



LITHGOW CITY COUNCIL

**MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

20 APRIL 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 20<sup>TH</sup> APRIL 2009**

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Meeting Commenced 7.00pm

Public Gallery: 36

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor M F Ticehurst  
Councillor W McAndrew  
Councillor H K Fisher  
Councillor C Hunter  
Councillor G Danaher  
Councillor R Thompson  
Councillor J J McGinnes  
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  
Community and Culture Manager, Mr Matthew Johnson  
Team Leader Development Planning, Mr Gary Wallace

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 30<sup>th</sup> March 2009 were taken as read and confirmed by Councillors H K Fisher and W Marshall with the following amendment to be made - Councillor W McAndrew moved that a meeting be held with Delta Electricity re the Rail Unloader.

**09-145 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

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

Councillor W McAndrew declared a pecuniary interest in Item 16, due to his wife being an employee of the Lithgow Golf Club and will vacate the Chambers.

## **QUESTIONS FROM THE PUBLIC GALLERY**

At 7.02pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

### **PF - 20/04/09 - HELEN DREWE**

1. Mr Mayor I refer to the Mountain Bike Track at Hassans Walls Reserve concerns at the lack of community consultation in relation to this proposed development and point out that I believe it is essential for a Plan of Management be completed for this project.

### **PF - 20/04/09 - CRAIG FLYNN**

1. Mr Mayor I refer to the Mountain Bike Track at Hassans Walls Reserve and advise Council that the Mountain Bike Committee are happy to work with environmental groups and Council on this project. The Committee believes that the reserve has positive economic benefit and the Committee are happy to move the track to fit in with environmental concerns. The Committee does have some concerns with some of the conditions raised in report, especially the conditions from the Sydney Catchment Authority, ad hoc trails made in the Reserve have not been made by their Club.

### **PF - 20/04/09 - JIM ROBSON**

1. Mr Mayor I refer to the Swot Analysis Economic Development Meeting that was held at the Union Theatre on 24<sup>th</sup> April 2009 and was asked of what do you think of Lithgow in 5 years time? I believe that Lithgow needs to get more industries and people into the town, to attract these people we need the amenities. An indoor heated pool is an option that needs to be looked at further. Also I ask will the people that attended the meeting, will they be advised as to what the consultants report will say?

### **PF - 20/04/09 - ROB WELCH**

1. Mr Mayor I refer to the proposed new skate park for Lithgow and I have some concerns that the existing site may restrict usage of Tony Luchetti by other users. Could Council consider the idea of moving the skate park to Wallerawang instead of planning it in Lithgow?

**09-146 RESOLVED**

A Suspension of orders was moved to continue the Public Forum Question time.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor W Marshall

**CARRIED**

**PF - 20/04/09 - LITHGOW PONY CLUB**

1. Mr Mayor I refer to the Mountain Bike Track at Hassans Walls Reserve and on behalf of the Lithgow Pony Club advise that we are in favour of development.

**PF - 20/04/09 - SOUTH LITTLETON HALL**

1. Mr Mayor I refer to the South Littleton Hall and would like Council regarding forming a S355 Committee for the future management of the hall?

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**NOTICE OF MOTION**

**ITEM:1 NOTICE OF MOTION - 20/04/09 - COUNCILLOR G DANAHER -  
REVIEW OF COUNCILS PROGRESS**

**APPENDIX SIX (6) NOTICE OF MOTION**



**MOTION TITLE/TOPIC:**

Review of Council's progress

Listed by Councillor G Danaher

DATE: 6<sup>th</sup> April 2009

**BACKGROUND:**

Prior to the election our independent council election campaign team issued a survey to all households by letter box drop

We received over 300 verbal and written responses

The council elections saw 5 new councillors elected ,it is now about 6 months on and before our first management plan and budget

It is now appropriate to outline the findings of the survey after considering the issues particularly those occurring from the global economic crises that now confront us, generally the findings would not surprise anyone

**ROADS**

The main issue was the improvement to our road system it is clearly seen to be in decline to the extent criticism towards the pothole filling

Is critical, clearly our roads are wearing out and need to be substantially overhauled particularly our rural roads

**WATER**

People from the Lithgow area supplied by the Farmers Creek Dam water supply rated the water supply as high those supplied from the Fish River including Portland and Wallerawang as very poor

**ECONOMIC DEVELOPMENT**

Most people saw this as continuing frustrations often comparing us to orange and Bathurst and those areas perceived progress

They certainly said we are at standstill with little direction due to Council infighting which was disruptive to staff. People generally that population growth is desirable along with more employment opportunities, Council recently reported unemployment rate of 6% which is comparable to 5.9% state average generally people were expressing a view there were a lot of positives with our area though we have not been generally effective in promoting those positives

of proximity to Sydney, low cost abundant land, natural beauty and willing workforce, there were few serious disadvantages raised that would limit the area progress except the perception of poor climate and a poorly presented CBD. There were many responses in regard to value of tourist investment and that more should be produced from this investment

#### **COMMUNITY SERVICES**

People generally saw community services as we need a cinema ,skate park indoor heated pool and better shopping facilities

They were particularly complimentary of the library facilities and felt our sporting facilities were excellent alcohol abuse and violence were seen as serious emerging threats and more police presence urgently required

Service management of Council issues from pre DAS, water and roads needs to be better supported from within organisation especially when issues become more complex

#### **PROGRESS TO DATE**

Ahead of our decision to accept our management plan for we have made some decisions towards the issues raised from the surveys, including:

- grant of \$529,000 from the federal govt as part of stimulus package largely to a skate park and upgrades to Council hal's and other such buildings
- finalisation of Clarence transfer agreement which totals some \$4.1 million to implement a system which transfer water from farmers creek replacing the fish river system
- application for a grant of \$3.1 million with Council and community monies of a further \$1.2 million for a major upgrade of civic centre and a new water based turf?
- review of tourism with a new advisory committee with tourism plan to be updated to council concentrating of upgrading Hassans Walls a Bracey and Pearson's lookout
- appointment of economic development officer with progress towards a strategic plan which incorporates a better capacity to address issues of attracting business with suitable resources for managing business enquiry
- reconstituting aquatic centre and youth council



**FUTURE**

We have an application to state government to increase our general rates 8.5% to largely fund rural roads upgrades and council building upgrades. We will need further increases to water and sewerage charges to build the infrastructure and comply to state government standards for sewerage and water delivery

We await our applications for stimulus package grants that will allow infrastructure development of buildings parks and buildings including our civic centre

**RECOMMENDATION:**

**That** Council in principle support the current approach to improve employment and build infrastructure for the Lithgow area

Signed: \_\_\_\_\_



**09-147 RESOLVED**

**THAT** Council in principle support the current approach to improve employment and build infrastructure for the Lithgow area and note that the current unemployment rate for NSW is 6.9%

**MOVED:** Councillor G Danaher  
**CARRIED**

**SECONDED:** Councillor W Marshall

## GENERAL MANAGER REPORTS

**ITEM:2            GM - 20/04/09 - PORTLAND AND DISTRICT OLYMPIC POOL  
ASSOCIATION INCORPORATED - COUNCIL AGREEMENT**

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### REFERENCE

NIL

### SUMMARY

This report seeks Council's approval to attach the Common Seal in to the Deed of Confirmation between Lithgow City Council and the Portland and District Olympic Pool Association.

### COMMENTARY

A Deed of Confirmation between Lithgow City Council and the Portland and District Olympic Pool Association Inc has been received by Council. This report recommends that the Common Seal be affixed to documents arising from Deed of Confirmation for the Portland and District Olympic Pool.

### POLICY IMPLICATIONS

Clause 73 of Council's Code of Meeting Practice outlines the requirements for the affixing of the Common Seal.

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

The affixing of the Common Seal to documents requiring such will fulfil Council's legal obligations.

### 09-148 RESOLVED

**THAT** the Common Seal be affixed to the Deed of Confirmation between Lithgow City Council and the Portland and District Olympic Pool Association.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor W McAndrew

**ITEM:3 GM - 20/04/09 - COUNCIL INVESTMENTS TO 31 MARCH 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)  
 Meeting: 09 March 2009 (Feb2009)

**SUMMARY**

To advise Council of investments held to 31 March 2009 for the 2008/09 financial year.

**COMMENTARY**

The total investment portfolio as at 31 March 2009 when compared to 28 February 2009 has increased by \$749,530.90.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.03.09	VALUE 28.02.09	% OF TOTAL
ANZ	TD	12.03.09	14.05.09	63	3.28	1,018,101.41	1,010,496.94	6.65%
	TD	12.09.09	14.05.09	63	3.28	506,029.26	502,249.59	3.30%
BANKWEST	TD	18.02.09	18.04.09	62	3.32	505,931.35	505,931.00	3.30%
	TD	27.01.09	02.04.09	65	4.25	250,000.00	250,000.00	1.63%
	TD	05.01.09	09.04.09	94	4.70	542,908.78	542,908.78	3.55%
	TD	09.02.09	15.05.09	94	4.05	525,429.96	525,429.96	3.43%
	TD	19.01.09	16.04.09	87	4.45	502,123.29	502,123.29	3.28%
CBA	TD	12.03.09	10.07.09	120	4.15	500,000.00	0.00	3.27%
	On Call				3.20	1,110,478.01	1,110,478.01	7.25%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.44%
CITIBANK	TD Shield	21.11.07	05.06.09	547	***	750,000.00	750,000.00	4.90%
	TD	12.03.09	16.04.09	35	4.03	592,732.32	588,074.45	3.87%
	TD	09.01.09	09.04.09	90	5.05	521,293.83	521,293.83	3.40%
	TD	09.03.09	15.05.09	66	4.00	1,019,977.83	1,011,726.58	6.66%
LGFS	On Call				4.15	7,159.79	7,159.79	0.05%
IMBS	TD	05.03.09	06.06.09	91	4.05	1,457,606.50	1,186,356.30	9.52%
	TD	05.12.08	05.03.09	90	6.00	0.00	250,000.00	0.00%
	TD	05.03.09	07.05.09	63	3.95	905,304.75	891,981.24	5.91%
MACQUARIE	TD	18.02.09	19.05.09	90	4.40	2,079,693.15	2,079,693.15	13.58%
ST GEORGE	TD	19.03.09	19.05.09	60	3.28	750,000.00	1,066,093.78	4.90%
	On Call				3.20	541,180.33	536,431.07	3.53%
SUNCORP	TD	04.03.09	04.06.09	90	4.00	500,000.00	0.00	3.27%
	TD	19.03.09	18.06.09	91	3.81	506,625.54	504,617.44	3.31%
<b>TOTAL</b>						<b>15,312,576.10</b>	<b>14,563,045.20</b>	<b>100.00%</b>

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 31 March 2009 is \$549,356.95 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)

**09-149 RESOLVED**

**THAT** Investments of \$15,312,576.10 for the period ending 31 March 2009 be noted.

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

**ITEM:4 GM - 20/04/09 - INQUIRY INTO SECURE AND SUSTAINABLE URBAN WATER SUPPLY AND SEWERAGE SERVICES FOR NON METROPOLITAN NSW**

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**REFERENCE**

09-48 February 16, 2009

**SUMMARY**

The final report by the Independent Panel's report on the *Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW* was released in December 2008. Interested parties were invited to make submissions by March 20, 2009 on this report with Lithgow Council requesting an extension to allow Council to:

- Consult with Alliance partners
- Allow Centroc to complete the study into the Water Security Plan
- Allow Centroc to consider alternative proposals
- Allow Council the opportunity to further consider this issue

The Department advised that it permitted an extension to the April 30, 2009.

**COMMENTARY**

In an address to the annual Local Government Water Management Conference in Inverell in August 2007, the Minister for Water Utilities, the Hon Nathan Rees MP, announced an Inquiry into the institutional and regulatory arrangements by which town water supply and sewerage services are provided in country NSW.

It was stated that the last detailed review of the water supply and sewerage services for country towns was conducted in 1993. Since then, the operating environment of local water utilities has changed dramatically. Drought, climate change and sustainable extraction rules have reduced the yield of local water utilities' water systems. Forecast population growth will place additional pressure on water yields and will require sewerage system enhancements and expansion.<sup>1</sup>

Concern was also expressed that the performance of the NSW local water utilities is wide ranging. Some local water utilities are very well managed. These utilities have achieved broad compliance with the Government's *Best-Practice Management of Water Supply and Sewerage Guidelines* and most have reasonable residential bills and operating costs per property serviced. They also have high compliance with the Australian Drinking Water Guidelines and low levels of water quality and service complaints. However, many utilities face constant challenges to plan for, and deliver, reliable, high quality water and sewerage services.

The objective of the Inquiry was to identify the most effective arrangements for the long-term provision of cost-effective and sustainable water supply and sewerage services in country NSW. The guiding principle for the Inquiry is that every person in NSW is entitled to benefit from professionalism, cost effective service standards and regulatory safeguards in the provision of water supply and sewerage services.

The Government appointed two members of the community to head the Inquiry:

- the former Deputy Premier, The Hon Ian Armstrong OBE, and
- the former head of the Premier's Department, Dr. Colin Gellatly.

### **Inquiry Objectives**

The objectives of the Inquiry were to:

- identify the most effective institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage services in country NSW
- ensure these arrangements are cost-effective, financially viable, sustainable, optimise whole-of-community outcomes, and achieve integrated water cycle management.

As a minimum, the Government expected water supply and sewerage service providers to:

- respond and plan in advance to the challenges facing the industry
- be financially self sufficient
- be able to comply with appropriate stringent environmental and public health standards
- implement cost-effective service standards

The Inquiry focussed on the provision of urban water supply and sewerage in rural and regional NSW. Sydney Water, Hunter Water, Gosford City Council Water Supply Authority and Wyong Shire Council Water Supply Authority were excluded from the Inquiry.

### **Independent Inquiry Report**

The recommendations of the report seek to achieve the outcomes stated in the Terms of Reference, as well as the commitments made by the former Minister for Water, the Hon Nathan Rees that any new governance structure:

1. must protect or enhance councils' revenue stream;
2. must protect or enhance councils' capital expenditure;
3. must maintain or enhance job opportunities;
4. must provide ongoing access to specialised skills;
5. must adopt an independent and sustainable pricing mechanism; and
6. must have '21st century' governance arrangements in place.

The Panel indicated that *"it became clear early on in the Inquiry process that removal of water and sewerage services from councils would, in many instances, impact detrimentally on general purpose councils. This would largely be as a result of separating staff and resources from shared council functions"*.

The Panel also points out that the poor performance of several local water utilities, and the challenges that lie ahead have confirmed the need in their opinion for structural change in most instances, to enable local water utilities to better plan for and manage their responsibilities in the face of major challenges such as climate change, skills shortages, demographic changes and increasing human health and environmental standards.

The recommendations contained within the report seek to maintain council ownership and management of water supply and sewerage services, whilst centralising the planning and reporting functions and mandating planning requirements and 'best practice pricing'. This should ensure that local water utilities are planning well into the future, and are obtaining the revenue they require to meet future challenges.

The recommended increased collaboration between local water utilities is additionally aimed to address significant skills shortages being experienced by local water utilities. Research shows that skills shortages for the water and sewerage services sector are expected to increase dramatically across Australia over coming decades, and our report identifies a number of ways in which this can be managed and mitigated.

The report examines the performance of local water utilities and the challenges that are facing them. It contains a number of recommendations for consideration by stakeholders and the NSW Government. Key recommendations of the report are summarised as:

- Good governance: The current 104 local water utilities be aggregated into 32 regional groups that are broadly based on submissions provided by stakeholders.
- Organisation models: Three organisational structure options should be considered for the regional groups of local water utilities. The models are:
  - o binding alliance (for planning and technical functions)
  - o council-owned regional water corporation; and
  - o status quo for some large general purpose councils and county councils.

The "binding alliance" and "status quo" options allow councils to retain ownership and management of water supply and sewerage assets and to continue providing customer services.

The "council-owned regional water corporation" option involves the transfer of water supply and sewerage assets, related staff and service delivery responsibilities from councils to the corporation. Councils that are the beneficiaries of the corporation's services would be the only shareholders of the corporation.

- Strengthen regulatory management: Strengthen the regulation of local water utilities to require implementation of all relevant plans, guidelines and standards. This must be complemented by an adequate reporting and monitoring framework and the designation of a regulator with adequate enforcement powers.

- Improve pricing regulation: The regulation of local water utilities' pricing should be strengthened to require utilities to establish prices in accordance with approved business plans and financial plans. Local water utility prices must be approved by an independent body.
- Cut red tape: The reporting and regulatory roles undertaken by State Government agencies be reviewed with a view to streamlining these requirements and to ensure a consistent approach across these agencies.
- Consumer Protection: The Energy and Water Ombudsman NSW scheme be adopted by local water utilities as a mandatory requirement, provided it can be demonstrated that there are net benefits in doing so.
- Skills shortages: A number of strategies are proposed to address regional skills shortages, including: pooling of human resources, staff incentives, skill development and training, increasing the size of local water utilities, outsourcing to the private sector and increasing the capacity of training providers.

### **Proposal for Lithgow**

The proposals for the Lithgow Council area in the report are:

- That the Lithgow Council area would become part of a binding alliance for the Bathurst Region
- That the Fish River scheme would continue to stand alone.

### **Bathurst Region Alliance**

This alliance in the State's central tablelands, contains the Bathurst Regional Council, Lithgow and Mid-Western, Oberon Councils.

Total Number of Connected Properties: 30,300  
Total Current Revenue: \$32 million  
Total Area: 20,800 sq km

The report stated that a binding alliance model is recommended in this region because it:

- would enable operators and maintenance staff to remain in their existing locations;
- would bring additional skills and resources to small councils;
- meets the assessment criteria defined in the Terms of Reference.

The report stated that Bathurst Regional Council is a large and well resourced utility delivering water supply and sewerage services to almost 14,400 connected properties and would provide about 50% of the revenue and customer base to alliance.

The scale and resources available to this potentially viable alliance should ensure its strength and sustainability.

Member council compliance with the Best-Practice Guidelines is currently 71%.



At this point in time two of the other proposed Bathurst Region Alliance councils, Bathurst Regional Council and Mid Western Regional Council, have indicated that they want for status quo to remain for their councils. Bathurst Regional Council has indicated very strongly this opinion, thus eliminating the option to work with those councils and potentially eliminating opportunities to work in another alliance. Potential opportunities that now may exist for Lithgow City Council are:

1. 'Status Quo' for its water and sewer services
2. Exploring alliance opportunities with Oberon Council
3. Exploring alliance opportunities with State Water – Fish River Water Supply
4. Exploring alliance opportunities with the Central Tablelands Region Alliance

### **Central Tablelands Region**

The report proposes that a binding alliance be established for the Central Tablelands Region comprising Blayney, Cabonne, Central Tablelands County Council, Cowra, Forbes, Lachlan, Orange, Parkes and Weddin. This group of councils has met on several occasions to consider progressing this alliance and are agreeing in principal to investigate the proposal further along with wanting to expand it to include other councils in the CENTROC region. The core councils of this Alliance are agreeing to:

1. Participate in the CENTROC Water and Sewerage project.
2. That individual councils agree to contribute \$1.00 per water connection and \$1.00 per sewer connection annually for two (2) years to resource the project and make provision in the Water and Sewer budgets accordingly.
3. That individual councils make provision in their Water and Sewer budgets for any work anticipated to be needed as a consequence of the project (such as review of Strategic Business Plans, IWCM, etc)
4. That councils inform the Minister of support for the CENTROC proposal; including the dollar for dollar funding of the initiative.

### **Summary**

At a presentation at Coonamble by Minister Phil Costa it was outlined that:

- He (the Minister) will be taking a conciliatory approach on this issue
- This is to be a voluntary coming together of councils
- There are three ways forward – binding alliance, council owned regional water corporations, status quo
- He is wanting a long term outcome
- Looking at providing legislation to accommodate the regional/binding alliance proposals and adding to this as the councils change. He is not looking to have the 32 organisations in place this year. He will move the organisations into legislation as these organisations develop but is looking for the legislation to be in place by the end of the year

- There is a reference group working in parallel with this process
- There is NO big stick – but what are councils doing for the sustainability of services?
- He will consider another configuration of councils other than those proposed
- Councils will not miss out on funding from the Country Towns Water and Sewer Scheme if they do not form an alliance. However the State Government cannot be the solution for the long term viability of local schemes
- The Minister is extremely sympathetic to local government. Some change needs to happen and local government needs to take control of that change. There needs to be progress

Lithgow City Council is currently considered to be below the optimum size of a viable water and sewer authority. Council has achieved many of the indicators set by the State Government with work still needed on its financial ability. Because of these issues and that some of the issues outlined in the report do apply to Lithgow Council's water and sewer services, e.g. attracting and retaining skilled staff, it would still be appropriate for Council to have dialogue with other possible council alliance partners.

#### **POLICY IMPLICATIONS**

May involve adopting the policies of an alliance should the Council join an alliance.

#### **FINANCIAL IMPLICATIONS**

Based upon the Central Tablelands Region Alliance the cost proposed is \$1.00 per water and sewer connection, the estimated costs for Lithgow City Council would be approximately \$15,686 (\$8,130 – Water & \$7,556 – Sewer). It is intended to request dollar of dollar funding from the NSW government for this project.

#### **LEGAL IMPLICATIONS**

Entering into an alliance will involve committing Council to working with another/other councils.

#### **09-150 RESOLVED**

**THAT** Council:

1. Advise the Minister that Lithgow City Council will be investigating alliance opportunities for water and sewer services and that part of this will be awaiting the outcome of the investigations by CENTROC into the Water Security Plan;
2. Authorise the Council's General Manager to hold negotiations with Oberon Council and the Central Tablelands Region Alliance councils to determine if there are any opportunities for Lithgow City Council to be a part of an alliance with those councils; and
3. Authorise the General Manager to commit up to \$16,000 to explore opportunities with those alliances.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

## REGIONAL SERVICES REPORTS

**ITEM:5            REG - 20/04/09 - BEN BULLEN RAIL CROSSING SAFETY IMPROVEMENTS**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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### REFERENCE

Nil

### SUMMARY

To advise of a request from the Roads and Traffic Authority (RTA) to seek Councils concurrence for the acquisition of a small parcel of land under the care and control of Council at Ben Bullen.

### COMMENTARY

The RTA is proposing to improve the safety of the level crossing and the intersection of Quarry Rd and Castlereagh at Ben Bullen, 34km north of Lithgow. The RTA's original proposal was to acquire all of R91537 for Public Recreation which is under the control of the Lithgow Public Recreation (R91537) Reserve Trust (City of Lithgow Council) to accommodate a realignment of the Quarry Rd intersection.

Following an RTA convened on site public meeting, several safety issues were raised which resulted in the RTA further redesigning the works, thus addressing these safety concerns and avoiding the historically significant area of R91537. As a result, the RTA now seeks Council's concurrence for the acquisition of 48m<sup>2</sup> of land, as depicted on the enclosed sketch. This is a minimal area, and it is recommended that Council gives its concurrence.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### LEGAL IMPLICATIONS

Nil

### 09-151 RESOLVED

**THAT** Council concur with the acquisition, by the Roads and Traffic Authority, of 48m<sup>2</sup> of land from R91537, for the purpose of safety improvements to the Ben Bullen level crossing and intersection of Quarry Rd and Castlereagh Highway, Ben Bullen

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor W McAndrew.

**ITEM:6            REG - 20/04/09 - AUSLINK BLACK SPOT FUNDING ALLOCATIONS**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**REFERENCE**

Nil

**SUMMARY**

This report provides details of the announcement of Federal Black Spot Funding allocated to the Lithgow Local Government Area (LGA).

**COMMENTARY**

The Honourable Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government has announced details of the Auslink Black Spot Program. The Black Spot Program is a vital element in the Federal Government's plan to improve road safety. It targets roads that either have a history of crashes or a significant risk of crashes occurring.

Lithgow Council, in partnership with the RTA, has successfully applied for and received funding for the following projects in the Lithgow LGA.

1. Sunny Corner Road - 1.5 to 2.8km south of Portland to widen outside of curves and install guard fence - \$270,000

Funds will be available for expenditure in 2009/2010 and the work must be completed by 30 June 2010.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The financial implications are discussed in the commentary of the report. In addition, the project should be added into the draft Management Plan 2009/2010 – 2011/2012 prior to its final adoption.

**LEGAL IMPLICATIONS**

Nil

**09-152 RESOLVED**

**THAT** Council accept the Auslink Black Spot funding of \$270,000 for the shoulder widening project on Sunny Corner Road and this be reflected in the 2009/2010 draft Budget and 2009/2010 – 2009/2010 draft Management Plan prior to its final adoption.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor G Danaher

**ITEM:7            REG - 20/04/09 - FARMERS CREEK, SUPPLY OF MATERIALS**

**REPORT FROM:            OPERATIONS MANAGER - STEPHEN DARLINGTON**

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**SUMMARY**

This report provides details on the supply of materials for the completion of the current stage of the Flood Mitigation works at Farmers Creek.

**COMMENTARY**

At Council's meeting of 20 August 2007, the tender from Rocla Pipeline Products for the supply and delivery of Rocla MassBlocs in the sum of \$223,234 plus GST was accepted for the first phase of the current flood mitigation works. This first phase has been completed.

Council is now ready to proceed with the completion of the current stage of works, necessitating the purchase of additional MassBlocs to complete the project to the estimated value of \$228,465 ex GST. The MassBloc product is a proprietary product manufactured by Rocla only. Rocla have advised that they manufacture this product under licence and have done so since 2002. Rocla is the only holder of this licence in Australia.

Under the Local Government Act 1993, Section 55 prescribes the following requirements for tendering. Section 55 states:

**55 What are the requirements for tendering?**

- (1) *A council must invite tenders before entering into any of the following contracts:*
  - (a) *a contract to carry out work that, by or under any Act, is directed or authorised to be carried out by the council,*
  - (b) *a contract to carry out work that, under some other contract, the council has undertaken to carry out for some other person or body,*
  - (c) *a contract to perform a service or to provide facilities that, by or under any Act, is directed or authorised to be performed or provided by the council,*
  - (d) *a contract to perform a service or to provide facilities that, under some other contract, the council has undertaken to perform or provide for some other body,*
  - (e) *a contract for the provision of goods or materials to the council (whether by sale, lease or otherwise),*
  - (f) *a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),*
  - (g) *a contract for the disposal of property of the council,*
  - (h) *a contract requiring the payment of instalments by or to the council over a period of 2 or more years,*
  - (i) *any other contract, or any contract of a class, prescribed by the regulations.*
- (2) *Tenders are to be invited, and invitations to tender are to be made, by public notice and in accordance with any provisions prescribed by the regulations.*

(2A) *Nothing in this section prevents a council from tendering for any work, service or facility for which it has invited tenders.*

(3) *This section does not apply to the following contracts:*

- *subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified*
- *a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown*
- *a contract entered into by a council with another council*
- *a contract for the purchase or sale by a council of land*
- *a contract for the leasing or licensing of land by the council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)*
- *a contract for purchase or sale by a council at public auction*
- *a contract for the purchase of goods, materials or services specified by the State Contracts Control Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and at a rate not exceeding the rate so specified*
- *a contract for the employment of a person as an employee of the council*
- *a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders*
- *contract for which, because of provisions made by or under another Act, a council is exempt from the requirement to invite a tender*
- *a contract made in a case of emergency*
- *a contract to enter into a public-private partnership*
- *if a council has entered into a public-private partnership—a contract entered into by the council for the purposes of carrying out a project under the public-private partnership (but only to the extent that the contract is part of the project that has been assessed or reviewed under Part 6 of Chapter 12)*
- *a contract involving an estimated expenditure or receipt of an amount of less than \$100,000 or such other amount as may be prescribed by the regulations.*

(4) *A council that invites tenders from selected persons only is taken to comply with the requirements of this section if those persons are selected:*

- (a) *from persons who have responded to a public advertisement for expressions of interest in the particular contract for which tenders are being invited, or*
- (b) *from persons who have responded to a public advertisement for recognition as recognised contractors with respect to contracts of the same kind as that for which tenders are being invited.*

Given the proprietary and specialist nature of the product it is recommended that Council resolve that a satisfactory result will not be achieved by inviting tenders, due to extenuating circumstances being the unavailability of a competitive tender (Pursuant to S55(3) dot point No 9 Local Government Act 1993))

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The activity is listed in the Management Plan 2008/2009 – 2010/2011 with a budget allocation available in 2008/2009.

## **LEGAL IMPLICATIONS**

The legal implications are discussed in the commentary of this report.

## **RECOMMENDATION**

### **THAT:**

1. As MassBlocs are a proprietary product manufactured only by Rocla in Australia and there is no other comparable product for the project, a satisfactory result will not be achieved by inviting tenders for the purchase of the Rocla MassBlocs, due to extenuating circumstances being the unavailability of a competitive tender.
2. Council purchase from Rocla Pipeline Products MassBlocs to complete the current stage of the Farmers Creek Flood Mitigation Project, at an estimated cost of \$228,465 excluding GST.

## **MOVED**

**THAT** Council proceed to open tender for the supply of materials for the Farmers Creek Stormwater project.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

On being put this was declared **LOST**.

## **09-153 MOTION**

### **THAT:**

1. As MassBlocs are a proprietary product manufactured only by Rocla in Australia and there is no other comparable product for the project, a satisfactory result will not be achieved by inviting tenders for the purchase of the Rocla MassBlocs, due to extenuating circumstances being the unavailability of a competitive tender.
2. Council purchase from Rocla Pipeline Products MassBlocs to complete the current stage of the Farmers Creek Flood Mitigation Project, at an estimated cost of \$228,465 excluding GST.

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

**CARRIED**

**ITEM:8            REG - 20/04/09 - KANIMBLA VALLEY/MEGALONG VALLEY ROAD**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**REFERENCE**

Nil

**SUMMARY**

This report provides details of the current status of the road reserve that links the Kanimbla Valley with Megalong Valley.

**COMMENTARY**

Council has received representations from a number of residents in the Kanimbla Valley seeking Council's support for the retention of the public road reserve which connects Kanimbla and Megalong Valleys adjacent to the property "Mt Sandy".

On behalf of 9 local residents, Solicitors LeFevre have written to Council expressing the view that the road should not be closed. It must be stressed that there is no road closure application submitted at this point in time. An application had been briefly lodged in 2008, but upon inspection of the site with two private parties it was clear that an application could not be supported and it was immediately withdrawn. However, irrespective of this, the writers are seeking Council's support that the road reserve remains open. Attached for Councilors' information are a number of letters of support for the road to remain open.

The road is a Council owned, dedicated public road, through the property "Mt Sandy". The road, however, is not formed, with existing private tracks not on the road reserve. It is likely that the road reserve will never be developed or constructed as a fully trafficable road due to the steepness of the terrain.

The writers are also seeking Council's concurrence to the erection of small access gates for the purpose of walkers, horse riders and mountain bikes.

Of concern to Council regarding the proposal are the following matters:

- There appears to be no discussion undertaken with, or comment from, the adjoining landowner of "Mt Sandy". The erection of gates to allow physical access, albeit for walkers and bicycle riders, would need to be undertaken with the full cooperation of the adjoining landowner.
- If the erection of improvements i.e. gates, were to occur on a Council owned road reserve, this would need the approval of Council. In these instances, the asset, being the ramp, is owned and maintained by the landowner. Any gates installed by the residents would need to be approved on a similar basis. However, this would only be relevant if the proposed gate or ramp was within the road reserve.



- It became clear in 2008 when Council officers were investigating the matter in 2008 that there were underlying private issues. Whilst one of the private parties appears to have garnered additional support for the road not to be closed, it must once again be stressed that there is no application to close the road nor any intention from Council's perspective to close the road.

### **POLICY IMPLICATIONS**

Policy 10.8 – Public Gates and Grids on Local Roads would apply if there was any proposal to construct a gate or grid within the road reserve.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **RECOMMENDATION**

**THAT** Council reaffirm that it has no intention of closing the public road reserve linking the Kanimbla Valley with Megalong Valley.

### **09-154 RESOLVED**

**THAT** Council:

1. Reaffirms that it has no intention of closing the public road reserve linking the Kanimbla Valley with Megalong Valley; and
2. Investigates the existence or otherwise of barriers and if they exist remove to retain the link between the two valleys.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

**ITEM:9            REG - 30/03/09 - MANAGEMENT OF THE BOGEE RURAL FIRE BRIGADE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**REFERENCE**

Ordinary meeting of 15 December 2008 – Min No O08-220

**SUMMARY**

To finalise Council a draft agreement between Mid-Western Regional Council, Lithgow City Council and the Rural Fire Service for the financial arrangement and provision of fire protection of the Bogee Rural Fire Service.

**COMMENTARY**

At it's meeting of Tuesday, 15 December 2008, Council resolved to agree 'in principle' to the Bogee Rural Fire Brigade being administered by the Cudgegong Rural Fire District through Mid West Regional Council subject to further discussions being held with Mid West Regional Council and the Rural Fire Service on the proportion of funding arrangements.

At the Lithgow Volunteer Bush Fire Advisory Committee meeting held on Tuesday, 13 January 2009, the Committee investigated and discussed the draft agreement proposed between Mid-Western Regional Council, Lithgow City Council and the Rural Fire Service for the financial arrangement and provision of fire protection of the Bogee Rural Fire Service.

Discussions between the NSW Rural Fire Services District Manager Lithgow, the Bogee Rural Fire Brigade Members and the District Manager of the Cudgegong Team have been undertaken over the past few months, with the recommendation that the Bogee Brigade be administered by Cudgegong Rural Fire District through Mid West Regional Council with Lithgow City Council contributing financially to 11.7% of Maintenance and Repair and Personal Protective and General Equipment costs incurred by the brigade.

Lithgow City Council will also be responsible for disposing and replacing brigades assets, including fire fighting appliances and stations through the rural fire fighting fund budget allocation.

This agreement is proposed for a three (3) year term, commencing on 1 July 2009.

Lithgow City Council's contribution will be as follows:

- Maintenance and repairs – 11.7%
- Personal Protection and General Equipment – 11.7%

To understand this position, it should be noted Bogee Brigade has been funded through Mid Western Regional Council since the local government amalgamation although the brigade services an area roughly 80% in the Lithgow Local Government area.

The additional allocation for Bogee under the proposed agreement reflects fact that the brigade is within the Lithgow Local Government area. Whether Lithgow City Council should only fund 80% given that the Bogee Brigade is 80% within the LGA should be considered in context. That is, there are other brigades such as Clandulla that have a small amount of area (approx 10%) in the Lithgow LGA that are fully funded by Mid Western Regional Council and there may well be other examples such as this. Therefore, in a 'give and take' situation it is probably reasonable for Lithgow Council to make a 100% contribution, currently estimated at around \$3,500 for 2009/2010.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Council has currently allocated \$200,000 in its draft budget for 2009/2010 as its Rural Fire Fighting fund contribution. From discussions with the District Manager it is likely that this amount will reduce and the anticipated final amount will be in the vicinity of \$160,000. The addition of Bogee Brigade will result in additional \$3,500.00 per annum as the contribution toward maintenance and repairs and personal protection and general equipment and this can be incorporated within the likely \$160,000. It should be noted that the provisions in the draft agreement relating to financial arrangements appear somewhat complicated and it is suggested that the General Manager be delegated authority to negotiate on the final wording and terms.

## **LEGAL IMPLICATIONS**

Nil.

## **09-155 RESOLVED**

### **THAT:**

1. The Draft Agreement between Mid-Western Regional Council, Lithgow City Council and NSW Rural Fire Service for the Financial Arrangements and Provision of Fire Protection to the Bogee Rural Fire Brigade Area be accepted 'in principle' with the General Manager delegated authority to negotiate on final terms and wording.
2. Council authorise the use of the common seal for any documents pertaining to the Agreement.
3. Future budget allocations for rural fire fighting incorporate the inclusion of the Bogee Rural Fire Brigade Area and the final amount for 2009/2010 includes this allocation.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor G Danaher

**ITEM:10            REG - 20/04/09 - 134/08DACC - CONSTRUCT MOUNTAIN  
BIKE/WALKING TRAIL HASSANS WALLS RESERVE**

**REPORT FROM:            GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**REFERENCE**

Min F08 – 90 – Finance and Services Committee – 5 August 2008.

**SUMMARY**

This report assesses and recommends approval, subject to conditions, of Development Application/Construction Certificate No 134/08.

**COMMENTARY**

Council is in receipt of a Development Application/Construction Certificate from Central Tablelands Mountain Bike Club Inc. (CTMBC) for a proposed mountain bike/walking trail at Hassans Walls Reserve described as Lots 203 DP 751650 being Crown land and Lot 1 DP 1094395 owned by Lithgow City Council. The application has been consented to by the Minister for Lands.

Proposed works involve the construction of a downhill mountain bike course capable of hosting club and state level events. The CTMBC advise that they are without a quality downhill mountain bike track since the closure of the State Mine trail and are unable to bid on State or National races or promote the local area for downhill riding. The Lidsdale Forest venue will be lost due to planned logging in 2010 and this will leave the area without a mountain bike venue. The CTMBC state that in the Hassans Walls Reserve Council has the opportunity to provide a quality mountain bike facility for its residents and visitors. Due to National Park restrictions there are no legal downhill courses in the Sydney basin that are not situated on private property and very few courses within easy reach of Lithgow.

Lithgow is seen as an exceptional downhill mountain biking location and a high quality trail is proposed that traverses down various terrain features with close road access to provide a vehicle shuttle, parking area and easily accessible event centre. An 'in principle' agreement has been reached with the Lithgow Pony Club to use their existing facilities and access issues from Hassans Walls Road are to be addressed through negotiation with existing landowners, including Council.

The trail would be constructed using experienced trail builders with due consideration being given to environmental concerns while providing a challenging mountain bike trail for State and National events. Barricades would be erected to prevent trail bikes using the trail, but it would be available as a walking and jogging trail.

The CTMBC indicate the following advantages to Council from the development of this facility:

- Council would be a participating partner in a project with potentially a national profile, without a significant resource input.

- Council would be seen to be participating in objectives of the State Plan for outdoor recreation and therefore be able to claim and possibly assist with any funding made available for such initiatives.
- The organising body would be able to direct any profits from events into improving the venue and its facilities and continue to promote Lithgow in a positive light as a tourist destination.
- Many would argue it is very important with a population with a growing sedentary lifestyle and damning reports on local health problems this brings to encourage activity in young and old alike. Coupled with the need for more environmentally sustainable (non-motorised) recreation close to large urban areas council is in a unique situation to give many people the opportunity to enjoy greater access to our wonderful outdoor terrain.
- On the news of implementing the closure of the State Mine Trail, Council voted to assist the Club in any way possible to secure a new venue.

The project required referral to the Sydney Catchment Authority (SCA) and that Authority has now provided its concurrence consent conditions.

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 siltation and sedimentation, noise, increased traffic during construction, potential impacts to the local waterway and the generation of waste. The impacts likely to arise from operation may be increased traffic, noise, pollution of waterways, maintenance, and safety. These impacts are addressed in the Statement of Environmental Effects and proposed conditions of consent.

#### Location

Legal Description :	Lot 1 DP 1094395 & Lot 203 DP 751650
Property Address :	Hassans Walls Reserve Lithgow NSW 2790

#### Zoning

The land is zoned Open Space 6 and part is Environmentally Sensitive under Lithgow's Local Environmental Plan 1994 and is permissible for recreational use and community facilities.

### **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 partially on Council owned land being land used by the Lithgow Pony Club.

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. "*

Furthermore, Council at its Finance and Services meeting of 5 August 2008 resolved to 'call in' the development application.

### **FINANCIAL IMPLICATIONS**

Nil in respect of the assessment of the DA/CC. Council may be required to contribute to the cost of formalising the access arrangements to the Pony Club land.

### **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.

These matter for consideration are attached in a separate report.

### **RECOMMENDATION**

**A. THAT** Development Application/Construction Certificate 134/08 be approved subject to the following conditions:

#### **Administrative Conditions**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.

#### **Building Code of Australia Compliance**

2. All temporary buildings to be placed on the site during an event are to comply with the requirements of the Building Code of Australia, particularly relating to accessibility to persons with a disability.

#### **Remediation**

3. An operational plan for the remediation of the existing unauthorized mountain bike track is to be submitted for consideration within twelve (12) months of commencement of operation of the new CTMBC trail. This operational plan is to include the removal of all unauthorized structures and the rehabilitation of the track to its natural state.

#### **Land Management**

4. The following requirements of the Department of Lands shall be complied with before operation of the CTMBC trail:
  - a. The construction must be in accordance with the Track Construction Guidelines referred to in the DA, particularly with reference to sediment and erosion control measures.
  - b. Council as trust manager must ensure that any relevant licenses and leases are issue to the applicant.
  - c. The development must be in keeping with Crown land principles as noted in the Crown Lands Act Section 11.

5. A detailed Risk Management Plan and Trail Maintenance Plan must be developed by CTMBC in accordance with the guidelines provided by the Department of Lands and Council prior to operation. Details of insurance coverage is to be provided to Council prior to operation.

#### **Mine Subsidence**

6. The CTMBC is to negotiate with the Mine Subsidence Board to determine the location of mining to ensure that the trail is located clear of any old mine workings.

#### **Access and Traffic**

7. The applicant is to negotiate with Council and Ceedive Pty Ltd to obtain agreement on temporary access in the present location onto the Pony Club land. Negotiations should also proceed to finalization of a permanent access to the Pony Club land either through Ceedive land or off upper Hassans Walls Road.
8. Mini buses are to be used as detailed in the submission to transport competitors and spectator to the trail head. A Traffic Management Plan is to be developed and implemented before operation.
9. Lithgow traffic Police are to be notified at least 48 hours prior to an event . Any stipulations of the Police form part of the consent conditions.

#### **Siltation and Sedimentation Controls**

10. All work on the trail is to be carried out in accordance with the guidelines detailed in the International Mountain Bike Associations Trail Solutions Manual, with particular reference to siltation and sedimentation control measures and track drainage.

#### **Amenity/Waste Management**

11. All amenities buildings to be located on site are to be self contained and are to be removed from site at the completion of any event. No waste is to be disposed of on site and no existing buildings or amenities on site are to be used for any event without prior approval of Council. The number of facilities to be provided for an event shall be determined in consultation with Council based on BCA requirements for the anticipated number of users.
12. Temporary garbage facilities are to be provided on site and removed at the conclusion of each event.
13. Canteen facilities are to comply with the requirements of the Food Act and are to be inspected prior to use to ensure compliance.

#### **Noise**

14. The operation of events is limited to daylight hours. No amplified noise is to be heard at the boundary of the nearest residential premises.

#### **Emergency Management**

15. An Emergency Evacuation Plan is to be developed and implemented in conjunction with emergency services personnel to ensure that evacuation procedures can be quickly initiated in the event of an emergency such as injury or bush fire.

### Flora and Fauna

16. In accordance with the report from Epacris Environmental Consultants Pty Ltd the following requirements must be complied with:
  - a. The proposed trail and walking trail must be located 10 metres away from any Blackthorn shrub along the proposed route, to ensure that the Blackthorn, butterfly or attendant ant species are not impacted by the two trails and mountain bike riders and walkers. Fencing around some patches of Blackthorn is appropriate if considered necessary.
  - b. The CTMBC and the Lithgow Pony Club are to consider the location of the Blackthorn as butterfly habitat in any future development, with consideration through consultation with DECC to fencing of identified populations.
  - c. An education program must be implemented to make mountain bikers and pony club members aware of the importance of the butterfly habitat to the ecology of the location.

### Environmental Protection (SCA Conditions)

#### Site Plan

17. The Sydney Catchment Authority is to be provided with a detailed site plan showing the mountain biking and spectator access trails in relation to contours and drainage lines, the location nature of all proposed earthworks, including any clearing of any understory vegetation prior to any works being undertaken.

#### Construction Activities

18. An Erosion and Sediment Control Plan (ESCP) is to be prepared prior to any construction activity for all works proposed or required as part of the mountain biking and spectator access trails. It is to be prepared by a person with knowledge and experience in the preparation of such plans and **must** meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) Manual - the "Blue Book" and may incorporate elements of the IMBA "Trail Solutions" manual. The ESCP is to the satisfaction of the Sydney Catchment Authority.
19. Effective erosion and sediment controls are to be installed prior to any construction activity, and the site properly stabilised prior to its use. The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundcover established.
20. All earthworks including erosion and sediment control measures associated with the proposed mountain biking and spectator access trails **must** be supervised by a certified professional in erosion and sediment control, who is to advise the Sydney Catchment Authority of the suitability and adequacy of the implemented measures as meeting the requirements of these conditions and being consistent with current design standards and best practice.



### **Wastewater**

21. The toilets adjacent to the car parking area in the drainage depression on the west of the site are not to be used at any time and are to remain locked.
22. For general use where less than 20 people are present the toilets on the eastern side of the arena are to be used.
23. Where an event is held where there are more than 20 people, including spectators, portable toilets must be provided.
24. These requirements regarding the use of toilet facilities must be provided to all competitors and spectators attending large or small events.

### **Other Conditions**

25. An operational plan for the assessment and maintenance of the mountain biking and spectator access trails, the conduct of events including parking and camping management, and the use of toilets and other facilities is to be prepared and a copy provided to the Sydney Catchment Authority prior to the use of the site.
26. Appropriate signage and removable bollards are to be placed on the mountain bike and walking trails to prevent unauthorised access by motorbikes.
27. Upon completion and operation of the new CTMB trail the existing consent the subject of DA No.449/99 is to be surrendered.

## **MOTION**

### **THAT:**

**A. THAT** Development Application/Construction Certificate 134/08 be approved subject to the following conditions:

### **Administrative Conditions**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.

### **Building Code of Australia Compliance**

2. All temporary buildings to be placed on the site during an event are to comply with the requirements of the Building Code of Australia, particularly relating to accessibility to persons with a disability.

### **Remediation**

3. An operational plan for the remediation of the existing unauthorized mountain bike track is to be submitted for consideration within twelve (12) months of commencement of operation of the new CTMBC trail. This operational plan is to include the removal of all unauthorized structures and the rehabilitation of the track to its natural state.

### **Land Management**

4. The following requirements of the Department of Lands shall be complied with before operation of the CTMBC trail:
  - a. The construction must be in accordance with the Track Construction Guidelines referred to in the DA, particularly with reference to sediment and erosion control measures.
  - b. Council as trust manager must ensure that any relevant licenses and leases are issue to the applicant.
  - c. The development must be in keeping with Crown land principles as noted in the Crown Lands Act Section 11.
5. A detailed Risk Management Plan and Trail Maintenance Plan must be developed by CTMBC in accordance with the guidelines provided by the Department of Lands and Council prior to operation. Details of insurance coverage is to be provided to Council prior to operation.

### **Mine Subsidence**

6. The CTMBC is to negotiate with the Mine Subsidence Board to determine the location of mining to ensure that the trail is located clear of any old mine workings.

### **Access and Traffic**

7. The applicant is to negotiate with Council and Ceedive Pty Ltd to obtain agreement on temporary access in the present location onto the Pony Club land. Negotiations should also proceed to finalization of a permanent access to the Pony Club land either through Ceedive land or off upper Hassans Walls Road.
8. Mini buses are to be used as detailed in the submission to transport competitors and spectator to the trail head. A Traffic Management Plan is to be developed and implemented before operation.
9. Lithgow traffic Police are to be notified at least 48 hours prior to an event . Any stipulations of the Police form part of the consent conditions.

### **Siltation and Sedimentation Controls**

10. All work on the trail is to be carried out in accordance with the guidelines detailed in the International Mountain Bike Associations Trail Solutions Manual, with particular reference to siltation and sedimentation control measures and track drainage.

### **Amenity/Waste Management**

11. All amenities buildings to be located on site are to be self contained and are to be removed from site at the completion of any event. No waste is to be disposed of on site and no existing buildings or amenities on site are to be used for any event without prior approval of Council. The number of facilities to be provided for an event shall be determined in consultation with Council based on BCA requirements for the anticipated number of users.
12. Temporary garbage facilities are to be provided on site and removed at the conclusion of each event.

13. Canteen facilities are to comply with the requirements of the Food Act and are to be inspected prior to use to ensure compliance.

#### **Noise**

14. The operation of events is limited to daylight hours. No amplified noise is to be heard at the boundary of the nearest residential premises.

#### **Emergency Management**

15. An Emergency Evacuation Plan is to be developed and implemented in conjunction with emergency services personnel to ensure that evacuation procedures can be quickly initiated in the event of an emergency such as injury or bush fire.

#### **Flora and Fauna**

16. In accordance with the report from Epacris Environmental Consultants Pty Ltd the following requirements must be complied with:
- a. The proposed trail and walking trail must be located 10 metres away from any Blackthorn shrub along the proposed route, to ensure that the Blackthorn, butterfly or attendant ant species are not impacted by the two trails and mountain bike riders and walkers. Fencing around some patches of Blackthorn is appropriate if considered necessary.
  - b. The CTMBC and the Lithgow Pony Club are to consider the location of the Blackthorn as butterfly habitat in any future development, with consideration through consultation with DECC to fencing of identified populations.
  - c. An education program must be implemented to make mountain bikers and pony club members aware of the importance of the butterfly habitat to the ecology of the location.

#### **Environmental Protection (SCA Conditions)**

##### **Site Plan**

17. The Sydney Catchment Authority is to be provided with a detailed site plan showing the mountain biking and spectator access trails in relation to contours and drainage lines, the location nature of all proposed earthworks, including any clearing of any understory vegetation prior to any works being undertaken.

##### **Construction Activities**

18. An Erosion and Sediment Control Plan (ESCP) is to be prepared prior to any construction activity for all works proposed or required as part of the mountain biking and spectator access trails. It is to be prepared by a person with knowledge and experience in the preparation of such plans and **must** meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) Manual - the "Blue Book" and may incorporate elements of the IMBA "Trail Solutions" manual. The ESCP is to the satisfaction of the Sydney Catchment Authority.

19. Effective erosion and sediment controls are to be installed prior to any construction activity, and the site properly stabilised prior to its use. The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundcover established.
20. All earthworks including erosion and sediment control measures associated with the proposed mountain biking and spectator access trails **must** be supervised by a certified professional in erosion and sediment control, who is to advise the Sydney Catchment Authority of the suitability and adequacy of the implemented measures as meeting the requirements of these conditions and being consistent with current design standards and best practice.

### **Wastewater**

21. The toilets adjacent to the car parking area in the drainage depression on the west of the site are not to be used at any time and are to remain locked.
22. For general use where less than 20 people are present the toilets on the eastern side of the arena are to be used.
23. Where an event is held where there are more than 20 people, including spectators, portable toilets must be provided.
24. These requirements regarding the use of toilet facilities must be provided to all competitors and spectators attending large or small events.

### **Other Conditions**

25. An operational plan for the assessment and maintenance of the mountain biking and spectator access trails, the conduct of events including parking and camping management, and the use of toilets and other facilities is to be prepared and a copy provided to the Sydney Catchment Authority prior to the use of the site.
26. Appropriate signage and removable bollards are to be placed on the mountain bike and walking trails to prevent unauthorised access by motorbikes.
27. Upon completion and operation of the new CTMB trail the existing consent the subject of DA No.449/99 is to be surrendered.
28. The applicant shall ensure that any soil brought to the site is virgin material free of exotic weeds and is certified accordingly
29. Prior to adoption of the final track location the applicant shall arrange an additional inspection with council staff and other parties councils deems necessary in order to ensure the track is clear of any locations of terrestrial orchids known to occur at Hassans Walls Reserve.

30. Within 12 months of the commencement of operations of the CTMBC trail the applicant shall prepare a rehabilitation plan for the track in the event that the use of the facility ceases. This plan shall include what measures will be put in place by the applicant to rehabilitate the track in this event.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor W McAndrew.

An **AMENDMENT** was moved that Council defer this application until public consultation is sought.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

**For - 4**

**Against - 5**

On being put the **AMENDMENT** was declared **LOST**.

#### **09-156 RESOVLED**

##### **THAT:**

**A. THAT** Development Application/Construction Certificate 134/08 be approved subject to the following conditions:

##### **Administrative Conditions**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.

##### **Building Code of Australia Compliance**

2. All temporary buildings to be placed on the site during an event are to comply with the requirements of the Building Code of Australia, particularly relating to accessibility to persons with a disability.

##### **Remediation**

3. An operational plan for the remediation of the existing unauthorized mountain bike track is to be submitted for consideration within twelve (12) months of commencement of operation of the new CTMBC trail. This operational plan is to include the removal of all unauthorized structures and the rehabilitation of the track to its natural state.

##### **Land Management**

4. The following requirements of the Department of Lands shall be complied with before operation of the CTMBC trail:
  - a. The construction must be in accordance with the Track Construction Guidelines referred to in the DA, particularly with reference to sediment and erosion control measures.
  - b. Council as trust manager must ensure that any relevant licenses and leases are issue to the applicant.

- c. The development must be in keeping with Crown land principles as noted in the Crown Lands Act Section 11.
5. A detailed Risk Management Plan and Trail Maintenance Plan must be developed by CTMBC in accordance with the guidelines provided by the Department of Lands and Council prior to operation. Details of insurance coverage is to be provided to Council prior to operation.

**Mine Subsidence**

6. The CTMBC is to negotiate with the Mine Subsidence Board to determine the location of mining to ensure that the trail is located clear of any old mine workings.

**Access and Traffic**

7. The applicant is to negotiate with Council and Ceedive Pty Ltd to obtain agreement on temporary access in the present location onto the Pony Club land. Negotiations should also proceed to finalization of a permanent access to the Pony Club land either through Ceedive land or off upper Hassans Walls Road.
8. Mini buses are to be used as detailed in the submission to transport competitors and spectator to the trail head. A Traffic Management Plan is to be developed and implemented before operation.
9. Lithgow traffic Police are to be notified at least 48 hours prior to an event . Any stipulations of the Police form part of the consent conditions.

**Siltation and Sedimentation Controls**

10. All work on the trail is to be carried out in accordance with the guidelines detailed in the International Mountain Bike Associations Trail Solutions Manual, with particular reference to siltation and sedimentation control measures and track drainage.

**Amenity/Waste Management**

11. All amenities buildings to be located on site are to be self contained and are to be removed from site at the completion of any event. No waste is to be disposed of on site and no existing buildings or amenities on site are to be used for any event without prior approval of Council. The number of facilities to be provided for an event shall be determined in consultation with Council based on BCA requirements for the anticipated number of users.
12. Temporary garbage facilities are to be provided on site and removed at the conclusion of each event.
13. Canteen facilities are to comply with the requirements of the Food Act and are to be inspected prior to use to ensure compliance.

**Noise**

14. The operation of events is limited to daylight hours. No amplified noise is to be heard at the boundary of the nearest residential premises.

### Emergency Management

15. An Emergency Evacuation Plan is to be developed and implemented in conjunction with emergency services personnel to ensure that evacuation procedures can be quickly initiated in the event of an emergency such as injury or bush fire.

### Flora and Fauna

16. In accordance with the report from Epacris Environmental Consultants Pty Ltd the following requirements must be complied with:
  - a. The proposed trail and walking trail must be located 10 metres away from any Blackthorn shrub along the proposed route, to ensure that the Blackthorn, butterfly or attendant ant species are not impacted by the two trails and mountain bike riders and walkers. Fencing around some patches of Blackthorn is appropriate if considered necessary.
  - b. The CTMBC and the Lithgow Pony Club are to consider the location of the Blackthorn as butterfly habitat in any future development, with consideration through consultation with DECC to fencing of identified populations.
  - c. An education program must be implemented to make mountain bikers and pony club members aware of the importance of the butterfly habitat to the ecology of the location.

### Environmental Protection (SCA Conditions)

#### Site Plan

17. The Sydney Catchment Authority is to be provided with a detailed site plan showing the mountain biking and spectator access trails in relation to contours and drainage lines, the location nature of all proposed earthworks, including any clearing of any understory vegetation prior to any works being undertaken.

#### Construction Activities

18. An Erosion and Sediment Control Plan (ESCP) is to be prepared prior to any construction activity for all works proposed or required as part of the mountain biking and spectator access trails. It is to be prepared by a person with knowledge and experience in the preparation of such plans and **must** meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) Manual - the "Blue Book" and may incorporate elements of the IMBA "Trail Solutions" manual. The ESCP is to the satisfaction of the Sydney Catchment Authority.
19. Effective erosion and sediment controls are to be installed prior to any construction activity, and the site properly stabilised prior to its use. The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundcover established.

20. All earthworks including erosion and sediment control measures associated with the proposed mountain biking and spectator access trails **must** be supervised by a certified professional in erosion and sediment control, who is to advise the Sydney Catchment Authority of the suitability and adequacy of the implemented measures as meeting the requirements of these conditions and being consistent with current design standards and best practice.

**Wastewater**

21. The toilets adjacent to the car parking area in the drainage depression on the west of the site are not to be used at any time and are to remain locked.
22. For general use where less than 20 people are present the toilets on the eastern side of the arena are to be used.
23. Where an event is held where there are more than 20 people, including spectators, portable toilets must be provided.
24. These requirements regarding the use of toilet facilities must be provided to all competitors and spectators attending large or small events.

**Other Conditions**

25. An operational plan for the assessment and maintenance of the mountain biking and spectator access trails, the conduct of events including parking and camping management, and the use of toilets and other facilities is to be prepared and a copy provided to the Sydney Catchment Authority prior to the use of the site.
26. Appropriate signage and removable bollards are to be placed on the mountain bike and walking trails to prevent unauthorised access by motorbikes.
27. Upon completion and operation of the new CTMB trail the existing consent the subject of DA No.449/99 is to be surrendered.
28. The applicant shall ensure that any soil brought to the site is virgin material free of exotic weeds and is certified accordingly
29. Prior to adoption of the final track location the applicant shall arrange an additional inspection with council staff and other parties councils deems necessary in order to ensure the track is clear of any locations of terrestrial orchids known to occur at Hassans Walls Reserve.
30. Within 12 months of the commencement of operations of the CTMBC trail the applicant shall prepare a rehabilitation plan for the track in the event that the use of the facility ceases. This plan shall include what measures will be put in place by the applicant to rehabilitate the track in this event.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor W McAndrew.



**A DIVISION was called.**

**For**

**Councillor R Thompson  
Councillor H K Fisher  
Councillor W McAndrew  
Councillor G Danaher  
Councillor W Marshall  
Councillor N L Castle**

**Against**

**Councillor M F Ticehurst  
Councillor C Hunter  
Councillor J J McGinnes**

**ITEM:11            REG - 20/04/09 - SOUTH LITTLETON COMMUNITY HALL**

**REPORT FROM:            GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

**REFERENCE**

Min - F08-131 Finance and Services Committee Meeting 4 November 2008

**SUMMARY**

To provide an update on issues relating to the South Littleton Hall.

**COMMENTARY**

Council at its Finance and Services Committee Meeting of 4 November 2008 resolved to:

- *“Convene a Citizens Access Meeting at the South Littleton Scout Hall so that this issue can be discussed with the ratepayers.*
- *Council to investigate whether a Local Management Committee can be established.”*

The Citizens Access Committee Meeting was held on 15 January 2009, with the support for the retention of the facility shown by residents who attended. It was decided that a community representative would compile a list of likely users of the facility to assist Council in its planning and deliberations.

The following correspondence has now been received on behalf of the Littleton Hall Committee:

*“After discussions with Council on site on Thursday 15 January 2009, we were asked by Council to submit some groups etc that may be interested in the use of the Community Hall. As the hall has not been allowed by Council to be used for approximately 19 years as it deteriorated and was not allowed by Council to be hired out, this makes it hard to get anyone to agree to use it at this stage. Once you have a hall there that is available for hire we believe that groups and individuals would use the facilities.*

*Some of the groups and other that have showed interest are:*

*The Lithgow Line Dancers*

*The Pigeon Club*

*Yoga Classes*

*Tia Chi Classes*

*Other Dance Groups*

*Clogging Dance Group*

*Birthday Parties*

*Wedding Receptions*

*Family Functions or Get Togethers*

*Craft Classes*

*Meeting Place for other Groups and Organisations*

*At this time we have not had any agreements to use the hall until such time as we have an answer from Council and the old hall is replaced with a new one.”*

The Council may wish to consider if the general nature of the information provided thus far is enough to proceed in relation to the construction of a new hall. To at least plan for the possibility that the hall will be replaced a bulk amount of \$400,000 has been placed in a 10 year building works program nominating 2012/2013 as the year when a project would occur. However, it is suggested that a firmer list of users would be required prior to expenditure of the magnitude required. No works are currently proposed in 2009/2010.

In relation to Council’s resolution to “investigate whether a Local Management Committee can be established” it is suggested that it is premature to form such a committee until such time as there is a functional facility in operation.

## **POLICY IMPLICATIONS**

Nil at this stage.

## **FINANCIAL IMPLICATIONS**

No expenditure is currently proposed.

## **LEGAL IMPLICATIONS**

Nil at this stage

## RECOMMENDATION

### THAT:

1. The report on the South Littleton Hall be received and the committee be thanked for their input thus far.
2. Wider expressions of interest be sought through the local media with the input of the Littleton Hall Committee.
3. No further action be taken in relation to the hall or the formation of a Local Management Committee at this stage.

## 09-157 RESOLVED

### THAT:

1. The report on the South Littleton Hall be received and the committee be thanked for their input thus far.
2. Wider expressions of interest be sought through the local media with the input of the Littleton Hall Committee.
3. Council form a Sec 355 Local Management Committee for the South Littleton Hall.
4. Council call for quotations for a transportable building to replace the hall.
5. Council investigate funding sources from government grants and internal council sources

**MOVED:** Councillor J J McGinnes  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

**ITEM:12          REG - 20/04/09 - DISPOSAL OF PORTABLE SHED**

**REPORT BY: OPERATIONS MANAGER – STEPHEN DARLINGTON**

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## REFERENCE

Nil

## SUMMARY

The Portland SES has sought approval from Council to acquire a redundant portable shed from Council

## COMMENTARY

Council has received a request from the Portland SES to acquire from Council an old portable amenities shed for the purpose of training. The shed is currently located in the works compound at the Wallerawang Depot, and has not been used by Council for at least 10 years. The shed is surplus to Council's requirements and is of no value to Council.

The Portland SES is requesting the use of the shed for training purposes, to be located on an SES member's private property where training is routinely undertaken. The SES member is an employee of Council.

Council Policy 1.3 Acquisition and Disposal of Assets, outlines the procedure for the disposal assets. In cases where the asset is of a value of less than \$1000, the method of disposal is by approval of the General Manager. The policy also allows for the disposal of an asset by way of donation to a non-profit organisation.

Notwithstanding the delegations provided to the General Manager, this particular asset disposal requires complete transparency as it involves the disposal of the asset onto private property, the owner of which is a council employee.

As the asset is surplus to Councils requirements, it is recommended that the shed be disposed of by way of donation to the Portland SES.

**POLICY IMPLICATIONS**

The disposal has been considered in relation to Policy 1.3, Acquisition and Disposal of Assets

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**09-158 RESOLVED**

**THAT** Council dispose of the old portable amenities building, currently located at the Wallerawang Depot compound, by way of donation to the Portland SES.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor R Thompson

**ITEM:13            REG - 20/04/09 - PROVISION OF DISABLED ACCESS - LITHGOW  
WAR MEMORIAL OLYMPIC SWIMMING POOL**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**REFERENCE**

Nil

**SUMMARY**

To seek approval to adjust the 2008/2009 capital budget and to proceed with installing disabled access to the Lithgow Swimming Pool.

**COMMENTARY**

An amount of \$117,144 is included in the 2008/2009 budget for works to be carried out at Lithgow Swimming Pool on the following works:

- Tree Removal & Replacement -   \$20,419.20
- Disabled Access - Upgrade -       \$75,516.00
- Concrete concourse replacement -   \$21,209.60

In addition to this allocation, Council was also advised in 2008 that it was successful in receiving a Department of Sport and Recreation Capital Assistance Program Grant for \$30,000 to provide an access ramp into the Lithgow Olympic Pool. This grant is also to provide for concourse replacement to reduce the length of the pool to 50 metres.

A design and quotation for the construction of the disabled ramp has been received from a specialist firm, John Quinlan Spas and Pools, in the sum of \$101,680 inc GST. There is a small window of opportunity to complete the disabled ramp and refill the pool prior to the commencement of major frosts and the contractor will be ready to commence in the upcoming weeks.

Following discussions with the pool manager, it has been determined that the tree removal component of the project is not of a high priority and the money would be better allocated to works associated with the pool itself. The concrete concourse replacement and possible works to reduce the pool length will require further costing, although some work in the vicinity of the disabled ramp will be possible.

As this project was carried forward from the 2007/2008 budget it is not indicated in the management Plan and this will need to be added in the March Quarterly Review. It is important at this stage to proceed immediately with the installation of the disabled access ramp and obtain costings for the remaining works.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Largely the subject of this report.

## LEGAL IMPLICATIONS

Installation of a disabled access ramp will assist Council in fulfilling its obligations under the Disability Discrimination Act.

## 09-159 RESOLVED

### THAT:

1. The project for the Lithgow War Memorial Olympic Swimming Pool be adjusted to delete the removal of trees.
2. The additional expenditure on the disabled access component of the project be authorised with the overall budget (including grant funds) now as follows:
  - Disabled access - \$101,680
  - Concourse works - \$45,464
  - Total - \$147,144
3. An order be placed with John Quinlan Spas and Pools to undertake the installation of a disabled access ramp.

**MOVED:** Councillor W Marshall  
**CARRIED**

**SECONDED:** Councillor W McAndrew.

## ITEM:14 REG - 20/04/09 - DROUGHT MANAGEMENT UPDATE

### REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

## REFERENCE

Min 09-06 – Ordinary Meeting of 9 March 2009  
Min 09-20 – Ordinary Meeting of 30 March 2009  
Min 09-136 - Ordinary Meeting of 30 March 2009

## SUMMARY

To update Council on current drought management issues.

## COMMENTARY

At its Ordinary meetings of 9 March and 30 March 2009 the Council resolved to:

- Investigate other potential water sources other than Oberon Dam to allow Oberon Dam to replenish;
- Investigate ways of expediting the use of water from Clarence across the Council area; and
- Be provided with an update report every 3 weeks.

In response to these resolutions the following information is provided.

The level of Oberon Dam as at 7 April 2009 had declined to 13.73 percent. 33.7 mm of rain has been recorded at Bureau of Meteorology station nearest to the dam from 1<sup>st</sup> to 10<sup>th</sup> of April. From July to March a total of 616.2mm was recorded which is about 95% of the mean rainfall for this period at this station. For South Eastern Australia, the outlook for April to June indicates a moderate shift in the odds favouring wetter than normal conditions over eastern and northern NSW.

Lithgow Council's consumption from the Fish River Water Supply for March 2009 was 71 megalitres which is a slight improvement on 72.7 megalitres for March 2008. Back feeding of water from the Farmers Creek Supply to the Marrangaroo area has been occurring since 26 March 2009 and it will be interesting to note the consumption figures for April after this has been in operation for a month.

Discussions have taken place with representatives of State Water in relation to options relating to other potential water sources and the possible means of expediting the provision of water from the Farmers Creek Supply to areas currently serviced by Fish River. Of the options discussed it appears that the most feasible project would involve the installation of additional pumps and a duplicate main to one of Council's reservoirs. This would then deliver the necessary flow rates and the water should be able to be gravity fed through the Fish River pipeline to the villages. From discussions with the Department of Water and Energy it appears that the project may qualify for part funding under its drought relief program. The most likely partnership for the project may be for State Water to provide Project Management services and Council to contribute to the infrastructure for the component not covered in the program.

These details are subject to further negotiations but all parties agree that the project needs to be pursued as a matter of high priority.

State Water is also looking at the option of installing bores to produce additional water, however at this stage there is doubt whether sufficient yield would eventuate to make the project both viable and meaningful.

### **POLICY IMPLICATIONS**

Policy 12.2 relates to water restrictions from a non-compliance perspective.

### **FINANCIAL IMPLICATIONS**

Further negotiations need to take place on up front capital costs of a duplicate main and pumps although it is reasonable to anticipate that up to fifty percent would be covered by the Department of Water and Energy. It is logical and in Council's interests to own any additional infrastructure and therefore a contribution from Council looks likely. Although Council pays access charges to Fish River for its allocation which is constant, it would save on usage charges for any water it doesn't use from the Fish River supply. Balanced against this would be additional plant and pump operating costs. Also negotiations need to take place on the sale of Farmers Creek water to State Water balanced against Lithgow Council's use of State Water infrastructure.

**LEGAL IMPLICATIONS**

The most likely legal implications will relate to private commercial agreements between State Water and Council.

**09-160 RESOLVED**

**THAT:**

1. The report on drought management issues be accepted.
2. The General Manager be delegated authority to continue negotiations with State Water for a drought relief project.
3. The General Manager be authorised to submit an application to the Department of Water and Energy for drought relief funding.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor R Thompson



## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:15            **COMM - 20/04/09 - COUNCIL POLICY - INTEREST FREE LOANS FOR ADOPTION**

#### **REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK**

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#### **REFERENCE**

Min O08-165 – Ordinary Meeting of Council – 21 October 2008

Min P08-136 – Policy and Strategy Committee Meeting – 4 November 2008

Min 09- 66 – Ordinary Meeting of Council – 27 January 2009

Min 17-09 - Ordinary Meeting of Council – 16 February 2009

#### **SUMMARY**

This report recommends the adoption of Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans, following the advertising for public comment.

#### **COMMENTARY**

At the Ordinary Meeting of Council of 16 February 2009, the Council resolved the following with regards Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans:

1. Amends existing Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans to read:

*(ii) To set a combined limit of \$400,000 for all interest free loans to community groups.*

An additional point be added (at point 3) to read:

*Council has included the loan in its Management Plan.*

2. Places Policy 4.5 on public exhibition as a Draft for a period of 28 days and calls for public comment through advertisements in the Lithgow Mercury and reports back to the Council for final adoption.

The policy was advertised calling for public submissions with no submissions being received.

#### **POLICY IMPLICATIONS**

The adoption of this policy will amend the existing policy.

#### **FINANCIAL IMPLICATIONS**

NIL

## LEGAL IMPLICATIONS

NIL

## 09-161 RESOLVED

**THAT** the Council adopts DRAFT Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor G Danaher

**ITEM:16            COMM - 20/04/09 - DRAFT LITHGOW GOLF COURSE PLAN OF  
MANAGEMENT LOT 1/840412**

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE  
LOLLBACK**

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## REFERENCE

Minute 07-519: Policy and Strategy Committee: 3 December 2007

Minute 05-09: Ordinary Meeting of Council: 27 January 2009.

## SUMMARY

This report recommends that the DRAFT Lithgow Golf Course Plan of Management be advertised calling for public submissions for a period of 28 days with a period of 42 days allowed for response.

## COMMENTARY

This report was tabled at the Ordinary Meeting of the Council held on 30 March 2009. It was withdrawn from the agenda following the need to clarify whether a Draft Plan of Management for Lot 1/840412, known as the Lithgow Golf Course, could be prepared and endorsed for advertising as a Notice of Motion previously put to the Council for such an action had been LOST.

## Council Resolutions

On the 3 December 2007 the Council resolved:

*That a Local Environmental Plan be prepared for the reclassification of the Union Theatre Stables as illustrated on the plan, Lithgow Golf Club, Fire Control Centre and Meadow Flat Rural Fire Service lands.*

The report states that these lands be reclassified from 'community' to 'operational' land.

On the 27 January 2009 the Council resolved the following:

*That a meeting be held as a matter of urgency with the Golf Club Management Committee to immediately put in place a long term lease agreement.*

On the 16 February 2008 the following motion was put and LOST:

***THAT*** the Council formally determine to maintain the classification of Lot 1/840412 at Marrangaroo as Council owned freehold community land.

***THAT*** the Council formalise and exhibit a Plan of Management, as set out under the Local Government Act, for the Council owned community land situated at Lot 1/840412 at Marrangaroo.

Legal advice has now been received from the Local Government and Shires Association which states:

1. "Section 36 of the Local Government Act 1993 requires that a council must prepare a draft Plan of Management for community land.
2. Lithgow Golf Course is community land and is known as Lot 1/840412.
3. the second part of a notice of motion put to council in January 2009 (refer: 16 February 2009) sought the preparation of a Plan of Management for Lot 1/840412.
4. the notice of motion was lost
5. council prepared a Plan of Management for Lot 1/840412 which was put to the March council meeting.
6. a point of order was called at the March council meeting stating that if the Plan of Management for Lot 1/840412 was to be put to council, a rescission motion would have to be passed to rescind the decision of the January meeting.
7. the Mayor stopped the Plan of Management from being tabled at that meeting.

Page 29 of the Meetings Practice Note published by the Department of Local Government has this to say about Notices of Motion that have been lost:

***Can a council rescind its decision not to pass a motion at an earlier meeting? When a motion is not passed, this will result in no decision being made or no opinion being expressed by the council. It does not mean that the council takes the opposite view or position to that expressed in the motion.***

The wording in Section 36 is that a council "must" prepare a draft Plan of Management for community land. (my emphasis)

It is my opinion that the original Motion to require council to prepare a Plan of Management for Lot 1/840412 would only have served to highlight what was council's legislative imperative by way of Section 36 of the Local Government Act 1993. Council have legislative requirement to prepare the Draft Plan of Management.

*As pointed out in the Meetings Practice Note, simply because the Motion at the January meeting was lost does not mean that council has taken the opposite view that they should not prepare the Plan of Management. Council could not make a decision not to prepare Draft Plan of Management for Lot 1/840412.*

*Council, by preparing a Draft Plan of Management for Lot 1/840412 have undertaken their legislative duties as required by Section 36 of the Local Government Act 1993.”*

Based upon this advice the Plan of Management is now tabled for the consideration of the Council.

### **Classification of Land under the Local Government Act 1993**

The land upon which the Lithgow Golf Course sits is currently classified as ‘community’ land under the Local Government Act 1993 (Act). As per the resolution of the Council of 3 December 2007, consideration will be given to changing the classification of the land to ‘operational’ as part of the development of a comprehensive Local Environmental Plan for the Council. This process is not expected to be completed until early 2010.

Under the Act, a lease cannot be granted unless a Plan of Management is in place that identifies the permissible uses of that land should a lease, licence or other estate be granted.

### **Lease**

The Lithgow Golf Club Limited currently holds a lease over the golf course with the permitted uses of: public golf course, licensed club house, golf pro shop, upstairs manager’s residence.

This lease has a commencement date of 1 May 2004 and a termination date of 30 April 2009. The Lithgow Golf Club Limited has requested the renewal of the lease.

The terms of the lease state under Clause 12.4 the following:

*12.4 If the landlord allows the tenant to continue to occupy the property after the end of the lease period (other than under a new lease) then –*

*12.4.1 the tenant becomes a monthly tenant and must go on paying the same rent and other money in the same way that the tenant had to do under this lease just before the lease period ended (apportioned and payable monthly)*

*12.4.3 either the landlord or the tenant can end the monthly tenancy by giving, at any time, one month’s written notice to the other expiring on any date....*

### **Legal Advice**

Legal advice has been received from Council’s solicitors who advise the following:

*Section 46 of the Local Government Act prohibits the leasing of Community Land unless certain conditions are satisfied, one of which is that the council shall firstly have adopted a Plan of Management in respect of the land, and another of which is that Lease must be consistent with the Plan of Management.*

*As a consequence of entering into the lease in breach of the Section 46 prohibition, the Lease would be considered void.*

*The Lease has been registered under the provision of the Real Property Act 1900, with the consequence that the indefeasibility of title provisions of the Act become relevant.*

*Notwithstanding non-compliance with Section 46 as referred to above, there is clear authority that registration under the Real Property Act 1900 of a dealing (e.g. a Lease) conferring an estate or interest in land (e.g. a Leasehold estate) is paramount, and confers on the party receiving the estate or interest an indefeasible title to that estate or interest, notwithstanding that the dealing may be void. In this instance, therefore, the registration of the Lease under the Real Property Act creates an enforceable Lease notwithstanding the Section 46 prohibition.*

*The Lease is for a term commencing on 1 May 2004 and ending at the conclusion of 30 April 2009. There is no option to renew. However, by virtue of Clause 12.4 of the Lease, the Lease may continue as a month to month tenancy after the end of the specified term.*

*Should Council wish to enter into a new long term Lease with Lithgow Golf Club Limited, Council should give consideration to the classification of the land, and if the existing Community Land classification is retained, Council must adopt a Plan of Management in respect of the land prior to entering into the new Lease, to avoid a further non-compliance with Section 46.*

### **Implications of Legal Advice**

The above legal advice identifies that the provision of a lease is in breach of the Act. However, as the lease was registered under the Real Property Act, it is an enforceable lease and may continue on a month by month basis. The advice also highlights that there is no option to renew the lease until a Plan of Management is in place (as the land is classified as 'community') or until such time as the land is classified as 'operational'.

On the 27 January, the Council resolved *'That a meeting be held as a matter of urgency with the Golf Club Management Committee to immediately put in place a long term lease agreement'*.

To achieve the outcome of a lease, and to comply with the Act until such time as the land is classified as 'operational', a Draft Plan of Management has been prepared and is submitted to Council for consideration. Under the Act the Plan of Management must be advertised for 28 days, allowing for a response time of 42 days.

The lease that is put in place will then be able to continue when the land is classified as 'operational'.

### **Legislative Framework for Plan of Management**

It is a requirement under the Act that a Plan of Management be developed for 'community' land and that the Plan of Management specifies objectives for the management of the land.

This attached Draft Lithgow Golf Club Plan of Management details the objectives for the management of the land and the purposes for which a lease may be granted for the Lithgow Golf Course and Club House.

The Department of Local Government **Public Land Management Practice Notes** provide the following:

*Classification as 'community' land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. Community land:*

- *Cannot be sold*
- *Cannot be leased, licenced or any other estate granted over the land for more than 21 years*
- *Must have a plan of management prepared for it...*

*The minimum requirements under the Act are that a plan of management must:*

- *categorise the land in accordance with s.36(4) and (5)*
- *contain objectives for the management of the land*
- *contain performance targets*
- *specify the means of achieving the objectives and performance targets*
- *specify how achievement of the objectives and performance targets is to be assessed (s.36(3))....*

*For plans that are specific to one area of land made after 1 January 1999, the plan must also:*

- *describe the condition of the land as at the adoption of the plan*
- *describe the buildings on the land as at adoption*
- *describe the use of the buildings and the land as at adoption*
- *state the purposes for which the land will be allowed to be used, and the scale and intensity of that use (s.36(3A)).*

### **Categorisation of Community Land**

*Community land must be categorised according to the list in the Act, s.36(4). The categories reflect land use and/or describe the physical characteristics of the land. Categorisation is intended to focus council's attention on the essential nature of the land and how that may best be managed. ...*

**Significance of categorisation**

*Categorisation of community land has always been an effective way in which to focus on the essential aspects of each area of land. ....*

*First, community land must be managed in accordance with the core objectives for the relevant category. They apply as a result of the legislation and are not optional. Other objectives may be nominated by council, but neither these nor any other part of a plan of management should be inconsistent with the core objectives. ...*

*Second, a council may only grant a lease, licence or other estate in community land if the purpose of the grant is consistent with the core objectives for the category. This applies regardless of the actual authorisation for leases etc contained in a plan of management.*

Section 35 (4) of the *Local Government Act*, 1993 requires all community land to be categorized as one or more of the following:

- (a) *natural area,*
- (b) *a sportsground*
- (c) *a park*
- (d) *an area of cultural significance*
- (e) *general community use.*

**Plan of Management**

A Draft Plan of Management has been prepared for Lot 1 DP 840412 commonly known as the Lithgow Golf Course. The Draft Plan of Management addresses the requirements under the Act.

This Draft Plan of Management categorises the subject land as:

***Sportsground*** - *being land used or proposed to be used primarily for active recreation involving organized sports or the playing of outdoor games.*

The Plan expressly authorizes the provision of a lease and associated licenses over the golf course and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

These activities are consistent with the categorization of the land as 'sportsground'.

**POLICY IMPLICATIONS**

This Plan of Management complies with the Local Government Act 1993.

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

The adoption of a Plan of Management will allow the Council to enter into a new Lease over Lot 1 DP 840412 commonly known as the Lithgow Golf Course.

## RECOMMENDATION

**THAT** the Council:

1. Advertises for a period of 28 days calling for public submissions on the Draft Lithgow Golf Course Plan of Management.
2. A report be put back to the Council following the advertising for public submissions on the Draft Golf Course Plan of Management.

Councillor W McAndrew declared an interest and he vacated the Chambers at 8.41pm.

## 09-162 RESOLVED

**THAT** the Council:

1. Advertises for a period of 28 days calling for public submissions on the Draft Lithgow Golf Course Plan of Management.
2. A report be put back to the Council following the advertising for public submissions on the Draft Golf Course Plan of Management.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor R Thompson

For - 6  
Against - 2

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

Councillor R Thompson  
Councillor H K Fisher  
Councillor W McAndrew  
Councillor G Danaher  
Councillor W Marshall  
Councillor C Hunter

AGAINST  
Councillor M F Ticehurst  
Councillor J J McGinnes

Councillor McAndrew returned to the chamber at 8.59pm.



**ITEM:17            COMM - 20/04/09 - LOCATION FOR NEW LITHGOW SKATE PARK**

**REPORT FROM COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS**

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**REFERENCE**

Min O08- 246: Ordinary Meeting 15 December 2008

Min 22-09: Ordinary meeting 27 January 2009

**SUMMARY**

This report details the outcomes of the community Skate Park Meeting held Wednesday 8<sup>th</sup> April 2009 to discuss the shortlisted sites in the Watsford and Conran Oval area for the new Lithgow skate park and recommends that Council endorse the existing showground site as the final location.

**COMMENTARY**

At the Ordinary meeting of Council on 27 January 2009, Resolution 22-09, Council resolved that:

*Council convene a Citizens access meeting as a matter of urgency to be held at Albert Streets precinct to inspect the location for a possible skate park and meet with the various stakeholders.*

Subsequently, a community meeting including skaters was held on 6 February 2009 at Watsford and Conran Ovals where the following two sites, Options 1 and 2, were discussed.

**Option 1 - A site between Conran Oval, James Street and Albert Street.**

Concerns were raised by those present about the impact on parking for those attending cricket matches, road safety and parking issues due to James St being narrow, the slope of the land, lack of shade, the impact on nearby residents and whether there was sufficient land available to construct the skate park while allowing for ancillary works such as seating and for future expansion if further funding becomes available.

**Option 2 Watsford Oval**

Discussion indicated that their preferred site for a skate park was on the edge of Watsford Oval, adjacent to George Coates Street and Farmers Creek.

It was recommended at this meeting, that Council investigate the viability of this site to gauge it's suitability for the construction of a new skate park and feedback the results through a follow up community meeting.

Subsequent investigations by Council Officers found a number of problems with the Watsford Oval site including:

- Water and sewer mains, including a 300mm Fish River supply main, run under Watsford Oval and converge in the corner where it was proposed to locate the skatepark.

- Flood mitigation work is scheduled to be done on Farmer's Creek over the coming months which will conflict with the skate park construction period.
- Toilets amenities to be moved
- Conflicts with cricket oval users.
- There would be little room for future upgrade of the skate park.

Although this had been the preferred site of those at the 6 February 2009 meeting, Council officers subsequently came to the conclusion that the above constraints would exclude this site from further consideration.

Council officers therefore presented two alternative locations to the 8 April meeting:

**Option 3 - The car parking area adjacent to Conran and Watsford Ovals and James street.**

Concerns were raised by community members and skaters present about this site including:

- Impact on parking during cricket matches and other public events
- Road safety and parking issues due to James Street being narrow
- Removal of large tree would be required.
- Skate Park will change the positive dynamic of area
- Rubbish blowing into property
- Whether there is sufficient room available after the skate park is built, for upgrade and ancillary works such as seating etc.
- The site would require extensive earthworks to provide a level site
- Vandalism on site and nearby houses
- Noise
- Lack of toilet facilities
- Future expansion would require encroachment onto the existing Watsford Oval

The skaters and bike riders present at the meeting stated that this was a good site that could meet their needs however they understood the concerns raised by residents.

**Option 4 - The existing Tony Luchetti Showground Site**

This site had been considered at the first skate park meeting held on 10 November 2008. Concerns were expressed at that meeting about its condition, the appropriateness of its design, that it was not family friendly, the metal surface becomes hot in summer and slippery during rain and access is difficult when the Showground is locked for other events.

The general feeling at the 10 November 2008 meeting was that although not the first preference, the Showground site was still a viable option if a completely new skate park were to be constructed there and if the access issues could be resolved.

Due to the constraints on all other sites, the 8 April meeting gave further consideration to the Showground site.

The community members and skaters present at the 8 April meeting gave considerable support to this location based on the following:

- The new skate park would be constructed within the current boundaries of the existing skate park, an area of approximately 70x40 metres. This will provide enough room for future expansion.
- The existing skate park will be completely removed.
- A new perimeter fence will be constructed so that access will be from the street, not the Showground.
- Further consideration will be given to access to toilet facilities.

### **Summary**

Detailed consideration has been given by the community, skaters and Council to a number of potential sites. All of these sites, except the existing site, have constraints that prevent construction within budget and the 30 September 2009 deadline set by the Commonwealth Government. There is community and skater support for construction on the existing site provided that the design meets skater requirements and that access is via the street, not the showground. The showground site allows for future expansion and sufficient parking.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Funding allocated to the skate park will have to be spent by 30 September 2009.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

### **RECOMMENDATION**

**THAT** due to constraints on all other potential sites and the strong feedback from the community, the new skate park be constructed on the existing skate park site at the Tony Luchetti Showground.

### **MOTION**

**THAT** the skate park be placed on Watsford Oval.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor M F Ticehurst.

On being put this was declared **LOST**.

### **09-163 RESOLVED**

**THAT** due to constraints on all other potential sites and the strong feedback from the community, the new skate park be constructed on the existing skate park site at the Tony Luchetti Showground.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor G Danaher

**CARRIED**

## **COMMITTEE MEETINGS**

**ITEM:18            COMM - 20/04/09 - TOURISM ADVISORY COMMITTEE MINUTES 3  
                         MARCH 2009**

**REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE  
LOLLBACK**

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### **REFERENCE**

Min 09-76: Ordinary Meeting of Council 16 February 2009

Min 09-140: Ordinary Meeting of Council 30 March 2009

### **SUMMARY**

This report details the Minutes of the Tourism Advisory Committee Meeting held on 3 March 2009 for Council adoption.

### **COMMENTARY**

At the Tourism Advisory Committee Meeting held on 3 March 2009, there were (10) ten items discussed by the Committee.

1. Confirmation of Minutes
2. Business Arising
3. Presentation - BMTL
4. Future Directions – Hassans Walls Lookout Update
5. Tourism Office Report
6. Brochure Distribution/Kiosks
7. Lithgow Tourism Memberships
8. No agenda item
9. Information on John King Workshop – BMTL
10. General Business
11. Branding Workshop

The minutes contain updates on the Tourism Advisory Committee with recommendations for Council.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

**09-164 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Tourism Advisory Committee held on 3 February 2009.
2. Notes a membership drive for Lithgow Tourism be carried out in association with the Lithgow Business Association.
3. Notes that non-member tourism product will be identified and membership recruitment will be carried out.

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

**ITEM:19            REG - 20/04/09 - SPORTS ADVISORY COMMITTEE - MINUTES OF MEETING HELD 23 MARCH 2009**

**REPORT BY:    STRATEGIC ENGINEER – LEANNE KEARNEY**

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**SUMMARY**

Details of the minutes of the Sports Advisory Committee Meeting held on Monday, 23 March 2009 are provided for Council consideration.

**COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 23 March 2009, there were twelve (12) 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

**09-165 RESOLVED**

**THAT:**

1. The Junior Sports Star Award be awarded to Jenna Heath (Athletics) for the month of February 2009 and the Senior Sports Star Award be awarded to Ben Houlison (Adaptive Rowing) for the month of February 2009, and for merit certificates to be awarded to the other nominees.
2. The Draft Terms of Reference for the Sports Advisory Committee be adopted by Council.
3. Permission be granted to the Uniting Church in Australia Parish of Lithgow to use Blast Furnace Park, Lithgow on Sunday, 12 April 2009 between 4.00am and 9.00am to conduct an Easter church service.
4. A meeting be arranged by Council involving Portland Trainers, Portland Junior Rugby League and Council to negotiate appropriate shared use of Kremer Park, Portland for 2009. *(NB: This meeting was subsequently held with a representative from each group and agreement was reached as to the shared use of Kremer Park during the 2009 Junior Rugby League Season)*
5. Permission be granted to St Patrick's Primary School to use:
  - o Lake Wallace, Wallerawang – Friday, 20 March 2009 for the annual Cross Country event
  - o Lithgow War Memorial Olympic Swimming Pool, Lithgow – Friday, 5 February 2010 for the annual swimming carnival
  - o Jim Monaghan Athletics Oval, Lithgow – Friday, 13 March 2009, Wednesday, 8 April 2009, Thursday, 19 and Friday, 20 November 2009 for trials for the annual Athletics Carnival and

- Jim Monaghan Athletics Oval and Tony Luchetti Sportsground, Lithgow - Friday, 15 May 2009 for the annual infants Athletics Carnival
- 6. The information in relation to the 2009 Coach the Coach conference conducted by the Western Region Academy of Sport be received.
- 7. Permission be granted to Lithgow District Soccer Association Inc to use Marjorie Jackson Oval, Lithgow to conduct training and competition games for the 2009 soccer season from 1 April 2009 to 30 September 2009.
- 8. Permission be granted to Portland Central School to use Saville Park and Kremer Park, Portland for primary sport on Wednesdays between 2.00pm and 3.00pm throughout 2009, and to use Kremer Park, Portland on Tuesday, 7 April 2009 to conduct their annual athletics carnival.
- 9. Council arrange for the removal of the existing storage container at Jim Monaghan Athletics Oval, Lithgow.
- 10. Repairs be carried out on the large hole in the fence at Tony Luchetti Sportsground, Lithgow (between Barton Street and the boundary with Jim Monaghan Athletics Oval).
- 11. A report be provided to the next Sports Advisory Committee in relation to outstanding maintenance issues at Kremer Park, Portland, as identified by the Portland Owners and Trainers.
- 12. Permission be granted to the Lithgow Athletics Club to use Jim Monaghan Athletics Oval, Lithgow on Wednesday afternoons between 4.00pm and dusk to conduct training, subject to written application.

**MOVED:** Councillor H K Fisher    **SECONDED:** Councillor G Danaher  
**CARRIED**

## **BUSINESS OF GREAT URGENCY**

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

### **UB - 20/04/09 - COUNCILLOR J J MCGINNES**

1. Mr Mayor can Council please clean up the memorial on Scenic Hill for Anzac Day?

#### **09-166 RESOLVED**

**THAT** the matter of the cleanup of the memorial located on Scenic Hill be cleaned for Anzac Day be declared urgent in accordance with Clause 241 of the Regulation and be dealt with at this meeting

**MOVED:** Councillor J J McGinnes    **SECONDED:** Councillor H K Fisher  
**CARRIED**

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

#### **09-167 RESOLVED**

**THAT** the memorial located on Scenic Hill be cleaned for Anzac Day.

**MOVED:** Councillor J J McGinnes    **SECONDED:** Councillor H K Fisher  
**CARRIED**

Meeting closed at 9.20pm.