



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

18 DECEMBER 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 18 DECEMBER 2006**

Meeting Commenced 7.00pm

Public Gallery: 55

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

An apology was received and accepted from Councillor W McAndrew who is out of the City on personal business.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

06- 445 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Paul Anderson
Group Manager, Regional Services, Mr Andrew Muir
Group manager Community and Corporate Services, Ms Kathy Woolley
Minutes Secretary, Miss Casey Clarke
Executive Secretary, Miss Cortney Wood
Policy and Planning Manager, Mrs Amanda Muir
Community and Culture Manager, Mrs Penny Hall
Tourism Manager, Miss Jodie Rayner

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 20 November 2006 were taken as read and confirmed by Councillors H K Fisher and M J Wilson

06- 446 RESOLVED

CARRIED

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Kathy Woolley declared an interest in Item 11 due to her partner representing the said party.

QUESTIONS FROM THE PUBLIC GALLERY

At 7.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

Presentations

There was a presentation from the Smith Family.

Questions

QPG - MARLENE BRINCKLEY

1. Mr Mayor could you please explain o me why discussion regarding compensation to be paid and by whom regarding Dukes, Council and Trout Farm is to be done in confidence? As ratepayers surely we have the right to know the outcomes and reasons why. It is our rate money after all. I object to being asked to leave while you discuss this matter. Is there something to hide?

The Local Government Act provides, in certain circumstances, such as in relation to "advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege" that a council, or a committee of the council of which all the members are councillors, may close to the public parts of a meeting. The act also allows the opportunity for members of the public to make representations to or at a meeting as to whether that part of the meeting should be closed. Therefore, it is recommended that Council treat this question as such a representation.

2. Mr Mayor please tell me what possible benefit a new logo will make except for wasting the monies allocated to this project. All it will do is make us look like lots of other authorities who have gone the wavy line route. Lets be individual? Are the glass doors on Council Chambers to be changed should Council vote to accept waves as our new logo and at what expense?

This is subject to the report on the logo at the Meeting held on 18 December 2006.

QPG - KEN BRICE

1. Mr Mayor Council meeting of 20/11/06 I asked is Council in possession of Structural Engineers certificate for all awnings over its footpaths in Portland, Wallerawang and Lithgow, you are not answering this question. Is Council or is Council not in possession of the required certificates that Council put so much empath is on in 1999? Or is a life in 2006 considered not to be as important as it was in 1999?

Structural Engineers reports are held for a number of awnings in Council's area. The issues of compliance are under investigation with further 'follow up' letters recently sent.

2. Mr Mayor also asked at this meeting, DLG Circular of 99/33 18/05/99, paragraph 6 File ff96/0669/01 consideration will also be necessary to other potential loads for example apart from wind such as snow and earthquakes, on 15/02/04 a domed roof of a Moscow water park collapsed under the weight o snow, killing 24 people and injuring 110, must we wait for this to happen here before council acts on this matter, is council now in a position to answer this question?

Structural assessment is based on all relevant codes and standards.

3. Mr Mayor also asked at the same meeting, results from council Meeting held on 9/02/04 (19708/BU/ILT/05) said an audit has now been commenced. It would appear that this audit has suffered a natural death or are we to assume that council is not prepared to follow up on this matter; you are not answering this question. Is Council or is Council not prepared to follow up on all awnings over its footpaths that have not been certified under Australian standards by a Structural engineer including the Crystal Theatre?

As previously answered there is an ongoing program with Council's Building Surveyors carrying out inspections if further action is required. This has recently resulted in follow up correspondence.

4. Mr Mayor Portland did not advertise Carols by Candlelight this year by mean of a banner from the Crystal Theatre and Portland 4square as it has for many years, reason in 2005 constant banners between these two facilities was weakening the awnings, second hand bookstore has temporary verandah post installed since 2005, doe this sound like that these awnings are in a safe condition?

Unable to answer this question other than the Crystal Theatre awning has been the subject of assessment and, after minor repairs, is compliant.

5. Mr Mayor what catastrophe must happen before council is prepared to bite the bullet and comply with DLG circular 99/33 and I quote "in the circumstances the purposes and intent of inspections should be to establish that existing awnings are structurally sound in this matter, yet in letter safety. It would appear that very little interest is being shown in this matter, yet in letter dated 15/02/01 (7648;67460JAN;MAJ environment services), I quote "I wish to advise that a number of issues relating to awnings in Portland are being pursued by Council. It is councils intention to ensure that all necessary work is to be completed to ensure the safety of residents, "it would appear that this interest has since waned and life means very little in 2006".

See answers to 1, 2 and 3. The issue is being addressed.

QPG - TED ELLERY

1. Mr Mayor can you please provide some answer to the United Services Union Members with respect to Council's position of the matter alleged by Councillor Martin Ticehurst and Mr Jack Ellis and the Today Tonight program?

Answers are provided below to the questions asked.

2. Mr Mayor as proud members of the Lithgow City Council and the United Services Union we are appalled at the behaviour and constant blatant use of the mistruth in an attempt to degrade the Council and its staff in the broader community. Mr Mayor, what options as staff do we have?

With regards to the questions of what options do staff have in relation to this matter, Council has no power under the Local Government Act to provide financial assistance to individual staff members or officers to assist them in bringing actions against other parties in these circumstances, for example, defamation proceedings. It would be a matter for individual members to enquire of their union if any assistance is available and to obtain their own independent legal advice at their own cost if the union to assist. I also remind people that all Councillors and staff are bound by the Code of Conduct and as such I refer the employees to the Code for their examination.

3. Mr Mayor will Councillor Martin Ticehurst and Mr Jack Ellis provide a written apology published in the local media including the electronic medial forthwith?

With regard to the enquiry as to whether a written apology will be published by Councillor Ticehurst and Jack Ellis, Council has no power to make Mr Ellis to make an apology and with regard to Councillor Ticehurst, as a complaint has been lodged concerning Councillor Ticehurst and his statements on the Today Tonight Program, which will be referred to the Code of Conduct Committee, I am unable to make any further comments at this stage as it will be a matter for the Committee to investigate the complaint and make a report to Council.

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CHILD CARE SITE PROTO AVE LITHGOW

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ITEM:1 NOTICE OF MOTION - CAREFLIGHT HELICOPTER SERVICE - LISTED BY COUNCILLOR M M COLLINS

CAREFLIGHT HELICOPTER SERVICE

Listed by Councillor M. Collins

BACKGROUND:

Council should consider the implications of the State Government's decision to award the emergency helicopter upon our local community.

Local fund raising for the Careflight services have provided the back bone for the service over many years building an essential service that is then made available to our community.

Media coverage of the risk to the service if the State Government is unable to retain the services of the doctors currently working with Careflight is particularly concerning.

RECOMMENDATION:

THAT Council advise the Minister for Health and the local member of the concerns the Council has for the ongoing provision of a high quality emergency helicopter service for the Lithgow community.

06- 447 RESOLVED

THAT:

1. Council advise the Minister for Health and the local member of the concerns the Council has for the ongoing provision of a high quality emergency helicopter service for the Lithgow community.
2. Council offer to "house" the local petition for the community to sign.

MOVED: Councillor M M Collins

SECONDED: Councillor H K Fisher.

CARRIED

GENERAL MANAGER REPORTS

ITEM:2 GM - 18/12/06 - FUEL PRICE DIFFERENCES BETWEEN LITHGOW AND THE BLUE MOUNTAINS

REFERENCE

Question Without Notice from Councillor B P Morrissey at the Ordinary Meeting held on 16 October 2006.

SUMMARY

This report outlines correspondence received from Perter Andren, Federal Member for Calare in regards to fuel price differences between Lithgow and the Blue Mountains.

COMMENTARY

Correspondence from Peter Andren was received in relation to fuel price differences and he has sought assistance from the Parliamentary Library and they have provided the link listed: <http://www.aaa.asn.au/issues.petrol.htm>

However they are not able to explain differentials between locations, apart from the "market competition" argument that is outlined in the paper on City-Country price differentials.

The presence of Supermarket docket petrol in places like Bathurst has an obvious downward pressure on prices. He is unsure how this explains any cheaper fuel in Mudgee vis-à-vis Lithgow.

He has been informed by several independent service station operators over the past decade that excess fuel from refineries is often distributed to selected service stations in the metropolitan area at discounted rates to make room for new shipments of oil arriving in port. That "arrangement" has extended to his knowledge as far as Mt Victoria, but no further. It may be worth checking with local outlets to see what explanation they have for differential pricing regimes from their suppliers.

The research library has agreed to make further inquiries to see if it can establish any further grounds for the Lithgow-Blue Mountains price differential and he will also write to the ACCC to see if they have any data on the questions our Council have raised.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information be noted.

06- 448 RESOLVED

THAT:

1. The information be received
2. Council seek advice from peter Andren as to whether we can get Lithgow placed on the list for distribution to selected areas.
3. The General Manager investigate the possibility of Council advertising fuel prices in the Councils Weekly Column.

MOVED: Councillor B P Morrissey

SECONDED: Councillor B S Moran.

CARRIED

ITEM:3 GM - QUESTION WITHOUT NOTICE - COUNCILLOR W MCANDREW

REFERENCE

NIL

SUMMARY

Council will recall the question from Councillor McAndrew regarding the censure motion formally moved by Council for misbehaviour of Councillor M F Ticehurst.

COMMENTARY

Council will recall the 4 part motion passed by Council at its Ordinary meeting held on 16 October 2006. The resolution of Council was:

1. Council formerly censure Councillor Martin Ticehurst for misbehaviour due to breaches of the Code of Conduct relating to the publication of confidential materials and behaviour which does not illustrate leadership in accordance with the key principles in Council's Code of Conduct;
2. Council advise Councillor Ticehurst that he must ensure the removal within 7 days of this resolution of all confidential material from the website of which he is the registrant;
3. Council advise Councillor Ticehurst that within 28 days of this resolution he is to ensure that the subject website is closed;
4. Councillor Ticehurst apologise to the Council, in writing, for his actions which amount to misbehaviour under Council's Code of Conduct and that this apology be published in full in the local media within 7 days.

At the time of preparing this report for inclusion in the business paper, Items 2, 3 and 4 of the above resolution remained outstanding.

The Department of Local Government was contacted regarding the matter, seeking advice with respect to the non compliance with Councils resolution. The Departments advised:

"The Department has taken the view that, if a Councillor refuses to comply with recommendations of council on a conduct matter that requires some positive act on the councillors part (such as giving an apology or undergoing counselling), then it is open to the council to revisit the issue, note the non-compliance and impose some other sanction.

This may include a sanction that does not require any action on the part of the Councillor (such as censuring the councillor).

Note that the alternative sanction must be in respect of the original conduct, and not constitute or purport to be a sanction for failing to comply with the original sanction. Further, any alternative sanction must still be appropriate and reasonable having regard to the original breach.

It is also open for a new complaint to be made against the councillor for breaching the code of conduct by failing to comply with original sanction. This could be considered a breach of a council administrative requirement. In this case the matter would need to go through the normal complaints process".

Council will now need to consider what action, if any it wishes to take.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

FINANCIAL IMPLICATIONS

This report itself raises no financial issues, however, the ongoing reporting and investigations do incur a financial impost.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT this report be submitted for Council's determination.

06- 449 RESOLVED

THAT Council refer this matter to the Code of Conduct Committee for breaches with a report back to Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

Councillor M F Ticehurst was against the resolution.

Councillor M F Ticehurst moved a Motion that Council provide him with all documentation regarding closing the website. This motion LAPSED due to having no seconder.

ITEM:4 GM - 18/12/06 - BLACKHEATH CREEK ROAD

REFERENCE

NIL

SUMMARY

This report is submitted to Council as way of clarification to the real and factual issues that have occurred on the "Blackheath Creek Road Sealing project" and the actions taken in investigating the matter both prior and post my annual leave as reported to Daydream Island. This report will also recommend Council adopt a Policy to provide guidance on such matters in the future.

COMMENTARY

As Council is aware from the September Finance and Services Committee Meeting of Council, this project was to be funded from the Federal Governments Roads to Recovery Program (R2R) and would involve the sealing of 1.35km of Blackheath Creek Road.

The project commenced on 19 September 2006 and was completed on 23 October 2006 and is in the final costing stage to determine the final actual costs in preparation of the R2R audit. As General Manager I was unaware of any issues with respect to the project prior to being provided with an unsigned letter and video which was posted to my wife's residential premises.

The mail package was received on or about the 9 November 2006, to which I immediately responded to the person known by me providing the "voice over" on the tape requesting that they make the "complaint" formally and to the Council not my wife's residential premises. To date I am yet to receive anything further.

A number of days latter I resumed viewing the video with other staff. During this time I also sought clarification from staff as to procedures that have traditionally been employed where Council has carried out major construction in areas remote from Lithgow, Wallerawang or Portland.

From my preliminary investigation (albeit not totally completed before my annual leave) I was satisfied that whilst the process may need some strengthening to provide greater transparency and community awareness, no improper behaviour had occurred. I based the findings on:

- In road construction projects it is common practice to offer neighbouring property owners spoil which is unsuitable for re use in the construction program
- The property owner agree to accept the spoil material
- Approx 20 x 7 tonne truck loads of spoil were tale to the site.
- Approx 50t loads of road base were stock piled on site and later removed for construction of the roadway
- The material was of no value to Council given into condition, quality (or lack there of) and "rubbish" located within it.
- No Council plant was used to spread the material; this was confirmed by the property owner.
- The time taken to transport the material to the Lithgow Waste Management facility would be approx 23 hours based on a 1.25hr turnaround trip.
- The time taken to dispose of the soil on a adjoining property was 3.33hrs.
- Considerable cost savings were achieved by utilising this disposal rather than transporting to Lithgow, hence saving the job additional expense.

- The spoil material was material removed from; the road surface due to being unsuitable for compaction due to a lack of clay, tabled drains; culverts and in a location where some minor widening took place.

As indicated this practice of disposal is common placed with Local Government and contractor experience in NSW. It is further acknowledged that the "procedure" could be "tightened" with the formalities and adoption of a Council policy to provide greater guidance to staff in the future.

With the attached policy has been drafted for Council consideration and adoption so it maybe placed on public exhibition, the policy is intended to formalise past informal actions and provide the staff with some guidance in any future scenarios which may arise as Council continues upon the adopted and future capital works programs.

As inspection of the road surface by Council's emergency staff on 8 December 2006 indicate that the road surface has not failed as indicated except where some malicious damage has been caused. The attached photo illustrates this.

This matter has been reported to ICAC as required under Sec 11 of the ICAC Act; at the time of preparing this report no response had been received.

POLICY IMPLICATIONS

This report recommends Council adopt a policy (in draft form) and place it on public exhibition.

FINANCIAL IMPLICATIONS

There are no direct financial implication arising from this report other than the time and cost incurred in carrying out the investigations.

LEGAL IMPLICATIONS

NIL

CONCLUSION

This report clarifies the actual occurrences that occurred on the Blackheath Creek Road sealing project and provides Council with details of what occurred, contrary to recent media stories and adverts.

This report has also provided Council with a draft policy which if adopted can be placed on public exhibition.

RECOMMENDATION

THAT:

1. The report be submitted for clarification
2. Council adopt the draft policy and place it on public exhibition to enable a final report to be submitted to the February 2007 council Meeting.

06- 450 RESOLVED

THAT:

1. The report be submitted for clarification
2. Council adopt the draft policy and place it on public exhibition to enable a final report to be submitted to the February 2007 council Meeting.

MOVED: Councillor H K Fisher

SECONDED: Councillor A E Thompson.

Councillor M F Ticehurst moved a Motion that this matter not be determined due to the General Manager referring the matter to the ICAC. This motion LAPSED due to having no seconder.

ITEM:5 GM - 18/12/06 - SISTER CITY RELATIONSHIPS

REFERENCE

Minute Number: 06-218 - Ordinary meeting of Council held 17 July 2006.

SUMMARY

Council will recall the resolution of the Ordinary Meeting to follow up on a Sister City relationship with the Council of Shrewsbury Atcham following our connections via Charles Darwin.

COMMENTARY

Following the resolution Council formally wrote to the Mayor of Shrewsbury / Atcham to determine this level of support.

On Friday 8 December 2006, the General Manager and Councillor M M Collins travelled to Manly and met with the former Mayor of Shrewsbury, Councillor Eileen Sandford. Councillor Sandford was Mayor in 2003 / 04. Councillor Sandford was in Australia on annual leave and took the opportunity to meeting Council on behalf of the mayor to advance the idea of "Twinning" the two Local Government areas.

The discussions were very much focused about the concepts of advantages for the community in exchanges with students, teachers, scholarships and exchanges with other professionals who might be able to gain insights into methods utilised in England for many similar activities carried out in Australia and Lithgow.

Councillor Sandford will upon her return to England advise the mayor of our meeting and confirm the Council's willingness to become a Sister City or "twin" as referred to in England. Council on our behalf will need to set some priorities of the arrangements and hold discussions with people like the Department of Education to determine the potential of such exchanges. EOI should also be sought from the community as to people interested in doing a exchange to the area.

Another concept was a scholarship for a local student to study, either locally or with S/A, some matter of benefits to the local government authorities. It was felt this scholarship could be named after the late John Wellings recognising the enormous effort he put in to promote and make linkages with Charles Darwin.

POLICY IMPLICATIONS

This report requires Council to consider a policy stance with respect to the creating of a scholarship and exchanges with a Sister City if we are to proceed.

FINANCIAL IMPLICATIONS

There will be financial implications if Council chooses a scholarship proposal. The actual costs are unknown at this stage but Council may wish to consider a suitable amount.

LEGAL IMPLICATIONS

NIL

CONCLUSION

This report highlights the discussion between Lithgow City Council and the Council of Shrewsbury / Atcham in England with respect to a Sister City Relationship.

06- 451 RESOLVED

THAT:

1. Council consider a scholarship in the name of the late John Wellings for a local student to study a subject of benefit to the Sister City Councils.
2. Council approach the DET to determine their position on teachers / student exchanges between the 2 local government areas.
3. Council seek EOI from the community on exchanges between members of the community for the benefit of both local government areas.

MOVED: Councillor A E Thompson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:6 GM - 18/12/06 - CHARLES DARWIN MEMORIAL

REFERENCE

NIL

SUMMARY

This report will recommend to Council that no objection be raised to the inclusion of a plaque and small sculpture to the existing Charles Darwin Memorial at Wallerawang to commemorate the efforts of the late John Wellings in securing the monument.

COMMENTARY

Council will recall the magnificent event in September which saw Her Excellency, The Governor NSW, Marie Bashir unveil a monument to record and remember the contribution made by Charles Darwin and to commemorate Darwin's visit to Australia and especially Wallerawang. Council will also remember the tireless and unselfish efforts of the late John Wellings in securing the monument for our local government area, along with assisting preparations and the visit of Her Excellency.

With the very untimely passing of Mr Wellings, the National Trust has been deliberating on a suitable memorial feature/action to a commemoration to John Wellings life. The Trust has now written to Council seeking Council concurrence to the affixing of a plaque and small sculpture of a platypus to the Charles Darwin Memorial. The plaques will be an edited view of Mr Wellings speech (delivered by his wife on the day) and will recognise Mr Wellings role in securing the feature.

As Council is aware the site is owned by Delta Electricity and Council will need to negotiate with this body regarding the location and securing of this added feature.

Given the significant impact Mr Wellings had to the local government area, his monumental involvement in this project, the inclusion of a plaque illustrating Mr Wellings involvement would not seem to be a in reasonable request in these circumstances.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

CONCLUSION

This report recommends Council raise no objection to the National Trust affixing of a plaque and a sculpture to the Charles Darwin Memorial at Wallerawang.

06- 452 RESOLVED

THAT:

1. Council raise no objection to the affixing of a plaque and small sculpture to the Charles Darwin Memorial commemorating the efforts of John Wellings.
2. Council seek the concurrence of Delta Electricity

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:7 GM - 18/12/06 - LITHGOW CITY LOGO

REFERENCE

NIL

SUMMARY

Lithgow City Council called for submissions in relation to the new corporate brand currently being considered. The following reports on the community feedback in regards to the corporate branding.

COMMENTARY

Lithgow City Council Current Logo

The Lithgow City Council current logo features:

- Brush Tailed Rock Wallaby
- Pagoda Rock formations
- Native endemic flora – *Macrocarpum Leptosperm*
- Rail cog – the wheel of industry
- Mountain backdrop
- Sandstone viaducts



New Logo Concept

Lithgow City Council proposed the logo as part of the corporate branding that is to be developed.



following branding

As part of the implementation process, the Council called for the branding documentation to be placed on exhibition. The exhibition phase was completed on the 29th November with 205 responses recorded.

process,

Public

Community Petition

A community Petition in the form of a standard pre-written letter makes up the majority of the community responses. The form letter states the following:

"As a member of the Lithgow community that contributes to the rates charged by the Council, I would like to register my objection to the introduction of a new logo.

I do not think the new logo represents anything locally. The logo "Surrounded by Nature, Steeped in History" is a very satisfactory representation of our area. Please do not waste "Ratepayers" money on this unnecessary change.

Yours faithfully,"

187 standard form letters were received, with 20 containing additional comments that included:

- Money should be expended on:
 - Indoor heated pool
 - Cleanliness of Council facilities
 - Footpath upgrades
 - Replacement of Main Street pavers
 - Road maintenance at Inner and Outer Crescent
 - Paint on roadsides for traffic direction
 - Mowing of grass on road at Maddox Lane
- Maintain the strapline "Surrounded by Nature, Steeped in History"
- Requests for costings to date including consultancy fees.
- Job creation is more important.
- A school competition with a small prize would be more suitable than spending \$33,000 on a logo.
- Donate the money to the Family History Society.
- Wollemi Pine should be used as the logo.

One comment on a standard letter did not actually object to the new logo, however felt that the money should be spent on roads.

Other Public Submissions

There were 18 other submissions received from the public.

Two of these submissions were supportive of Council's moves to implement a new brand in line with the management restructure. Comments included:

"We have a bright new management team at the Council and we should support them."

Supportive of the General Manager's report in the Lithgow Mercury 28th November 2006, on the proviso that Lithgow Tourism retains the Miners Lamp emblem and the community retains the use of the Wallaby logo with restrictions on its use.

Of the other submissions received public comment included:

- Content with current logo.
- The Zig Zag Railway needed to be included.
- Rates could be reduced rather than the implementing a new logo.
- Money could be spent on advertising to encourage new business.
- Free land giveaway to encourage new businesses.
- New logo bland and uninteresting.
- Money could be better spent on :
 - Additional Library staff
 - Roads
 - Health
 - Law and order
 - Security
 - Hospital or Care Flight donation
 - Increased signage

A request for further information on alternative designs, design origins and initiation of project.

Submissions – Letters to the Editor, Lithgow Mercury

Several responses on the logo were also submitted to the Lithgow Mercury. Comments included:

- The inclusion of "Regional Excellence" was encouraging
- Money would be better spent in other essential areas eg roads, facilities
- Logo is bland and uninteresting
- Concerns with money expenditure

Responses to public submissions comments

Initial Concepts for Council's branding

Lithgow City Council staff internally designed a range of concepts for Council's corporate branding. No consultancy fees were paid during the development of the brand. The project was initiated in response to the restructure currently occurring within Council in an attempt to modernise and unite all Council operations.

The following concepts were presented to Council management by staff during the development process.

Initial Concept	Comments on concept
	<p>Represents the sandstone arches that dominate the Lithgow Valley. The logo also features Aboriginal dot markings.</p> <p><i>Strengths:</i> Heritage, Tradition, Vibrancy, Future <i>Weaknesses:</i> Reminds people of McDonalds or the Three Sisters</p>
	<p>Represents the letters from Lithgow City Council – LCC.</p> <p><i>Strengths:</i> Environment, social inclusion, community leadership, sustainability <i>Weaknesses:</i> Letters already used by Lithgow Correctional Centre</p>
	<p>Represents a Wollemi Pine leaf, discovered in the World Heritage listed Wollemi National Park that constitutes a large section of the Lithgow LGA</p> <p><i>Strengths:</i> Nature, heritage, diversity, sustainability, Gondwanan, community leadership <i>Weaknesses:</i> Not suited to greyscale/two tone printing, Wollemi Pine image already in use for Lithgow/Hawkesbury project and Emirates logo is a Wollemi pine tree</p>
	<p>Represents geological layers of Lithgow: Green = trees Gold = sandstone plateau Black = coal seam</p> <p><i>Strengths:</i> Diversity, community, heritage and Clean, simple design, adaptable <i>Weaknesses:</i> Missing the water element</p> <p>This logo was further developed following consultation with Council management into the proposed logo.</p>

Logo Budget Expenditure

Proposed budget estimates for expenditure on the implementation of the logo totalling \$33,000 are for the following items:

- Signage
- Staff uniforms
- Branding of vehicles
- Corporate branding

It should be noted that these items are annually expended budget items and are not additional capital expenditure. Street signage and branding on cars are allocated annual expenses and staff are allocated uniforms also on an annual basis.

Capital expenditure on improvements to roads, donations to charities, additional staff customer service staff and maintenance of facilities would not be impacted upon by the implantation of branding activities. The branding activity would in fact strengthen the public image of Council through the modernisation of branding. It is also worthy of noting that not all Council departments are using the Wallaby logo, with approximately 6 different logos currently in use by Council.

Lithgow City Council Logo

Two options are available for the logo for Lithgow City Council.

1. Council can continue to utilise the current Wallaby logo
or
2. One of the alternative concepts proposed be utilised as a suitable logo.

Several submissions on the logo thought that the inclusion of the Zig Zag arches ensured that the uniqueness of the Lithgow region personified the area. One respondent further stated that the Wollemi Pine would also be a suitable alternative. Both of these options were proposed as part of the original logo concepts. However, considering the considerable community support for the current logo it is considered Council should maintain this logo. With this process Council may also wish to consider whether the current logo can be modified slightly with respect to the colours used, so as to create a logo which is easier and more cost effective to reproduce.

The reconfirmation/adoption of this logo (with the minor alterations as identified) will enable Council to effectively apply this logo consistently to all vehicles, buildings, signs letterheads and other stationary.

POLICY IMPLICATIONS

Establishes Lithgow City Council Corporate Identity with a brand policy to be completed.

FINANCIAL IMPLICATIONS

Financial implications for the introduction of a new corporate brand have already been reported to Council, with a recommendation

LEGAL IMPLICATIONS

NIL

CONCLUSION

This report has provided Council with the responses from the public exhibition of the corporate logo program and recommends that Council reconfirmation/adoption of this logo (with the minor alterations as identified) will enable Council to effectively apply this logo consistently to all vehicles, buildings, signs letterheads and other stationary.

06- 453 RESOLVED

THAT Council reconfirm the adoption of this logo (with the minor alterations as identified) to enable Council to effectively apply this logo consistently to all vehicles, buildings, signs letterheads and other stationary.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:8 GM - 18/12/06 - ATDP GRANT FUND - ZIG ZAG RAILWAY

REFERENCE

NIL

SUMMARY

This report provides Council with an update on the successful grant application lodged on behalf of the Zig Zag Railway under the Federal Governments ADTP funding program.

COMMENTARY

Australian Tourism Development Program (ATDP)

The Australian Tourism Development Program (ATDP) is a highly competitive merit-based grants program that aims to assist in the development of a continuous tourism experience across Australia.

It does this by supporting initiatives that will:

- promote tourism development in regional and rural Australia
- contribute to long term economic growth
- increase visitation and yield throughout Australia
- enhance visitor dispersal and tourism expenditure throughout Australia;
- increase Australia's competitiveness as a tourism destination.

Local Programmes Applying for ATDP Funding

On behalf of the Zig Zag Railway, Lithgow Tourism applied for a grant funding from the ATDP programme for the restoration of a hospital train. The Zig Zag Railway has successfully been granted \$85,000 for the project.

Restoration Project

The Zig Zag Railway, the Blue Mountain's premier tourist railway, plans to restore and return to service a disused World War II Queensland Ambulance Car and three carriages. The train is set to operate on the Zig Zag line and become a permanent interpretive centre, when not in use, dedicated to acknowledging a culturally and socially significant era in Australia's history.

The Zig Zag Railway Co-operative, with over 30 years of operation, has sought to preserve Australia's rolling stock and successfully operate a tourist railway. Attracting over 50,000 visitors annually, the Zig Zag Railway provides an authentic visitor experience that is an iconic Blue Mountains product. The attraction effectively markets the region strengthening and appreciating the areas cultural heritage, whilst integrating with other visitor experiences in order to further promote the region.

The Zig Zag Railway has acquired an Ambulance Car 218A engine and three carriages including SEK491, FBS1238 and BL774 for restoration. The Trains were utilised on the Queensland lines during World War II and were the main means of shipping sick and injured service personnel. Imported from the United States, the trains were to be decommissioned just five years after starting service. The Hospital Car played a significant role in Australia's war history. No Ambulance Cars are in use or have been preserved in Australia and restoration of this train would enhance the product currently offered at the Zig Zag Railway.

The desired outcomes of the restoration project would:

- Restore the Hospital Car forming part of the interpretation of Australia's war history
- Preserve and utilise the Hospital car on the Zig Zag Railway line

- Acknowledge the cultural and social significance of Australia's war effort through interpretation
- Increase visitor engagement at the Zig Zag Railway
- Create a niche marketing tool

The restoration of the Hospital Car would be handled onsite at the Zig Zag Railway, utilising the skilled staff in the process. The engine would be restored in working order, with the carriages fit out to enable passengers to be transported. Part of the project would see a carriage fitted out with interpretive information highlighting the following characteristics:

- Stories of our war heroes, in particular injured soldiers, doctors, nurses and railway staff
- Rail infrastructure of late 1930's
- Social history of the war time period
- Australian employment during the war years
- Allies integration with industrial processes during the war
- The role of rail in Australia's cultural heritage.
- Linkages to other key interpretation eg Lithgow Small Arms Factory Museum, War Memorial, Canberra

The restoration of the Hospital Train will provide the Zig Zag Railway with an engine and three restored carriages. The train will form an integral part of the rolling stock at the Zig Zag Railway. The train will be restored to its original exterior condition, complete with a Red Cross indicating its capacity to be utilised as a Hospital train.

The Hospital Train will form part of an interpretive display of rolling stock at the Zig Zag Railway, indicating its uses throughout Australia's war history. The train will be stored at Clarence station, available for visitors to tour prior to their departure on train rides. The train will operate as part of a special event for VP Day, in August annually. The train will also be available for charter.

The restoration of the Hospital Car will be project managed by the Zig Zag Railway Co-operative.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The restoration project of the Hospital Train will commence at the Zig Zag Railway early next year. It is anticipated that the project will be completed in 2007.

06- 454 RESOLVED

THAT letter of congratulations be forwarded to both the Zig Zag Railway and Lithgow Tourism for the receipt of the ATDP grant funding for the Hospital Train project.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:9 REG- 18/12/2006 - UPPER MACQUARIE COUNTY COUNCIL - WEEDS REPORT - NOVEMBER 2006

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

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

COMMENTARY

Attached are the reports from the Chief Weeds Officer of Upper Macquarie County Council for November 2006

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

06- 455 RESOLVED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor B P Morrissey.

CARRIED

ITEM:10 REG - 18/12/06 - XSTRATA COAL - RATIONALISATION OF LAND HOLDINGS

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

SUMMARY

This report is to inform Council of a process being undertaken by Xstrata Coal to rationalise its landholdings.

COMMENTARY

Correspondence has been received by Xstrata Coal advising that the company is in the process of rationalising its landholdings and in this regard it has identified eight parcels of land in the Lithgow Local Government Area that are surplus to it's needs.

These are lands situated in Lithgow at Stephenson Street, off Wirraway Street, Ivatt Street, Crane road and certain 'escarpment lands'. Should Council consider any lands of a strategic nature then it would be able to lodge an expression of interest. Plans, showing the location of the lands are attached to the business paper. Upon examination, it is considered that the only land that may be of some interest is the old 'rail/tram line' at the rear of property in Stephenson Street which is used as a 'de-facto' laneway. However, the difficulty in Council contemplating acquisition would be the significant costs incurred to bring it to an acceptable standard. For this reason, it is suggested that no action be taken at this time.

POLICY IMPLICATIONS

The recently adopted policy on asset acquisition will apply if Council is contemplating acquiring any of the lands. The Policy follows:

OBJECTIVE: To ensure Council considers the full life cost of all asset acquisitions prior to entering into any process to acquire/develop future assets.

POLICY:

When considering the acquisition and/or development of assets, Council will take into consideration;

- *The comparative long term ownership costs of the asset;*
- *Evidence of community demand for the provision or retention of the asset;*
- *The strategic worth of the asset and its community benefit;*
- *Whether the asset provides Council as positive return on the investment, and*
- *The extent to which the asset is subsidised by the community, through the use of general rate revenue.*

The long term ownership costs of asset acquisition and/or development must take into account;

- *Acquisition or Development costs;*
- *The cost of providing finance (i.e. opportunity costs and interest charges);*
- *Any warranty period applicable;*
- *The length, value and cost of any applicable maintenance agreements;*
- *The lifetime maintenance profile and costs;*
- *Energy consumption and projected costs;*
- *Any residual value (where applicable);*
- *An investigation of alternative acquisition arrangements, eg. Purchase, lease, rent, public partnership or resource sharing;*
- *An investigation as to alternative financing arrangements, eg. User pay, grants, loan funds or private sector, and*
- *Taxation issues under competition policy;*

Reports to Council on the acquisition and/or development of assets must include commentary on the above points as well as including details of;

- *Community demand;*
- *Strategic Worth to the Community;*
- *Asset return, and*
- *A comparison of long term ownership costs.*

FINANCIAL IMPLICATIONS

There are no financial implications should Council adopt the recommendation.

LEGAL IMPLICATIONS

There are no legal implications.

RECOMMENDATION

THAT the information be received and no action be taken at this stage.

06- 456 RESOLVED

THAT:

1. The information be received and no action be taken at this stage.
2. Council write to Xstrata to determine what they are doing with the land where dwellings are owned but the land.
3. The General Manager to investigate any such caveat/restriction that maybe applied and take the appropriate action.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:11 REG - 18/12/06 - CONFIDENTIAL REPORT - REQUEST COUNCIL TO
PAY COSTS - MR G AND MRS W DUKES CONFIDENTIAL**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

SUMMARY

To advise of a submission from Mr G & Mrs W Dukes requesting Council meet all costs awarded against them in recent Land and Environment Court proceedings.

RECOMMENDATION

THAT Council advise Mr G and Mrs W Dukes that it is not in a position to pay their costs as awarded by the Court.

Kathy Woolley declared an interest in this Item and vacated the Chambers.

06- 457 RESOLVED

THAT:

1. Council advise Mr G and Mrs W Dukes that it is not in a position to pay their costs as awarded by the Court.
2. Council advise Dukes that it proposes to pay the Cutcliffe account as per the ill and seek the 50% from Dukes as per the Court order and utilise the legal proceedings necessary.
3. Council pay the cost to Cutcliffe in the most legally prudent manner available.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:12 REG - 18/12/06 - DA 203-06 SUBDIVISION IN 5 ALLOTMENTS 140
 CUTHILL ROAD**

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

SUMMARY

This report is to inform Council of the withdrawal of a modification of consent application for a 5 allotment subdivision on land described as Part Portion 78, being 140 Cuthill Road.

COMMENTARY

Previously Council was in receipt of a modification of consent application from Midsummer Developments Pty Ltd, seeking to modify a previous condition imposed on the original consent which indicated that:

The entrance shall have minimum sight distance of no less than 160m either side of the entrance to be constructed.

The modification sought to have the condition of consent reworded to read;

The entrance shall have minimum sight distance of no less than 160m either side of the entrance to be constructed or such other sight distance as shall be specified by Council's Development and Traffic Engineer

Council is now in receipt of a survey plan from a registered surveyor that indicates the sight distances required are in accordance with the original consent and as such no modification is required. This has concluded in the original development approval being finalised and the linen plan released.

POLICY IMPLICATIONS

There are no policy implications as the modification has now been withdrawn.

FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL IMPLICATIONS

There are no legal implications.

06- 458 RESOLVED

THAT the information be received.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:13 REG - 18/12/06 - PLANNING AGREEMENT

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To recommend the endorsement of Planning Agreements prepared as part of a development application in Wallerawang in relation to contributions and/or works for open space and community facilities.

COMMENTARY

A planning agreement is a negotiated voluntary agreement or other arrangement between a planning authority and a developer under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

An explanatory note shall be prepared for each agreement which includes detail regarding the proposed planning agreement. The explanatory note accompanies the planning agreement and is exhibited and registered with the planning agreement.

Council has considered a number of agreements to date, and carried out the appropriate notification process with no submissions being received. Currently one agreement is ready for endorsement by Council, as follows:

DA NO.	DESCRIPTION	NAMES OF PARTIES	LAND
429/05	For open space and community facilities in a residential subdivision	Lithgow City Council & PK & CA Van der Velden	Lots 119, 120 & 121 in the subdivision of Lot 406 DP 26070, known as Sidey Place, Wallerawang.

POLICY IMPLICATIONS

No specific policy implications arise as a result of this report. The Planning Agreement has been compiled in accordance with the Draft Planning Agreement Policy through negotiation with Council. Normally negotiation would occur prior to issue of development consent. However, Council has the opportunity to process the agreements post consent as long as an offer has been made by the applicant during the DA assessment process. In this instance the consent has been issued and the agreements advertised. It is now due for endorsement by Council and the developer.

FINANCIAL IMPLICATIONS

The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution, the dedication of land free of cost, or the provision of a material public benefit in the form of infrastructure, facilities, amenities and services.

LEGAL IMPLICATIONS

The Planning Agreement is subject to the requirements of the Environmental Planning & Assessment Act 1979, and the provisions of Council's Draft Planning Agreement Policy.

06- 459 RESOLVED

THAT Council endorse the Planning Agreement as presented and proceed to issue of the final document, notification to the Minister and registration in Council's Public Register.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:14 REG - 18/12/06 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: Strategic Engineer – L. Kearney

REFERENCE

Nil.

SUMMARY

Comparison of figures for 2005 and 2006 for water usage within the Lithgow Local Government area.

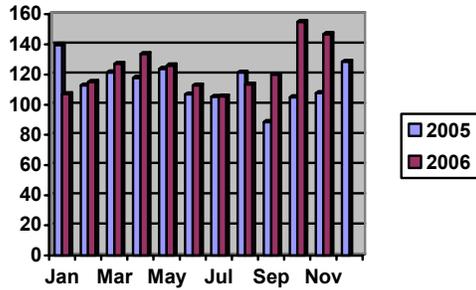
COMMENTARY

Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply as at 30 November 2006. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 864 megalitres of water from this supply, equating to approximately 41% of its annual allocation.

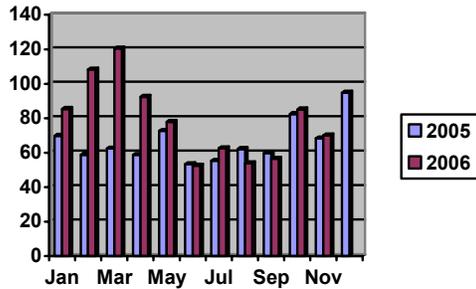
	2005			2006		
	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
January	139.745	69.753	209.498	107.086	85.456	192.542
February	112.835	58.864	171.699	115.126	108.236	223.362
March	121.438	62.414	183.852	127.115	120.423	247.538
April	117.836	58.763	176.599	133.557	92.345	225.902
May	123.884	72.694	196.578	125.966	77.810	203.776
June	106.872	53.392	160.264	112.814	52.381	165.195
July	105.235	55.289	160.524	105.382	62.530	167.912
August	121.397	62.105	183.484	113.398	53.792	167.19
September	88.470	59.817	148.287	119.937	56.443	176.38
October	104.953	82.421	187.374	154.882	85	239.882
November	107.772	68.302	176.074	146.773	70	216.773
December	128.566	94.874	223.440			
TOTAL (ML)	1,379.003	798.688	2,177.691	1,362.036	864.416	2,226.452

Exact usage from State Water was not available as of 11 December 2006, and the figures presented in the table above are to the closest megalitre of water used.

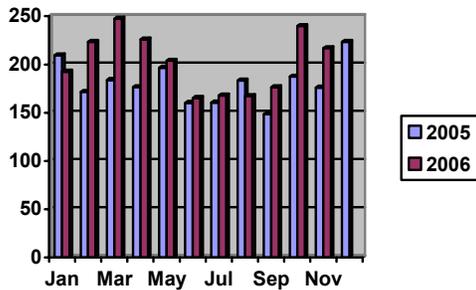
Farmers Creek Dam Usage (ML)



Fish River Water Supply Usage (ML)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 73.2% of its full capacity and Oberon Dam is currently at 28% of its full capacity.

In recent months, with reduced rainfall experienced during 2006 in the catchment area, Council has been reliant upon water mainly from the Clarence Transfer System, however, water supplied from the Clarence Transfer System has not been sufficient to effectively replenish Farmers Creek Dam. One of the reasons that is thought to be responsible is the current water restrictions that allow unfettered fixed hose and sprinkler usage between 4.00pm and 8.00am. In light of the above information, it is considered prudent for Council to review the current water restrictions to protect the Farmers Creek supply over the summer period.

To ensure adequate water supply during the summer months, it is suggested that Council amend the current water restrictions to allow the use of fixed hoses and sprinklers between the hours of 6.00am and 10.00am and 6.00pm and 10.00pm seven (7) days per week. This could be reviewed in March 2007.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT:

1. Council amend the current water restrictions to allow the use of fixed hoses and sprinklers between the hours of 6.00am and 10.00am and 6.00pm and 10.00pm seven (7) days per week.
2. The amended restrictions be advertised appropriately.
3. The amended restrictions be reviewed in March 2007.

06- 460 RESOLVED

THAT:

1. Council amend the current water restrictions to allow the use of fixed hoses and sprinklers between the hours of 6.00am and 10.00am and 6.00pm and 10.00pm seven (7) days per week.
2. The amended restrictions be advertised appropriately.
3. The amended restrictions be reviewed in March 2007.
4. Council to review its water usage and watering policies.
5. Hand held hoses be able to be used at any time
6. Council delegate to the Mayor and General Manager to amend the water restrictions as necessary.

MOVED: Councillor A E Thompson

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:15 REG - 18/12/06 - TRADE WASTE APPROVALS POLICY -
AMENDMENT AND TRADE WASTE UPDATE**

REPORT FROM: Strategic Engineer – L. Kearney

REFERENCE

Council's Liquid Trade Waste Approvals Policy, previously adopted on 24 January 2005.

SUMMARY

This report proposes an amended Liquid Trade Waste Approvals Policy, due to the replacement of the 1998/99 Local Government Regulations, to reflect Council's current Policy Register and to provide an adequate definition of compliant discharger.

COMMENTARY

Due to the new Local Government (General) Regulation 2005, the implementation of Council's policy register and to provide clarity on what constitutes a compliant discharger, Council's Liquid Trade Waste Approvals Policy is required to be amended. While most of the amendments relate to wording and references to the Local Government (Water Services) Regulation, additional amendments have been made, including defining a compliant and non-compliant discharger.

In summary, amendments include:

- Amendments to the definition of liquid trade waste;
- Amendments to the references to the Department of Energy, Utilities and Sustainability's Liquid Trade Waste management Guidelines;
- Repeal of substances listed as prohibited substances (no longer needed under new Regulation);
- Inclusion of definition for compliant discharger; and
- Inclusion of definition for non-compliant discharger.

The definition of compliant discharger in particular will alleviate any concerns where a person has lodged an application but is awaiting approval.

In terms of an update of recent activities, Council has recently installed a computerised system for assessing and issuing approvals, and is currently in the process of transferring data into this new system. During November 2006, Council issued five (5) approvals to discharge liquid trade waste to Council's sewerage system using this system, and is anticipating having all outstanding applications pending approval issued prior to the end of January 2007.

Council is also liaising with existing business owners who have not submitted an application, as well as assessing other new business applications. Council's trade waste consultants will be undertaking the remaining inspections in mid to late January 2007, and Council will then be in a position to liaise with these businesses to complete applications, install appropriate pre-treatment equipment, and issue approvals.

POLICY IMPLICATIONS

The amended Policy complies with the Local Government (General) Regulation 2005.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council adopt the amended Liquid Trade Waste Approvals Policy and advertise the details of the amended policy in its regular column in the Lithgow Mercury.

06- 461 RESOLVED

THAT:

1. Council adopt the amended Liquid Trade Waste Approvals Policy and advertise the details of the amended policy in its regular column in the Lithgow Mercury.
2. Council determine back dating the policy and waive and write off payments that were invoiced as per the policy, for all applications that are now deemed undetermined.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:16 REG - 18/12/06 - CONFIDENTIAL REPORT - THREAT TO CLOSE A SECTION OF RYDAL/HAMPTON ROAD CONFIDENTIAL

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

SUMMARY

This report summarises the current situation and seeks the necessary resolution to allow compulsory acquisition.

06- 462 RESOLVED

THAT

1. Council compulsorily acquire part Lot 342 DP 751651 owned by Robert John Ben Stack, pursuant to the Land Acquisition (Just Terms) Compensation Act 1991.
2. Council make the necessary application to the Governor and/or Minister for Local Government for approval of the Acquisition.
3. Council dedicate the land, once acquired, as public road.
4. The Mayor and General Manager be authorised to execute all documentation in respect of the matter, and where appropriate to affix the common seal of the Council thereto.
5. Should a negotiated settlement be reached then the General Manager be delegated authority to execute the deed and withdraw any actions to proceed to compulsory acquisition and injunctive proceedings.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

COMMUNITY & CORPORATE SERVICES REPORTS

**ITEM:17 COMM - 18/12/06 - RENEWAL LEASE GALLOPING GUMNUT PART
CHILD CARE SITE PROTO AVE LITHGOW**

REPORT FROM: INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of an application from Galloping Gumnut for the lease of rooms in Proto Ave Lithgow and recommendation for its approval.

COMMENTARY

Council entered into a lease with Galloping Gumnut Mobile Children's Service Van Inc on the 3 June 1997 for the lease of Rooms G1 and G2 and designated parking space adjacent to such rooms in Gumnut House, Proto Ave Lithgow. Rent was determined at \$10.00 per annum for a period of three years expiring on the 2 June 2000. The lease contained options to renew though no further leases were executed after 2 June 2000.

Council was advised by our Solicitors Le Fevre & Co on the 11 May 2006 that the lessee has decided that they can no longer operate in the premises and they have located to alternative premises which will allow for all equipment and vehicles to be held in one location.

Galloping Gumnut had erected a new storage shed on Council's Proto Ave land some years ago at a cost of approx \$15,000. Le Fevre advised that the lessee is aware that Council may not be in a position to reimburse them for its expenditure on the storage shed and in these circumstances subletting the premises would create an opportunity for the lessee to recover some of its \$15,000 expenditure. Galloping Gumnut advised a subtenant was found being a Public Benevolent Institution that supports disadvantaged Australian Children and their families.

Council advised Galloping Gumnut through the respective Solicitors that Council is not in favour of approving a sublease of the premises to a third party but would be happy to talk to any organisation with an interest in the property. They were further advised that should the matter of the fixture (shed) on the land be an issue we would be please to treat this as a separate matter.

Council and Galloping Gumnut representatives meet on the 2 November 2006 to discuss the matter and as a result Galloping Gumnut requested on the 14 November 2006 to enter into a new lease for all areas detailed in the previous lease i.e. Rooms G1 and G2 and designated parking space adjacent to such room. They advise they still utilise the premises and wish to continue with a new lease.

The site requested does not have direct access to amenities and should Council resolve to enter into a new lease it would need to specifically identify that no amenities are available as a part of the lease terms.

PROPOSED LEASE DETAILS:

COMMENCING DATE	1 December 2006
TERMINATING DATE	29 November 2007
ANNUAL RENT	Annual - \$11.00 Inc GST + all outgoings
LEASE PREPARATION	Costs to be met by Lessee
LEASE TO SPECIFY	No amenities available
OPTION TO RENEW	N/A

POLICY IMPLICATIONS

No policy implications as a result of this report

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

A lease prepared under the Real Property Act 1900.

06- 463 RESOLVED

THAT:

1. Council affix the Common Seal to the lease with Galloping Gumnut for Rooms G1 and G2 and designated parking area adjacent to Rooms G1 and G2 and the storage shed Proto Ave, Lithgow for a period of 12 months from 19 December 2006 to 18 December 2007 for \$11.00 (GST Inc) plus all outgoings per annum with the lease noting that no amenities are available on the site.
2. All legal costs associated with the preparation of the lease to be met by the lessee.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:18 COMM - 18/12/06 - SUBMISSION RECEIVED 2005/06 GENERAL PURPOSE FINANCIAL REPORTS

REPORT FROM: INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min 06-350: 19.10.06 Presentation of the Draft 2005/06 General Purpose Financial Reports
Min 06-438: 04.12.06 Audit Presentation of the 2005/06 General Purpose Financial Reports by Council Auditors Alan Morse & Co.

SUMMARY

To advise Council of a submission received in relation to the 2005/06 General Purpose Financial Reports.

COMMENTARY

On the 11 December 2006 Council received one (1) submission in relation to the 2005/06 General Purpose Financial Reports.

The Local Government Act specifies:

420 Submissions on financial reports and auditor's reports

- (1) Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.
- (2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.
- (3) The council must ensure that copies of all submissions received by it are referred to the auditor.
- (4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.

In compliance with Section 420(3) of the Local Government Act, the submission was forwarded to Council's auditors on the 11 December 2006 for comment and their response will be provided to Council upon receipt.

POLICY IMPLICATIONS

No policy implications as a result of this report

FINANCIAL IMPLICATIONS

No financial implications as a result of this report

LEGAL IMPLICATIONS

No Legal implications as a result of this report

06- 464 RESOLVED

THAT the information be received and noted.

MOVED: Councillor A E Thompson

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:19 COMM - 18/12/06 - REQUEST FOR INTEREST FREE LOAN FROM
LITHGOW AND DISTRICT VOLUNTEER RESCUE SQUAD**

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE SERVICES: K
WOOLLEY**

REFERENCE

NIL

SUMMARY

Council has received a request from the Lithgow and District Volunteer Rescue Squad Incorporated to provide an interest free loan of \$11,000 to enable the completion of a program of works and this report provides Council with the background to the project to enable a determination from Council if the loan will be provided.

COMMENTARY

The Lithgow and District Volunteer Rescue Squad (the Squad) have advised that they have received a grant from the Federal Government Attorney-General's Department - Emergency Management Division however while the majority of the grant has been paid, the Department will not release the remaining funds until the project is completed.

Advice from the Squad has indicated the project will be completed in early 2007 and the final report which is required as part of the acquittal of the loan is already being attended to.

In the attached correspondence, the Federal Government confirms this situation.

The Squad has requested a neat amount of \$11,000 while it would appear that the outstanding grant monies total \$10,560.

The project has already delivered the majority of its components including the information sessions "Taking the Safety message to Local Youth", "Taking the Safety Message to Local Businesses" and "Taking the Safety Message to the Local Community". The last chapter of the project was impacted by the attendance of Emergency Services personnel at the bushfires around the time the Squad had planned display and information sessions at Celebrate Lithgow and they have determined they will hold a further information day in early 2007.

A key feature of the event is that the Squad have advised that where possible moneys spent were spent locally thus providing Council with confidence of the benefit of not only the information sessions held but of the benefit to the business community.

POLICY IMPLICATIONS

The Council's policy for interest free loans to community organisations can be used to assess this application. It would seem prudent to put a short time frame on full repayment of the loan.

FINANCIAL IMPLICATIONS

There is a minimal impact of providing this loan as the amount will be repaid in full in a short period of time.

LEGAL IMPLICATIONS

NIL

CONCLUSION

The Lithgow and District Volunteer Rescue Squad request for an interest free loan to enable them to complete their project is recommended to Council.

06- 465 RESOLVED

THAT Council approve an interest free loan to the Lithgow and District Volunteer Rescue Squad for a total of \$11,000 to be fully repaid by the Squad with terms for the loan to include that the moneys will be fully repaid to Council no later than 31 March 2007.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

COMMITTEE MEETINGS

ITEM:20 **REG - 18/12/06 - SPORTS ADVISORY COMMITTEE - MINUTES 11
DECEMBER 2006**

REPORT FROM: Strategic Engineer – L. Kearney

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 11 December 2006 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 11 December 2006, there were fourteen (14) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

06- 466 RESOLVED

THAT Council adopt the recommendations of the Sports Advisory Committee for the meeting held on Monday, 11 December 2006.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

SPORTS ADVISORY COMMITTEE MEETING AGENDA

MONDAY 11 DECEMBER 2006

PRESENT

Councillor Neville Castle (Chairman), Mr Neil Gambrill, Mr Glenn Ryan, Mr Mark Cronin, Mrs Vicky Hourigan, Mr Barry Dorrough, Mr Michael Rushworth, Mr Bob Martin, Mr Danny Whitty, Mrs Robyn Whitty, Mr Eric Arnold, Mr Ray Field, Mr Ray Stoneley, Mrs Deb Martin, Mr Andrew Muir (Group Manager Regional Services), Mr Maurie Weekes (Acting Recreation Supervisor) and Miss Leanne Kearney (Strategic Engineer).

APOLOGIES

Nil

REPORT

ITEM 1 - DECLARATION OF INTEREST

There were no Declarations of Interest.

ITEM 2 - MINUTES OF THE PREVIOUS MEETING

The Minutes of the Sports Advisory Committee Meeting held on Monday, 30 October 2006 were read and confirmed.

The Committee recommends that the Minutes be taken as read and confirmed.

MOVED: Mr Danny Whitty

SECONDED: Mrs Robyn Whitty

ITEM 3 - BUSINESS ARISING FROM THE MINUTES

Nil.

ITEM 4 – FINANCIAL ASSISTANCE REQUESTS

Financial assistance applications have been approved for the following applicants:

- Cassandra Ford (Lawn Bowls) - \$300.00 after being selected in the NSW Under 18 Lawn Bowls team to tour New Zealand;
- Tai Denicaucau (Shot Put) - \$300.00 after being selected in the NSW PSSA Athletics Team to compete in shot put at the National Games in Cairns.

The Committee recommends that the information be received.

MOVED: Mr Neil Gambrill

SECONDED: Mr Mark Cronin

ITEM 5 – 2006 REG COWDEN MEMORIAL SPORTS STAR AWARDS

Junior Nominations for the month of October 2006 were received from the following:

- Cassandra Ford (Lawn Bowls) – Cassandra is a junior member of the Portland Bowling Club, and was selected in the Western Region Academy of Sport Lawn Bowls Team in 2006 as well as for 2007. Whilst a member of WRAS, Cassandra has excelled at the game, and has become an excellent bowler. Cassandra has played in many tournaments throughout NSW with WRAS, and has been selected as a team member in the 2006 City versus Country series, as well as being selected in the NSW Under 18 Lawn Bowls Team to tour New Zealand in January 2007;
- Claire Rodgers (Swimming) – Claire competed as a member of the Central Tablelands Swimming Team at the Winter Development meet in Homebush, achieving 1st in the 13 years 50 metre breaststroke and 3rd in the 13 years 50 metre freestyle, as well as swimming 4 personal bests and being selected as the Central Tablelands Swimmer of the meet;
- Matthew Writer (Hockey) – Matthew was a member of the NSW Under 15 Hockey Team which won the Australian National Title in Melbourne;

Junior Nominations for the month of November 2006 were received from the following:

- Tai Denicaucau (Shot Put) – Tai competed at the Western Region PSSA Athletics Carnival, and came 1st in Shot Put, earning her a place in the NSW PSSA Team to compete at the National Championships in Cairns, Tai then came 2nd in the State Shot Put, and then came 2nd at the National Championships. Tai has set new records at Glenbrook in Zone Athletics Shot Put (previously standing for 15 years) and Discus

(previously standing for 23 years), along with setting new records for both Discus and Shot Put at Lithgow District Athletic events.;

- Jon Cronin (Cricket) – Jon was named as the captain of the Mitchell Cricket Council's under 12 representative team, including areas of Mudgee, Bathurst, Orange, Blue Mountains and Lithgow. In the first game against Lachlan Cricket Club, Jon had bowling figures of 4 for 8 off 5 overs, and opened the batting with a score of 14. In the second game against Macquarie Cricket Council, Jon opened the batting scoring 45 runs, was named man of the match, and presented with the match ball. During November, Jon also played in the PSSA Cricket team in the State Carnival at Nowra, as a member of the Western Region PSSA Boys Cricket Team.

The Committee selected Cassandra Ford (Lawn Bowls) to be the Junior Sports Star winner for the month of October 2006, and Tai Denicaucau (Shot Put) to be the Junior Sports Star winner for the month of November 2006.

MONTH	RECIPIENT
January	Matthew Writer
February	Tamika Bostock & Samuel Hourigan
March	Tom Brodie
April	Megan Embleton
May	Michael Cox
June	Chrissie West and Brandon Cluff
July	Keely Hunter and Amie Sharp
August	Emma Statham
September	Jack Quinn
October	Cassandra Ford
November	Tai Denicaucau

Senior Nominations for the month of October 2006 were received from the following:

- Robert Luland (Lawn Bowls) – Robert represented the Portland Bowling Club and won the Central Tablelands District Club Champion of Champions Singles event at Mudgee, won the Zone 5 Club Champion of Champion Singles Event at Canowindra, and will now play at the State Club Champion of Champion Singles event at the Entrance Bowling Club in November 2006.

Senior Nominations for the month of November 2006 were received from the following:

- Brad De Losa (Wood Chopping) – Brad was selected as the Manager of the NSW Axemens team which competed at the Christchurch Show in New Zealand in November 2006.

The Committee selected Robert Luland (Lawn Bowls) to be the Senior Sports Star winner for the month of October 2006, and Brad De Losa (Wood Chopping) to be the Senior Sports Star winner for the month of November 2006.

MONTH	RECIPIENT
January	Nil
February	Nil
March	David Palmer
April	Dale Ryan
May	Cheryl Rutherford
June	Robert Redding and Alan Mostyn
July	John Shepley
August	Nil

September	Nil
October	Robert Luland
November	Brad De Losa

The Committee recommends that the

1. Junior Sports Star Award be awarded to Cassandra Ford (Lawn Bowls) for the month of October 2006;
2. Junior Sports Star Award be awarded to Tai Denicaucau (Shot Put) for the month of November 2006;
3. Senior Sports Star Award be awarded to Robert Luland (Lawn Bowls) for the month of October 2006;
4. Senior Sports Star Award be awarded to Brad De Losa (Wood Chopping) for the month of November 2006; and
5. Merit certificates to be awarded to the other nominees.

MOVED: Mr Danny Whitty

SECONDED: Mr Ray Stoneley

ITEM 6 – BOOKING REQUEST – JIM MONAGHAN ATHLETICS OVAL, LITHGOW – LA SALLE ACADEMY

Correspondence has been received from La Salle Academy requesting permission to use Jim Monaghan Athletics Oval, Lithgow on Friday, 4 May 2007 to conduct their Annual Athletics Carnival.

An alternative date of Tuesday, 8 May 2007 has also been requested, should the weather be inclement on Friday, 4 May 2007.

Both of these dates do not conflict with any other approved bookings.

The Committee recommends that permission be granted to La Salle Academy to use Jim Monaghan Athletics Oval, Lithgow on Friday, 4 May 2007 to conduct their Annual Athletics Carnival, with an alternative date of Tuesday, 8 May 2007.

MOVED: Mr Eric Arnold

SECONDED: Mr Ray Stoneley

ITEM 7 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – AUSTRALIAN AIR LEAGUE

Correspondence has been received from the Lithgow based Australian Air League, requesting permission to conduct an “Air League” State Drill, at Tony Luchetti Sportsground, Lithgow on 29 and 30 September 2007.

The Australian Air League is a national youth organisation for boys and girls aged eight (8) years and older. Its aim is to foster and develop a spirit of aviation in the youth of Australia, promote good citizenship, teamwork and develop ingenuity and resourcefulness of its members. Cadets of the Australian Air League take part in a wide range of interesting and exciting activities such as Drill, camping, the Duke of Edinburgh's Award, building and flying model aircraft and physical sports and athletics.

The Lithgow Air League has lodged a bid to host the 2007 NSW Air League Drill Competition, which would incorporate Air League cadets participating in various types of Ceremonial Drill for Field Competitions and Parades. Drill encompasses Ceremonial Parade work, discipline and competitive field competitions and it teaches the cadets the principles of leadership and community service.

The Lithgow Air League would require the use of the sportsground and the Civic Ballroom for use on the Friday and Saturday, finishing on the Sunday of the October long weekend. It is anticipated that the Civic Ballroom would be utilised as a camping and food hall for the weekend,

and the showground would be utilised as the staging area for the Drill Competition, which would be completed at approximately 9.00pm under lights.

Local residents will be invited to view the drill competition throughout the day and an information tent for the Australian Air League would also be available on site.

It is anticipated that whilst the cadets will be camping onsite at Tony Luchetti Sportsground, parents will be utilising local accommodation. The Lithgow Visitor Information Centre will ensure that information on accommodation packages and attractions in the Lithgow area is provided to all participants prior to the event.

It is noted that the weekend requested falls between the end of the rugby league season and the beginning of the cricket season, and therefore, does not conflict with any approved booking.

The Committee recommends that permission be granted to the Lithgow based Australian Air League to conduct an "Air League" State Drill, at Tony Luchetti Sportsground, Lithgow on 29 and 30 September 2007.

MOVED: Mr Mark Cronin

SECONDED: Mr Neil Gambrill

ITEM 8 – SPORTSGROUND MANAGEMENT IN NEW SOUTH WALES – LEGISLATIVE ASSEMBLY (STANDING COMMITTEE ON PUBLIC WORKS)

Correspondence has been received from the Legislative Assembly's Standing Committee on Public Works, advising that the Inquiry into Sportsground Management in New South Wales was tabled on 16 November 2006.

The Committee's list of recommendations are detailed below:

- That each Council, in conjunction with sporting clubs/associations in its area, should develop a strategic plan of management, demonstrating partnership arrangements with other clubs to manage increasing demands on facilities and acknowledge shifting sporting requirements across the community. In addition, the Committee recommends that Councils, when conducting negotiations with sporting organisations in relation to hiring sportsgrounds, adopt consistent and transparent hiring policies reflecting current and projected demand based on sporting category.
- That the Department of Education and training develops a Memorandum of Understanding (MOU) with local government, to facilitate joint arrangements between school principals and local Councils in relation to the use of school grounds for community sporting organisations. Such arrangements would have to take account of practical issues related to shared maintenance costs, security, safety and public liability. In addition, the MOU should stipulate that school principals ensure that grounds are made available for community use to the greatest extent possible, without detrimental impacts on the grounds themselves.
- That Councils, as part of their strategic plan of management and in consultation with sporting organisations, investigate options to increase the availability of sportsgrounds by negotiating with private schools and other educational institutions.
- That local Council strategic management plans take account of specific requirements of groups with special needs, including disability and socially disadvantaged groups in determining access to sportsgrounds in their local area. This policy should be developed in consultation with community and sporting groups and based on available demographic and sporting activity data, reflecting current and future demand.
- The Committee does not consider current levels of funding provided by the Department of Sport and Recreation under the Capital Assistance and Regional Sports Facilities Programs to be adequate for meeting the program's objectives. For this reason, the Committee recommends that funding for the Capital Assistance Program be increased to \$8 million per annum over the next two (2) years and that funding for the Regional Sports

Facilities Program be increased to reach \$16 million per annum over the next four (4) years. The Committee recommends that the Federal Government make available annual funding of \$150 million, based on a maximum of \$1 million per Federal electorate, for sporting facilities applications to develop new grounds or to improve existing facilities for groups and organisations with unmet needs.

- Given the expressed support for alternative sources of irrigation and the current investigations undertaken as part of the NSW Water Savings Action Plans, the Committee recommends that the NSW Government examine, as a matter of priority, the potential for alternative irrigation methods and optimal watering time cycles to improve surface conditions at sportsgrounds.
- That the NSW Government, as part of its water savings strategies, provide funding to investigate alternative turf grass options for sportsgrounds in order to optimise playing conditions and potentially reduce watering and maintenance costs.
- That Councils, as a condition of hire of sportsgrounds and facilities, require sporting organisations to agree to schedule their seasonal use of grounds so as to enable grounds to be rested for a minimum of two (2) weeks.
- That grounds designated by Councils as requiring lighting and used for club competition and match practice should be lit to a minimum of 100 lux, as mandated in Australian Standard: AS 2560.2.3 – 2002. In addition standards should include ratings for maximum glare to minimise residential impact and horizontal illumination to encourage even use of the playing surface of the sportsground.
- That the Department of Planning examine the feasibility of purchasing and allocating land for redevelopment for the exclusive use of community sportsgrounds, in areas where there is a documented shortage of such grounds. Such land should be sufficient space for two (2) playing fields and should take precedence over the development of smaller parcels of land adding to the currently fragmented supply of pocket parks in local neighbourhood areas.
- That the Department of Planning, as part of its process of determining land use in new release areas, should ensure that active sportsground are provided to meet documented and projected levels of demand. Such sportsgrounds should be situated in suitable areas with access to transport services, taking account of residential amenity considerations and environmental issues, including water retention and sustainable environmental factors.
- The NSW Regional Council of Parks and Leisure Australia has established a working group to improve sporting industry co-ordination at State Level. This is supported as a useful mechanism to further enhance collaboration and create partnerships between sporting stakeholders in relation to sportsgrounds. The Committee recommends that the Department of Sport and Recreation provide seed funding of \$30,000 per year for two (2) years to enable Parks and Leisure NSW to represent its membership in a professional manner and to provide useful input to government as part of a co-ordinated strategy for the improved management of sportsgrounds in NSW.
- There is a need to establish a permanent structure to address broader sportsground access and availability issues. For this reason, the Committee recommends that the Department of Sport and Recreation establish a network of regional planning forums involving relevant State Government agencies, local Councils, industry groups and peak sporting bodies to gather data and devise strategic plans for the management of sportsgrounds at State Level. This network would assist in the determination of appropriate standards for use of grounds and facilities in NSW.
- At the Federal level, the Committee recommends that the Sport and Recreation Minister's Council convene a working group to address issues raised in this Report, and specifically examine the need for consistent data collection across Australia about current trends in sporting and leisure activity. This should complement current Federal initiatives in relation to obesity and health issues and acknowledge that education campaigns and programs designed to increase physical fitness must link to the provision of adequate resources to meet increased demand for open space and sporting facilities. It should also

include consideration for the special needs of an aging population and people with limited mobility, in order to ensure access and equity across communities.

The full report is available at www.parliament.nsw.gov.au, should anyone be interested in perusing the report.

The Committee recommends that the information be received.

MOVED: Mr Neil Gambrill

SECONDED: Mr Mark Cronin

ITEM 9 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW WORKMEN'S CLUB RLFC

Correspondence has been received from Lithgow Workmen's Club RLFC, requesting permission to conduct preseason training at Tony Luchetti Sportsground, Lithgow, on Tuesday and Thursday evenings (between 6.00pm and 8.00pm) from 12 December 2006, and to conduct competition games on Sundays between 9.00am and 5.30pm from late March 2007 until approximately 10 September 2007.

The Club have advised that they are aware of the commitment to the Cricket Association, and advise that their training sessions will not interfere with this booking, and they will also adhere to the conditions of usage at all times.

The Committee recommends that

1. Permission be granted to Lithgow Workmen's Club RLFC to use Tony Luchetti Sportsground, Lithgow to conduct preseason training on Tuesday and Thursdays between 6.00pm and 8.00pm, from 12 December 2006, subject to the following conditions:

- a) Field Number 1 and the three (3) cricket pitches not being trained on under any circumstance;
- b) Successful liaison with the Lithgow District Cricket Association; and
- c) Successful liaison with the Lithgow Workmen's Club RLFC; and

2. Permission be granted to Lithgow Workmen's Club RLFC to use Tony Luchetti Sportsground, Lithgow to conduct competition games on Sundays between 9.00am and 5.30pm from late March 2007 until approximately 10 September 2007.

MOVED: Mr Danny Whitty

SECONDED: Mrs Deb Martin

ITEM 10 – 2007 SPORTS ADVISORY COMMITTEE MEETING DATES

As conducted during 2006, it is again proposed to hold Sports Advisory Committee meetings on the last Monday of each month with the exception of the November meeting being held on the Second Monday in December 2007, with the proposed dates for 2007 listed below:

- 28 January
- 25 February
- 31 March
- 28 April
- 26 May
- 30 June
- 28 July
- 25 August
- 29 September
- 27 October and
- 8 December

The Committee recommends that the 2007 meeting for the Sports Advisory Committee be held on 28 January, 25 February, 31 March, 28 April, 26 May, 30 June, 28 July, 25 August, 29 September, 27 October and 8 December 2007.

MOVED: Mr Neil Gambrill

SECONDED: Mr Mark Cronin

ITEM 11 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW BEARS RLFC

Correspondence has been received from Lithgow Bears RLFC requesting permission to use Tony Luchetti Sportsground, Lithgow on Tuesdays and Thursdays between 6.00pm and 7.00pm to conduct training.

Permission is further sought to use the grounds on weekends from 1 April 2007 to 31 August 2007 to conduct games associated with the 2007 Mid West Rugby League competition.

The Club look forward to the co-operation they were afforded last season from other users including Lithgow Workmen's Club RLFC and Lithgow Storm Junior RLFC, as well as from Council and Council's staff, particularly in relation to organising home ground games to suit all users.

The Committee recommends that

1. Permission be granted to Lithgow Bears RLFC to use Tony Luchetti Sportsground, Lithgow to conduct preseason training on Tuesday and Thursdays between 6.00pm and 7.00pm, from 12 December 2006, subject to the following conditions:

- d) Field Number 1 and the three (3) cricket pitches not being trained on under any circumstance;
- e) Successful liaison with the Lithgow District Cricket Association; and
- f) Successful liaison with the Lithgow Workmen's Club RLFC.

2. Permission be granted to Lithgow Bears RLFC to use Tony Luchetti Sportsground, Lithgow to conduct competition games on weekends from 1 April 2007 until 31 August 2007.

MOVED: Mrs Deb Martin

SECONDED: Mr Neil Gambrill

ITEM 12 – BOOKING REQUEST – JIM MONAGHAN ATHLETICS OVAL, LITHGOW – ST PATRICK'S SCHOOL

Correspondence has been received from St Patrick's School requesting permission to use Jim Monaghan Athletics Oval, Lithgow on Thursday, 22 March 2007 to conduct an athletics skill development day.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to St Patrick's School to use Jim Monaghan Athletics Oval, Lithgow on Thursday, 22 March 2007 to conduct an athletics skill development day.

MOVED: Mr Bob Martin

SECONDED: Mr Eric Arnold

ITEM 13 – BOOKING REQUEST – JIM MONAGHAN ATHLETICS OVAL, LITHGOW – WESTERN REGION CHS ATHLETICS CARNIVAL

Council has been advised by Mr Ray Stoneley (Lithgow Athletics Club) that Lithgow will host the 2007 Western Region CHS Athletics Championships, and has therefore requested permission to use Jim Monaghan Athletics Oval, Lithgow on Friday, 27 July 2007, with an alternative date of Tuesday, 31 July 2007.

This will again require use the main oval for the marking of 400 metre running track and for the utilisation of this area for the high jump and javelin events, with the Jim Monaghan field being utilised for the remaining field events, as conducted during the 2006 event, along with use of the canteen area underneath the grandstand and to the main speaker system.

Permission is also sought to commence marking and setting up for this event from Wednesday, 25 July 2007, which will not conflict with any approved users.

The Committee recommends that permission be granted to Lithgow Athletics Club to use Jim Monaghan Athletics Oval, Lithgow on Friday, 27 July 2007, with an alternative date of Tuesday, 31 July 2007 to conduct the 2007 Western Region CHS Athletics Championships, with setting up and marking approved from Wednesday, 25 July 2007.

MOVED: Mr Eric Arnold

SECONDED: Mr Ray Stoneley

ITEM 14 - GENERAL BUSINESS

- Mr Bob Martin enquired who was the responsible authority for determining grounds used for Senior Cricket. Unfortunately, Mr Russell Jeffery was not in attendance to reply, however, Mr Mark Cronin (Junior Cricket Representative) advised that it is the Cricket Association that determines fields to be used by teams. Mr Bob Martin advised that a few weeks ago, a game was to be conducted at Marjorie Jackson Oval, however, the outfield was extremely dry, and the team was unsure if they were able to relocate the game to another venue not being used (ie a second turf at Glanmire Oval), and enquired of the protocols for relocating games. Mr Mark Cronin advised that if both captains agree to a change of venue, they should contact an Executive Member of the Cricket Association to get approval for relocation to another venue, noting that there are standby grounds in case of inclement weather.
- Mr Neil Gambrill thanked Mr Andrew Muir for providing a memorandum from Council's General Manager in regard to the Council's Rangers roles and responsibilities, this clears up a lot of confusion, and was appreciated.
- Miss Leanne Kearney introduced Mrs Vicky Hourigan from the Swimming Club, who will now be a member of the Committee in lieu of Mr Richard Wilson who is now unable to attend due to work commitments. The Committee welcomed Vicky to her first meeting.
- The Committee resolved to conduct the voting for the 2006 Reg Cowden Memorial Sport Star Awards on Monday, 8 January 2007, at 5.15pm in the Council Chambers. Miss Leanne Kearney also advised that nominations will be accepted for Junior and Senior Teams, Volunteer, Official and International Sportstar of the Year until 8 January 2007, as there has not been sufficient nominations prior to the closing date. All organisations are encouraged to nominate suitable candidates for these awards. Mr Danny Whitty enquired if nominations could still be submitted from the Committee, and Miss Leanne Kearney enquired this could occur.
- Mr Ray Field enquired if Mr Danny Whitty had provided Council with the previous Reg Cowden Awards information, and Mr Danny Whitty advised that he had all the records in a box, and will drop them in to Council.
- Councillor Neville Castle thanked the Committee members for their contribution to the Committee during 2006, and wished all members and their families a happy and safe Christmas.

MOVED: Mr Mark Cronin

SECONDED: Mr Neil Gambrill

The meeting closed at 5.35pm.

RECOMMENDATION

THAT the minutes of the Sports Advisory Committee be adopted.

REPORTS FROM DELEGATES

ITEM:21 DEL - 18/12/06 - MINUTES OF THE NSW ASSOCIATION OF MINING
RELATED COUNCILS INC - ANNUAL GENERAL MEETING HELD ON
10 NOVEMBER 2006

REFERENCE

NIL

SUMMARY

This report outlines the Minutes of the NSW Association of Mining Related Councils Inc, Annual General Meeting held on 10 November 2006.

COMMENTARY

The Annual General Meeting of the NSW Association of Mining Related Councils Inc was held on 10 November 2006 at Lachlan Shire Council.

The Minutes are attached for the information of Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 467 RESOLVED

THAT the minutes be noted.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:22 DEL - 18/12/06 - CENTROC

REFERENCE

NIL

SUMMARY

This report outlines the most recent meeting of Centroc.

COMMENTARY

At the most recent meeting of Centroc, there was a presentation from Jo Lewis From the NSW Premiers Department, who gave an overview of the Governments State Plan "A New Direction fro NSW". The plan looks at fairness and opportunity and growing prosperity across all of NSW. The Government is planning to deliver better services and more infrastructures in NSW.

Centroc is putting a submission to the Federal Government regarding the possibility of all parts of the Centroc Councils to be able ot have Broadband connections. This is a major step forward by Centroc as there is only one other group of Councils in Australia putting in such a submission at this time.

I am pleased that at this meeting, Centroc gave unanimous support to Lithgow city Council as we try to further our idea of attracting a branch of engineering to our area with our recent discussions with Wollongong University.

The Centroc meeting was also the AGM at which Councillor John Davis was again elected as Chairman and Councillor Neville Castle was Deputy Chairperson with the other 2 executive positions being filed by Councillor Norm Mann from Bathurst and Councillor Bruce Miller from Cowra. In a change to the constitution the General Managers of these respective Councils are also on the executive.

Centroc as part of their yearly management plan are going to continue to lobby for the building of the Bells Line Expressway. The Centroc Executive will be meeting with the BLEG group in the up coming weeks to look at a combine strategy to accomplish this outcome.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 468 RESOLVED

THAT this report be noted.

MOVED: Councillor A E Thompson

SECONDED: Councillor M J Wilson.

CARRIED

Noted that drought report not deemed necessary

The Mayor also advised he attend the recent PACT meeting. Various issues were discussed, in particular the Closure of Main Street Lithgow during the New Years Eve celebrations. This decision to close Main Street needed Councils approval and this motion was:

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor M M Collins.

QUESTIONS WITHOUT NOTICE

QWN - COUNCILLOR M F TICEHURST

1. Mr Mayor, is the Lithgow City Council aware of the result in the NSW Court of Appeal in the matter of May Vs Ceedive Pty Ltd arising out of a tenancy dispute in the Pottery Estate, Lithgow?

If so, could an urgent report be provided to Councillors on the matter tonight?

No advice to Council can be located advising of any decision in this matter. Should the Council resolve to investigate the result of this private matter then enquiries can be made and an information memorandum prepared for Councillors.

2. Mr Mayor, in the Presentation by Alan Morse & Co. at the last Policy & Strategy Meeting on the 4 December 2006, I raised the issue publicly of the current status with the DLG approved Loan Funding of \$200,000 for pool works determined by the Portland & District Olympic Pool Association Inc. at the Portland Olympic Pool and for which a public contract in the amount of \$200,640 was resolved by Council to CWG Group Ltd on the 4 October 2005 (2005/2006 LCC Annual Report) and for which the works still remains outstanding to date, some 14 months later?

The General Manager or his Senior Staff were unable at the Council Meeting to provide any verbal responses and indicated publicly that a report would be provided to the Council and Councillors.

Mr Mayor, given the urgency of this matter, why was this matter not been recorded in the Minutes of the Policy and Strategy Meeting on the 4 December 2006 and why has a report not been provided to this Ordinary Meeting of Council tonight, the last for 2006?

Mr Mayor, Is the money relating to this matter still within the Councils possession or in fact been paid out and has it been accounted for in the Councils 2005/2006 financial surplus?

Council included in the 2005/06 Management Plan an allocation of \$200,000 to be funded from loan borrowings for works on the Portland Pool.

Tenders were called for the works and Council considered the tenders at a meeting held on 4 October 2005 where the tender was awarded in the amount of \$200,640.

The successful tenderer, CWG Group, inspected the site subsequent to the Council determining the tender and advised Council that the works were much more extensive than anticipated and covered in their tender application. As a result of this inspection, CWG Group did not agree to complete the works.

The matter was reported in the Annual Report for 2005/06 to comply with Section 428 of the Local Government Act 1993 which requires details of each contract awarded by Council during the year which are for amounts in excess of \$150,000 (as specified in the Local Government (General) Regulation 2005).

The Department of Local Government has confirmed that it is appropriate to have listed the tender in the Annual Report as it was awarded in the year even though the works were not undertaken and the tenderer advised they would not complete the works.

However, staff have determined that for clarity sake it would have been advisable to identify that tenderer had withdrawn their offer as a comment within the Annual Report. This process will be followed in future.

No works have been undertaken, no payments have been made nor has the loan been initiated. The works are still within the Council's Management Plan as Council actually resolved on 6 November 2006 (Minute 06-369) in adopting the revotes from the 2005/06 Management Plan to carry forward the intended loan of \$200,000 for the works.

With regard to the question on why the minutes do not reflect the question raised at the time, the minutes have not traditionally reflected items raised during meetings unless there is a specific resolution made by Council or where matters have been raised in written question from Councillors or members of the gallery.

3. Mr Mayor, with respect to content provided in the General Managers report at Item 4. Blackheath Creek Road Little Hartley: -

- Could you please provide a public explanation on the discrepancies in the previous public statements made on behalf of the Lithgow City Council by the General Manager, Paul Anderson and yourself, as reported on Today Tonight (Monday 4 December 2006), Prime TV News (Tuesday 5 December 2006) and in the Lithgow Mercury (Thursday 7 December 2006).

Could the General Manager, Paul Anderson please advise further: -

Who was the Supervising Engineer responsible for the recent Roadworks on Blackheath Creek Road?

Were any Compaction Reports undertaken on the recent Roadworks on Blackheath Creek Road and if so, could they be made publicly available?

Were any Contractors used on the recent Roadworks on Blackheath Creek Road and if so, who were they and what works did they perform and invoice for?

What 'Rollers', (Sheepsfoot, Vibrating, etc.) if any were used to compact the Roadbase for recent Roadworks on Blackheath Creek Road?

Was any formal Surveying conducted to ascertain the correct position of Blackheath Creek Road, both prior to or after the recent Roadworks?

Is the Council able to confirm that various sections of the Blackheath Creek Road that recently underwent Roadworks, lie upon private lands, similar to nature to the current 'Stack' issue at Rydal?

The report is provided in relation to an ongoing investigation to clarify matters that have been ascertained to date.

Supervising Engineer, Compaction Reports, Contractors, Rollers, Surveying, private lands

Whilst some of these matters are of an operational nature, the following information is able to be provided:

Supervising Engineer – Works Engineer.

Compaction Reports – No. Not a normal practice for sealing an existing gravel road.

Contractors – supply and delivery of quarry material, supply and delivery of bitumen and hire of roller.

Rollers – One vibrating smooth drum roller.

Surveying – No. Not a normal practice for sealing an existing gravel road.

Private lands – Unable to confirm. As previously advised to Council this issue can arise on rural roads.

4. Mr Mayor, will the Lithgow City Council agree to and request that the Australian National Audit Office conduct a road audit (similar to their previous inspection of Glen Davis Road) on behalf of the Federal funding Roads to Recovery body for Blackheath Creek Road, the Department of Transport?

It is understood that projects are not submitted for audit but rather chosen. If chosen then, of course, Council would happily participate.

5. Mr Mayor, with respect to content provided in the General Managers report at Item 4. Blackheath Creek Road Little Hartley: -
- Is the Council able to confirm that no Council employees have been placed under any duress in this matter, or made any statements or signed any documents under any threat, promise or inducement or against their will?
 - Is the Council aware if any employees have discussed the Blackheath Creek Road matter with any public investigators?

Duress etc - the staff who have provided information in relation to the investigation have indicated that they have not provided any information under duress etc and would be happy to provide signed statements confirming such.

Public investigators – unaware.

6. Mr Mayor, with respect to content provided in the General Managers report at Item 4. Blackheath Creek Road Little Hartley, will you in a show of governance and open transparency, direct that the General Manager make all documentation surrounding the Roadworks at Blackheath Creek Road available for public inspection and to any requests from public investigative bodies?

Such a direction would of course be beyond the scope of the Mayor's powers and would require a Council resolution. However, any person may make application under the appropriate legislation for relevant documentation and this will be duly considered.

7. Mr Mayor is Council aware or in receipt of a legal letter from the LCA Lawyers in regards to the Blackheath Creek Road and a property on this road?

The General Manager requested letter be tabled. Councillor M F Ticehurst will seek the letter to be forwarded to Council.

8. Mr Mayor can I please table a letter from Mrs McPherson in relation to DA 546/02 and ask for council to look into this letter?

The General Manager requested letter be tabled. Councillor M F Ticehurst will seek the letter to be forwarded to Council.

9. Mr Mayor will the questions from Mr Ted Ellery and your answers be recorded in these minutes?

The Mayor advised that yes they will be recorded.

10. Mr Mayor I understand that there are some office renovations taking place in the Council Administration building, can you please explain as to what they are and to what cost?

The General Manager explained works as per the Management Plan.

12. Mr Mayor can Council investigate the give way signs located in Eskbank and Hill Streets Lithgow, as they are obscured from the public?

This will be included as a works request. Councillors reminded such matters can be referred to Customer Services any time.

QWN - COUNCILLOR B P MORRISSEY

1. Mr Mayor I refer to the memo received by Councillors in relation to the new "Visitor signing in book", can you please explain as to what this is and why we need to sign each time we visit Council? Does this include the public that attend Council meetings?

The General Manager explained the process and reasoning for such.

QWN - COUNCILLOR H K FISHER

1. Mr Mayor I refer to residents in Hepburn Street, Lithgow and the dangerous area/vegetation behind their houses, can a fire break please be considered here?
2. Mr Mayor can Council please look at drainage problem at 46 Wrights Road?
3. Mr Mayor can Council please explain as to why trees were poisoned at Blackman's Flat?

QWN - COUNCILLOR M M COLLINS

1. Mr Mayor can Council advise if the WRI are interested in working with Council and the PCYC on the proposed indoor heated pool? If a questionnaire is done, will we have any input into the questions asked?

The General manager advised that yes the WRI are interested. There will be a questionnaire done by them, with out input into the questions.

RESOLVED

THAT Council accept the offer from the WRI to go ahead with proposal and questionnaire and Council adjust their December quarterly review.

MOVED: Councillor M M Collins SECONDED: Councillor A E Thompson

The General Manager advised the Public that Council will now consider the Closed Confidential reports. The reports were confidential in nature due to:

Item 11 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Item 16 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

The General Manager asked for objections from the Public as to the confidential reports.

There was one objection received from Mrs Brinckley. Mrs Brinckley objected to the matters being considered in Closed Council due to the Community needing to be aware of what the matter is.

Councillor Morrissey moved that Council debate these reports in open Council. This was seconded by Councillor Fisher but LOST on votes.

It was resolved that the reports would be considered in Closed Council.

MOVED: Councillor A E Thompson
CARRIED

SECONDED: Councillor M J Wilson.

Closed Council started at 8.44pm

Leave of absence was granted to Councillor A E Thompson at 8.44pm as she had to leave the meeting on personal business.

MOVED: Councillor M M Collins
CARRIED

SECONDED: Councillor M J Wilson.

CLOSED COUNCIL REPORTS

ITEM: 11 REG – 18/12/06 CONFIDENTIAL REPORT - REQUEST COUNCIL TO PAY COSTS - MR G AND MRS W DUKES

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

SUMMARY

To advise of a submission from Mr G & Mrs W Dukes requesting Council meet all costs awarded against them in recent Land and Environment Court proceedings.

RECOMMENDATION

THAT Council advise Mr G and Mrs W Dukes that it is not in a position to pay their costs as awarded by the Court.

Kathy Woolley declared an interest in this Item and vacated the Chambers.

06- 457 RESOLVED

THAT:

1. Council advise Mr G and Mrs W Dukes that it is not in a position to pay their costs as awarded by the Court.
2. Council advise Dukes that it proposes to pay the Cutcliffe account as per the ill and seek the 50% from Dukes as per the Court order and utilise the legal proceedings necessary.
3. Council pay the cost to Cutcliffe in the most legally prudent manner available.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:16 REG – 18/12/06 – CONFIDENTIAL REPORT - THREAT TO CLOSE A SECTION OF RYDAL/HAMPTON ROAD

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

SUMMARY

This report summarises the current situation and seeks the necessary resolution to allow compulsory acquisition.

06-462 RESOLVED

THAT

1. Council compulsorily acquire part Lot 342 DP 751651 owned by Robert John Ben Stack, pursuant to the Land Acquisition (Just Terms) Compensation Act 1991.
2. Council make the necessary application to the Governor and/or Minister for Local Government for approval of the Acquisition.
3. Council dedicate the land, once acquired, as public road.
4. The Mayor and General Manager be authorised to execute all documentation in respect of the matter, and where appropriate to affix the common seal of the Council thereto.
5. Should a negotiated settlement be reached then the General Manager be delegated authority to execute the deed and withdraw any actions to proceed to compulsory acquisition and injunctive proceedings.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

Closed Council finished at 9.00pm

The Mayor opened the closed meeting to the public at 9.01pm and the General Manager advised them that the following resolutions were made in relation to the confidential reports:

MOVED: Councillor M J Wilson

SECONDED: Councillor H K Fisher.

CARRIED

The meeting closed at 9.04pm.