



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

09 MARCH 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 9th MARCH 2009**

Meeting Commenced 7.00pm

Public Gallery: 20

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor J J McGinnes
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor C Hunter
Councillor G Danaher
Councillor R Thompson
Councillor W Marshall

APOLOGIES

NIL

Also in attendance

General Manager, Mr Roger Bailey
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Suzanne Lollback
Minutes Secretary, Miss Casey Clarke
Finance Manager, Mrs Carol Farnsworth

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 16th February 2009 were taken as read and confirmed by Councillors H K Fisher and W McAndrew

09- 85 RESOLVED

CARRIED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 23rd February 2009 were taken as read and confirmed by Councillors R Thompson and H K Fisher

09-86 RESOLVED

CARRIED

Councillor M F Ticehurst recorded his name against the resolution.

DECLARATION OF INTEREST

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

NIL

QUESTIONS FROM THE PUBLIC GALLERY

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

QPG - 09/03/09 - MICHAEL KHOURY - SERVICE STATION - MAIN STREET LITHGOW

1. Mr Mayor can Council please explain what is stopping us from getting an interim Occupancy Certificate for our service station in Main Street Lithgow?

The Mayor and council staff responded and indicated that Mr Khoury had been phoned on Tuesday and advised that the Sydney Catchment Authority placed the conditions of concern on the development that the Sydney Catchment Authority would need to agree to the interim certificate.

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NOTICE OF MOTION

ITEM:1 NOTICE OF MOTION - 09/03/09 - THREAT TO CLOSE OF SECTION OF THE RYDAL / HAMPTON ROAD - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC

Councillors to be updated on previous threat to close a section of the Rydal/ Hampton Road involving the Stacks Family at Rydal.

Listed by Councillor Martin Ticehurst.

Date: 27 February 2009.

REFERENCES

Lithgow City Council Minutes P & S Committee Meeting 4 December 2006.
Lithgow Mercury 12 December 2006 "Road dispute to go to Court".
Lithgow City Council Minutes of Ordinary Meeting of 18 December 2006.
Lithgow City Council Minutes P & S Committee Meeting 7 May 2007.
Lithgow City Council Minutes of Ordinary Meeting of 18 June 2007.
Lithgow City Council Minutes of Ordinary Meeting of 20 May 2008.

BACKGROUND

As Councillors may be aware, the Lithgow City Council has been in dispute with the Stack family at Rydal over their legal ownership of and Councils proposed land acquisition of a large portion of the Rydal/Hampton Road.

This matter has now been dragging on for well over two years and it is timely that the matter be finalised one way or the other.

The last update to Council and Councillors was over 9 months ago when the then General Manager reported to the Councils Ordinary Meeting of the 20 May 2008 that:

"Solicitors for the landholder have provided Council's Solicitor with a copy of a Court of Appeal Judgment which, at face value, appears to have upheld a principle that compensation should include value of works done prior to acquisition. Council's Solicitor has arranged a Barristers opinion prior to proceeding and the landholders Solicitor has been advised. "

RECOMMENDATION

THAT the General Manager provides the Council and Councillors with a full report on current status of this matter and solutions to its immediate successful resolution

Signed: **Martin Ticehurst**

09-87 RESOLVED

THAT the General Manager provides the Council and Councillors with a full report on current status of this matter and solutions to its immediate successful resolution

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor J J McGinnes

ITEM:2 NOTICE OF MOTION - 09/03/09 - CONTRACTING OF SERVICES - LITHGOW GATEWAY TOURIST CENTRE - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC

Expressions of Interest or Public Tenders be sought for the contracting out of services provided at the Lithgow Gateway Tourist Centre, Bowenfels.

Listed by Councillor Martin Ticehurst.

Date: 27 February 2009.

BACKGROUND

Lithgow City Council currently operates the Lithgow Gateway Tourist Centre (Miners Lamp) on the Great Western Hwy at Bowenfels.

Councillors may be aware that the annual operational costs for the Lithgow Gateway Tourist Centre, including fees to the Blue Mountains Tourism Ltd., currently exceeds \$500,000 with the Lithgow City Council receiving little more than \$20,000 via various income sources from within the Tourist Centre that attracts over 40,000 visitors annually.

With the Council seeking a Special Rate Variation of 5% for the next financial year in the current global financial crisis; it is recommended that on a similar basis as undertaken by Bathurst City Council to contract out the operations of the new Bathurst Swimming Pool Complex to private operators, substantial cost savings would be achieved by the Lithgow City Council, ratepayers and residents by seeking Expressions of Interest or Public Tenders to carry out the ongoing operations of the Lithgow Gateway Tourist Centre.

New Operators would be expected to not only carry out the requested tourism operations on behalf of the Lithgow City Council, but could substantially increase their own income by introducing new and additional streams of tourism business for the some 4,000 tourists and visitors to the Lithgow Gateway Tourist Centre. It would also be open for new operators to develop the original idea within the Tourist Centre of a ‘Coal Mine Feature’ in the basement area of the Tourist Centre. Numerous Local Governments have significantly reduced their Councils operational costs by outsourcing their Tourism Centres and tourist activities to successful private operators.

RECOMMENDATION

THAT the General Manager, as a matter of urgency provide a full report to the Council outlining proposals for seeking Expressions of Interest or Public Tenders to carry out the operations of the Lithgow Gateway Tourist Centre.

Signed: **Martin Ticehurst**

MOTION

THAT the General Manager, as a matter of urgency provide a full report to the Council outlining proposals for seeking Expressions of Interest or Public Tenders to carry out the operations of the Lithgow Gateway Tourist Centre.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

AMENDMENT

THAT operations of the Lithgow Tourism Centre be referred to the Tourism Advisory Committee for consideration

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew

CARRIED

On being put the Amendment was CARRIED

FOR - 6

AGAINST - 2

09-88 RESOLVED

THAT operations of the Lithgow Tourism Centre be referred to the Tourism Advisory Committee for consideration

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew

CARRIED

ITEM:3 NOTICE OF MOTION - 09/03/09 - SERVICES STATION - 327 MAIN STREET LITHGOW - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC

Development Approval No: 068/08DA – Service Station at 327 Main Street Lithgow.

Listed by Councillor Martin Ticehurst.

Date: 27 February 2009.

REFERENCES

Development Approval No: 068/08DA.

BACKGROUND

As Councillors may be aware, the Mid Town Service Station on the corner of Main Street and Martini Parade, Lithgow is nearing completion of a substantial refurbishment to the former run down site.

I understand that the new improved Service Station will provide up to 8 to 10 Permanent Casual positions of employment and will operate 24/7 and provide discounted fuel to the ratepayers and residents of Greater Lithgow.

However the new owners have been experiencing a number of problems with their refurbishment of the existing site that has caused extensive delays at an ever increasing and with respect, unnecessary expense.

The Notice of Motion has been lodged to allow Councillors to seek responses from Council Officers on the Councils support for not only this business, but with currently up to 40 empty shops in Main Street, Lithgow alone, for advice on the Council's formal role and position in assisting both existing businesses to renew and expand and how the Council can encourage and entice new businesses to develop within Lithgow City Council Local Government Area and not other LGA's.

RECOMMENDATION

THAT Council publicly acknowledge what it's formal position is in supporting current and new business development in the Lithgow City Council Local Government Area.

Signed: **Martin Ticehurst**

MOTION

THAT Council publicly acknowledge what its formal position is in supporting this new business development in the Lithgow City Council Local Government area.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor J J McGinnes

AMENDMENT

THAT this matter be referred to the Economic Development Advisory Committee for consideration.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

The Amendment was **WITHDRAWN**

09-89 RESOLVED

THAT Council publicly acknowledge what its formal position is in supporting this new business development in the Lithgow City Council Local Government area.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor J J McGinnes

ITEM:4 NOTICE OF MOTION - 09/03/09 - DEPUTY STATE CORONERS RECOMMENDATIONS - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC

Department of Local Government Circular 08/17 – Deputy State Coroners Recommendations.

Listed by Councillor Martin Ticehurst.

Date: 27 February 2009.

REFERENCES

Department of Local Government Circular 08/17 dated 16 April 2008.

BACKGROUND

On the 16 July 2008, the Department of Local Government issued a Circular No. 08/17 referring to recommendations by the Deputy State Coroner with respect to reminding Councils of their legal and community obligations in the safe exercise of their service functions.

The Deputy State Coroner made the following recommendations to the Minister for Local Government:

“Local councils who are responsible for waste collection (either directly or through contractual arrangements) conduct a review and feasibility study in regard to the installation of rear vision camera systems capable of recording and storing images. Further to the above, that a feasibility study be undertaken into relocating the monitor screen in waste disposal vehicles to an internal position between the steering wheel and the external rear vision mirror in use.”

The then Director-General of Local Government commented that Councils may owe a legal duty of care to some persons in certain circumstances. Actionable liability may attach to a council in any one or more of its functional capacities, including landowner or provider of services or facilities. Risk management and preventative action are important strategies in the safe delivery of council services and in minimizing a council’s exposure to liability.

The Director-General further commented that Councils are encouraged to consider the Deputy State Coroner’s recommendations as part of a systematic, pro-active approach to risk minimization and public safety.

ATTACHMENTS

Department of Local Government Circular 08/17 dated 16 April 2008.

RECOMMENDATION

THAT the General Manager, as a matter of urgency provides a full report to the Council in response to Department of Local Government Circular 08/17.

Signed: Martin Ticehurst

MOVED

THAT the General Manager, as a matter of urgency provides a full report to the Council in response to Department of Local Government Circular 08/17

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

This was WITHDRAWN

09-90 RESOLVED

THAT any new domestic waste contract for the Lithgow local government area includes the recommendations from the Deputy State Coroners Report outlined by the DLG Circular 08/17.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor W Marshall

**ITEM:5 NOTICE OF MOTION - 09/03/09 - SYDNEY MEDIA REPORT ON
PLIGHT OF LICENSED CLUBS ACROSS NSW - COUNCILLOR M F
TICEHURST**

MOTION TITLE/TOPIC

Sydney Media Report on plight of Licensed Clubs across New South Wales.
Listed by Councillor Martin Ticehurst. Date: 27 February 2009.

REFERENCES

Sunday Telegraph 22 February 2009 "RSLs clubbed by pokie, smoking laws."

BACKGROUND

The Sunday Telegraph recently reported that more than 60 Licensed Clubs across NSW are facing amalgamation or closure, killed off by a combination of the global financial crisis, poker machine tax and tougher smoking laws.

Clubs NSW says 5 per cent of all Registered Licensed Clubs are pursuing amalgamation to survive. If partnerships are not found, they will close.

Registered Licensed Clubs needing an urgent lifeline, according to Clubs NSW, include: Punchbowl Ex-Services and Community Club; North Manly Bowling and Recreation Club; Windsor and District RSL Club; Randwick Bowling Club; The Croatian Club in St Johns Park; Brighton Le Sands Amateur Fishing Club; Wagga Wagga Community Club; the Oxley Club in Bourke; the Cobram Barooga Golf Club in the Riverina; and the Fraternity Bowling and Recreation Club in the Illawarra.

Clubs NSW CEO David Costello said financial instability and the reluctance of banks to lend money were behind the growing decline.

Other factors were poker machine taxes, anti-smoking laws, companies spending less on functions and Clubs struggling to replace ageing members.

"This is a significant percentage of the industry that is putting up its hands and saying, 'We can't survive on our own'," Mr Costello said.

"Not only have the banks virtually stopped lending but they are also applying significant pressure to Clubs to pay their loans off faster."

Mr Costello said in the past 10 years, 200 clubs across NSW had closed - a number that would increase dramatically if current trends continued.

RECOMMENDATION

THAT Council receives and notes the information.

Signed: **Martin Ticehurst**

09-91 RESOLVED

THAT Council receives and notes the information

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor J J McGinnes

ITEM:6 NOTICE OF MOTION - 09/03/09 - LITHGOW INDOOR AQUATIC CENTRE - COUNCILLOR M F TICEHURST

MOTION TITLE/TOPIC

Australian Federal Government Grant of \$700,000 received by the Lithgow City Council for the former proposed Lithgow Indoor Aquatic Centre.

Listed by Councillor Martin Ticehurst.

Date: 27 February 2009.

REFERENCES

Lithgow Mercury 26 May 2007 "\$700,000 for Indoor Pool".

Lithgow City Council Minutes Extraordinary Meeting of 28 June 2007.

Lithgow City Council Annual Report 2006/2007.

Lithgow City Council Minutes of F & S Committee Meeting of 6 August 2007.

Lithgow City Council Minutes of Ordinary Meeting of 17 September 2007.

Lithgow City Council Minutes Extraordinary Meeting of 10 June 2008.

Lithgow City Council Minutes P & S Committee Meeting 2 September 2008.

BACKGROUND

As Councillors may be aware, former Councillor A E Thompson at the Lithgow City Council Policy and Strategy Committee Meeting of 2 September 2008 asked the following Question without Notice: -

2. Mr Mayor, I refer to the proposed Aquatic Centre and ask where is Council up to in regards to the \$700,000 Grant?

The Minutes record that: "The Mayor advised that Council Officers will investigate this issue further and a report will be brought back on this issue."

Former Councillor Thompson was referring to a \$700,000 grant that was provided to the Lithgow City Council by the former Prime Minister, John Howard which was to go towards the cost of developing an Indoor Heated Pool and Sporting Complex in Lithgow.

The proposed Lithgow Indoor Aquatic Centre project, to be funded by a Special Rate Variation, failed to be endorsed by Greater Lithgow ratepayers and residents and the then Councillors at an Extraordinary Meeting of the Lithgow City Council on 10 June 2008.

To date, I am not aware of any report as requested having been provided by any Council Officers or the General Manager to the Council or Councillors.

Further information is also sought on the full amount of financial interest that has accrued since the Lithgow City Councils receipt of the \$700,000 grant and where these additional funds have and are recorded.

RECOMMENDATION

THAT the General Manager provides the Council and Councillors with a full report on the previous and current status with the receipt by the Lithgow City Council of the Australian Federal Government Grant of \$700,000 for the former proposed Lithgow Indoor Aquatic Centre.

Signed: **Martin Ticehurst**

09-92 RESOLVED

THAT the General Manager provides the Council and Councillors with a full report on the previous and current status with the receipt by the Lithgow City Council of the Australian Federal Government Grant of \$700,000 for the former proposed Lithgow Indoor Aquatic Centre.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

CARRIED

GENERAL MANAGER REPORTS

ITEM:7 GM - 09/03/09 - COUNCILLOR INFORMATION SEMINARS HELD IN OCTOBER / DECEMBER 2008

REFERENCE

NIL

SUMMARY

Correspondence has been received from the Department of Local Government outlining the attendance of three Councillors from Lithgow City Council at a Councillor Information Seminar held in October 2008.

COMMENTARY

The Department of Local Government held Councillor Information Seminars during the months of October and December 2008 at various regional and metropolitan locations.

The seminars were organised and presented via a partnership arrangement between the Department, the Associations and Local Government Managers Australia (LGMA). The seminar content was designed to be of value to both new and experienced councillors.

The following Councillors from Lithgow Council attending one of these seminars:

- Councillor Colin Hunter
- Councillor Joe McGinnes
- Councillor Martin Ticehurst

The Information Seminars were a part of the Councillor Development Strategy put together by the Department of Local Government to assist new Councillors, elected on 13 September 2008 to undertake their role.

The Strategy comprised of:

- A publication for prospective councillors that includes basic information on the role and responsibilities of being a councillor and support available;
- A one-day seminar for councillors and their General Managers, following the election in September 2008;
- A publication for newly elected councillors outlining in more detail their roles and responsibilities, support available to assist them to undertake their role and where to find additional resources;
- A web-based information directory for councils and councillors;
- A Practice Note to guide the development of council-based councillor induction and on-going councillor professional development programs.

A further seminar will be held in late March 2009, for Councillors who were unable to attend a previous seminar.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

09-93 RESOLVED

THAT Council note the attendance of Councillors Hunter, McGinnes and Ticehurst at the Department of Local Government Councillor Information Seminars held in 2008.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:8 GM - 09/03/09 - PROPOSED SALE OF LAND FOR UNPAID RATES 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

This report requests Council to hold a sale of land for unpaid rates pursuant to Division 5, Sect 713 of the Local Government Act 1993.

A recommendation is included suggesting a time and date for such an auction and further investigation be commenced on properties proposed to be included in the sale.

COMMENTARY

Pursuant to Division 5, Section 713 of the Local Government Act 1993 Council is in a position to offer by public auction approximately 21 properties within the area which have accrued rates and charges in excess of five years.

Division 5: Sale of land for unpaid rates and charges, Section 713 states:

- (1) *For the purposes of this Division, a rate or charge is overdue if:*
 - (a) *in the case of vacant land, it has remained unpaid for more than one year, or*
 - (b) *in the case of any other land, it has remained unpaid for more than 5 years, from the date on which it became payable.*

- (2) *A council may, in accordance with this Division:*
 - (a) *sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable, and*
 - (b) *sell any vacant land on which any rate or charge has remained unpaid for more than one year but not more than 5 years from the date on which it became payable, but only if:*

The council obtains a valuation of the land from the Valuer-General

- (ii) the total amount of unpaid rates or charges on the land exceeds the valuation, and*
 - (iii) the council sells the land within 6 months after the date when the council received the valuation.*
-
- (3) *The council must not sell any such land unless the general manager or the public officer certifies in writing:*
 - (a) *what rates and charges (including overdue rates and charges) are payable on the land, and*
 - (b) *when each of those rates and charges was made and how it was levied, and*
 - (c) *when each of those rates and charges became payable,*
 - (d) *what amounts are payable by way of overdue rates and charges on the land,*
 - (e) *what amounts are payable by way of rates and charges (other than overdue rates and charges) on the land.*

 - (4) *The council may, in the case of adjoining parcels of land (whether in the same or different ownerships) each of which may be sold under this Division:*
 - (a) *sell them separately or as a single parcel and under whatever conditions of sale it considers proper, and*
 - (b) *do such things as it considers appropriate for the purpose of selling the land at its full value.*

The properties to be included in a proposed sale are summarised below:

PROPERTIES	LOCATION	DUE IN EXCESS 5 YEARS	TOTAL DUE
1	Clarence	\$6,243.04	\$6,807.14
1	Dark Corner	\$3,111.68	\$3,443.15
1	Glen Davis	\$8,751.11	\$9,537.63
1	Hartley	\$13,076.75	\$6,328.03
10	Lithgow	\$108,379.98	\$133,897.33
1	Newnes	\$1,767.03	\$2,051.36
2	Portland	\$25,259.77	\$28,289.77
1	Rydal	\$2,403.55	\$3,032.69
3	Wallerawang	\$24,984.72	\$30,787.41
TOTAL DUE		\$193,977.63	\$224,174.51

A previous Sale of Land for Unpaid Rates was held in 2002 and since this time the properties listed have exhausted all debt recovery procedures. In accordance with the Act, Council is required to perform a number of actions prior to a sale:

- (1) (a) *fix a convenient time (being not more than 6 months and not less than 3 months from the publication in a newspaper of the advertisement referred to in paragraph (b)) and a convenient place for the sale, and*
 - (b) *give notice of the proposed sale by means of an advertisement published in the Gazette and in at least one newspaper, and*
 - (c) *take reasonable steps to ascertain the identity of any person who has an interest in the land, and*
 - (d) *take reasonable steps to notify each such person (and the Crown, if the land concerned is owned by the Crown) of the council's intention to sell the land under this Division.*
- (2) *If, before the time fixed for the sale:*
- (a) *all rates and charges payable (including overdue rates and charges) are paid to the council, or an arrangement satisfactory to the council for payment of all such rates and charges is entered into by the rateable person, the council must not proceed with the sale.*

The recorded land owners of the proposed 21 properties have been advised in November 2008 and again in February 2009 that their properties will be listed for auction but may be withdrawn should full payment be received prior to auction date.

It is recommended that Council set a convenient time and location for the sale and it is suggested that 10.00am on 26 September 2009 at Councils Administration Centre, 180 Mort St Lithgow would be suitable.

Further reports on the progress of the sale will be provided to Council prior to the auction date.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Recovery of outstanding rates and charges in excess of five years with a current value of \$224,174.51

LEGAL IMPLICATIONS

Sale of Land for unpaid rates pursuant to Division 5, Section 713 of the Local Government Act 1993

09-94 RESOLVED

THAT

1. Pursuant to Division 5 Section 713 of the Local Government Act Council resolve to hold a Sale of Land for unpaid rates
2. Council determine the date for a sale of land for unpaid rates as 10.00am 26 September 2009, at Councils Administration Centre, 180 Mort St Lithgow.
3. Council commence investigation of the known 21 properties to be included in the sale and any additional properties which fall into this category prior to the sale date.
4. Council be provided with progress reports prior to auction date.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

ITEM:9 GM - 09/03/09 - COUNCIL INVESTMENTS TO 28 FEBRUARY 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Meeting: 19 August 2008 (July 2008)
 Meeting: 07 October 2008 (Aug 2008)
 Meeting: 21 October 2008 (Sept 2008)
 Meeting: 18 November 2008 (Oct 2008)
 Meeting: 15 December 2008 (Nov 2008)
 Meeting: 27 January 2009 (Dec 2008)
 Meeting: 16 February 2009 (Jan 2009)

SUMMARY

To advise Council of investments held to 28 February 2009 for the 2008/09 financial year.

COMMENTARY

The total investment portfolio as at 28 February 2009 when compared to 31 January 2009 has increased by \$594,560.81.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.01.09	VALUE 28.02.09	% OF TOTAL
ANZ	TD	08.01.09	12.03.09	64	4.36	1,010,496.94	1,010,496.94	6.94%
	TD	08.01.09	12.03.09	64	4.36	502,249.59	502,249.59	3.45%
	TD	18.02.09	18.04.09	62	3.32	504,047.73	505,931.00	3.47%
BANKWEST	TD	27.01.09	02.04.09	65	4.25	250,000.00	250,000.00	1.72%
	TD	05.01.09	09.04.09	94	4.70	542,908.78	542,908.78	3.73%
	TD	09.02.09	15.05.09	94	4.05	516,910.15	525,429.96	3.61%
	TD	19.01.09	16.04.09	87	4.45	502,123.29	502,123.29	3.45%
CBA	On Call				3.20	108,239.09	1,110,478.01	7.63%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.51%
	TD Shield	21.11.07	05.06.09	547	***	750,000.00	750,000.00	5.15%
CITIBANK	TD	12.01.09	12.03.09	59	4.90	588,074.45	588,074.45	4.04%
	TD	09.01.09	09.04.09	90	5.05	521,293.83	521,293.83	3.58%
	TD	07.01.09	09.03.09	62	4.88	1,011,726.58	1,011,726.58	6.95%
LGFS	On Call				4.15	7,159.79	7,159.79	0.05%
IMBS	TD	05.12.08	05.03.09	30	6.00	1,186,356.30	1,186,356.30	8.15%
	TD	05.12.08	05.03.09	90	6.00	250,000.00	250,000.00	1.72%
	TD	01.12.08	05.03.09	94	5.80	891,981.24	891,981.24	6.12%
MACQUARIE	TD	22.08.08	18.02.09	180	8.08	2,000,000.00	2,079,693.15	14.28%
ST GEORGE	TD	19.01.09	19.03.09	59	4.20	1,066,093.78	1,066,093.78	7.32%
	On Call			37	4.20	1,036,431.07	536,431.07	3.68%
SUNCORP	TD	12.02.09	19.03.09	35	4.15	502,391.78	504,617.44	3.47%
			TOTAL			13,968,484.39	14,563,045.20	100.00%

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

*****CBA TD Shield \$750,000:**

The CBA deposit of \$750,000 which matures in June 2009 states the following:

Principal Protection:

The investment is principal protected if held to maturity. Your investment amount is an unsecured obligation of the Commonwealth Bank which ranks equally with other unsecured obligations of the Commonwealth Bank”

The original 2006 prospectus for this investment estimated a return of 16% which was based on historical investment performance over prior years. The current financial climate proves that the expected return will not be achieved and Council currently expects a nil interest return on this investment at maturity.

POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2.

FINANCIAL IMPLICATIONS

Interest received to 28 February 2009 is \$468,167.96 of a revised estimate of \$755,000 reported in the December quarter of the 2008/09 Management Plan. Interest is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

09-95 RESOLVED

THAT Investments totalling \$14,563,045.20 for the period ending 28 February 2009 be noted.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:10 GM - 09/03/09 - SPECIAL RATE APPLICATION FOR INFRASTRUCTURE WORKS 2009/10

REFERENCE

Min No O08-210 - Ordinary Meeting 15th December 2008

SUMMARY

This report seeks Council's resolution to apply for a 5% special rate variation for proposed infrastructure works in the 2009/10 Management Plan.

O08-210 RESOLVED

THAT Council make an application for a special rate variation for infrastructure improvements and include it in the 2009/10 Management Plan.

COMMENTARY

Council previously resolved to make application for a special rate variation. This was considered appropriate to provide for infrastructure improvements in the local government area particularly to Council's road, building and library infrastructure.

The local infrastructure has been deteriorating and in many cases regarded as being in poor condition. This has been a matter that has been highlighted recently with meetings with councillors, community concerns for infrastructure and also with the responses to the request for projects under the Regional and Local Community Infrastructure Program. Infrastructure such as roads and buildings are of particular concern and require an immediate injection of funds to improve the situation. Many Council buildings are in need of urgent maintenance, e.g. community halls. Other assets such as library resources at the Lithgow Learning Centre are also deteriorating.

It is proposed to apply to the DLG for a special variation of 5% above the ordinary rate (after rate pegging) for 2009/10 which if approved will be permanently ongoing.

Background

The Local Government Act 1993 empowers the Minister for Local Government to limit the increases in councils' revenue from general income (s506) and also increases in the levels of annual domestic waste management services charges (s507).

This annual limit is referred to as "rate pegging". It is important to appreciate that rate pegging is applied to a council's total notional general rate income - not to the rates for individual parcels of land.

Councils can apply to the Minister to increase their general income by an amount greater than the rate peg. Councils have two avenues available under the Local Government Act in this regard:

- Section 508(2).
- Section 508A.

Councils can also apply to the Minister, under section 548(3)(a) and (b) of the Act, to increase their minimum ordinary rates or special rates above the statutory limits.

Section 508(2) enables the Minister to approve a percentage increase for a specified year that is greater than the rate peg for that year.

While an increase under section 508(2) is for a specific year, the period for which the increase is to apply may be ongoing or fixed. Where a special variation is ongoing, the additional revenue generated in the specified year permanently goes into the council's revenue base (i.e. its "notional income"). Under a fixed term variation, the council must reduce its general income by the amount of the special variation, plus any percentage increases applied during the term of the special variation, at the completion of the fixed term.

The basis of the application must reflect the purpose of the special variation:

- A special variation to fund an initiative that has a limited life span (e.g. a specific program of environmental works) should be sought for a fixed number of years.
- A special variation designed to address a council's longer term financial position (e.g. to provide additional funding for infrastructure maintenance and renewal) should be sought on an ongoing basis, where this need can be justified.

If a council has in place a fixed term special variation and it wishes to continue the increase in general income beyond the fixed term, it will need to submit a new application for Ministerial approval in the year prior to when the fixed term expires.

The following circumstances are considered to be appropriate reasons for applying for a section 508(2) special variation:

- Where additional income is necessary to finance a project that has regional significance or a demonstrable regional economic benefit. Regional significance and/or benefit would be demonstrated by:
 - joint participation by several councils in planning and/or execution of the project; or
 - State/Commonwealth participation in planning or contribution of funds towards the project; or
 - demonstrated consistency with a relevant regional management plan (e.g. a Catchment Blueprint) endorsed by the State Government.
- Where additional income is necessary to finance new or enhanced local government services or facilities specified in a comprehensive principal activity statement in the council's draft management plan. Proposals may include infrastructure maintenance or replacement programs and services related to sustainable natural resource management, waste management, environmental protection, pollution control and protection of public health.
- Where additional income is necessary to meet substantial increases in Government contributions or charges, for example: variation of charges by the Valuer General, State Electoral Commission, NSW Fire Levy or Rural Fire Contribution.

If a council applies to increase its income beyond the rate-pegging amount by the use of a special rate on certain ratepayers, the council must be able to demonstrate that the affected ratepayers will benefit from and are generally in favour of the proposal, unless it addresses a specific public health or safety issue.

Council will need to consult with the local community both as part of the management plan process as well as through other means, such as advertisements.

To enable the Department to process the applications for a special variation councils have been requested that **applications be submitted by 31 March 2009**, or within two weeks of the announcement of the rate peg limit – whichever is later.

Council has workshopped the options for the special rate variation and has indicated that the special rate variation not be applied to the Business rating category and be applied amongst the remaining rating categories.

The revenue to be raised is to be applied to the following projects:

2009/10 PROPOSED INFRASTRUCTURE LEVY: 5% SPECIAL RATE					
5 YEAR PROGRAM 2009/10 TO 2013/14					
	2009/10	2010/11	2011/12	2012/13	2013/14
<u>ROAD INFRASTRUCTURE</u>					
Sodwalls Tarana Road	\$70,000.00	\$160,000.00			
Rydal Hampton Road	\$115,000.00				\$115,000.00
Cox's River Road		\$25,000.00	\$40,000.00		
Magpie Hollow Road			\$145,000.00		
Mid Hartley Road				\$80,000.00	
Glen Davis Road				\$105,000.00	
Glen Alice Road					\$70,000.00
Reseals - 10mm Lithgow/ Portland Lanes	\$101,365.28	\$101,365.28	\$101,365.28	\$101,365.28	\$101,365.28
	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000.00
TOTAL INFRASTRUCTURE IMPROVEMENTS	\$376,365.28	\$376,365.28	\$376,365.28	\$376,365.28	\$376,365.28
<u>BUILDINGS</u>					
Crystal Theatre: Additional Major Improvements	\$45,000.00				
Lake Wallace Toilets: Refit interior & Security	\$20,000.00				
Wallerawang Memorial Hall - Flooring		\$45,000.00			

Civic Ballroom: Repoint Brickwork		\$20,000.00				
Lithgow Swimming Pool Amenities; Roof, Drainage, Toilets			\$50,000.00			
Family Historical Society Tank St: Roofing			\$15,000.00			
Red Cross Hall: Roof, Drainage, Painting				\$50,000.00		
Golf Club: Verandah Works - Heritage eastern side					\$15,000.00	
Hermitage Hall: Heating						\$10,000.00
Vale hall: Painting & Toilets						\$10,000.00
Learning Centre: Repaint						\$20,000.00
Wallerawang Memorial Hall : Doors & Security						\$20,000.00
General Asset Building Maintenance	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$15,000.00
TOTAL BUILDING IMPROVEMENTS	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00
<u>LIBRARY</u>						
Library Resources	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00
TOTAL LIBRARY IMPROVEMENTS	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00	\$22,500.00
TOTAL EXPENDITURE SPECIAL RATE LEVY	\$473,865.28	\$473,865.28	\$473,865.28	\$473,865.28	\$473,865.28	\$473,865.28

Note: The 2009/10 Management Plan will highlight two scenarios for expenditure and income, one if the Special Rate application is approved and a second if it is rejected by the Minister.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

This proposal will be revenue neutral to Council with any funds raised by the special rate variation being allocated to specific projects.

LEGAL IMPLICATIONS

The application for a special rate variation must be submitted to the Department of Local Government by 31 March 2009 or within two weeks of the announcement of the rate peg limit – whichever is later.

RECOMMENDATION

THAT Council:

1. Make application for a 5% special rate variation for inclusion in the three year management plan commencing July 1, 2009 under Section 508(2) of the NSW Local Government Act 1993;
2. Advise the Department of Local Government that the purpose of the special rate variation is for infrastructure maintenance and improvement;
3. Consult with the community in relation to the special variation both through the management plan and advertisements;
4. Raise the additional revenue by even percentage increments from the Residential, Farming and Mining rating categories and not apply the special rate variation to the Business rating category; and
5. Apply the additional funds raised from the special rate variation to those projects in the above table.

MOVED

THAT Council:

1. Make application for a 5% special rate variation for inclusion in the three year management plan commencing July 1, 2009 under Section 508(2) of the NSW Local Government Act 1993;
2. Advise the Department of Local Government that the purpose of the special rate variation is for infrastructure maintenance and improvement;
3. Consult with the community in relation to the special variation both through the management plan and advertisements;
4. Raise the additional revenue by even percentage increments from the Residential, Farming and Mining rating categories and not apply the special rate variation to the Business rating category; and
5. Apply the additional funds raised from the special rate variation to those projects in the above table.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor J J McGinnes

AMENDMENT

THAT:

1. Council make application for a 5% special rate variation for proposed infrastructure works in the 2009/10 rating year only.
2. Advise the Department of Local Government that the purpose of the special rate variation is for infrastructure maintenance and improvement;
3. Consult with the community in relation to the special variation both through the management plan and advertisements;
4. Raise the additional revenue by even percentage increments from the Residential, Farming and Mining rating categories and not apply the special rate variation to the Business rating category; and
5. Apply the additional funds raised from the special rate variation to those projects in the above table.

MOVED: Councillor W McAndrew

SECONDED: Councillor W Marshall

On being put the Amendment was declared **LOST**

09-96 RESOLVED

THAT Council:

1. Make application for a 5% special rate variation for inclusion in the three year management plan commencing July 1, 2009 under Section 508(2) of the NSW Local Government Act 1993;
2. Advise the Department of Local Government that the purpose of the special rate variation is for infrastructure maintenance and improvement;
3. Consult with the community in relation to the special variation both through the management plan and advertisements;
4. Raise the additional revenue by even percentage increments from the Residential, Farming and Mining rating categories and not apply the special rate variation to the Business rating category; and
5. Apply the additional funds raised from the special rate variation to those projects in the above table.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor J J McGinnes

A **DIVISION** was called by Councillors Ticehurst and McGinnes.

FOR

Councillor R Thompson
Councillor H K Fisher
Councillor G Danaher
Councillor C Hunter
Councillor N L Castle

AGAINST

Councillor W McAndrew
Councillor J J McGinnes
Councillor W Marshall
Councillor M F Ticehurst

ITEM:11 GM - 09/03/09 - EXCLUSION OF NOTICE OF MOTION

SUMMARY

A Councillor Notice of Motion has been deemed to be unlawful and excluded from the business paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

COMMENTARY

The General Manager is in receipt of a Notice of Motion (NOM) from a Councillor. This NOM has been deemed to be unlawful as the matter requires a rescission motion to be lodged before the Notice of Motion can be dealt with. The matter has therefore not been included as part of the business paper for this Council meeting.

In accordance with Clause 240 of the NSW Local Government (General) Regulation 2005 the General Manager must report such exclusions to the next meeting of Council. The relevant sections of the Act and Regulations are:

372 Rescinding or altering resolutions

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negated by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment.

Clause 240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and

- (b) if the mayor is the chairperson-any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.

09-97 RESOLVED

THAT Council note the report on a Notice of Motion being declared unlawful and excluded from the Business Paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:12 GM - 09/03/09 - RESIDENTIAL AGED CARE FACILITIES

REFERENCE

F08-136

SUMMARY

Council has received a written request from Tanderra Lithgow Incorporated expressing interest in land that was formerly the Hermitage Colliery.

COMMENTARY

The Board and Management of Tanderra Lithgow Incorporated have written to Council formally requesting that Council grant to Tanderra the ownership of the land located at the intersection of Coalbrook Street and Sandford Avenue for the construction of aged care facilities. This land was formerly part of the site for the Hermitage Colliery. Tanderra is seeking that this land be granted as a donation or sold at a nominal price. This would allow that organisation to make the most of their limited funds for the actual building, rather than land procurement.

The purpose of the proposed acquisition is to help secure the future Aged Care needs of the City of Lithgow. If there were concerns with placing council property in private hands (albeit a local public charity) then Tanderra proposes the option of granting a 99 year peppercorn lease.

Tanderra Lithgow Inc. currently provides an aged care service to 46 residents, the majority of whom are in need of high levels of nursing care. The initial proposal is to construct a 70 bed aged care facility on the site with scope for future expansion. The Board of Tanderra has considerable sums set aside for building, but are not financially in a position to commence work on a facility of this size at the moment. Once certainty of land ownership and zoning is attained Tanderra intend on making application for Commonwealth grants to assist with the construction.

Because of the very limited scope for expansion on their current site it would be very expensive to continue development there. Tanderra is looking for a site that is centrally located, with access to public transport, shopping and other community facilities.

Tanderra has prepared a feasibility study that has indicated that a site of between 20 000m² and 25 000 m² would be required. Several alternative sites in Lithgow have been investigated resulting in these sites not being ideal.

Some preliminary comments about the site are:

- The subject site is Lot 11 DP 1029892 and has an area of 5.092 ha (or 50,920 square metres). The community nursery is constructed on a section of this site. Council acquired the subject site in 2003 and it is classified as Community Land thus Council cannot sell or dispose of the land under the NSW Local Government Act without reclassification to operational through an LEP process.
- The land is partly zoned Residential 2(a) and the remainder is zoned Open Space 6 under Lithgow City LEP 1994. Residential development is not consistent with the objectives of the Open Space Zone and is not a permissible use and would therefore also require a rezoning through an LEP process.
- The subject site has in the past formed part of the Hermitage Colliery site and would need investigation under SEPP 55 - Remediation of Land and the accompanying Planning Guidelines Managing Land Contamination. Due to evidence of past land use it would most likely require a Stage 2 detailed site investigation and require compliance with Appendix 2 of the Guidelines to the NSW Site Auditors Scheme 2nd Edition - produced by Department of Environment and Conservation.
- The site has previously been identified by Council through adoption of the Sports Advisory Committee meetings as being set aside for a new sporting facility and some community consultation has already occurred in this regard. The most recent resolution for this occurred at the meeting of the Finance and Strategy Committee meeting held on November 4, 2008. There is insufficient area available for both an aged care facility and full sporting field and ancillary facilities.
- The locality is not appropriately serviced with pathways linking back to town.
- The site is located close to Farmers Creek, so access to the site (all access required to cross Farmers Creek) within flood events must be considered. Aged facilities should not be located within identified floodways or floodplains.

These are preliminary comments only. If Council is agreeable to the proposal in principal then more investigation will be required before Council gives any firm commitment to this site.

POLICY IMPLICATIONS

Amendments will be required to the Council's LEP for both zoning and land classification purposes if this proposal is to be successful.

FINANCIAL IMPLICATIONS

Financial implications would need to be considered should Council agree in principal to investigating the use of the land for the proposed purposes.

LEGAL IMPLICATIONS

Amendments will be required to the Council's LEP for both zoning and land classification purposes if this proposal is to be successful.

RECOMMENDATION

THAT Council agree in principal to investigating the use of the land Lot 11 DP 1029892, known as the Old Hermitage Colliery site, for a possible residential aged care facility subject to:

1. A contamination report being completed for the site by an independent auditor; and
2. Tanderra House providing a contribution to Council equivalent to the cost of this contamination report.

09-98 RESOLVED

THAT Council agree in principal to investigating the use of the land Lot 11 DP 1029892, known as the Old Hermitage Colliery site, for a possible residential aged care facility subject to:

1. A contamination report being completed for the site by an independent auditor;
2. Tanderra House providing a contribution to Council equivalent to the cost of this contamination report;
3. Council investigating other possible sites, including the Gas Works Site; and
4. Council investigating alternative sporting facilities should Hermitage Oval prove appropriate for aged care facilities.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor H K Fisher.

REGIONAL SERVICES REPORTS

**ITEM:13 REG - 09/03/09 - 192/08DACC - CONSTRUCT AND UPGRADE
WALLERAWANG SEWERAGE TREATMENT PLANT - LITHGOW
CITY COUNCIL - 107 BRAYS LANE WALLERAWANG**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil.

SUMMARY

To advise Council of the current position of DA 192/08 and recommend determination be undertaken through delegation to the General Manager.

COMMENTARY

Council is in receipt of a Development Application from Council's Assets Division for a proposed upgrade of the Sewerage Treatment Plant (STP) at 107 Brays Lane, Wallerawang.

Proposed works for Wallerawang STP augmentation include:

- decommissioning of the existing trickling filter plant and subsequent levelling and landscaping of that part of the site;
- construction of a new inlet works including grit removal, flow measurement, flow division and a new mechanical step screen utilising existing wash press unit;
- a 3,300 EP IDEA tank for secondary treatment of sewage fitted with a surface aeration system;
- a chlorination/dechlorination unit for chlorine disinfection and subsequent disinfection which incorporates a catch function for secondary dosing and removal of phosphorus;
- augmentation of the two existing sludge lagoons to increase their storage capacity from 710m³ to 1,120m³ to cater for projected design loads;
- construction of a hardstand facility for the dewatering and stockpiling of stabilised waste sludge;
- effluent transfer pump, storage and pressure pump system for the on-site reuse of effluent;
- associated pit and pipeline systems for the collection and transport of sewage, effluent, sludge and supernatant;
- a new amenities building;

- an electrical building
- implementation of regular base-line water quality sampling and testing program for Pipers Flat Creek as directed by SCA and DEC.
- provision of a supervisory control and data acquisition (SCADA) system for plant operation, monitoring and control; and
- associated site services including roadwork's, water supply, drainage, area lighting and landscaping works.

The project has been designed by the Department of Climate Change and Council in consultation with the Department of Environment and Conservation (DEC), Sydney Catchment Authority (SCA) and the Department of Water and Energy (DWE). The proposal is a nominated integrated development under the Environmental Planning and Assessment Regulation 2000 and accordingly was notified as required. During this time no negative submissions from the community were received. The application is also considered to be an alteration or addition to designated development and is permissible subject to development consent. The General Terms of Approval (GTA's) by the DECC have been issued and but concurrence from the SCA is still pending.

The proposed works are largely driven by water quality considerations and it has been assessed that the main impact of the proposed augmentation would be an improvement in both local and regional water quality.

The application has identified the existing environment and the potential construction and operation impacts, on the environment. Impacts relating to the construction phase may include noise, increased traffic, potential impacts to the local waterway and the generation of waste. The impacts likely to arise from the operation of the plant may be noise, waste production and improved local air and water quality.

Location

Legal Description :	Lot 1 DP 230599
Property Address :	107 BRAYS LANE WALLERAWANG NSW 2845

Zoning

The property is zoned Rural 1 (a) under Lithgow's local Environmental Plan 1994 and adjoins Rural Forestry land to the North.

POLICY IMPLICATIONS

Council Policy 7.6 for Development Applications By Councillors And Staff And Relatives Or On Council Owned Land is applicable to this application as the development is proposed for Council owned land

The policy states:

"...where the development application is on Council owned land, that such application be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority. "

In this case it is considered appropriate to request the Council to vary its policy stance and allow the General Manager to have delegation to determine the application. This request is due to the imposition of a timeframe by other authorities for the development to commence, being the end of the financial year. These authorities are due to give Council their concurrence after the close of the business paper so their conditions cannot be shown in this report, however it would be remiss of Council to require the application to go to the next Council meeting for the consideration of full conditions as it may inadvertently cause a loss of funding for the development.

There are no other specific policy implications relating to the development.

FINANCIAL IMPLICATIONS

Nil in respect of the assessment of the DA/CC.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. Should Council concur with the recommendation, this will be provided to the General Manager for consideration in determination of the application.

09-99 RESOLVED

THAT:

1. Council note the progress of DA/CC 192/08.
2. Council vary its policy in this instance and delegation be given to the General Manager to determine the development application/construction certificate in relation to the upgrade of the Wallerawang Sewerage Treatment Plant.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:14 **COMM - 09/03/09 - SECTION 356 REQUEST TO RE-ALLOCATE COMMUNITY DONATIONS FUNDS**

REPORT BY: COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS

REFERENCE

NIL

SUMMARY

This report recommends that \$2,000 from the 2008/2009 Management Plan Community Donations be reallocated to hall hire and fee waivers.

COMMENTARY

On the 10NIL June 2008 the Council adopted its Management Plan for 2008/2009 – 2010/11 in which it identified its provision of donations to not- for profit community groups throughout the year.

Of the \$20,000 allocated for “As Resolved” donations throughout the year, there is currently \$5,489 remaining. Of the \$3,000 allocated for hall hire and fee waivers there is \$229.50 remaining.

Council is receiving ongoing requests each month from community organisations for the waiving of Council hall hire fees. It is therefore considered necessary to reallocate money from “As Resolved” community donation funds to meet hall hire and fee waiver requests for the remainder of the current financial year.

Donations already given out of hall hire this financial year are:

LINC – Hall Hire \$462.00
QUOTA International -\$300
Lithgow Swimming Club - \$299.00
Aust Air League - \$500
Portland Development Association \$500
Lithgow Aeromodeling - \$500
Future of Regional Lithgow -\$88.50
Lithgow City band -\$121.00

It is recommended that \$2,000 be reallocated from “As Resolved” community donations funds into the hall hire and fee waiver component of the Community Donations budget.

POLICY IMPLICATIONS

Donations are provided under policy 4.4 donations – 356 of the Local Government Act

FINANCIAL IMPLICATIONS

Re allocation of these funds will reduce the community donations budget to \$3, 489.

The General Manager has the authority to waive fees under Policy 4.6 Request for Donation by Waiving of Fees for Council Facilities.

LEGAL IMPLICATIONS

NIL

09-100 RESOLVED

THAT \$2,000 be reallocated from “As Resolved” community donations funds into the hall hire and fee waiver component of the Community Donations budget.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:15 COMM - 09/03/09 - RE-ESTABLISHMENT OF ALCOHOL FREE ZONE IN LITHGOW CBD

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Resolution 05-503 from Ordinary Meeting of Council 4/10/05
Resolution 24-09 from Ordinary Meeting of Council 27/01/09

SUMMARY

This report proposes that, following completion of a public notice period on a proposal to re-establish an Alcohol Free Zone in the Lithgow CBD for a further 4 years that Council resolve to adopt the proposal.

COMMENTARY

Council resolved at the Ordinary meeting of Council on 27th January 2009 as follows:

THAT

1. *Council endorse the attached proposal to re-establish the Alcohol Free Zone in the Lithgow CBD for a further 4 years and advertise it for public comment in accordance with Section 644A of the Local Government Act 1993.*

2. *Council includes the following areas in the Lithgow CBD Alcohol Free Zone:*
 - *Eskbank Street (from Mort Street to Railway Parade)*
 - *Cook Street Plaza*
 - *Bank Lane*
 - *Tatts Lane*
 - *Collins Laneway*
 - *Exchange Walkway*
 - *Bank Street between Main Street and Gray Street.*
3. *A further report be brought to Council giving consideration to expansion of alcohol free zones in other parts of Lithgow and other townships and villages.*
4. *A report be brought back to Council on the number of fines issued by Police over the past 5 years for breaching the previous alcohol free zones.*

The proposal to re-establish the Lithgow Alcohol Free Zone was advertised in the Council Column with the community asked to make comment by 27 February 2009. All Liquor Licensees within or adjoining the proposed Alcohol Free Zone together with Lithgow Police and Mingaan Aboriginal Corporation were provided with a copy of the proposal and invited to make comment.

Correspondence has been received from Lithgow Police, Lithgow Workmen's Club and Mingaan Aboriginal Corporation indicating support for the proposal.

Lithgow Hoteliers Association has written to Council supporting the proposal with some qualifications as follows:

- a. *That Coles Liquorland and Lithgow Bowling Club fall outside the Alcohol Free Zone boundaries and Woolworths Liquor and Lithgow Workmen's Club are only partially included in the Alcohol Free Zone.*

In relation to point (a), the Alcohol Free Zone proposal is focussed on areas of high pedestrian traffic in the vicinity of hotels and other licensed premises, in particular the routes between licensed premises and areas where drinkers congregate. Council does not for example have the power to establish Alcohol Free Zone's in private car parks such as Lithgow Valley Plaza car park, Lithgow Workmen's Club car park and the Woolworth's car park.

- (b). *That the Hoteliers Association do not want the Alcohol Free Zone to prevent them from establishing alfresco type drinking or dining tables on the footpath outside their hotels.*

In relation to point (b), the Ministerial Guidelines on Alcohol Free Zones of February 2009 do not prevent the establishment of alfresco dining areas within Alcohol Free Zones but do impose the requirement that Councils impose conditions on the licensee about the requirements of the zone including clear delineation and control of the licensed area from the Alcohol Free Zone. Council and Licensing approval would be required for hotels and restaurants to establish alfresco dining areas.

It has come to Council's attention that Alcohol Free Zones in Portland and Wallerawang have lapsed. A further report will be brought to Council after consultation with the Police, giving consideration to the re-establishment of Alcohol Free Zone's in Portland, Wallerawang and other areas across Lithgow LGA.

Lithgow Police have advised that statistics are not available on the number of fines issued by Police over the past 5 years for breaching the previous alcohol free zones. Lithgow Police advise that the number of fines issued would be low and that their powers have been used to issues warnings, to move people on and to confiscate alcohol being consumed.

The Alcohol Free Zone will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the area included in the zone is adequately signposted.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

09-101 RESOLVED

THAT:

1. Council resolves to adopt the attached proposal to re-establish the Alcohol Free Zone in the Lithgow CBD for a further 4 years in accordance with Section 644A of the Local Government Act 1993.
2. Council advises Lithgow Police, all affected Liquor Licensees and the general community by way of publication of a notice of the re-establishment of the Alcohol Free Zone.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor J J McGinnes

ITEM:16 COMM - 09/03/09 - LAND UNDER MEADOW FLAT HALL - ESTATE OF T. H. KNOX

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min 19-09: Ordinary Meeting of Council 27 January 2009

SUMMARY

This report provides advice from Council solicitors Le Fevre & Co on the pending claim upon the former estate of T.H Knox at Meadow Flat.

COMMENTARY

At the Council meeting 27 January, Councillor Ticehurst moved the following motion:

THAT Council seek advice from it's Solicitors, Le Fevre and Co. Solicitors confirming that it is in receipt of correspondence making a claim on this Councils compulsory acquisition of the land that was situated under the Meadow Flat Hall and was previously owned by the Estate of Thomas Hope Knox.

In a letter dated 11 February 2009, Le Fevre and Co have advised that they were contacted by the Perpetual Trustee Company Limited in its capacity as surviving executor of the residuary estate of Thomas Hope Knox. Whilst no claim has been received to date the Perpetual Trustee Company believes that the subject land compulsorily acquired by Council was an asset of Thomas Hope Knox, deceased, and that it is entitled to make a claim against the Council for the compensation payable for the compulsory acquisition of that land, for distribution to the residuary beneficiaries under his Will.

A number of legal processes will now be required prior to this matter being finalised by the Council's solicitor. This process could take another few months.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Council holds an amount in Trust, as is required, for the settlement of this matter.

LEGAL IMPLICATIONS

NIL

09-102 RESOLVED

THAT Council note the information regarding a possible claim on the land at Meadow Flat, the former estate of T.H. Knox.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor H K Fisher.

09-103 RESOLVED

THAT Council form the Meadow Flat Hall Committee to investigate the maintenance of the hall.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

ITEM:17 COMM - 09/03/09 - CULTURAL PRECINCT MASTER PLAN

REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE SERVICES, SUZANNE LOLLBACK

REFERENCE

Min No: P08-149	Policy and Strategy Committee 2 December 2008
Min No: 09-44	Ordinary Meeting of Council 16 February 2009
Min No: 09-61	Ordinary Meeting of Council 16 February 2009
Min No: 09-68	Ordinary Meeting of Council 16 February 2009
Min No: 09-72	Ordinary Meeting of Council 16 February 2009

SUMMARY

The purpose of this report is:

- To inform of Council's recent success in obtaining sponsorship from Xstrata Coal NSW for the development of a Cultural Precinct Master Plan for Lithgow.
- To inform Council of the progress in implementing the newly adopted Cultural Plan 2008-2013
- To note recently adopted minutes of Council which will have relevance to the development of the Lithgow Cultural Precinct Master Plan.

COMMENTARY

The Mayor and General Manager recently attended a presentation evening hosted by Xstrata Coal NSW where it was announced that Lithgow City Council is the recipient of \$50,000 funding. This funding is part of the company's Corporate Social Involvement scheme and has been made available to Council for the development of a Cultural Precinct Master Plan for Lithgow. Xstrata Coal NSW sees this project as linking "directly to Xstrata Coal's Health, Safety, Environment and Community (HSEC) Policy – specifically: improving the quality of life for its communities" in particular its employees working at Baalbone Colliery.

The development of a Cultural Precinct for Lithgow has been identified as a matter of high priority in the Lithgow City Council Cultural Plan 2008-2013.

The area to be identified as the Lithgow Cultural Precinct includes:

- The Hoskins Memorial Institute
- The Union Theatre
- Top of Main Street
- Eskbank Station
- Eskbank House & Museum
- Blast Furnace Park
- Lake Pillans Wetlands

The scope of works for the Cultural Precinct Master Plan will:

- Identify the connectivity of the areas identified within the cultural precinct and their relationship to:
 - Heritage/local significant buildings within the precinct area including Hoskins Church, The Old Courthouse, The Tin Shed
 - The Zig Zag Railway
 - State Mine Heritage Park
 - The Old Bowenfels Station
 - The Eskbank Rail Heritage Centre proposal.
 - Farmers Creek
 - The Council Administration Centre
- Explore economic and tourism opportunities furthering Lithgow as a learning city in relation to the possible usages of these areas as an arts hub, research archive, education and training facilities and cultural industries development.
- Investigate how we move through the Cultural Precinct and provide outcomes for the Pedestrian Access and Mobility Plan through the identification of interpretive strategies for signage and public art linking cycle ways, walkways and public amenity such as seating and footpaths.
- Investigate existing and future open spaces and environmental corridors providing proposals for landscape design and environmental management.
- Identify strategies to be incorporated into the individual Community Lands Plans of Management for various community assets within the precinct.
- Establish clear objectives from which to write a brief for a feasibility plan or scoping study for the Hoskins Memorial Institute and Union Theatre Cultural Centre concept.
- Establish clear objectives for each of the identified components in terms of their connectivity with each other.

The Final document/s will be a Master Plan and Design Report for the future economic development and growth of the Lithgow Cultural Precinct. It will provide a scope of works and estimated costs, detailed plans and architectural concepts for the area based on identified opportunities in relation to access, linkages, public domain, key uses and adaptive reuse/redevelopment of current facilities and buildings.

PROJECT STAGES

February – Mid March	Develop project scope and consultant brief.
Mid March – April	Call for Consultants
End May	Master Plan Consultant appointed
June – July	Community Consultation
June - October	Specialist studies commence Review of all relevant planning instruments, heritage study Environmental Corridors, public spaces and recreations area investigations Infrastructure Investigations Social and economic impact assessment Traffic/transport
End October	Draft Master Plan complete and reported to Council for public exhibition
November - December	Public exhibition of Draft Master Plan Public submissions included in Draft Master Plan
December	Master Plan reported to Council for Adoption Project completed final report provided to XCN with a copy of the Cultural Precinct Master Plan

POLICY IMPLICATIONS

The Lithgow Cultural Precinct Master Plan will provide recommended actions and consideration of issues in plans such as the Strategic Plan, Management Plans and the Pedestrian Access and Mobility Plan.

FINANCIAL IMPLICATIONS

The Council has received \$50,000 corporate sponsorship from Xstrata Coal NSW.

LEGAL IMPLICATIONS

A Project Agreement between Council and Xstrata Coal NSW has been signed by the General Manager. This Agreement details the project overview, timeline, nature of the relationship between Council and Xstrata Coal, acknowledgement of Xstrata Coal, key objectives and reporting criteria.

09-104 RESOLVED

THAT Council notes the funding of the Lithgow Cultural Precinct Master Plan by Xstrata Coal NSW and the project timelines.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

DELEGATES REPORTS

ITEM:18 DELEGATES REPORT - 09/03/09 - MINING RELATED COUNCILS MEETING HELD ON 13TH FEBRUARY 2009

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

Following a recent meeting of the Associated Mining in Related Councils Meeting held on 13th February 2009 in Muswellbrook, a number of items are worthy of note for Council.

The completion of the Maldon Dom Barton Rail Link may be a step closer as the Minister for Transport, The Hon Mr David Campbell has agreed to a pre feasibility study to be carried out before the end of March, which will then lead to a full feasibility study. This missing link will have significant impact and benefit to the western coal fields. We will follow the progress of these studies with interest.

The Association had a presentation from a representative from the Department of Mineral Resources with a particular emphasis on exploration licences and how they may affect certain areas, towns or particular land uses. Although this doesn't seem to create a problem in our area at this time, it is interesting to note the conflict that can be created in other areas between competing land uses.

The Association has been given the final study by Professor Moran regarding the assessment of cumulative impacts of mining on particular areas. The general consensus from the meeting is that the study probably did not go far enough and that poses more questions than answers. Lithgow Council has a copy of this study and it may however, be of some use when we have a meeting with Department of Planning to look at the impacts on the Blackmans Flat community of a range of activities including mining.

Royalties were again the subject of considerable discussion. With in particular the Mayor of Muswellbrook putting forward that 5% of royalties should go to Councils to cover a wide range of infrastructure projects in response to the impact that mining has on the various communities. This particular scenario is one of a number regarding royalties and the fact that even though Section 94 Contributions have been negotiated between Councils and coal companies at the start of the mines operations, ongoing payments from royalties may be a fair way of being able to have the ongoing infrastructure replacements.

The Minister for Primary Industries, Energy and Mineral Resources, the Hon Ian McDonald has indicated his desire to attend the Associations next meeting, which will be the mid year general meeting at Dungog. I am sure a number of Councils would have issues that they would like to raise with the Minister and any member Councils are encouraged to have these questions forwarded to the Executive Officer, Mrs Margaret McDonald a few weeks prior to the meeting, so they can be forwarded to the Minister so a response can be gained on the day.

09-105 RESOLVED

THAT the report on the Mining Related Councils Meeting held on 13th February 2009 be noted.

MOVED: Councillor N L Castle

SECONDED: Councillor W Marshall

CARRIED

ITEM:19 DELEGATES REPORT - 09/03/09 - CENTROC MEETING HELD ON 26TH FEBRUARY 2009

REPORT FROM: COUNCILLOR NEVILLE CASTLE - MAYOR

COMMENTARY

At the most recent Centroc Meeting held in Young, there were two different groups that were represented as guest speakers. The first of those was Cancer Care West, who were looking to have a facility built at Orange or near Orange Based Hospital, in conjunction with the Radiotherapy Unit which is now under construction.

What the Group is looking for are individual rooms where accommodation can be for both patient and carer with a small kitchenette so that they can have ongoing cancer treatment in privacy. A large amount of money has already been raised towards this facility and it is hoped that the project will be able to be built in the next couple of years. This would have great benefits to all people in the Central west who currently have to travel to the Sydney for such a service. This will mean of course people having to travel far less be closer to home and work and a lot closer for friends and relatives to visit.

The other Group represented were the Southern Slopes Clinical Workforce Committee and this group was represented by their chair, Helen Waugh. She explained how the community of Young were able to build support for much improved health services in the town including having connections with Australian National University in Canberra and now having three regular medical students visiting and working with local GP's to gain a better understanding of medicine and also rural medicine in particular with the hope result that a number of these students will look to have their practice in a country area.

Centroc also got an update on the water security study being taking out on its behalf to cover all councils in the Centroc area to see what infrastructure if any is needed to provide greater security to the towns and communities in the whole of the central west. Following on from this was a lively discussion about the State Governments plan for having groups of councils in an Alliance to better deliver services as far as water goes in NSW.

The Majority of councils in Centroc further west of Bathurst have been looked at as a group as part of the Lachlan Catchment; however Lithgow, Bathurst, Oberon and Mid Western (Mudgee) have also pencilled in to form an Alliance. At this point in time Bathurst have indicated that they don't wish to a part of any Alliance.

Lithgow Council is at least pursuing with Oberon and Mid Western to see if there is any common ground as far as delivery of water, however our area has significantly more complications due to the fact that the State Government has a water supply in the Fish River Water System, we have mines that produce water and we have two significant users in the timber Production Facility at Oberon and the Power Stations in our area. The three Councils are further complicated by being in three different catchments being part of the Sydney Catchment, Upper Macquarie Catchment and also part of the Cudgegong Catchment. It is hard to see how any common ground can be reached however we will at least have the meetings to see if this is possible.

As far as Centroc is concerned it was voted on that Centroc would move towards coming up with a model that as far as the organisational structure and delivery of water services would go which would be used by any council. This model would be optional for any council however, as each council needs to have a response to the State Governments request it is seen as wise at this stage to allow Centroc to do work as far as coming up with a model is concerned.

The Central West transport Needs Study was also on the agenda and it was disappointing to see that Study has not yet been finalised. This study was originally due to be finalised at the end of last year but Centroc had asked for and given assurance that they would a chance to have an input into the study before it became final. At this study we are still hopeful that this may occur but it is now obvious that the timeline for the Transport Needs Study is now a few months overdue.

POLICY IMPLICATIONS
NIL

FINANCIAL IMPLICATIONS
NIL

LEGAL IMPLICATIONS
NIL

RECOMMENDATION

THAT the information be noted with a further report to come back to Council regarding the water governance and the Central West Needs Studies when they become available.

09-106 RESOLVED

THAT:

1. The information be noted with a further report to come back to Council regarding the water governance and the Central West Transport Needs Studies when they become available.
2. Council investigate alternative water sources for those on the Fish River Water Supply.

MOVED: Councillor N L Castle

SECONDED: Councillor H K Fisher.

CARRIED

COMMITTEE MEETINGS

ITEM:20 REG - 09/03/09 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee held on 12 February, 2009 are reported for Council's consideration.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 12 February, 2009 there were a number of 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

RECOMMENDATION

THAT:

1. Finger blades be installed at the corners of New Street and Bathurst Street to direct people to St Matthews Church, Rydal.
2. The closure of Main Street on 18 April, 2009, from 12.30 until 3.30pm for the ceremonial start and festivities of the Rally of Lithgow.
3. Council officers write to the site managers of the Caltex Service Station on Lithgow Street to
 - a) Make the NO ENTRY sign facing Mort Street more prominent
 - b) Put measures in place to avoid the queuing of vehicles into Lithgow Street.
4. Council write to the Roads and Traffic Authority to reduce the speed limit on the gap section of Wolgan Road.
5. Council write to the Roads and Traffic Authority to review the speed signs on the southern side of Rydal with a view to moving them to the south by 200metres due to residential development.
6. Council have no objection to the running of the 1st stage of the AussieDuct Southern Cross Rally Series in the Jenolan and Oberon State Forests on the weekend of 4 April, 2009.

09-107 RESOLVED

THAT:

1. Finger blades be installed at the corners of New Street and Bathurst Street to direct people to St Matthews Church, Rydal.
2. The closure of Main Street on 18 April, 2009, from 12.30 until 3.30pm for the ceremonial start and festivities of the Rally of Lithgow.
3. Council officers write to the site managers of the Caltex Service Station on Lithgow Street to:
 - a) Make the NO ENTRY sign facing Mort Street more prominent
 - b) Put measures in place to avoid the queuing of vehicles into Lithgow Street.
 - c) Confirmation that the signage complies with original development application
4. Council write to the Roads and Traffic Authority to reduce the speed limit on the gap section of Wolgan Road.
5. Council write to the Roads and Traffic Authority to review the speed signs on the southern side of Rydal with a view to moving them to the south by 200metres due to residential development.
6. Council have no objection to the running of the 1st stage of the AussieDuct Southern Cross Rally Series in the Jenolan and Oberon State Forests on the weekend of 4 April, 2009.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

**ITEM:21 REG - 09/03/09 - INDOOR AQUATIC CENTRE ADVISORY
 COMMITTEE**

REPORT BY: OPERATIONS MANAGER – S. DARLINGTON

SUMMARY

This report provides details of community representation on the Indoor Aquatic Centre Advisory Committee.

COMMENTARY

Following the adoption of the terms of reference for the Indoor Aquatic Centre Committee, expressions of interest have been sought from the community to fill the three (3) positions of community representatives. At the close of the advertising period, a total of five (5) expressions of interest were received.

All five applicants were invited to attend an interview, which was held on Thursday 26th February. Four out of the five applicants were deemed to be exceptionally suitable as community representatives. The interview panel, consisting of Cllrs Marshall and Thompson and Operations Manager Stephen Darlington have recommended that in view of the interest shown and the quality of the applicants, that the community representation be increased from three to four. The four community representatives recommended by the panel are Jodie Stewart, Karen Luka, Al Ritchie and Darren King.

It is further recommended that the Indoor Aquatic Centre Advisory Committee Terms of Reference be altered from 3 community representatives to 4 community representatives.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

09-108 RESOLVED

THAT:

1. Council appoint Jodie Stewart, Karen Luka, Al Ritchie and Darren King as community representatives to the Indoor Aquatic Centre Advisory Committee
2. The Indoor Aquatic Centre Advisory Committee Terms of Reference be altered from 3 community representatives to 4 community representatives.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor G Danaher

**ITEM:22 REG - 09/03/09 - SPORTS ADVISORY COMMITTEE MEETING -
MINUTES 23RD FEBRUARY 2009**

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 23 February 2009 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 8 December 2008, 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.

09-109 RESOLVED

THAT:

1. The minutes of the previous meeting held on Monday, 19 January 2009 be accepted as a true and accurate record of the meeting, noting that Mr Eric Arnold was present but accidentally omitted from the minutes.
2. Council's Public Assets Engineer Mr Danny Oldfield will liaise with Bill Ranse regarding works to be undertaken in the public announcement booth at Tony Luchetti Sportsground, Lithgow in conjunction with the upgrading of the PA system.
3. Council's Head Groundsman, Mr Maurie Weekes meet with Eric Arnold on site at Jim Monaghan Athletics Oval, Lithgow to determine the section of plinths required to be replaced
4. Council will forward a letter to the Lithgow Bears RLFC requesting liaison with Workmen's Club RLFC take place urgently regarding shared use of Tony Luchetti Sportsground, Lithgow for weekday training.
5. The Junior Sports Star Award be jointly awarded to Tai Denicaucau (Athletics) and Zachary Ford (Mountain Biking) for the month of January 2009, the Senior Sports Star Award be awarded to Chris Hutchinson (Cricket) for the month of January 2009, and for merit certificates to be awarded to the other nominees.
6. The previous determination of **NO PARKING** on **ANY** playing surface of **ANY** Oval during the Ironfest booking remain.
7. Council install numerous "No Parking" signs around Watsford and Conran Ovals, Lithgow prior to the Ironfest event.

8. The Ironfest event organisers be made aware that parking is prohibited on Watsford and Conran Ovals, Lithgow during the Ironfest event and request the organisers contact the Lithgow Police should the public ignore the signage.
9. Permission be granted to MET School – Mt Victoria Campus to use Jim Monaghan Athletics Oval, Lithgow to conduct their annual athletics carnival between 8.30am and 3.00pm on Tuesday, 31 March 2009, with an alternative date of Tuesday, 7 April 2009.
10. Permission be granted to the Lithgow Swimming Club Inc. to use the Lithgow War Memorial Olympic Swimming Pool, Lithgow on Saturday, 21 March 2009 to conduct their annual Club Championships.
11. Permission be granted to the Portland Volunteer Rural Fire Brigade to use the pavilions and grassed area surrounding the Civic Ballroom between 9.00am and 2.00pm on Sunday, 8 March 2009 to conduct their annual Bikebiz Bushfire Bash.
12. Council consider waiving the hire fee (\$184.00 including GST) for the Portland Volunteer Rural Fire Brigade's annual Bikebiz Bushfire Bash due to the benefit the community will receive as a result of this event.
13. Permission be granted to Coerwull Public School use
 - a. Jim Monaghan Athletics Oval, Lithgow – Friday, 1 May 2009 from 9.00am to 3.00pm for the annual athletics carnival,
 - b. Tony Luchetti Sportsground, Watsford Oval and Conran Oval, Lithgow – Wednesday, 25 March 2009 from 9.00am to 3.00pm for the annual cross country run,
 - c. Lithgow War Memorial Olympic Swimming Pool, Lithgow – weekdays from Monday, 16 November 2009 to Friday, 27 November 2009 between 9.00am and 3.00pm for the Learn to Swim Programme and
 - d. Lithgow War Memorial Olympic Swimming Pool, Lithgow – Wednesday, 3 February 2010 from 9.00am to 3.00pm to conduct the annual swimming carnival, with an alternative date of Monday, 8 February 2010;
14. The entry fees for Coerwull Public School's Learn to Swim Programme remain applicable at \$1.10 per child.
15. The numerous alterations to the Draft Terms of Reference be undertaken, and a second Draft Terms of Reference be distributed to the Committee for discussion at the next Sports Advisory Committee meeting.
16. Permission be granted to Portland Colts RLFC to conduct pre-season training on Tuesday and Thursday evenings between 6.00pm and 7.30pm at Kremer Park, Portland, from 10 March 2009, and for competition matches on Sundays between 12.00pm and 4.30pm from 1 April 2009 until 30 September 2009, conditional upon a draw being provided to Council once finalised.
17. Permission be granted to Portland Colts RLFC to conduct the Mid West Careflight Knockout at Kremer Park, Portland on either Saturday, 4 April 2009 or Saturday, 21 March 2009 which will not conflict with any other approved booking.
18. Permission be granted to Lithgow Storm Junior RLFC to use Tony Luchetti Sportsground, Lithgow for the following purposes:
 - a. training between 3.30pm and 6.00pm Monday to Fridays, from 24 February to 26 September 2009 provide Number 1 field and the cricket wickets are not used

- b. competition matches on Saturdays between 7.30am and 1.00pm from 2 May 2009 until 26 September 2009, conditional upon a draw being provided to Council once finalised and successful negotiation with the Lithgow Bears RLFC and Council for any conflicts.
19. A report to be brought back regarding the cost and feasibility of replacing current material covering the cricket wicket at Kremer Park, Portland.
20. Council investigate the problems with water not being drained away from the edges of the cricket wicket at Kremer Park, Portland, which is causing invading vegetation to spread onto the wicket, with the possibility of using a turf cutter to temporarily remove the grass layer, then scrape out a layer of soil and replace the cut turf which may alleviate the drainage problem for a minimal cost.
21. Council investigate and immediately repair the broken pipe in the new amenities block at Jim Monaghan Athletics Oval, Lithgow.
22. Council provide any assistance available to the Lithgow Athletic Club in relation to the requested earthworks and removal of the shipping container to allow for the construction of a 6 metre by 6 metre storage shed.
23. Permission be granted to the Lithgow Storm Junior RLFC to conduct a carnival for Under 13's, Under 14's and Under 15's at Tony Luchetti Sportsground, Lithgow on Saturday 24 and Sunday 25 May 2009, subject to successful liaison with Workmen's Club RLFC and Lithgow Bears RLFC.
24. Permission be granted for the Greater Lithgow Hockey Association to use Glanmire Oval, Lithgow to conduct training and competition for the 2009 hockey season between 1 April and 30 September 2009, subject to written application.
25. Leanne Kearney, Danny Whitty, Mark Cronin and Neville Castle be congratulated for their efforts in making the recent Lithgow Sporting Hall of Fame Inductions a special event.
26. Council's Groundsman Scott Fittler be thanked on behalf of the Lithgow District Cricket Association for his extra efforts on Sunday in preparing the wickets for the Brian Sharp Memorial Seven A Side Cricket Tournament, as Scott went above and beyond what would be expected of him, and the great shape of the wickets was a testament to his hard work.
27. The information provided by Country Rugby League in relation to facilities required for a venue to host a NRL game (including State of Origin and Country versus City games) be noted.
28. Council urgently investigate and repair the damaged fence at Jim Monaghan Athletics Oval, Lithgow to prevent unauthorised access to Tony Luchetti Sportsground, Lithgow.

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

09-110 RESOLVED

THAT Council receive the two late reports.

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

LATE REPORTS

GM - 09/03/09 - LATE REPORT - REGIONAL DEVELOPMENT AUSTRALIA

SUMMARY

Expressions of Interest are sought for committee members for the Regional Development Australia (RDA) network of committees in New South Wales.

COMMENTARY

On 23 February 2009, the Australian Government Parliamentary Secretary for Regional Development and Northern Australia, Gary Gray, and the New South Wales Minister for Regional Development, Phillip Costa, signed a Memorandum of Understanding, on behalf of the Australian and New South Wales Governments, setting out the arrangements for the creation of a new joint Commonwealth-State regional development network to implement a more strategic and responsive approach to regional development and help guide economic growth across regional NSW.

Local government representation on the committees will be an important element in ensuring that the three levels of government work in partnership to benefit local communities and find local solutions.

The new Regional Development Australia (RDA) network in NSW is replacing the Australian Government's 14 Area Consultative Committees and the NSW Government's 13 Regional Development Boards to create a more comprehensive and coordinated network of regional development organisations. The RDA network will come into effect by 1 July 2009.

RDA committees will be non-profit community-based incorporated associations that provide a strategic framework for economic growth in each region. The committees will develop local leadership, ensure input is provided to the Australian and NSW Governments on regional development issues, and promote regions to secure sustainable long-term jobs, investment and regional prosperity.

RDA Chairs and members will be expected to contribute their time and energy and have a personal commitment to working in partnership with government for the benefit of their local and regional communities. Each RDA will receive annual operational funding from the Australian and NSW Governments. Each RDA committee will use this funding for approved committee projects and to employ staff to undertake administrative operations and assist the RDA committee to implement its charter.

RDA committees will assist the Australian, NSW and local governments by taking on a broad role to:

- provide advice to government about regional issues;
- provide strategic input into national and state programs;
- provide information to regional communities and local government on national and state government initiatives;
- help coordinate regional planning and regional development initiatives; and
- work closely with local governments, community organisations and other regional organisations.

In particular, RDA committees will play a strong role to:

- promote economic and employment growth in regional NSW;
- assist regional communities to capitalise on their regional strengths to broaden and reposition the industry base of regions and develop new products and markets;
- develop regional or local solutions for regional or local business development problems; and
- identify opportunities to fill gaps left by the market system.

RDA committee members will be appointed for periods of up to two or four years and applicants can nominate their preferred appointment term on the attached nomination form. Appointments will be made jointly by the Australian Government Parliamentary Secretary for Regional Development and Northern Australia and the NSW Minister for Regional Development (the Ministers).

Appointees to RDA committees are expected to represent the broad interests of the region, rather than those of any particular organisation(s), and must be available for participation in committee meetings and activities. Committee members will be drawn from a cross section of regional communities. Committee members are required to be people of good character who reflect accepted standards of community behaviour.

It is expected that committee members will have the following capabilities:

- leadership, vision and ability to champion regional interests;
- ability to achieve creative, strategic and holistic solutions for local and regional development;
- ability to gain commitment and support for regional and local initiatives;
- ability to advise the Australian and NSW Governments on a broad range of regional development issues;
- a good understanding of the principles and practices of effective corporate governance;
- ability to reflect the economic, social and cultural diversity of the region; and
- a good understanding of the economic, social and environmental opportunities and challenges facing the region.

Expertise in one or more of the following areas is desirable:

- economic development at local and regional levels;
- successful business and/or management experience;
- business and local development networks;
- academia and/or higher education relevant to regional development;
- community initiatives that contribute to local or regional development; and
- social inclusion.

Persons wishing to submit an expression of interest for appointment to a Regional Development Australia committee will need to:

- complete the nomination form;
- provide a one to two page curriculum vitae of skills, experience and qualifications;
- provide details of two referees; and
- provide supporting information on your capabilities and expertise in relation to the RDA committee selection criteria.

Applications for appointment close on March 27, 2009.

RECOMMENDATION

THAT Council endorse an application from either a councillor or staff member to the Regional Development Australia Committee.

09-111 RESOLVED

THAT Council endorse an application by the General Manager to the Regional Development Australia Committee

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

GM - 09/03/09 - LATE ITEM - WESTERN RESEARCH INSTITUTE BOARD

Summary

The Annual General Meeting of the Western Research Institute is to be held on Wednesday March 18, 2009. Council has the opportunity to endorse an application to the Board if it so wishes.

Commentary

In September 1997 a range of Western NSW organisations interested in regional economic development came together to consider ways in which they could work together and share information. This became the "Western Coordination Group", which met quarterly to discuss significant projects and issues of interest to the three western regions of NSW: Far West, Orana and Central West. At its meeting in February 1998 the Group resolved to support the creation of a "Western Research Institute" (WRI), dedicated to research and analysis aimed at developing the Western NSW economy.

The Group concluded that the existing provision of general economic information and data for Western NSW was inadequate and disjointed. While many organisations and businesses were commissioning research of various kinds, considerable duplication and overlap existed due to the range of research organisations being commissioned, many from outside the region.

Contributing to this confusion was the absence of readily available information on what research had been conducted in the past, and where it was held. A sub-committee was established to progress negotiations with various government and other organisations that eventually formed the nucleus of an interim Council of Management for the Western Research Institute.

Western NSW already had a number of private and public organisations conducting economic related research, including two universities (Charles Sturt University and Orange Agricultural College - The University of Sydney) and several government departments including the Land Information Centre and NSW Agriculture.

Charles Sturt University had created a specific "Regional Economic Research Unit" (RERU) headed by Mr Tom Murphy, with a growing reputation for quality economic research related to regional development. The Western Coordination Group felt however that more needed to be done to focus and enhance this research activity and link it more closely to the development needs of Western NSW. It was concluded that this could best be done by creating an independent research organisation which could draw on, and enter into partnerships with, existing academic and other bodies. Successful models of this approach operate in other regions: Hunter Valley Research Foundation; Illawarra Regional Information Service; Western Sydney Research Institute and; Centre for Australian Regional and Enterprise Development.

Following negotiations with CSU, agreement was reached to locate the Western Research Institute at CSU's Bathurst campus, with CSU also contributing financially to the Institute's operations. The NSW Department of State and Regional Development (DSRD) and the Federal Department of Employment, Workplace Relations and Small Business (DEWRSB), had also provided government funding.

Each of the three Regional Development Boards in Western NSW had contributed funds, and the three Area Consultative Committees (ACCs) were instrumental in securing a Federal Government grant.

The Western Research Institute was launched on 23 February 1999 at the Centre for Professional Development at Charles Sturt University.

The Principal Objective of the WRI is:

Promoting the development of Australian agricultural resources, Australian industrial resources and Australian manufacturing resources, particularly in Western New South Wales by providing users with a range of information, including, maintaining and providing the following service:

- a) Assembling, updating and storing a range of relevant data in a flexible retrieval form;*
- b) Regular general economic reporting for businesses and the community to facilitate informed economic decision making;*
- c) Compiling a library / bibliography of economic and related research for reference and referral; and*
- d) Conducting strategic research on key economic issues.*

Since its launch the WRI has completed approximately 220 projects for local government, state and federal government departments, agricultural industry organisations and regional businesses. Significant development outcomes from the projects include:

- securing regional airline access to Kingsford Smith airport;
- working with Professor Alan Fels of the ACCC to provide more competitive petrol prices in regional areas;
- a \$20 million upgrade to Mount Panorama Motor Racing Circuit;
- an offer of Federal funding to progress the construction of a Bell's Line Road Expressway;
- town water provide to Newcrest Cadia Mine to prevent the loss of 400 jobs;
- estimating the significant impact of the drought on the Bourke community;
- local government in Northern Rivers and Central West of NSW introducing flouride into the water supply;
- more effective training provision for farmers in Western NSW;
- a new regional livestock trading centre at Carcoar; and
- progress the upgrade of Lake Rowlands dam to provide water for mining, Orange City Council, Central Tablelands Water and Cowra.

Council's current endorsed representative is former councillor Margaret Collins. Mrs Collins has indicated that she will again be making application for membership of the WRI Board.

Nominations for the position of Board Member with the WRI must be provided to the WRI by no later than the AGM on March 18, 2009.

09-112 RESOLVED

THAT Council endorse the application by Mrs Margaret Collins for the Board of the Western Research Institute.

MOVED: Councillor H K Fisher **SECONDED:** Councillor W McAndrew
CARRIED

BUSINESS OF GREAT URGENCY

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

09/03/09 - COUNCILLOR H K FISHER

1. Mr Mayor I have had some complaints in relation to the deplorable state of the Coles Complex in Lithgow. It seems the Baby Change Room is in a disgusting way and as a matter of urgency can Council please convene a meeting consisting of the Owner, Councillors, the General Manager and Council Staff in relation to the conditions outlined in the development application?

09-113 RESOLVED

THAT a meeting be convened as a matter of urgency between the Council Staff, Councillors, the general Manager and the Owner in relation to the complex be considered urgent and dealt with.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor G Danaher

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

09-114 RESOLVED

THAT a meeting be convened as a matter of urgency between the Council Staff, Councillors, the General Manager and the Owner in relation to the complex.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor G Danaher

The meeting closed at 8.51pm.