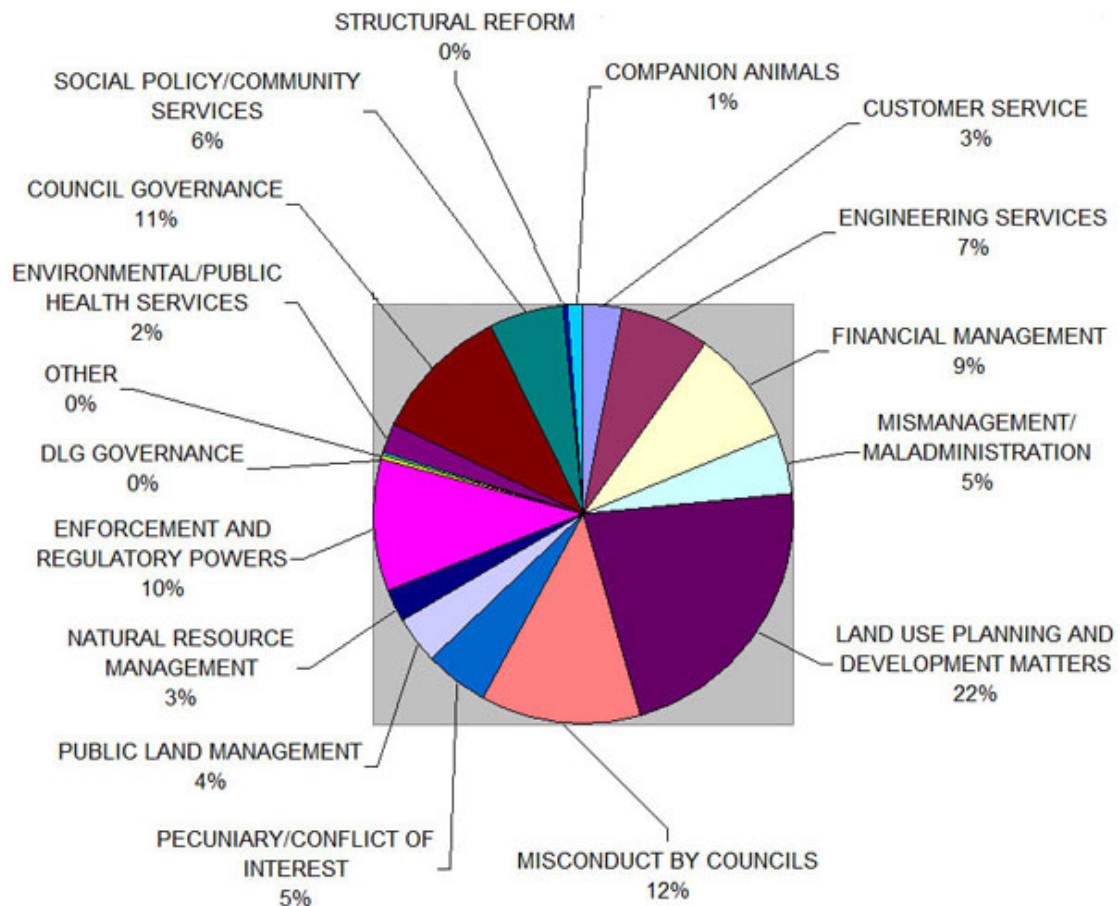
COMMENTARY

Council Complaints

The Division of Local Government (DLG) has released the complaint statistics for the July 2010 to June 2011 period.

The DLG states that the actual number of complaints is not necessarily an effective indicator of the seriousness of the matters raised. In some cases the council may be the subject of campaigns, usually about a single controversial issue. This can distort the council's reputation if there is in fact no maladministration on the council's part and the issues relate more to concerns about a particular decision. The DLG generally will not investigate such issues, provided the council's decision is lawful and proper processes are followed.

The chart below shows details of the total complaints received by the DLG during the July 2010 to June 2011 period by area:



The DLG received 1130 complaints in 2010–11, compared to 1029 in 2009–10.

The DLG Complaints Handling Process

The Division states that it has three statutory complaint handling roles. Firstly complaints are examined for breaches of the pecuniary interest provisions within the Act. Secondly the DLG examines protected disclosures made to the Chief Executive alleging serious and substantial waste of council money under the *Public Interest Disclosures Act 1994*. Thirdly complaints alleging councillor misbehaviour are examined.

The types of matters the Division routinely investigates are:

- pecuniary interests / failure to disclose
- misbehaviour (repeated breaches of Model Code of Conduct including political donations)
- serious misconduct
- systemic and serious deficiencies in council functions and operations
- serious non compliance with the Act and regulations

The DLG's investigative priorities are to focus on councils where there is evidence of systemic breakdowns in council operations. The DLG assess all complaints based on their individual merits and a number of criteria including whether:

- the complaint falls within the Division's jurisdiction to investigate
- there is sufficient prima facie evidence to substantiate the complaint

- the complaint raises an issue that, on the Division’s further assessment, may warrant further action
- the matter is frivolous, vexatious or is not made in good faith
- there are alternative means of resolving the issue
- the issues raised need to be investigated by another appropriate body
- it is in the public interest to investigate such an issue
- the matter occurred some time ago and it is unlikely the Division’s intervention would provide a resolution
- it is not in line with the Division’s priorities and objectives

Complaint Statistics for Lithgow City Council

During the period there were a total of 26 complaints received against Lithgow City Council.

The data has been broken down and categorised as follows:

Complaint Type	Quantity
General complaint - decline	23
General complaint - review / preliminary enquiries	2
Pecuniary interest allegation	1
	26

General Complaint

Decline – a matter is assessed as a “decline” when the matter is one that does not warrant action by the Division in accordance with its Complaints Assessment Policy.

Preliminary Enquiry/Review – a matter is assessed as a “preliminary enquiry/review” when action is required to gain additional information to deal with the complaint, e.g. contacting Council either by telephone or in writing, OR the officer reviews the document prior to determining whether further action will be required to deal with the matter.

Pecuniary interest

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

Allegation – allegations that a person has or may have contravened Part 2 of Chapter 14 of the *Local Government Act 1993*, relating to pecuniary interest matters, that have been referred to the Division for assessment and any necessary action.

Complaint – as above, but the allegation is accompanied by a statutory declaration and therefore becomes a formal complaint in accordance with section 460 of the Act.

Investigation – under section 462 of the Act the Chief Executive, Local Government, under delegation from the Director General, Department of Premier and Cabinet, may decide to investigate a pecuniary interest complaint.

The breakdown of the complaints made against Lithgow City Council includes:

Complaint Topic	Quantity
Companion animals	1
Council governance	6
Pecuniary/conflict of interest	1
Customer service	1
Engineering services	2
Environmental/public health services	4
Enforcement and regulatory powers	1
Financial management	7
Land use planning and development matters	4
Mismanagement/maladministration	6
Misconduct by councils	9
Public land management	1
	43

NOTE: Some complaints involve more than one issue resulting in multiple keywords used to describe the matter.

Categories of Complaints

The DLG categorises complaints according to the subject matter of the allegations. This enables the monitoring not only of complaint numbers, but also trends in the areas of council operations that give rise to the greatest level of concern.

Complaints are about issues such as:

- land use planning – these include complaints from applicants for development consent and from objectors, and complaints about rezoning issues
- misconduct by councils – includes allegations of breaches of the council's code of conduct
- council governance issues – including issues about public land management and the conduct of council meetings
- enforcement and regulatory powers – these are complaints that a council is not enforcing development consent conditions, or not acting on evidence of development carried out without consent
- mismanagement and maladministration – including complaints about council's performance including employment practices and calls for dismissal
- financial management – including rating, charges, budget issues and decisions on allocation of council funding
- complaints about operational services – including engineering services, environmental services and community services

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the report on Council complaints made to the Division of Local Government.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-15 ENVIRO - 23/1/12 - DA 039/10 SUBDIVISION INTO 12 LOTS AND DEMOLITION, WILLIWA STREET, PORTLAND (BORAL LIMITED)

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NIL

SUMMARY

To assess and recommend determination of DA 039/10 Recommendation will be for approval subject to conditions/refusal.

COMMENTARY

Proposal

Council is in receipt of Development Application No. 039/10 from Boral Limited, who are seeking approval for demolition and subdivision on land described as Lot 1 DP109592, Lot 1 DP1130700, Lot 53 DP755769, Lot 1 DP115461, Lot 1 DP923398 and Lot 1 DP922029 at Williwa Street, Portland (Portland Cement Works).

The application seeks to undertake a subdivision into 12 lots, and a demolition of a number of buildings existing within the site. The proposed development would take place in 2 stages as follows:

Stage 1

- Subdivision into 11 lots located along Williwa Street (between 1056m² and 894m²) with 7 retaining cottages.
- Creation of a large residual allotment retaining the remainder of the Portland Cement Works buildings/infrastructure.
- Construction of a new road that would create a T intersection with Williwa Street and Lett Street.
- Construction of a new road that would ajoin the northern boundary of proposed Lots 1 – 11.

Stage 2

The original proposal was to demolish 5 buildings (see Figure 1) being:

- Former Bachelors Quarters (Cottage 4)
- Small Arms Factory Annex
- Cement Silos
- Loco Shed West
- Cement Store

However, due to the historical significance of the site, the proposed demolition was revised following consultation with the Office of Environment and Heritage (Heritage Branch) and is amended to involve demolition of the following:

- Small Arms Factory Annex
- Cement Store
- Loco Shed West
- Loco Shed East



Figure 1- Original buildings proposed to be demolished

Concept Plan

The Statement of Environmental Effects includes a Concept Plan which shows a potential lot layout and road network for light industrial/commercial and residential development on this site. However this Concept Plan does not form part of the application submitted and will require a further Development Application in the future.

Main Issues

Heritage – The application was referred to the NSW Office of Environment and Heritage – Heritage Branch (OEH) for their advice. OEH entered into negotiations with the applicant regarding the proposed demolition. As part of these negotiations the applicant provided a costing for the repair and retention of the Small Arms Factory Annex which indicated that the building would cost in the vicinity of \$2 million dollars to restore. OEH agreed that it was cost prohibitive to request the annexe be retained and agreed to the annexe being demolished. As part of these negotiations the applicant agreed to keep the Former Bachelors Quarters (Cottage 4) rather than demolish them.

The Annex building is not considered to be structurally unsound, however professional reports have been submitted to the Heritage Branch that it is economically unfeasible for adaptive re-use requiring an estimated \$2 million in repairs. On this basis the Heritage Branch will accept demolition of this building and also exempt it from State Heritage listing. The Council will be aware that this building has been suggested as a site for community uses, most recently as a

home for the Charlie Pinch Museum collection. The buildings relationship to the former Small Arms Factory and war time use also make it at least locally significant. For these reasons, it would be with some regret that demolition take place. However, a realistic approach should be taken and if it is not possible to repair, upgrade and re-use the building then there is no point in it remaining and further deteriorate to the detriment of the Williwa Street streetscape and Portland CBD. As part of any approval for it will be recommended that an attempt be made by Boral to seek out interested parties with the means to refurbish and re-use the building. However, should this not be successful then its demolition should not be opposed.

Contamination – The site is considered to contain some areas of land contamination. Various reports have been undertaken for the site which indicate where remediation and validation is required. All remediation and validation affecting proposed Lot 1 – 11 is to be undertaken prior to the release of the Subdivision Certificate. The residual allotment is to be validated prior to any reuse of the site occurring.

Submissions – No submissions were received during the public exhibition period, however 2 submissions were received after this period the issues raised requested Council consider:

- A covenant on vacant lots to require building a dwelling within a fixed time period, however such a condition would outside of what Council can legally require.
- Not demolishing the Small Arms Factory Annexe, and instead having the building restored and utilised for Charlie Pinch's museum.

POLICY IMPLICATIONS

The Lithgow Land Use Strategy 2010 – 2030 indicates that an area has been identified in the Boral Site for mixed use business area to stimulate activity in this site and encourage adaptive reuse of the significant heritage buildings (see Figure 2). This proposed rezoning will have no impact on the proposed application for subdivision and demolition.

The Land Use Strategy also provides LEP directions for the rest of the Boral site which will also not affect the application in question, though may affect the future concept of the site.

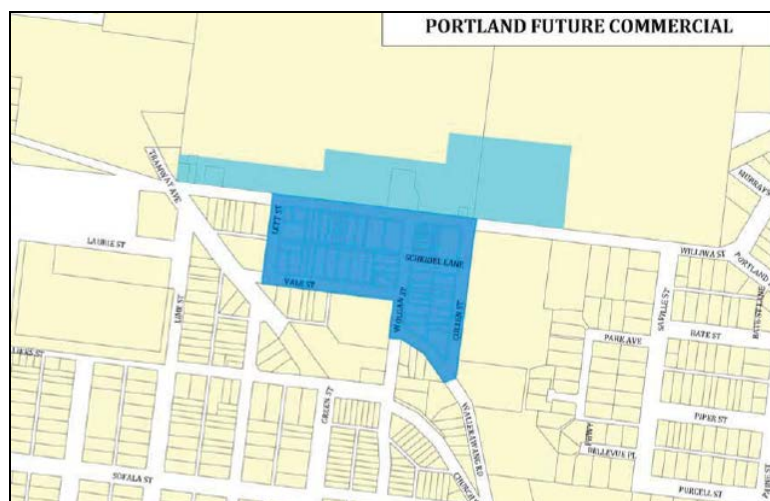


Figure 2 – Proposed Re-zoning



Figure 3 – Portland LEP Directions

FINANCIAL IMPLICATIONS

The *Water Management Act 2000*, Section 305 states an Application for certificate of compliance must be submitted to Council. This Act states:

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.
- (2) An application must be accompanied by such information as the regulations may prescribe.

Through this Act and Section 64 of the Local Government Act Council's contributions for water and sewer headwork's would normally be required for the vacant residential allotments. However, Council has not required contributions from subdivisions in Portland for some years.

LEGAL IMPLICATIONS

Contaminated Land Management Act 1997

The land has not been declared "significantly contaminated land" by the EPA. Accordingly, the site will be assessed under *SEPP 55 - Remediation of Land* and no further assessment under this act is required.

Conveyancing Act 1919

88B (easement) & 88E (restriction on use) are to be provided on the plans where required for easements etc.

As part of the application a Conservation Management Plan (CMP) is to be prepared which is to include amongst other things:

- a) Detailed conservation policies for each dwelling based on the significance and materials.
- b) Guidance on appropriate new development within the lots (ie. Only outbuildings permitted behind building line, ect).
- c) Proposed Schedule of Works for each dwelling.

It is considered that a covenant should be applied making future purchasers of the allotments aware of the CMP requirements and how they affect the subject land.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. A full assessment is provided as an attachment to this report.

Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Heritage Act 1977

The development is not considered integrated under this act as the site is only locally listed as a heritage item on Council's LEP, rather than State listed. However, the site is in the process of being state listed and Council referred the application to the Office of Environment and Heritage for their advice.

Local Government Act 1993

If this application is approved, the applicant must obtain a written Section 68 application for connection to Council's water and sewerage supply. This must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant.

The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicably supporting information for the proposed works. All conditions of the Section 68 Approval must be complied with prior to the release of the Subdivision Certificate.

Native Vegetation Act 2003

No native vegetation is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Threatened Species Conservation Act 1995

No state listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Water Management Act 2000

A Certificate of Compliance is normally required under this act prior to the release of any Subdivision Certificate, however as no headwork's charges are applicable to the Portland area it is not considered necessary in this case.

ATTACHMENTS

1. Section 79(c) Assessment in accordance with the Environmental Planning & Assessment Act 1979.

RECOMMENDATION**THAT**

1. Development application 039/10DA be approved subject to the conditions as outlined in the attached Section 79C assessment report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-16 ENVIRO - 23/1/12 – 044/11DA - LOT 6 IN DP 867648 ON TARANA ROAD, TARANA

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NIL

SUMMARY

To assess and recommend determination of DA 044/11. Recommendation will be that the application be supported and referred to the DoP for their concurrence.

COMMENTARY

Council is in receipt of Development Application 044/11 for the erection of a dwelling on Lot 6 in DP 867648 on Tarana Road, Tarana.

The subject lot does not comply with the development standard requirement of minimum land area for erection of a dwelling under Clause 18A - Erection of a dwelling in Zone No 1 (e), of Lithgow City Local Environmental Plan 1994. This Clause requires a minimum Lot size of 100ha, whereas this allotment is only 5.37ha. The applicant has provided an objection to the minimum area standard under State Environmental Planning Policy No.1 (SEPP 1) – Development Standards.

The application requires the concurrence of the NSW Department of Planning (DoP), though can only be referred to DoP with the support of Council.

A subdivision for the creation of Lot 6 was supported previously by former Evans Shire Council and also approved by the Department Urban Affairs and Planning (Now DoP). However the dwelling consent (being 555/04DA) previously issued for the site by Lithgow City Council lapsed on 25 January 2010. Therefore, this proposal seeks support from Lithgow City Council to enable the SEPP 1 to proceed.

The subject site is relatively flat and accessed via Tarana Road. The site is relatively clear land only retaining minimal trees. The site is bounded by a railway track along with the north-west boundary line, Tarana Road runs along the south boundary line and a vacant land is located at the rear of the property. The site is physically well connected with Tarana Village Zone area via Tarana Road. The site is compatible with the village character and a location map has been included as ATTACHMENT 1 in this regard.

A single storey dwelling has been proposed on Lot 6 in DP 867648 that includes an entry space with porch, four (4) bedrooms with storage space, kitchen area, living & meal area, separate dining area, a common bathroom with toilet facilities and ensuite attached with master bed, an area covered with timber alfresco area, and a garage as shown in proposed plan in ATTACHMENT 2.

A previous application for a dwelling on the Lot (now lapsed) received the concurrence of the DoP. As the land has also been recommended for upzoning within the LUS to a minimum Lot size of 2ha, it is considered that the variation to the standard is justified.

POLICY IMPLICATIONS

There are no policy implications perceived as part of this application.

FINANCIAL IMPLICATIONS

As the proposed dwelling will increase demand on Lithgow Council rural roads and fire services contributions should be applicable. However, as Council's Rural Roads Section 94 Contributions Plan does not relate to 1(e) Rural Outer zone area, which was part of the former Evans Shire, a rural roads contribution cannot be charged under the Rural Roads Section 94 Contributions Plan. However, discussions have been held with the applicant who would be willing to enter into a Voluntary Planning should the application be approved. A condition would also be applied for Rural Fire Services Contributions under that contributions plan. These conditions would only be applied should the application be supported and approved by Council and DoP.

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979.

The application required concurrence from the Australian Rail Track Corporation (ARTC) Ltd and concurrence was given subject to conditions. Furthermore, bushfire requirements have been incorporated as part of assessment and requirements incorporated in the conditions of consent. Additionally, the application was referred to Council's Building staff and Engineers for assessment and approval was given subject to conditions. A full assessment under Section 79C of the Environmental Planning and Assessment Act 1979 is attached, however this report must remain in draft format until concurrence is provided by DoP.

CONCLUSIONS

The application has been assessed in accordance with the relevant planning instruments that relate to the land. Accordingly, should concurrence from DoP be obtained the assessment shows that the development can comply with all requirements, thus having an acceptable impact on the surrounding neighbourhood and community in general.

Therefore, the application can be approved subject to concurrence of the DoP.

ATTACHMENTS

1. Location Map
2. Proposed Plan
3. Complete 79C Planning Report under separate cover.

RECOMMENDATION

THAT

1. Development Application 044/11 be supported and referred to Department of Planning for their concurrence. Should concurrence be grant the application can be determined under delegation.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-17 ENVIRO - 23/1/12 - DEVELOPMENT AND CONSTRUCTION APPROVALS - 2008-2011 - COMPARITIVE FIGURES

REPORT FROM: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

To provide statistical information on Development Applications and Construction Certificates processed.

SUMMARY

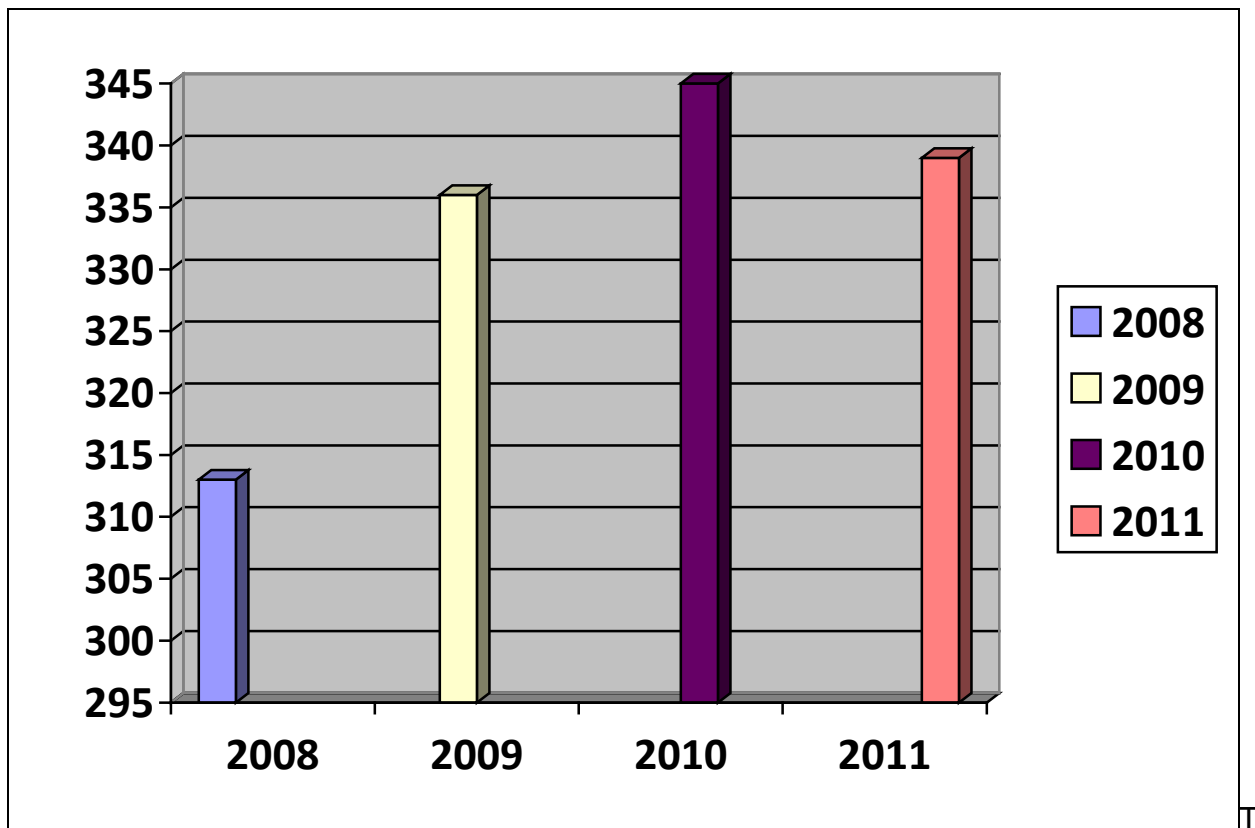
In addition to the detailed report provided to Councillors every 3 weeks on development approvals and applications received, this six monthly report (for years 2008 – 2011) is submitted to provide an overview of development approvals.

DEVELOPMENT APPROVALS 1ST JANUARY TO 30 JUNE.

	2008	2009	2010	2011
Number of Consents Issued	170	159	158	169
Average Approval Days	21	22	21	16
Median	11	14	14	12
Total Cost of Applications	\$12 616 971	\$43 074 934	\$78 237 987	\$30 592 570

DEVELOPMENT APPROVALS 1ST JULY TO 31 DECEMBER.

	2008	2009	2010	2011
Number of Consents Issued	143	177	187	170
Average Approval Days	28	18	20	19
Median	13	16	18	15
Total Cost of Applications	\$19 342 220	\$44 353 214	\$33 275 421	\$26 566 395



TOTAL APPLICATION APPROVALS FOR 2008 – 2011

The graph above indicates the number of approvals received on an annual basis between 2008 and 2011.

However, it must be stressed that the amounts placed on development applications does not necessarily carry through to final construction as some developments never take place.

RECOMMENDATION

THAT the report on development application and construction certificate approvals be noted.

**ITEM-18 ENVIRO - 23/1/12 - PROPOSED STATE HERITAGE LISTING OF
PART OF FORMER PORTLAND CEMENT WORKS SITE**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NIL

SUMMARY

To advise Council of the proposal by the Heritage Office of New South Wales to include parts of the former Portland Cement Works on the State Heritage Register.

COMMENTARY

Council has received advice from the Heritage Branch of New South Wales that the 'precincts' indicated on the attached plans will be recommended by the Heritage Council of New South Wales for listing on the State Heritage Register. As can be seen from the attached plans the area that includes the Raffan's Mill and Brick Bottle Kilns as well as an area fronting Williwa Street are proposed for listing. The attached publication "Heritage Listing Explained" provides an overview of what it means for a property to be placed on the State Heritage Register.

Raffan's Mill and the Brick Bottle Kilns are well known as being highly significant and the protection of these important items should be supported. However, there are some issues with the precinct in the vicinity of Williwa Street that Council should be aware of. Firstly, the Heritage Branch has conceded that the buildings known as Cement Store No 2; Loco Shed (East) and Loco Shed (West) are structurally unsound and it has no objection to their demolition. These buildings will be exempted from State Heritage listing. The building known as the Ammunitions Annex is not considered to be structurally unsound, however professional reports have been submitted to the Heritage Branch that it is economically unfeasible for adaptive re-use requiring an estimated \$2 million in repairs. On this basis the Heritage Branch will accept demolition of this building and also exempt it from State Heritage listing. The Council will be aware that this building has been suggested as a site for community uses, most recently as a home for the Charlie Pinch Museum collection. The buildings relationship to the former Small Arms Factory and war time use also make it at least locally significant. For these reasons, it would be with some regret that demolition take place. However, a realistic approach should be taken and if it is not possible to repair, upgrade and re-use the building then there is no point in it remaining and further deteriorate to the detriment of the Williwa Street streetscape and Portland CBD. A development proposal for the site is reported in tonight's business paper and as part of any approval for that proposal it will be recommended that an attempt be made by Boral to seek out interested parties with the means to refurbish and re-use the building. However, should this not be successful then its demolition should not be opposed.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL to Council.

LEGAL IMPLICATIONS

Inclusion on the State Heritage Register may be undertaken in accordance with the requirements of the Heritage Act.

ATTACHMENTS

1. Heritage Office Publication – Heritage Listing Explained
2. Plans of proposed precincts for State Heritage Register listing

RECOMMENDATION

THAT Council indicate to the Heritage Branch that it does not object to the listing of the precincts shown on the attached plans on the State Heritage Register.

ITEM-19 ENVIRO - 23/1/12 - ROAD RE-NAMING - EDYE STREET, HASSAN STREET, RESERVOIR STREET, PARK AVENUE AND PARK VIEW AVENUE

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-526 Ordinary Meeting of Council dated 13 December 2010
Min No 11-372 Ordinary Meeting of Council dated 12 September 2011

SUMMARY

To progress the first group of road naming processes for the Edye Street of Lithgow, Hassan Street of South Bowenfels, Reservoir Street, Park Avenue and Park View Avenue of Portland. These names have been advertised and notified to property owners for proposed re-naming from the 29 September 2011 to 10 November 2011.

COMMENTARY

At the ordinary Meeting of Council dated 12 September 2011 (Min 11-372) Council resolved:

1. Council seeks comment from affected residents and the general public on Council's intention to retain certain street names and to rename a number of streets as follows and seeks suggestions for alternative names:
 - Retain the name of Eddy Street Lithgow and rename Edye Street Lithgow.
 - Retain the name of Hassans Street Lithgow and rename Hassans Street South Bowenfels.
 - Retain the name of Reservoir Road Portland and rename Reservoir Street Portland.
 - Duplicate and problem names as shown at Attachment 1.
 - Retain the name of Park Street Portland and rename Park Avenue and Park View Avenue Portland.
2. Council determines the names suggested by the majority of respondents.

It is noted that the duplicate and problem road names have not started the road naming process at this stage, and will be completed progressively over time at a later date. However, the remaining abovementioned resolutions have been undertaken and it is advised that from the advertisement and notifications the following submissions have been received:

General naming submissions (4):

1. Proposed road name for any particular naming after William Harvey Blanchard Snr who passed away on 28 May 2006. Was deputy mayor for 8 years and served community as Independent Alderman for 23 years. Many other accomplishments were mentioned in the submission.
2. Proposed road name in Portland to be named after Craig Bellamy, being a local and local parents who is well known and regarded in Rugby League and is currently coach for Melbourne Storm.

3. Proposed road naming in Portland after Ron Bidwell who is greatly contributed to the area and Craig Bellamy who is a distinguished sports person from the locality.
4. Portland Tidy Towns submission for Park Avenue in Portland to be named after Ron Bidwell for his efforts in the community, Park View Avenue named after Charlie Pinch in commemoration of commitment to heritage in the area and Reservoir Street named after Craig Bellamy as he is a local boy with strong contribution to the NRL and further to his father Norman Bellamy who lost his life working in the Cement Works.

Comment:

- The naming after William Blanchard Snr is a reasonable naming request and will be considered.
- Craig Bellamy and Ron Bidwell are not deceased and therefore cannot be have a road named after them as per the Geographical Names Board Guidelines for Road Naming.
- However, naming after Mr Charlie Pinch can used as a suitable road name with further justification and will be considered in compliance with the Guidelines regarding double naming which should be avoided.

Edye Street, Lithgow (0):

Received no submissions regarding naming.

Comment:

Given that no submissions were received for the road, a suitable road name will be suggested and advertised for further consideration by the public.

Hassans Street, South Bowenfels (1):

1. That the use of "Sutton" be used in road naming as they were some of the first business people in early days of Lithgow. Request that name street at Bowenfels either Sutton Road or Sweetbriar Avenue.

Comment:

That the naming of Sweetbriar Avenue cannot be accepted given that Sweetbriar Drive already exists within the Sweetbriar Estate subdivision. However, Sutton can be used in road naming with further justifications for consideration.

Reservoir Street, Portland (2):

1. That Reservoir Street is retained as the road name as it has been known as such for over 60 years. A lot of documentation and personnel details will require to be changed given the amount of time the road has been known as such.
2. That Reservoir Street be retained as they have lived on the street for around 56 years. Changing details will be difficult. The road is named as such because of the water reservoir at the top of the street.

Comment:

It is noted that changing the name of this road may cause more confusion given the name has existed for a long period of time. Further, the alternative road that could be named is Reservoir Road Portland, which was previously known in land records as Golden Grove Road and would require further notification and advertisement for the changing.

Park Avenue, Portland (1):

1. Park Avenue has been known as such for a long time and should not change. When giving directions we use Williwa Street, the pool and Saville Street as references which stops confusion.

Comment:

It is noted from this submission that there is confusion when other streets and landmarks are required for references. Therefore, a suitable street name is required to be advertised and notified again for the changing of the name.

Park View Avenue, Portland (2):

1. Replace the name to George Thompson Drive (or avenue) because he and his wife owned the land and set up the subdivision known as Park View Estate.
2. Whilst not happy about the change they realise it is necessary. That the new name should be "Thompson Avenue" after George Thompson who subdivided the area many years ago and lived and conducted business in Portland over 90 years. Failing this name could Peacock Drive be considered.

Comment:

That the naming of the road after George Thompson is considered acceptable and can be used as a replacement to the current naming. However Thompson Street and George Parade already exist within Portland and could cause confusion given the similar road naming. Further the suggestion of Peacock Drive not be considered as there is no justification given.

POLICY IMPLICATIONS

These roads will be named in accordance with Council's Road Naming Policy.

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy as well as costs of the signs for the new naming.

CONCLUSION**Edye Street, Lithgow:**

Given that no specific submissions were received for Edye Street, the proposal of road naming after William Harvey Blanchard Snr would be acceptable for this road. Therefore being a new name of "Blanchard Place" for consideration.

Hassans Street, South Bowenfels:

That the road be proposed to be named after the Sutton family with "Sutton Close" as per submission, however further justification would be required prior further processing

Reservoir Street, Portland:

That the road naming process for Reservoir Road Portland be a replacement to the renaming of Reservoir Street given the history of the road and that Reservoir Road previously had an alternative naming.

Park Avenue, Portland:

Given no alternative naming was given for Park Avenue it is proposed to use the Portland Tidy Towns submission of naming after Mr Charlie Pinch. This will require further justification from the Tidy Towns society as "Pinch Avenue" prior to advertisement and notifications.

Park View Avenue, Portland:

That the name suggested for naming the road after George Thompson who be acceptable and advertising and notifications for "George Thompson Drive" commence.

ATTACHMENTS

1. Location of Edye Street
2. Location of Hassan Street
3. Location of Reservoir Street
4. Location of Reservoir Road
5. Location of Park Avenue
6. Location of Park View Avenue

RECOMMENDATION

THAT

1. Council support the names “Blanchard Place” and “George Thompson Drive” and contact property owners along Edye Street and Park View Avenue and advertise to the general public. If no objection is raised then Council shall proceed to notification of the proposed road naming and advise the Emergency Services and Government Gazette of these road names.
2. Council seek further justification for names “Pinch Avenue” and “Sutton Close” prior to advertisement and contacting property owners along Hassans Street and Park Avenue. Once justification is received Council will proceed with the notification and advertisement of these names. If no objection is raised then Council shall proceed to notification of the proposed road naming and advise the Emergency Services and Government Gazette of these road names.
3. Council seek comment through advertising and notification of property owners for the re-naming of Reservoir Road including and proposed alternatives and continue with the road naming process.

**ITEM-20 ENVIRO - 23/01/12 - 008/11DA - PROPOSED HUNGRY JACKS
RESTAURANT - CAROLINE AVENUE / STEWART STREET,
LITHGOW**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-236 – Ordinary Meeting of 20 June 2011
Min No 11-394 – Ordinary Meeting of 10 October 2011

SUMMARY

To recommend determination of a Section 96 (1A) Modification to Development Application 008/11DA for the development of a Hungry Jacks Restaurant at the corner of the Great Western Highway, Caroline Avenue and Stewart Street, Lithgow. The Modification is recommended for approval, subject to amended conditions.

COMMENTARY

The Development Application for Hungry Jacks was approved at Council's Ordinary Meeting of 20 June 2011. As previously reported to Council, the development includes a restaurant, internal and external playground areas, standard Hungry Jacks signage, a 37 space car park, traffic management devices, site landscaping and beautification.

The modification involves:

- Revised roof plans to the main building and drive through awning,
- Revised signage,
- New enclosed bin room to replace the outdoor fenced enclosure,
- Revised building floor plans and elevations,
- Minor adjustment to carpark with the carparking numbers to remain as previously approved,
- Revised landscaping plans.

The front elevation is proposed to have a height from ground level to the underline roof to be increased by 1 metre from the originally approved plans. The 'Hungry Jacks' sign on the roof is proposed to be decreased in height, while the "wall bun" logo will be increased.

The entry elevation plans show that the original signage is to be removed and replaced with a blank roof wall. The retaining wall towards the rear of the building will be extended in length to contain the proposed bin room.

The drive through elevation plans show that the windows near the playground are to be removed and replaced by a side wall sign. The distance between the two drive through windows are also proposed to be extended. An extra roof sign is further proposed above the wall sign.

A smaller sign is proposed to replace sign no 12 on the plans (the pylon freestanding blade sign). The wording on the sign will consist of minor changes. The "wall bun" logo will further be expanded in size.

The modification to the carpark involves landscaping surrounding the footpaths and pedestrian crossings.

In regards to planting along Stewart Street, rather than planting a row of pine trees, the revised Landscape Plan incorporates a row of 71 Camellias to the outside face of the fence and 70 on the inside face. When mature the Camellias will be approximately 2m in height with the initial pot sizes being 45L. It is to be also noted that the fence along Stewart Street will be 1.8m high. The overall modification involves a flat roof, different internal and external building materials and signage's removed and placed in different positions.

Accordingly, the modification was referred to Councils Building Surveyor and adjoining neighbours for a period of 14 days.

Councils Building Surveyor Comments

In reference to the proposed modifications to the approved design as represented by drawing Nos A300, A301, SK 9 Issue A, SK 6 Issue A and A105.

The modification relate principally to external façade treatment and roof form. No further compliance notation or information is required. Existing conditions are still valid.

It is further recommended that the existing conditions of consent be reimposed.

Adjoining Neighbours

No submissions were received during the notification period for this modification.

Impacts

The development will not be modifying the building line, the parking spaces or configuration that was previously approved.

The modified landscaping plan will be more compatible with the streetscape than the pine trees that were previously approved within the original application. The modification involves a row of dense Camellias to the outside and inside of the fence line. Adjoining and adjacent landuses such as the McDonalds Restaurant has similar landscaping located on the fence line. Therefore, the development will compliment the streetscape and will not have any additional impacts to the surrounding environment.

The proposed modification will therefore not create any additional impacts to those that were previously assessed in the original application and considered satisfactory.

POLICY IMPLICATIONS

The original application was called in under Policy 7.7 – Calling in of Development Applications by Councillors. Accordingly, the Modification also requires determination by the elected Council.

FINANCIAL IMPLICATIONS

There are no financial implications of the proposed Modification.

LEGAL IMPLICATIONS

In determining a Modification, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. Section 96 Modification Assessment in accordance with the Environmental Planning & Assessment Act 1979.
2. Revised elevations and landscaping plan.

RECOMMENDATION

THAT:

1. The Section 96 1 (A) modification be approved with the modified consent reflecting the revised plans.
2. All other conditions of the original consent remain.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-21 ENVIRO - 23/01/12 - LITHGOW & DISTRICT WORKMENS CLUB
LANEWAY CLOSURE ISSUE**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-210 – Ordinary Meeting of 30 May 2011
Min No 11-269 – Ordinary Meeting of 11 July 2011

SUMMARY

To advise Council of the need to formally dedicate as public road land “within” the Workmen’s Club Carpark.

COMMENTARY

Council will recall resolutions from its Ordinary Meetings of 30 May 2011 and 11 July in respect to the closure of an unformed section of laneway within the Workmen’s Club car park and provision of its landowners consent for the lodgement of a development application over the land. Upon conducting the necessary title searches and enquiries with the Lands Office, Council’s Solicitor discovered that the land in question is not dedicated as a road but rather land within DP 3364. It appears to have been set aside for a road in 1897 but this has not occurred and the titles stand in names such as Hoskins Iron and Steel. Council’s Solicitor sought advice from Land and Property Information in Sydney and ascertained that, as the subdivision occurred in 1897 which predated the Local Government Act of 1906, a process under the Roads Act 1993 may be undertaken to have a title issued for a road in Council’s name. It will then be necessary to close the road for sale to the Workmen’s Club. Council’s Solicitor has provided specific wording that will be required in the Council resolution so it may proceed.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Primarily the subject of this report.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Dedicate as public road the land within Section 32 set aside in Deposited Plan 3364 for road, being part of the lane between Tank Street and Union Street adjoining Lot 1 DP 877363 owned by Lithgow Workmen's Club Ltd.
2. Confirm that it provides its landowners consent to allow lodgement of a Development Application over the said land by the Lithgow Workmen's Club.

OPERATION SERVICES REPORTS

ITEM-22 OPER - 23/1/12 - LITHGOW CITY COUNCIL FROM DAVIES - WIDENING OF GLEN ALICE ROAD, GLEN ALICE

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Council may recall this refers to a long standing matter following acquisition of land for road widening of the Glen Alice Road, by Rylstone Shire Council, which was never legalised until recently.

Advice has been received from Councillor's solicitors and attorneys, Le Fevre and Co advising that registration of the transfer of titles to Lot 2 and 3 DP1164738 being the newly created road is currently underway and titled deeds are expected back shortly in Council's name.

COMMENTARY

It is necessary for Council to resolve to dedicate Lots 2 and 3 DP1167438 City of Lithgow, Parish of Umbiella, County of Roxborough Glen Alice Road, Glen Alice NSW 2846 as a Public Road. This is necessary to ensure that a copy of the resolution can be lodged under Section 10 of the Roads Act and published in the Government Gazette thus achieving finalisation of the matter.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter received from Le Fevre and Co Solicitors and Attorney

RECOMMENDATION

THAT Council resolve to dedicate Lots 2 and 3 DP 11367438 City of Lithgow, Parish of Umbiella, County of Roxborough, Glen Alice Road Glen Alice NSW 2846 as Public Road.

ITEM-23 OPER - 23/1/12 - WATER REPORT - JANUARY 2012

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

NIL

SUMMARY

This report provides an update on various water management issues as per Minute Number 10-03.

COMMENTARY

In relation to current water management issues the following information is provided.

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Monday 9 January was 100%.
Oberon Dam capacity on Monday 9 January was 63.80%.

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 2011.

Table 1 - Oakey Park Monthly Output and Clarence Transfer

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)
January	139	0
February	121	0
March	122	0
April	140	0
May	133	14
June	122	19
July	149	0
August	119	0
September	112	0
October	105	0
November	118	0
December	109	0
2011 Monthly Average	124	21
Rolling 12 Month Total	1,485	33

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
December	3,530	0
January	3,604	0
Last Week	3,662	0
Previous Week	3,528	0

LITHGOW WATER QUALITY

No health-based Australian Drinking Water Guidelines guideline values were exceeded in December. No results were recorded outside Australian Drinking Water Guidelines non-health values.

Commissioning of the South Bowenfels Water Reservoir continued during December. A further inspection will be undertaken on 19th January.

Inspection and cleaning of half of Council's reservoirs will commence in February.

In February/March an impressed current Cathodic Protection (CP) system will be installed at Shaft St No.2 Reservoir All CP system design installation and commissioning works shall be in accordance with Australian Standards AS2832.4. The minimum design life of the CP systems is 25 years for Shaft St. No.2 Reservoir The design life estimates assume both reservoir internal surfaces are re-coated within the next 1 – 2 years.

Draft copies of the Drinking Water Quality Management Plan, the Drought Management Plan and the Integrated Water Cycle Management Plan were received for comment. Final versions will be available when all government stakeholders have commented.

Table 3 - Oakey Park Process Monitoring Clearwater Results December

Colour Avg	3
Colour Max	12
Colour Min	1
Turbidity Avg	0.17
Turbidity Max	0.30
Turbidity Min	0.09
pH Avg	7.57
pH Max	8.02
pH Min	7.10
Chlorine Avg	1.3
Chlorine Max	1.7
Chlorine Min	0.9

FISH RIVER WATER SCHEME WATER SUPPLY

No health based Australian Drinking Water Guideline values were exceeded in December.

The Oberon Dam storage has an average 30ML per week being used from Oberon Dam with 3ML being treated for Lithgow villages per day.

SCA mentioned that they may start to use FRWS water when their total storages are below 80% but this will depend on rainfall in the upper Blue Mountains catchment, SCA is currently at 82% as of 12 December 2011.

The NOW letter on proposed amendments to carryover rules was discussed at the last Customer Council meeting. The proposed change to rule is 100% remaining allocation to be carried over weekly and the total carryover at anytime is capped at 20% of the share. All weekly allocation use was based on water supply from Oberon Dam, not Duckmaloi water.

FRWS have postponed replacement works that may have caused an interruption to supply until 21st February 2012. The Oakey Park WTP will need to supply the villages for 4 days and it is capable of doing this.

CURRENT WATER RESTRICTIONS UPDATE

Level 1 water restrictions are in place for all residents through Lithgow and villages receiving water from both the Lithgow and the Fish River water supplies.

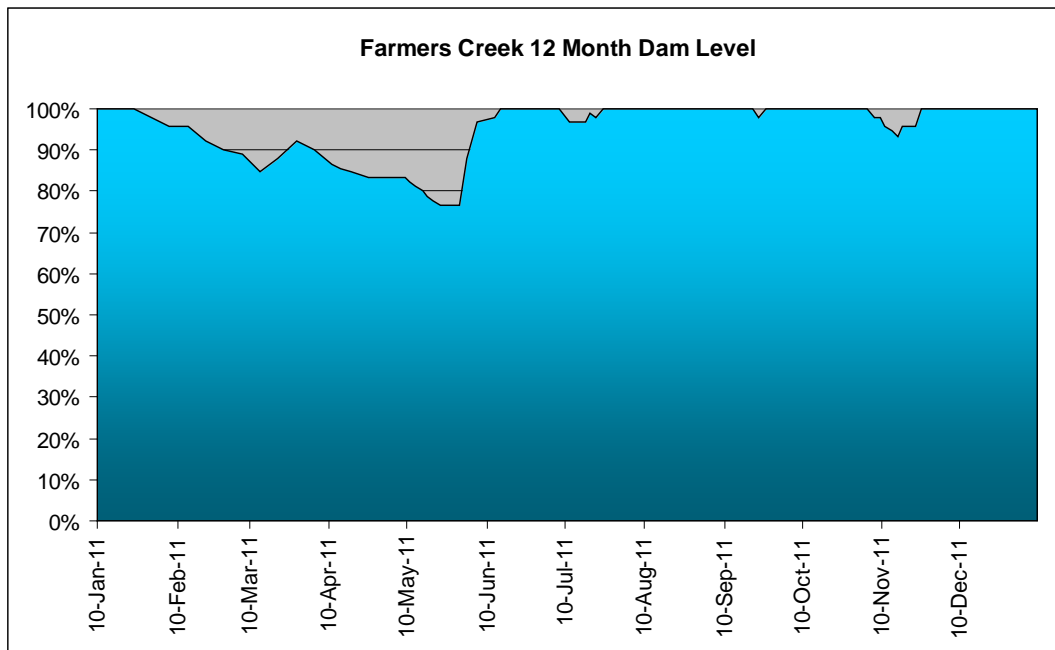
WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in December with no applications for a household appliance rebate and no applications for a water tank rebate.

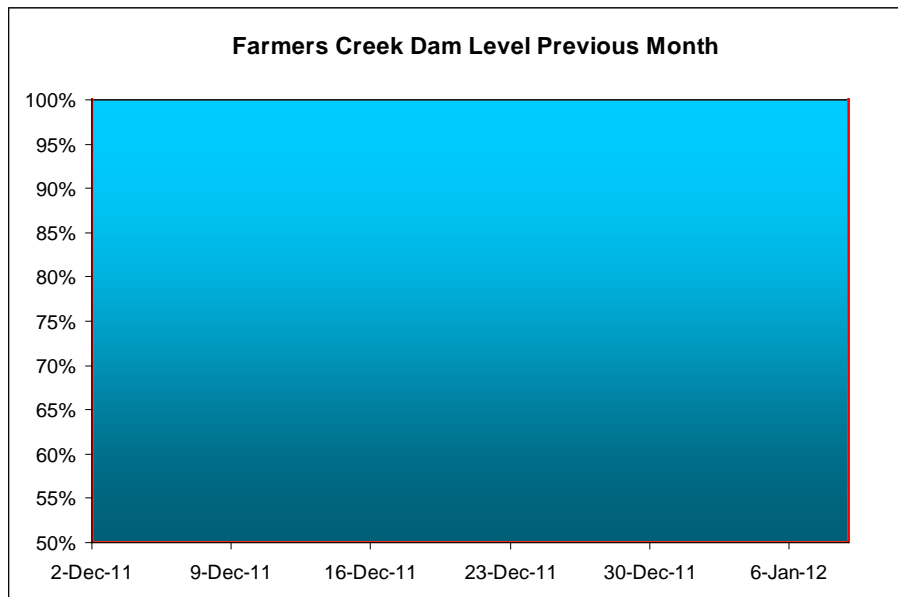
FARMERS CREEK DAM 12 MONTH LEVELS

The attached chart shows the storage data to date for the last twelve months and for the previous month

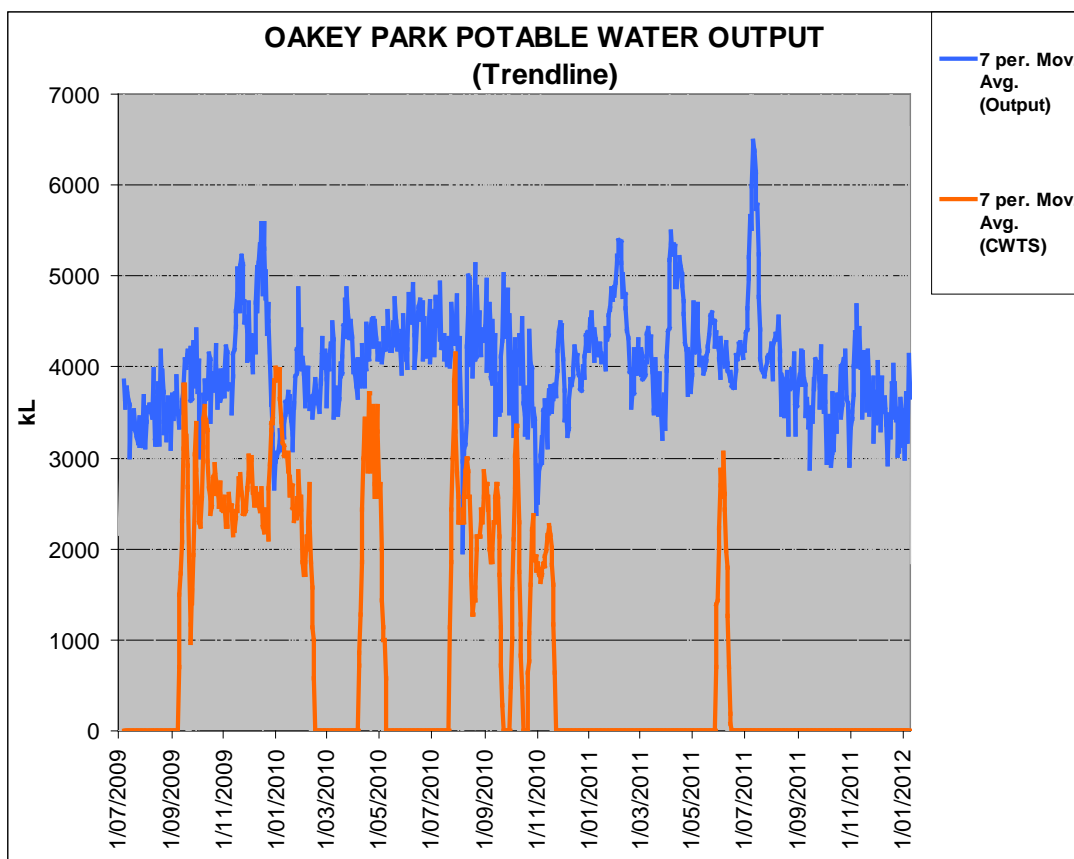
Graph 1 Farmers Creek Dam #2 over 12 Months



Graph 2 Farmers Creek Dam #2 over 1 Month



Graph 3 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use



POLICY IMPLICATIONS
NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT The information in relation to water management issues be noted.

ITEM-24 OPER - 23/1/12 - LICENCE FOR GROUNDWATER PUMPING - CLARENCE

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Council recently sought advice from the Office of Water in regard to security of access to water obtained from mine de-watering at Clarence Colliery and in particular to the scenario when Centennial Coal Mine closes for whatever reason.

This information was required to satisfy components of the funding agreement with the Commonwealth of Australia for the upgrade of the Clarence Transfer Scheme.

COMMENTARY

Correspondence has been received from the NSW Office of Water in the following terms:

“Status of existing Water Licenses

The Office’s letter to Council of 26 July 2011 set out the basis upon which access to water has been granted and the status of existing licenses. This information is repeated below for your information.

The Office of Water is generally supportive of the proposal to extend the pipeline to Farmers Creek Dam, as this will cease releases of mine water in to Farmers Creek swamp, reducing potential for erosion, soil damage and habitat transformation.

The REF should more clearly acknowledge that the scheme is dependant on the ongoing availability of groundwater from mine dewatering by Clarence Colliery. This groundwater is extracted by the Colliery under licence from the Office of Water for mine safety and operation purposes and is then transferred into a dam which is licensed by the Office. Council is then authorised to take water from the colliery’s dam under a Surface Authority administered by the Office of Water, held jointly by Council and Clarence Colliery (10SA001409).

Surface Authority 10SA001409 has a number of conditions, with which the scheme must comply. The most relevant to the current proposal are conditions 1 and 2.

Condition 1 authorises diversion of up to 1293ML of water from the Mines dam for town water supply use per year, with diversion of up to twice this volume allowed in any one year, provided diversions do not exceed three times the annual volume in any three year period.

Condition 2 confirms that the authority to take water is subject to availability of water from the mine dewatering dam.

Providing the current authority conditions are met, then no new authority is required by the Office for the pipeline works at this time. The existing authority will however need to be amended to reflect the changed works associated with the transfer and these works must be carried out in a manner to minimise any impacts and in accordance development consent and requirements of other agencies such as The

Office of Environment and Heritage, as well as Forests NSW within the Department of Trade and Industry. It also understood that the Office's Water Utilities Branch is providing ongoing advice to Council on this proposal.

Should however, Council at some time in the future wish to increase the volume of water taken beyond that currently authorised, or to source water other than from authorised mine dewatering, then Council will need to apply to Office for new entitlement at that time. Any application will be subject to environmental assessment and the rules of the water sharing plan in place at that time.

It should be noted that the office of Water is currently in the process of converting all existing licences and authorities under the Water Act 1912 to Water Access Licences and associated Works and Use Approvals under the Water Management Act 2000. Correspondence and condition statements consistent with the rules of the relevant water sharing plans will be provided to all existing licence holders, including Council, in due course.

Access to Water from Clarence Colliery subsequent to Mine Closure

The Water Sharing Plans for surface and groundwater resources of the Greater Metropolitan Region commenced on 1 July 2011. The plans generally limit the granting of new Access Licences, so as to protect the rights of existing water users and the environment by sustainably managing the allocation of available resources.

Local Water Utilities, including Council are however excluded from these limitations and Council may at any time apply for a new Water Access Licence to take water for town water supply purposes. Any application will be subject to the rules of the relevant water sharing plan at the time the application is received and will be subject to the usual environmental assessments. It should also be noted that any approval to authorise the construction and use of works for water supply will require Council to obtain legal occupation of the site where the works will be located.

Permission to operate a water treatment plant

It is understood that Council is seeking permission to operate a water treatment plant prior to the discharge of groundwater into Farmers Creek Dam (if and when the mine were to cease operation) Clarence Colliery currently operates a water treatment plant to reduce iron and manganese prior to discharge to Farmers Ck dam and/or release to the Wollongambe River. No approval is required from NSW Office of Water to operate a water treatment plant to produce water for discharge to Famers Ck Dam. However, Council is strongly advised to minimise the level of iron and manganese in the treated water to not more than 0.3mg/L so that the Water discharged into Farmers Ck Dam will not affect the production of high quality water by the Oakey Park Water Treatment Plant. Council should continue to liaise with the Office's, Water Utilities Branch on this matter if any changes are proposed.”

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the response from the Office of Water on the Licence for Ground Water pumping at Clarence be noted by Council.

ITEM-25 OPER - 23/1/12 - LITHGOW CEMETERY

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

12 December 2011 – Minute Number 11-483

SUMMARY

Council will recall that at its meeting on 12 December 2011 that the minutes of the meeting held on 21 November 2011 were confirmed with the inclusion of the following:

1. Determining a means of ensuring that there are not future problems with double-depth internments.
2. Providing a headstone at no cost to the family concerned with the burial at Lithgow Cemetery on 20 July 2011; and
3. How many current double-depth internment plots there currently are in the Lithgow Cemetery.

COMMENTARY

The following comments and actions are in response to the request for further information in regard to burial practices at Council's cemeteries

With regard to double internments, it is not possible to give any guarantee that similar problems experienced during the recent internment on 20 July 2011 at the Lithgow cemetery will not occur in the future. In the older section of the cemetery double internments are subject to the close proximity of other graves, soil conditions at the time of internment and prevailing weather conditions. During excavation for internments wall stability and the potential impact on adjacent graves is of primary concern. This was the problem which arose during the proposed internment.

In relation to Council providing a headstone at no cost to the family concerned with the burial at Lithgow cemetery on 20 July 2011, correspondence has been sent to the family requesting a quote/estimate of cost for Council's consideration. Council is still awaiting a response from the family.

In regard to current double-depth burials, Council cemetery records are very old and inaccurate. It is therefore not possible to calculate the amount of current double-depth internments. Records for the most current burials within the new sections of the cemetery such as the lawn section are accurate. Unfortunately for the older sections, records are not as useful.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the information concerning double internments at Lithgow cemetery.

COMMUNITY AND STRATEGY REPORTS

ITEM-26 COMM - 23/1/12 - UNIVERSITY OF WESTERN SYDNEY

REPORT FROM: A SHELTON – ACTING GROUP MANAGER COMMUNITY AND STRATEGY

REFERENCE

Min No 09-336: Ordinary Meeting of Council 3 August 2009
Min No 10-370: Ordinary Meeting of Council 23 August 2010
Min No 11-214: Ordinary Meeting of Council 30 May 2011

SUMMARY

This report provides an update on the progress of the establishment of a UWSCollege in Lithgow by the University of Western Sydney.

COMMENTARY

Over the past several years Lithgow City Council has been liaising with the University of Western Sydney (UWS) with regards to the possibility of establishing a University presence in Lithgow. In early December 2011, Senator, the Hon Chris Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations announced that UWS will be receiving funding for the establishment of a UWSCollege in Lithgow.

The UWSCollege will be established in the Hoskins Building, on the corner of Bridge and Mort Streets, with approximately \$8 million to be spent on the refurbishment of the building by UWS. When finished, the facility will feature flat floor teaching spaces, tiered lecture theatre/auditorium, labs, library and resource centre, IT kiosk, student services and recreational spaces. Scheduled to open in 2014, initially the UWSCollege will cater to 100 students with the potential to 300 in time.

At it's Ordinary Meeting of Council held on 30 May 2011, it was resolved that Council:

1. Adopts in principle the draft conditions as outlined in this report for the future leasing of the Hoskins Building by the University of Western Sydney for a University College Campus. The conditions include, in brief:
 - Initial lease period of 20 years with an Option to Renew of two further periods of five years each
 - Maximum period of tenancy under the lease to be 30 years.
 - Rent to be fixed at \$1 per year for term of lease.
 - The Council (lessor) will maintain in a state of good condition and serviceable repair the building and must fix structural defects
 - UWS (lessee) must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition.

2. Authorises the General Manager to negotiate final terms of leasing of the Hoskins Building with the University of Western Sydney should funding be received for the building's upgrade and fitout.

3. Authorises the fixing of the Council seal to the lease document.

Council officers have held informal discussions with current tenants and community groups using the facility, advising them of the project and assisting with the identification of alternate locations that may be suitable to their requirements. These groups include the Senior Citizens, Lithgow Musical Society and Lithgow Theatre Group.

Preliminary site inspections by the UWS Capital Works team have taken place.

An information session to Councillors was held on 16 January 2012, with representatives from the Chancellery and Capital Works team providing both background information to the project and a high level overview of the proposed works to be undertaken.

As part of the universities plans to build relationships with the Lithgow community, UWS are currently investigating Council venues to determine the best location to hold an Art Exhibition featuring art for the university collection as well as art by local artists.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Media Release from University of Western Sydney

RECOMMENDATION

THAT Council note the report on the University of Western Sydney's proposed establishment of a UWSCollege in the Hoskins Building in Lithgow.

FINANCIAL SERVICES REPORTS

ITEM-27 FINAN - 23/1/12 - COUNCIL INVESTMENTS HELD 31 DECEMBER 2011

REPORT FROM - C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 11-342: Ordinary Meeting of Council 22 August 2011 (July 2011)
 Min No 11-374: Ordinary Meeting of Council 12 September 2011 (Aug 2011)
 Min No 11-411: Ordinary Meeting of Council 10 October 2011 (Sept 2011)
 Min No 11-474: Ordinary Meeting of Council 21 November 2011 (Oct 2011)
 Min No 11-501: Ordinary Meeting of Council 12 December 2011 (Nov 2011)

SUMMARY

To advise Council of investments held as at 31 December 2011 for the 2011/12 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 December 2011 when compared to 30 November 2011, has increased by \$3,376,276.67 from \$10,808,921.40 to \$14,185,198.07.

The increase in investments is attributed to Council resolution on 21 November 2011 where approval was provided to drawdown a loan of \$2,900,000. This loan was completed on 9th December 2011 with the National Australia Bank. On the 30 November 2011 the 2nd rate instalment was also due.

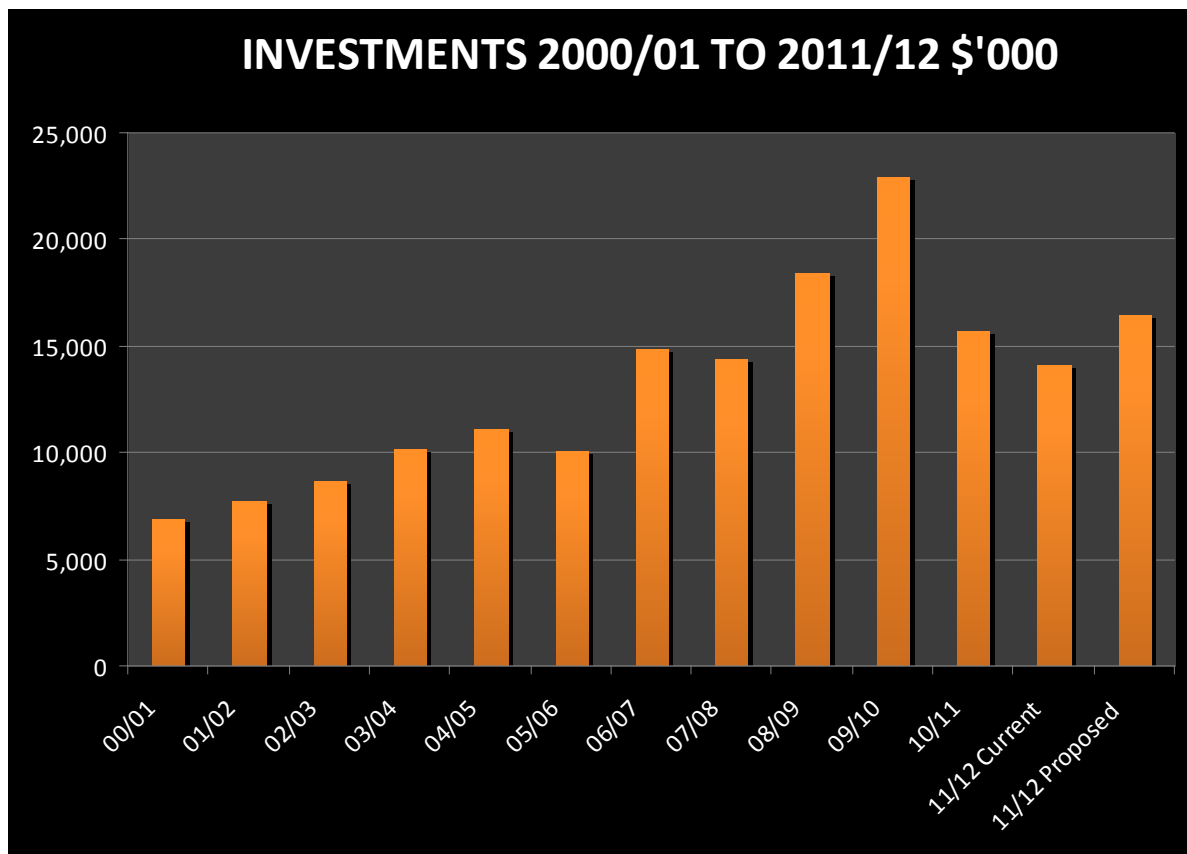
INVESTMENT REGISTER 2011/12								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.11	VALUE 31.12.11	% OF TOTAL
ANZ	TD	13.12.11	12.03.12	90	5.17	806,060.04	817,587.80	5.76%
	TD	14.10.11	14.12.11	60	5.42	509,407.68	0.00	0.00%
		12.12.11	10.02.12	60	5.07	0.00	500,000.00	3.52%
CBA	On Call				4.20	50,000.00	1,005,258.18	7.09%
		01.12.11	30.01.12	30	5.45	504,693.15	506,854.34	3.57%
		12.12.11	12.01.12	30	4.92	0.00	500,000.00	3.52%
IMBS	TD	28.11.11	27.02.12	91	5.70	1,091,847.11	1,091,847.11	7.70%
	TD	30.11.11	28.02.12	90	5.70	724,006.84	724,006.84	5.10%
	TD	14.12.11	14.03.12	91	5.85	1,014,871.23	1,029,510.40	7.26%
NAB	TD	08.11.11	08.02.12	90	5.85	1,082,216.83	1,082,216.83	7.63%
WESTPAC	TD	08.07.11	08.01.12	182	6.00	276,407.00	276,407.00	1.95%
	TD	08.07.11	08.01.12	182	6.00	552,814.03	552,814.03	3.90%
	TD	29.10.11	30.01.12	91	5.77	1,140,370.61	1,140,370.61	8.04%
	TD	12.12.11	11.01.12	30	4.96	0.00	500,000.00	3.52%
ST GEORGE	TD	12.12.11	12.03.12	90	5.50	0.00	400,000.00	2.82%
	On Call				4.25	566,203.37	568,301.42	4.01%
		27.09.11	04.01.12	94	5.81	513,948.24	513,948.24	3.62%
	TD	19.10.11	19.04.12	182	5.90	832,927.30	832,927.30	5.87%
	TD	12.12.11	12.03.12	90	5.56	0.00	500,000.00	3.52%

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	TD	12.12.11	10.02.12	60	5.29	0.00	500,000.00	3.52%
SUNCORP	TD	08.11.11	09.01.12	62	5.56	1,143,147.97	1,143,147.97	8.06%
			TOTAL			10,808,921.40	14,185,198.07	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

I, Carol Farnsworth, Lithgow City Council's 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.

On the graph below historical and current investments are shown for 2011/12 to 30 November 2011.



POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 November 2011 Council adopted the current version of the Investment Policy as Policy 8.2 which is currently on exhibition and is the subject of a report to this meeting. The policy was reviewed following the Minsters Order on 12 January 2011.

FINANCIAL IMPLICATIONS

Interest received to 31 December 2011 is \$275,003.82 of an estimated \$550,802.00 shown in the 2011/12 Management Plan. Interest is paid on the maturity date of the investment.

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 12 January 2012
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

ATTACHMENTS

NIL

RECOMMENDATION

THAT Investments of \$14,185,198.07 for the period ending 31 December 2011 be noted.

COMMITTEE MEETINGS

ITEM-28 **COMM - 23/01/12 - LITHGOW FLASH GIFT COMMITTEE MEETING MINUTES - 1ST DECEMBER 2011**

REPORT FROM: R PARK - EVENTS CO-ORDINATOR

REFERENCE

Min No 11-286: Ordinary Meeting of Council 11 July 2011
Min No 11-287: Ordinary Meeting of Council 11 July 2011
Min No 11-449: Ordinary Meeting of Council 31 October 2011

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 1 December 2011.

COMMENTARY

At the Lithgow Flash Gift Committee Meeting held on 1 December 2011, there were a number of items discussed by the Committee.

- Report from NSW Athletics League
- Confirmation of schedule of events
- Report from Little A's
- Memorandum of Understanding
- Lithgow Triathlon
- General Business

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 1 December 2011

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Lithgow Flash Gift Committee held on 1 December 2011.

2. Notes the draft MOU will be amended and will be presented to the committee at the next meeting in January.
3. Notes that Lithgow Flash Gift has received \$10,000, the second year in a row, under the Destination NSW Flagship Funding for the Lithgow Flash Gift.
4. Requests that the Sports Advisory Committee not approve any event on the Tony Luchetti Showground that could damage the area where the Lithgow Flash Gift Tracks are to be located to reduce the risk of damage to the track prior to the event.

**ITEM-29 ENVIRO - 23/01/12 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 13 DECEMBER 2011**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report seeks Council's ratification of the minutes of the Crystal Theatre Management Committee Meeting held on 13 December 2011.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 13 December 2011, there were two items discussed.

The minutes are attached for formal ratification by Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 13 December 2011.

RECOMMENDATION

THAT Council note the minutes of the Crystal Theatre Management Committee Meeting held on 13 December 2011 and resolve as follows:

- 'In Principle' support be provided for the installation of a mural depicting Mr Ron Bidwell with the preferred location being on the side wall and subject to further details being provided by Portland Tidy Towns.

**ITEM-30 ENVIRO - 23/1/12 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 14 DECEMBER 2011**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-454 – Ordinary Meeting of 1 November 2010
Min No 10-433 – Ordinary Meeting of 11 October 2010
Min No 10-309 – Ordinary Meeting of 2 August 2010
Min No 10-209 – Ordinary Meeting of 24 May 2010
Min No 11-84 – Ordinary Meeting of 7 March 2011
Min No 11-125 – Ordinary Meeting of 28 March 2011
Min No 11-219 – Ordinary Meeting of 30 May 2011
Min No 11-285 – Ordinary Meeting of 11 July 2011
Min No 11-477 – Ordinary Meeting of 21 November 2011

SUMMARY

This report details the minutes of the Environmental Advisory Committee meeting held 14 December 2011.

COMMENTARY

At the Environmental Advisory Committee held on 14 December 2011, there were ten (10) items discussed by the committee including

- Farmers Creek Track and Trail Network
- Terms of Reference
- Environmental Position Descriptions
- General Business

The EAC made a number of recommendations to Council indicated in the attached minutes:

POLICY IMPLICATIONS

In accordance with the terms of reference of S355 Committees of Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Environmental Advisory Committee held 14 December 2011.

RECOMMENDATION

THAT Council notes the minutes of the Environmental Advisory Committee held 14 December 2011 and resolve as follows:

1. Council further develop the concept of the Farmers Creek Track and Trail Network and take ownership of the project by developing a plan that can be implemented over a number of years.
2. Council endorse the draft project scope for the development of the Farmers Creek Concept Plan.
3. Council use the completed Farmers Creek Concept Plan to attract external funding opportunities.
4. Council indicate, in principle, it would be interested in hosting a corporate sponsorship workshop day through the Hawkesbury Nepean Catchment Management Authority

ITEM-31 OPER - 23/1/12 - SPORTS ADVISORY COMMITTEE MINUTES 12 DECEMBER 2011

REPORT BY: L KEARNEY - ASSETS AND PROJECTS ENGINEER

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 12 December 2011 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 12 December 2011, there were nine (9) items discussed by the Committee, with all items except Items 6 and 8 being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- 2011 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards for September, October and November 2011
- Booking Requests
- Committee Dates for 2012
- Proposal for Resurfacing of the Lithgow Tennis Courts
- Maintenance requests at Jim Monaghan Athletics Oval, Lithgow from the Lithgow Athletics Club (changing of long jump pit sand, vegetation clearance of plinths, and gratitude for Council's assistance during 2011);
- Maintenance request at Conran Oval, Lithgow from Lithgow District Senior Cricket Association Inc (painting of sight screens and reinstallation of sight screens);
- Capital request at Watsford Oval and Glanmire Oval from Lithgow District Senior Cricket Association Inc (replacement of synthetic cricket wickets due to wear); and
- Maintenance request at Tony Luchetti Sportsground, Lithgow from Lithgow Workmen's Club RLFC (replacement of broken field lighting).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

For Item 6 – Booking Requests, the Committee recommends that Council consider providing a donation of \$200 (equivalent to the hire fees for Saville Park, Portland) to the Lithgow Child Protection Interagency, and consider providing a donation equivalent to the entry fees that will be paid at the Lithgow War Memorial Olympic Swimming Pool, Lithgow as part of the recovery session for the participants in the WRAS Combined Camp to the Western Region Academy of Sport.

For Item 8 – Lithgow City Tennis Club Inc – Resurfacing of Courts, the Committee recommend to support the Lithgow City Tennis Club Inc's request for Council to remove two (2) trees in James Street, Lithgow, to support the Lithgow City Tennis Club Inc's request for Council to prune two (2) trees overhanging the rear courts at Glanmire Oval, Lithgow, and for Council to consider making a financial contribution toward the drainage improvement and rectification works at the Glanmire Oval, Lithgow Tennis Courts as part of the quarterly budget review for December 2011.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 12 December 2011.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Sports Advisory Committee meeting held on Monday, 12 December 2011;
2. Provide a donation of \$200 (equivalent to the hire fees for Saville Park, Portland) to the Lithgow Child Protection Interagency
3. Provide a donation equivalent to the entry fees that will be paid at the Lithgow War Memorial Olympic Swimming Pool, Lithgow as part of the recovery session for the participants in the WRAS Combined Camp to the Western Region Academy of Sport;
4. Support the Lithgow City Tennis Club Inc's request for Council to remove two (2) trees in James Street, Lithgow
5. Support the Lithgow City Tennis Club Inc's request for Council to prune two (2) trees overhanging the rear courts at Glanmire Oval, Lithgow, and
6. Review a financial contribution toward the drainage improvement and rectification works at the Glanmire Oval, Lithgow Tennis Courts as part of the quarterly budget review for December 2011.

BUSINESS OF GREAT URGENCY

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

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

CLOSED REPORT

**ITEM-32 FINAN - 23/01/12 - CONFIDENTIAL REPORT - PROPERTY 72020
 GLEN DAVIS**

REPORT FROM – C FARNSWORTH - FINANCE MANAGER

Reason for Confidentiality

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

- (b) the personal hardship of any resident or ratepayer

REFERENCE

NIL

SUMMARY

To advise Council of negotiations with a ratepayer in relation to rates and charges outstanding on their property with a recommendation that Council hold further action until 30 June 2012. A recommendation is also included that Council not acquire the subject land.

RECOMMENDATION

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