



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

11 MAY 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 11TH MAY 2009**

Meeting Commenced 7.00pm

Public Gallery: 24

PRESENT

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

APOLOGIES

Nil

Also in attendance

General Manager, Mr Roger Bailey
Group Manager Regional Services, Mr Andrew Muir
Acting Group Manager Community and Corporate Services, Mr Matthew Johnson
Executive Secretary, Miss Cortney Wood
Internal Services Manager, Carol Farnsworth
Plant Supervisor, Mark Cronin

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 14 April 2009 were taken as read and confirmed by Councillors H K Fisher and Councillor W Marshall.

09-168 RESOLVED

CARRIED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 20 April 2009 were taken as read and confirmed by Councillors H K Fisher and Councillor W Marshall.

09-169 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor MF Ticehurst declared an interest in item 21 due to being a resident adjacent to the road.

The Group Manager of Regional Services declared a pecuniary interest in item 10 due to being an owner of the property and will vacate the Chambers.

PUBLIC FORUM

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

QPG - 11/05/09 - BARRY SMYTH

1. Mr Mayor, a rescission motion was put in by certain Councillors in regards to the \$3.8 million Regional and Local Community Infrastructure Grant that was recently announced:
 - a) Did any Councillors vote against it?
 - b) If so, can you please advise which Councillors voted against it?

The Mayor and Councillors responded to the question.

QPG - 11/05/09 - GREG NOBLE

1. Mr Mayor, does Council accept that there is a practical corridor for a highway over Newnes Plateau bypassing the army land at Marrangaroo?

The Mayor and responded to the question.

QPG - 11/05/09 - DAVID PETERS

1. Mr Mayor, does Council accept that major towns have thrived after major highways have been by-passed?

The Mayor responded to the question.

QPG - 11/05/09 - DENNIS BLEG

1. Mr Mayor, the community is aware that decisions to build roads must take into account a wide range of factors, like economics, politics and impact on particular residents and businesses. My question is where on this list of priorities does Council place the safety of our residents?

The Mayor advised that Council holds the safety of its rate payers in high regard.

2. Mr Mayor, With safety being a priority, and with the knowledge that the use of massive trucks in ever greater numbers on a road that passes through each busy village in the Blue Mountains will endanger the residents of Lithgow, all of whom need to use this road, does the Council support the construction of a so called upgraded Great Western Highway for the purpose of facilitating "high productivity freight" (alias B-Doubles) as per Bob Debus' election commitment?

The Mayor advised that there had been no indication that the upgrade of the Great Western Highway would increase the size and number of trucks on the road.

3. Mr Mayor, is this Council concerned that it's legacy on behalf of the ratepayers of this city should be to contribute to a far-sighted solution to the freight transport needs of the Central West as well as stand to protect the safety of those residents, rather than support, either by action or inaction yet another band aid answers like the 4 corridors through Hartley proposed by the RTA?

The Mayor advised that Council will leave a positive legacy and that to sit on our hands and do nothing would be a bad thing.

QPG - 11/05/09 - PIP CHILDS

1. Mr Mayor, in an increasingly carbon constrained world with rail being the most efficient form of transport for freight and the well known safety issues concerning the use of B-Double trucks on our busy highways, Does Council agree that a move towards rail would be more appropriate? In regards to Safety, there needs to be more random speed checks though Hartley including on the Mt Victoria Pass and River Let Hill as there are a lot of speeding trucks. We ask that the Council make representations to Mr Debus advising Council does not support the highway option to go through Hartley.

The Mayor advised that the Bells Line Express Way proposal does have a rail corridor as its centre piece.

QPG - 11/05/09 - SARAH CHILDS

1. Mr Mayor, can Council make representation to State and Federal Government to look at making Lithgow the Redfern of the West and sell Lithgow as an environmental leader by pushing for Rail and support tourism in the region to boost the economy. Does Council agree that there is the need for the installation of a speed camera on River Let hill and Mt Victoria Pass?
-

QPG - 11/05/09 - ANN CHRISTIE

1. Mr Mayor, in regards to the Development Application for the construction of Mountain Bike Track, is this access to the Land owned by Ceedive Pty Ltd? If so, did Ceedive give written permission to use the land for this? What does this mean to the status of the approval?

The Group Manager of Regional Services advised that the application did not rely on access given by Ceedive.

QPG - 11/05/09 - DAVID PETERS

1. Mr Mayor, a public meeting at Hartley saw a number of residents voted unanimously to support a reintroduction of a Newnes corridor option for the Mt Victoria to Lithgow Highway Upgrade. Will the Council support the oft-repeated view of the ratepayers of Hartley and Lithgow that the Newnes Plateau corridor should be properly considered?

QPG - 11/05/09 - DAVID PETERS

1. David Peters made a statement on behalf of the Hartley Highway Action Group. The Hartley Community asks to have the RTA reconsider the inclusion of the Newnes Corridor in their planned Lithgow to Mt Victoria upgrade. We strongly believe that the rejected corridor was positioned unnecessarily across army land and that there is ample scope to avoid this obstacle. The same arguments that persuaded the RTA to include an assessment of the Newnes Corridor in the first place are no less valid today.

The prime consideration here is for the safety of the residents for whom this road is their only connection with many necessary services available in Sydney. These residents are right to believe that first and foremost Lithgow Council has a duty of care to protect their physical safety and that of their families, therefore they have the right to expect that their Council will not let them down at this time.

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MAYORAL MINUTE

ITEM:1 MAYORAL MINUTE - 11/05/09 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING

COMMENTARY

On Sunday the 3rd May 2009 the Council was officially informed that it had been successful in acquiring a grant of \$3.285M from the Regional and Local Community Infrastructure Program from the Federal Government. This will be a contribution to \$4.16M of work and will include a partnership with the Lithgow Hockey Association.

The work will be to have major improvements for an overall sporting and cultural precinct in the Lithgow area. The works include:

- Major improvements to the general precinct of the Tony Lucehetti Sports Grounds;
- Significant improvements to the Ashley grandstand;
- Improvements to the Civic Ballroom;
- Additional money for the Lithgow Skate Park; and
- Replacement of the sand based Hockey turf with a water based turf at the Glanmire Oval

More details of the works in the attachments.

This successful application came about through successful negotiations and lobbying between Council and the Federal Member Bob Debus who had been particularly supportive of our application. Indeed following a conversation between myself and the Federal Member, the information from that being relayed to Council precipitated a rescission motion which I obviously applaud so that the application could indeed cover a number of things that have been included and now granted.

It is clear to see that even though there had been some minimal opposition to this particular idea, the decision of Council and subsequent very hard work of Council staff in having the application done correctly and submitted on time has paid off.

This amount of money will be not only a huge benefit to the Lithgow Council and our community but will also provide many opportunities. This will be good as I am sure some of this work will be able to be done by our own staff and some work may go to other people in the local area.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council note the grant from the Regional and Local Community Infrastructure Program funds.
2. Council write to congratulate the Federal Member, Bob Debus for his support for the project
3. Council Officers prepare a report for the program of works to complete for the grant
4. Council congratulate the staff that were so integral in the hard work to have the application prepared and organise a suitable function for those staff.

MOTION

THAT:

1. Council note the grant from the Regional and Local Community Infrastructure Program funds.
2. Council write to congratulate the Federal Member, Bob Debus for his support for the project
3. Council Officers prepare a report for the program of works to complete for the grant
4. Council congratulate the staff that were so integral in the hard work to have the application prepared and organise a suitable function for those staff.
5. Council's Economic Development Officer investigate the possibility of holding a National Rugby League match in Lithgow once the Tony Luchetti Sports oval and grand stand works are completed in 2010.

MOVED: Councillor N C Castle

SECONDED: Councillor H K Fisher.

AMENDMENT

THAT:

1. Council note the grant from the Regional and Local Community Infrastructure Program funds.
2. Council write to congratulate the Federal Member, Bob Debus for his support for the project.
3. Council Officers prepare a report for the program of works to complete for the grant.
4. Council congratulate the staff that were so integral in the hard work to have the application prepared and organise a suitable function for those staff.
5. All the project works associated with these Grant Funds for the outlined community and sporting infrastructure be put out for public tender to demonstrate both the Federal Government and Lithgow City Council's support for stimulating the local employment and business economy during the global economic recession as outlined in the Media Statement by the Hon Anthony Albanese MP and the Hon Bob Debus MP.

MOVED: Councillor MF Ticehurst **SECONDED:** Councillor JJ McGinnes

The **AMENDMENT** was put to a vote and declared **LOST**.

09-170 RESOLVED

THAT:

1. Council note the grant from the Regional and Local Community Infrastructure Program funds.
2. Council write to congratulate the Federal Member, Bob Debus for his support for the project
3. Council Officers prepare a report for the program of works to complete for the grant
4. Council congratulate the staff that were so integral in the hard work to have the application prepared and organise a suitable function for those staff.
5. Council's Economic Development Officer investigate the possibility of holding a National Rugby League match in Lithgow once the Tony Luchetti Sports oval and grand stand works are completed in 2010.

MOVED: Councillor N C Castle

SECONDED: Councillor H K Fisher.

CARRIED

NOTICES OF MOTION

ITEM:2 NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - PROPOSED UPGRADE OF THE GREAT WESTERN HIGHWAY FROM MT VICTORIA TO LITHGOW

MOTION TITLE/TOPIC:

RTA confirmation that the Newnes Plateau is now not an option for the proposed upgrade of the Great Western Highway from Mt Victoria to Lithgow.

Listed by Councillor Martin Ticehurst.

Date: 12 April 2009.

REFERENCES:

ABC New Report of Thursday 2 April 2009.

BACKGROUND

The following information is from an ABC Central West Radio news report.

"The New South Wales Roads and Traffic Authority (RTA) has ruled out a corridor through the Newnes Plateau as a possible route for an upgrade of the Great Western Highway.

The authority has announced four corridors between Mount Victoria and Lithgow, west of Sydney, will now be considered for the proposed upgrade.

The decision was made after the RTA reviewed 462 public submissions on the five corridors initially identified.

RTA regional manager Peter Dearden says the Newnes Plateau option is not feasible because it passes through the Marrangaroo Army Base.

"We found out that Marrangaroo Army Base was essential to the Department of Defence and the department were not willing to negotiate to relocate that facility," he said.

"We also talked further to them about unexploded munitions and a number of other uses at the base [and] it was quite clear that we were not going to find a feasible route within that original Newnes Plateau corridor.

"We satisfied ourselves that the importance of that facility and the nature of its current use, the costs that might be involved either to clean up the site or to relocate that facility - which would all add to the cost of the Newnes Plateau corridor option were it to proceed - were all enough to make that corridor no longer feasible."

Environment group Colong Foundation for Wilderness says the decision will protect a natural wonderland.

Director Keith Muir says building a tunnel for the Mount Victoria bypass and improving the existing road are less damaging solutions.

But the Central West Regional Organisation of Councils says the outcome could jeopardise the future of the Bells Line Expressway.

Chairman Neville Castle says it is a disappointing the route was ruled out.

"That option was likely to be the start of the Bells Line Expressway," he said.

"If that's going to be ruled out at this stage then I guess it is a case of back to the drawing board to see if there is any other ways of being able to get the project up and running."

Mr Castle says there should have been further public consultation before the Newnes Plateau was rejected.

"It was our understanding that the actual corridors would still remain in contention until further information had been gathered and that that had come through to further public meetings," he said.

RECOMMENDATION

THAT

1. The Council make urgent representations to the State Member, Gerard Martin, Federal Member, Bob Debus to have their consultants, the RTA re-consider their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.
2. Council makes urgent representations to CENTROC, requesting that they support and seek an independent financial opinion on the costs put forward by the RTA for their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.

Signed: M F Ticehurst

MOTION

THAT

1. The Council make urgent representations to the State Member, Gerard Martin, Federal Member, Bob Debus to have their consultants, the RTA re-consider their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.
2. Council makes urgent representations to CENTROC, requesting that they support and seek an independent financial opinion on the costs put forward by the RTA for their decision to refute the Newnes Plateau option for the upgrade of the Great Western Hwy between Mt Victoria and Lithgow.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor JJ McGinnes.

The Motion was put to a vote and was declared **LOST**.

**09-171 RESOLVED
THAT**

1. Council ask the Federal Member that all aspects of a future Bells Line of road express way be considered in the Central West Transport Needs Study including the Newnes Plateau option and allow this corridor to be preserved for the future.
2. State Government move to select a corridor from the remaining four corridors as a matter of urgency to at least allay the concerns of residents affected by the remaining three options and move to engage with those affected by the final route.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W McAndrew

A **DIVISION** was called by Councillor MF Ticehurst and Councillor JJ McGinnes.

For

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

Against

Councillor C Hunter
Councillor M Ticehurst
Councillor J McGinnes

**ITEM:3 NOTICE OF MOTION -11/05/09 - COUNCILLOR M F TICEHURST -
LITHGOW ANIMAL POUND BREAK - IN**

MOTION TITLE/TOPIC:

Lithgow City Council Media Release – ‘Lithgow Animal Pound Break-in’.
Listed by Councillor Martin Ticehurst. Date: 12 April 2009.

REFERENCES:

Lithgow City Council Media Release on 9 April 2009.

BACKGROUND

The following information is from a Lithgow City Council Media Release issued on the 9 April 2009 and titled: ‘Lithgow Animal Pound Break-in’.

'A senseless and cruel break-in occurred at the Lithgow Pound in Geordie Street overnight on 7th/ 8th April 2009 resulting in the death of a number of dogs. Council staff were confronted with a shocking sight this morning upon finding that there had been a break-in overnight that resulted in five dogs being so badly injured that they needed to be immediately euthenazed ", said the Mayor, Councillor Neville Castle. "I am sure that the community will be appalled by the irresponsible and cruel actions of those who committed this crime", the Mayor said. The break-in has been reported to Lithgow Police who have information on the possible identity of those involved. The matter has also been reported to the RSPCA who have the power to prosecute under Cruelty to Animals legislation which carries a penalty of up to 5 years gaol. "Whoever committed this crime showed callous disregard for the safety and welfare of the other animals in the pound. Council asks anyone with information on this crime to please contact Lithgow Police." said Matthew Johnson, Council's Manager of Community and Culture.

RECOMMENDATION

1. THAT the General Manager provide the Council with a further report on this incident including an update on any further investigations by the NSW Police Service and the RSPCA.
2. THAT the General Manager provide the Council with a further report on what is the current and future security of the Lithgow Animal Pound.

Signed: Martin Ticehurst

09-172 RESOLVED

THAT

- 1.The General Manager provide the Council with a further report on this incident including an update on any further investigations by the NSW Police Service and the RSPCA.
- 2.The General Manager provide the Council with a further report on what is the current and future security of the Lithgow Animal Pound.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor H K Fisher.

CARRIED

ITEM 4 NOTICE OF MOTION - 11/05/09 - COUNCILLOR M F TICEHURST - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING

MOTION TITLE/TOPIC:

Approval of the Lithgow City Council's application for funding of \$529,000 of local works under the Federal Government's Regional and Local Community Infrastructure Program.

Listed by Councillor Martin Ticehurst.

Date: 27 April 2009.

REFERENCES:

Lithgow City Council Media Release 'Grant Funds Approved' 21 April 2009.

BACKGROUND

"Lithgow Council's application for funding under the Federal Government's Regional and Local Community Infrastructure Program for \$529,000 in local works has been approved.

Mayor of Lithgow City Council, Cr Neville Castle, said "it is very welcome news that all of the projects applied for by Lithgow City Council under the Regional and Local Community Infrastructure Program (RLCIP) have been approved by the Federal Government."

Federal Member for Macquarie, Bob Debus said, "the funding is part of the Government's \$800 million Community Infrastructure Program. These projects are an important part of the government's economic stimulus because the Council can proceed with them straight away. Obviously we need programs that will help immediately, along with bigger capital works that will provide jobs in the medium and longer term. We also need the kind of training arrangements the Government recently announced which will help us avoid bottlenecks when the economic recovery comes," Mr Debus said.

The projects approved are:

- **\$260,000 - Skate Park Development, Lithgow** – Design and construction of a skate park facility including ancillary landscaping works to provide social and recreational infrastructure for the utilisation of residents and visitors.
- **\$80,000 - Crystal Theatre Upgrade, Portland** – The provision of disabled access, construction of new public amenities, installation of a heating system, improvements to the existing kitchen and upgrade of the Crystal Theatre in Portland.
- **\$64,000 - Branch Library Refurbishment, Wallerawang** – Redevelopment and refurbishment of Wallerawang Branch Library to provide improved Library services and increased activity space.

- **\$50,000 - Union Theatre Upgrade, Lithgow** – Construction of a physical linkage between the Union Theatre and the adjoining Hoskins Building, and improvements to the public amenities within the Union Theatre Building.
- **\$35,000 - Boatshed Development Project, Wallerawang** – Provision of a boat shed within the Lake Wallace recreation ground to provide greater efficiencies in storage facilities for local sailing clubs and not-for-profit community groups.
- **\$30,000 - Civic Ballroom Upgrade Project, Lithgow** – Improvements to the Lithgow Civic Ballroom, specifically the upgrading and modernising of the entrance, amenities and kitchen facilities to enhance and improve the facility.
- **\$10,000 - Vale of Clwydd Community Hall Upgrade, Lithgow** – Upgrade of kitchen facilities at the Vale of Clwydd Community Hall.

RECOMMENDATION

THAT:

1. Council receives and notes the information.
2. Council indicates which of the seven nominated Council projects are to be tendered out to provide a stimulus opportunity for businesses.
3. Council indicates if it is to immediately seek and approve tenders for the new \$260,000 Skate Park Development at the Tony Luchetti Showground, Lithgow or if it will now wait until it has received approval for their additional application of \$400,000 for the Lithgow Skate Park in the Councils outstanding Application under the Federal Governments RLCIP Program for the Lithgow Sporting and Cultural Precinct Improvement Program.

Signed: M F Ticehurst

MOTION

THAT:

1. Council receives and notes the information.
2. Council indicates which of the seven nominated Council projects are to be tendered out to provide a stimulus opportunity for businesses.
3. Council indicates if it is to immediately seek and approve tenders for the new \$260,000 Skate Park Development at the Tony Luchetti Showground, Lithgow or if it will now wait until it has received approval for their additional application of \$400,000 for the Lithgow Skate Park in the Councils outstanding Application under the Federal Governments RLCIP Program for the Lithgow Sporting and Cultural Precinct Improvement Program.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor JJ McGinnes.

The Motion was put to a vote and was declared **LOST**.

09-173 RESOLVED

THAT Council adhere to its Tendering Policy and Council bring a report back to Council outlining how it will spend the grant money.

MOVED: Councillor HK Fisher

SECONDED: Councillor W McAndrew

CARRIED

DIVISION

A **DIVISION** of Council was called by Councillor HK Fisher and Councillor G Danaher.

For:

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

Against:

Councillor M Ticehurst
Councillor J McGinnes

**ITEM:5 NOTICE OF MOTION - 11/05/09 - COUNCILLOR C HUNTER -
CENTRAL WEST TRANSPORT NEEDS STUDY**

NOTICE OF MOTION

MOTION TITLE/TOPIC

Central West Transport Needs Study

Listed by Councillor C. Hunter

Date 3 May 2009

BACKGROUND

There has been a study into the transport needs of the Central West. This has only been released to a select few, sworn to secrecy. What does this contain, that the public should know?

Are there further down grades of the rail infrastructure? What effects does this study have on the Mount Victoria to Lithgow highway upgrades?

RECOMMENDATION

That: Lithgow City Council seeks immediate release of the Central West Transport Needs Study.

Signed *C. J. Hunter*

09-174 RESOLVED

THAT Lithgow City Council seeks immediate release of the Central West Transport Needs Study

MOVED: Councillor C Hunter
CARRIED

SECONDED: Councillor W McAndrew.

GENERAL MANAGER REPORTS

ITEM:6 GM - 11/05/09 - MODEL CODE OF CONDUCT

REFERENCE

Minute No 07-453 - Council Meeting 15 October 2007
Minute No O08-31 - Council Meeting 17 March 2008
Minute No P08-77 - Policy and Strategy Committee 1 July 2008

SUMMARY

To advise Council of correspondence received from the Department of Local Government in relation to the Model Code of Conduct for Local Councils in NSW with a recommendation that Council not the update to the Education Package Facilitators Guide.

COMMENTARY

The Model Code of Conduct for Local Councils in NSW came into effect from 27 June 2008. Lithgow City Council adopted the Model Code of Conduct under section 440 of the Local Government Act 1993 at the Policy and Strategy Committee Meeting held on 1st July 2008.

The Department of Local Government has advised, on 23 March 2009 that the Model Code of Conduct Education Package Facilitators Guide has been updated and all sections have changed with the exception of:

- The Facilitators Checklist, and
- The Other Resources section, which contains the sample evaluation form and statement of attainment for facilitators who deliver in house training sessions in councils.

The Department of Local Government requests Councils replace the information in the Facilitators Guide folders that were sent to all Councils in NSW in July 2005 and to also update the information in the Model Code of Conduct.

The context of the code has not changed and as it is a direction of the Director General of the Department of Local Government it is considered that the changes are not substantial and thus do not require public exhibition.

POLICY IMPLICATIONS

The updated version of the Model Code of Conduct is provided as an attachment to this agenda.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct.

09-175 RESOLVED**THAT**

1. Replace the appropriate information in the Facilitators Guide Folders
2. Provide Councillors with an updated copy of The Model Code for their information

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:7 GM - 11/05/09 - FIRST INTERIM AUDIT VISIT 2008/09 FINANCIAL YEAR

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Minute 10.06.08 Ordinary Meeting: Adoption of 2008/09 Management Plan

SUMMARY

To advise Council of the first interim audit visit by auditors the Morse Group for the 2008/09 financial year with a recommendation that the report be accepted.

COMMENTARY

Councils' auditors, The Morse Group, have completed the first interim audit of Council's records for the 2008/09 financial year which commenced on 3 March 2009. The audit covered the period 1 July 2008 to 28 February 2009 and as a result an interim audit letter was received by Council on the 17 April 2009.

Of interest to Councillors may be the scope of the audit, which the auditors address:

- There were no matters to address from previous management letters of 10 July 2008 or 10 December 2008.
- Operational areas examined during the review included:
 - Purchase and general expenditure transactions
 - The receipting system and cashier processes
 - Reconciliation and sub ledger
 - Journals
 - Plant
 - Water Billing
 - Council's Minutes
 - Sec 94 contributions

The examination of transactions and records was conducted at Council's premises.

To seek an efficient audit the follow internal control structures were taken into account:

- The control environment, incorporating managements policies and procedures
- The information systems, incorporating the final reporting process used to prepare the Council's financial reports: and
- Internal control, being those policies and procedures which management has established to provide reasonable assurance that specific organisation objectives will be achieved

As part of this process it was noted amounts charged to developers under Council's developer contribution plans have not been indexed by CPI in accordance with the requirements of the plan. Regional Services Planners have noted this matter and will commence the process as soon as possible.

Policy Implications

Nil

Financial Implications

Nil

Legal Implications

Nil

09-176 RESOLVED

THAT the information be received and Council note the Morse Groups first interim audit for the 2008/09 financial year.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

Councillor Ticehurst requested that his vote be recorded against the motion.

ITEM:8 GM - 11/05/09 - GOODS AND SERVICES TAX CERTIFICATE 1 MAY 2008 TO 30 APRIL 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

SUMMARY

To advise Council of reporting requirement for GST and seek authorisation for the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the 'Goods and Services Tax Certificate' for the period 1 May 2008 to 30 April 2009.

COMMENTARY

For the 2008/09 financial year the Department of Local Government requires Council to report on GST compliance for the period 1 May 2008 to 30 April 2009.

It is no longer mandatory for Councils to request their auditors to undertake a review of the GST system but Council is required to lodge a certificate of confirmation with the Department in the place of the audit review report.

This request allows the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Accordingly, local governing bodies are requested to provide the DLG with this advice in June each year who in turn provide advice to the NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

The Goods and Service Tax Certificate must be signed with a resolution of Council and which states:

To assist compliance with Section 114 of the Commonwealth Constitution, we specify that:

- *Voluntary GST has been paid by Lithgow City Council for the period 1 July 2008 to 30 April 2009*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office*

Council has claimed refund of the following GST amounts in the required period:

MONTH	GST REFUNDS
2008	
May	145,301
June	121,688
July	153,437
August	130,786
September	111,303
October	154,605
November	190,335

December	157,637
2009	
January	90,152
February	94,262
March	115,686
April	63,518

In previous financial years the Australian Taxation Office have completed a problem free GST audit of Council's records which extensively covered the following risk areas:

- Implementation Activities
- Management of Transitional Issues
- Risk Identification and Mitigation
- Internal control relating to computer system (including QA activities)
- Decision Making - Supplies (eg sales, Division 81 Fees and Charges)
- Contracts Management
- BAS Preparation
- Training and Succession Planning
- Grant Providers (Grant paid to other entities)
- Grants Received
- Recipient Created Tax Invoices - supplies and acquisition tother than grants
- Acquisitions
- Tax Invoice Integrity - Supplier and Recipient
- Disposal and acquisition of assets
- Related Party Transactions
- Record keeping and Tax Invoice Management

Policy Implications

Nil

Financial Implications

Nil

Legal Implications

Nil

09-177 RESOLVED

THAT the information be received and Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the Goods and Services Tax Certificate for the period 1 May 2008 to 30 April 2009.

MOVED: Councillor G Danaher

SECONDED: Councillor R Thompson.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:9 REG - 11/05/09 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR MARCH AND APRIL 2009

REPORT FROM: ANDREW MUIR - GROUP MANAGER REGIONAL SERVICES

SUMMARY

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

COMMENTARY

Attached is the Upper Macquarie County Council Chief Weeds Officer Report for March and April 2009.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

RECOMMENDATION

THAT the Upper Macquarie County Council Chief Weeds Officer's Report for March and April 2009 be received.

09-178 RESOLVED

THAT

1. The Upper Macquarie County Council Chief Weeds Officer's Report for March and April 2009 be received.
2. Council provide a letter of support to the relevant Minister for the Upper Macquarie County Council on the need for further grant funding.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

CARRIED

ITEM:10 REG - 11/05/09 - 057/09DACC - DWELLING ADDITION - 88 CUPRO STREET, LITHGOW

REPORT FROM: GENERAL MANAGER - ROGER BAILEY

SUMMARY

To advise council of the submission of a Development/Construction Certificate Application No.057/09 by Mrs A Muir and recommend approval.

COMMENTARY

An application has been received from Mrs A Muir to construct a timber framed, hardiplank clad addition at the rear of the existing dwelling on the land known as Lot 352 DP 5255, 88 Cupro Street Lithgow.

The application was notified to adjoining neighbours and no submissions were received.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is a staff member or relative must 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. Mrs Muir is the wife of Council's Group Manager Regional Services, Andrew Muir, and the application is referred to Council for consideration.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Group Manager of Regional Services, Andrew Muir declared a pecuniary interest in the item and vacated the Chamber at 8.25pm.

09-179 RESOLVED

THAT Development/Construction Certificate Application No.057/09 be approved subject to the following conditions:

General Requirements

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. That the external cladding and roofing of the dwelling are of a natural tone, non-reflective condition.
4. A minimum clearance of 400mm is to be provided from the underneath side of the bearer throughout the whole addition.

Requirements prior to commencement of construction

5. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
6. A written request is to be made to Council's Development Engineer requesting a new sewer junction be cut into Councils sewerage main. The existing shared line is to be capped off to the satisfaction of Council.
7. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
8. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
9. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. **Cut and filled areas are to be retained to Council's satisfaction prior to the issue of the Occupation Certificate.** (Note retaining walls over 800mm in height require Development Consent).

10. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
11. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
 - (i) the method of protection and
 - (ii) the date of installation of the system and
 - (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

Requirements during construction

12. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - a) Pier holes/pad footings before filling with concrete.
 - b) Internal drainage carried out by licensed plumber prior to covering
 - c) Reinforcing steel in position and before concrete is poured (slabs, footings, lintels, beams, columns, floors, walls and the like.
 - d) Floor framing prior to covering of bearers and joists.
 - e) Framing when external wall and roof cladding is in place and prior to internal linings.
 - f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - g) Wet area flashing prior to tiling or covering.
 - h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - i) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

13. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number A54373 as obtained on 16 March 2009 from the Department of Infrastructure, Planning and Natural Resources.
Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.
14. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

15. That the dwelling is set out by a Registered Surveyor and copies of the Survey Report are submitted to the Principal certifying authority prior to the footing inspection.
16. That all timber sizes, spacings and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2006 "Timber Framing Code".
17. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).
Details shall include:
 - (i) job address and builder's name;
 - (ii) design wind velocity;
 - (iii) **terrain category and 1Kpa ground snow load;**
 - (iv) truss spacing;
 - (v) roof pitch;
 - (vi) material of roof;
 - (vii) roof batten/purlin spacing;
 - (viii) material of ceiling;
 - (ix) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2006 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).
18. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions.
19. The installation of hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
20. That the rainwater drains are connected to the street/lane gutter to the satisfaction of Council officers.
21. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
22. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
23. Subfloor ventilation is to be incorporated as per part 3.4.1 of the Building Code of Australia.

Requirements prior to issue of Occupation certificate

24. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
25. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

CARRIED

A **DIVISION** of Council was called for with Councillors voting unanimously in favour.

Group Manager of Regional Services re-entered the Chambers at 8.26pm.

ITEM:11 REG - 11/05/09 - ESKBANK STREET CARPARK**REPORT FROM: OPERATIONS MANAGER – STEPHEN DARLINGTON**

REFERENCE

P08-128 Policy and Strategy Committee Meeting 4 November 2008

SUMMARY

This report provides details of parking spaces in the Eskbank Street Carpark following the construction of the new taxi rank and recommends that the matter be monitored for a further 12 months.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 November 2008 resolved that a report come back on the new taxi rank in Eskbank Street as to how many car parking spaces will be lost and as such the following information is provided.

The Eskbank Street taxi rank was completed in November 2008 and therefore sufficient time has elapsed to assess the impact of the loss of parking spaces in the adjacent carpark. A total of 13 parking spaces have been lost due to the construction of the taxi rank and the reconfiguration of the parking layout. However, Council officers observed that over the weeks leading up to Christmas and during the school holidays parking spaces were still available despite the loss in the number of spaces.

Additionally, alternate carpark layouts have been investigated but in order to maintain a reasonable and safe traffic flow and correct car space sizing, an additional 5 or 6 spaces can only be achieved.

Further to date, Council has not received any complaints, either in writing or verbally, regarding the loss of parking spaces. Therefore, it is assumed that the loss of the 13 spaces has had a negligible impact on the demand for parking spaces, even at peak times. However, it is suggested that Council continue to monitor the demand for parking spaces in the Eskbank Street Carpark over the next 12 months.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-180 RESOLVED

THAT the report on the Eskbank Street Carpark be noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

**ITEM:12 REG - 11/05/09 - LAND AND ENVIRONMENT COURT JUDGEMENT -
 AGONIC HOLDINGS PTY LTD V COUNCIL**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Development Application No.598/04.

SUMMARY

To advise Council of the decision of the Land and Environment Court to dismiss an application for costs against Council by Agonic Holdings Pty Ltd.

COMMENTARY

Council would be aware that the Land and Environment Court had previously upheld an appeal from Agonic Pty Ltd in relation an application to subdivide the rural property known as Westholme into 38 rural lifestyle allotments.

The applicant subsequently lodged a claim for costs against Council in the Court. The matter was heard before a Justice Biscoe over two days from 11 March 2009. The Court after hearing all the evidence from both parties dismissed the Applicants motion for costs and ordered that the Applicant pay 80% of the Council's costs on the motion.

Council's costs are being assessed so that a claim can be made to the Applicant.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As indicated, the Applicant has been ordered to pay 80% of Council's costs in relation to the motion.

LEGAL IMPLICATIONS

Nil

09-181 RESOLVED

THAT the report on costs in relation to a motion lodged by Agonic Holdings in the Land and Environment Court be noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

**ITEM:13 REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION
CERTIFICATE 045/09DACC JIM MONAGHAN ATHLETIC FIELD -
STORAGE SHED**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To advise Council of the submission of Development Application/Construction Certificate No. 45/09 by the Lithgow Athletics Club for a storage shed at the Jim Monaghan Athletic Field off Barton Street, Lithgow. Approval of the application is recommended.

COMMENTARY

A Development Application/Construction Certificate has been received for the construction of a new storage shed located at the Jim Monaghan Athletics Field on Lots 1 DP115548 off Barton Street, Lithgow. The shed will replace an unsightly container that is currently being used for storage by the Lithgow Athletics Club. The land is owned by Lithgow City Council.

POLICY IMPLICATIONS

Council's Policy No 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land requires that applications 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. The land which is subject of the application is owned by Lithgow City Council.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

09-182 RESOLVED

A. THAT Development Application/Construction Certificate No 045/09 be approved subject to the following conditions:

1. All work on site shall only occur between the following hours:
 - Monday to Friday 7.00am to 6.00pm
 - Saturday 8.00am to 1.00pm
 - Sunday and public holidays No work
 2. That the structure is securely bolted at its supports and fixed rigidly at its base.
 3. That rainwater collected by the roof is connected to downpipes and disposed of to the satisfaction of Council.
 4. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - a) Pier holes/pad footings before filling with concrete.
 - b) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - d) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.
- At each inspection, erosion and sediment control measures and site management will be inspected.
5. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.
 6. That the external cladding and roofing of the shed are of a natural tone, non - reflective condition.

7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) Which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

8. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
9. The existing shipping container on site is to be removed and relocated to the satisfaction of Council.

B. THAT a Division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

A **DIVISION** of Council was called for with Councillors voting unanimously in favour.

ITEM:14 REG - 11/05/09 - LOWTHER CEMETERY FEES - CATHOLIC SECTION

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

26/09 Council Meeting 27 January 2009

SUMMARY

This report provides the outcome of public exhibition of the proposed burial fee at the privately owned Catholic Section of Lowther Cemetery. It recommends adoption of the proposed fee.

COMMENTARY

At Council's meeting of 27 January 2009, it considered a report regarding fees for burials in the privately owned Catholic Section of Lowther Cemetery. Subsequently, the following was resolved:

- *“Council adopt a fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery.*
- *The proposed fee be advertised for a period of 28 days prior to adoption.*
- *A report be provided to Council regarding information from the local funeral directors outlining the costs.”*

The proposed fee was advertised with no submissions being received. Therefore, it is suggested that Council adopt the fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery.

It should be noted that the request to make a fee for burials in the Catholic Section of the Lowther Cemetery arose from a submission on the Draft Management Plan 2008/09 – 2010/11 from Kerry Linegar Funerals. The following extract is from that submission:

“To assist local families who wish to be buried in the Catholic portion of Lowther Cemetery, we ask that Lithgow Council consider placing a reasonable fee in the draft management plan for this. Our last request for a family to have a grave dug by Lithgow Council was about \$1,400 which we believe was excessive”.

Subsequently, the proposed fee of \$950 was notified to all local funeral directors and no comments were received.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

The proposed fee was placed on public exhibition for a period of 28 days.

09-183 RESOLVED

THAT Council adopt a fee of \$950 for single or double depth interments in the Catholic Section of the Lowther Cemetery for the remainder of the 2008/2009 financial year and this fee also be included in the 2009/2010 fees when adopted by Council.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:15 REG - 11/05/09 - WORKS PROGRESS REPORT**REPORT BY: OPERATIONS MANAGER – STEPHEN DARLINGTON**

REFERENCE

P08-132 Policy and Strategy Committee Meeting 4 November 2008

SUMMARY

This report provides an update of significant road construction and maintenance activities undertaken by Council in the current financial year, in addition, to highlighting upcoming works over the next 2 months.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 November 2008 requested a report on road activities that have/will be undertaken in 2008/09. Therefore, this report provides such details.

The following significant road construction activities have been completed:

- Regional Roads (REPAIR) Programme:
 - MR 531 Barton Avenue, Wallerawang – rehabilitation.
 - MR 531 Cullen Bullen to Portland Road in Cullen Bullen – rehabilitation.
 - MR 531 Cullen Bullen to Portland 3.87-4.69km - rehabilitation.

- Roads to Recovery Programme:
 - Coxs River Road, Little Hartley – rehabilitation.
 - Browns Gap Road, Hartley - rehabilitation.
 - Wolgan Road, (Maddox Lane north) – rehabilitation.
 - Replaced bridge on Pitts Lane, Hartley.
 - Replaced footbridge at Mills Street, Lithgow.

- Auslink Programme:
 - Stage 2 of Wolgan Road, Angus Place to the top of the Gap.

- Federal Black Spot Programme:
 - Shoulder widening on Browns Gap Road, Hartley.

- Gravel Sheeting Programme:
 - Extensive gravel sheeting on Glen Davis Road, Glen Davis; Glen Alice Road, Glen Alice and minor sheeting on Marsden Swamp Road, Hampton.

- Miscellaneous Road Works:
 - Traffic island at intersection of Ivatt Street and Sandford Avenue, Lithgow
 - Rehabilitation of sections of Cox and Saville Streets, Portland.
 - Bitumen resealing on Cox's River Road, Little Hartley and Lane Street, Wallerawang.

- Heavy patching on Sunny Corner Road, Portland; Portland lanes and streets; the intersection of Cypress Place and Barton Avenue, Wallerawang; Coxs River Road, Little Hartley and Barton Avenue, Wallerawang.
- Drainage improvements at Blakett Drive, Wallerawang and Windarra Place, Marrangaroo.
- Guardrail installation on Barton Avenue, Wallerawang.
- Improvements to Lane and Jamison Streets, Portland with a survey and design of the lane between Bell and William Streets being currently prepared.
- Rydal drainage works have commenced.

In addition, to the above significant projects, Council has been undertaking its normal road maintenance activities including:

- Maintenance grading of rural and town unsealed roads. Currently grading is occurring on Wolgan Road and Gangbenang Road in the rural areas and lanes in the Wallerawang and Portland area.
- Bitumen patching in rural and town areas.
- Roadside hazard reduction i.e. mowing has been completed in the areas of Glen Davis/Glen Alice, Tarana, Rydal, Wallerawang, Portland and Sunny Corner Road.

Furthermore, the following significant road works have been scheduled for the next 2 months:

- Rehabilitation works on Magpie Hollow and Rydal/Hampton Roads.
- Gravel sheeting on Hazelgrove Road, Glen Alice.
- Installation of guardrail on the Wallerawang – Portland Road and Glen Alice Road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All works have been funded in 2008/09 Budget as amended in the quarterly performance reviews of the Management Plan 2008/09-2010/11.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the works progress report be noted.

09-184 RESOLVED

THAT

1. The works progress report be noted.
2. Council issue a media release on the works program.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

ITEM:16 REG - 11/05/2009 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

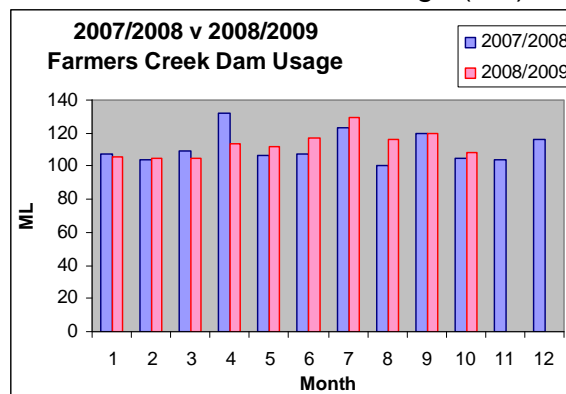
This report provides a comparison of water usage figures for 2008 and 2009 within the Lithgow Local Government area and also gives an update on drought management.

COMMENTARY

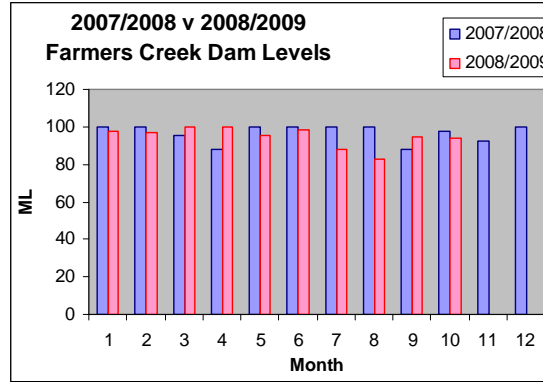
Lithgow Local Government Area water usage, including use from Farmers Creek Dam and Fish River Water Supply as at 27 April 2009 is provided. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 623.1 megalitres of water from this supply, equating to approximately 29.8% of its annual allocation (allocation issued per financial year, not calendar year).

	2007/2008					2008/2009				
	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	Total (ML)
Jul	100	23.7	107.7	67.9	175.6	97.9	15.5	105.8	45.2	151
Aug	100	24.2	104.2	49	153.2	96.7	15.6	104.6	50.7	155.3
Sept	95.6	23.7	109.4	53.8	163.2	100	17.1	104.9	66.7	171.6
Oct	87.8	23	132.3	80.3	212.6	100	18.3	113.7	52.1	165.8
Nov	100	22.4	106.5	53.9	160.4	95.3	18.8	111.5	58.1	169.6
Dec	100	21.6	107.8	44.7	152.5	98.7	18	117.1	68.1	185.2
Jan	100	20.2	123.6	103.2	226.8	88	17.45	129.8	68.9	198.7
Feb	100	19.3	100.7	64.5	165.2	82.6	16.89	116.4	70	186.4
Mar	87.8	19.1	119.4	72.7	192.1	94.3	14.34	119.8	71.3	191.1
Apr	97.9	16.7	104.7	51.1	155.8	93.9	12.93	108.1	72	180.1
May	92.2	16.1	103.6	55.3	158.9					0
Jun	100	15.5	115.8	65.8	181.6					0
TOTAL (ML)			1335.7	762.2	2097.9			1131.7	623.1	1754.8

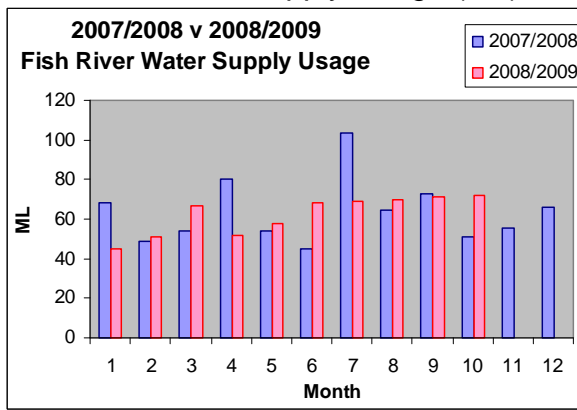
Farmers Creek Dam Usage (ML)



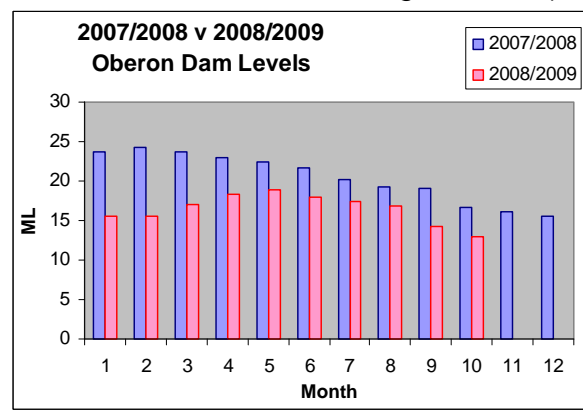
Farmers Creek Dam Storage Levels (%)



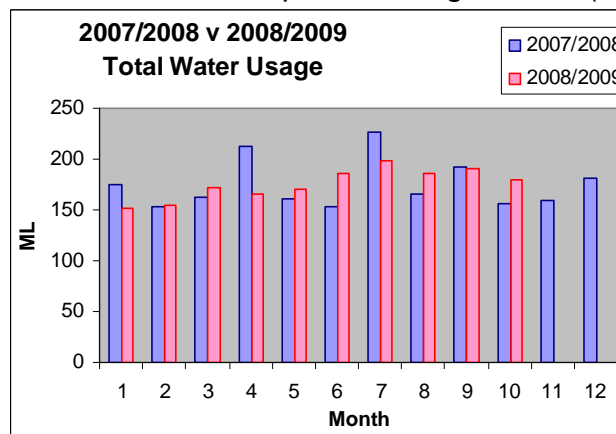
Fish River Water Supply Usage (ML)



Oberon Dam Storage Levels (%)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 93.9% capacity and Oberon Dam is currently at 12.93% of its full capacity (as at 27 April 2009).

Drought Management

Following advice to Council's Ordinary meeting of 20 April 2009, further discussions have taken place with representatives of State Water and the Department of Water and Energy in relation to the submission of an application for drought relief funding.

Council will recall that the opportunity exists to lodge an application for part funding for a project involving 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. A submission for funding was being prepared when the deadline for reports for this business paper closed.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

In relation to the drought relief project, it is reasonable to anticipate that up to fifty percent of the Capital costs 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. Further negotiations will also need to take place 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.

RECOMMENDATION

THAT the report on Lithgow Local Government Water usage and drought management be accepted.

09-185 RESOLVED

THAT

1. The report on Lithgow Local Government Water usage and drought management be accepted.
2. Council continue with Delta to investigate alternative sources of water supply, including from the Invincible Colliery.
3. Council make urgent representations seeking funds from the State and Federal Governments in relation to supplying water to residents of the Lithgow communities and to assist in the development of the Clarence Transfer system.
4. Council prepare a report on a second dam at water works gully.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:17 REG - 11/05/09 - DEVELOPMENT APPLICATION/CONSTRUCTION
CERTIFICATE 016/09DACC SES GARAGE SILCOCK STREET
LITHGOW**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To advise Council of the submission of Development Application/Construction Certificate No. 016/09 for Lithgow City Council for a garage for use by the State Emergency Services (SES) at Silcock Street, Lithgow. Approval of the application is recommended.

COMMENTARY

A Development Application/Construction Certificate has been received for the construction of a new garage located at the Rural Fire Service building jointly used with the SES for use as a garage by the SES on Lot 3 DP 1005128 Silcock Street, Lithgow, owned by Lithgow City Council.

POLICY IMPLICATIONS

Council's Policy No 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land requires that applications 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. The land which is subject of the application is owned by Lithgow City Council and is therefore reported to Council for determination.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

09-186 RESOLUTION

A. THAT Development Application/Construction Certificate No 016/09 be approved subject to the following conditions:

CONDITIONS

1. That the structure be securely bolted at its supports and fixed rigidly at its base.
2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period.

These stages are:

- i Pier holes/pad footings before filling with concrete.
- ii Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- iii Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.
At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

3. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

4. That the proposed rainwater drains are connected to the existing rainwater disposal system.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.
7. That the garage is finished externally to ensure compatibility with existing development to the satisfaction of Council.
8. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetate to the satisfaction of Council.
9. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

B. THAT a Division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

A **DIVISION** of Council was called for with Councillors voting unanimously in favour.

ITEM:18 REG - 11/05/09 - LITHGOW TOWN CLOCK

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

P08-125 Policy and Strategy Committee Meeting 4 November 2008
O08-223 Council Meeting 15 December 2008

SUMMARY

This report provides an update on the provision of a Town Clock in Main Street, Lithgow.

COMMENTARY

At its meeting of 15 December 2008, Council considered a report on options for the Lithgow Town Clock. Subsequently, Council resolved that:

- *“Council note the report on the Lithgow Town Clock and consider allocating an amount of \$14,000 towards its replacement in the current location at 114 Main Street in the 2009/10 budget.*
- *Council seek information from City Rail to put one of their time keeper clocks in the Main Street of Lithgow”.*

During the process of preparing the draft Management Plan an amount of \$14,000 was not able to be accommodated in 2009/2010 to enable a balanced budget. However, such amount has been placed in 2010/2011 which will be the subject of further consideration in budget preparations for that financial year.

A meeting with a State Rail representative was held to discuss the possibility of one of their time keeper clocks being placed in Main Street. State Rail advise that they unable to undertake such an activity on assets which are not in their ownership.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the report on the information relating to the provision of a Town Clock in Main Street, Lithgow be accepted.

09-187 RESOLVED

THAT

1. The report on the information relating to the provision of a Town Clock in Main Street, Lithgow be accepted.
2. Representations be made to the State Member to make representation to State Rail concerning a time keeper clock being placed in Main Street, Lithgow.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:19 REG - 11/05/09 - WOLGAN GAP ROCK STABILITY CONSULTANTS REPORT

REPORT FROM: OPERATIONS MANAGER – STEPHEN DARLINGTON

REFERENCE

Min No 008-224: Council Meeting of 15 December 2008

SUMMARY

This report provides a summary of the reports received from Council's specialist consultants, Golder Associates, being:

1. Road Slope Instability Risk Management Plan and
2. Road Slope Instability Remedial Options Study

COMMENTARY

Council will recall its resolution of 15 December 2008 where it resolved to engage Golder and Associates for the preparation of a Risk Management Plan and a report on remedial options for the Wolgan Gap section of the Wolgan Road and that a further report be provided to council upon receipt of the reports.

Council has now received final reports from its consultant, Golder Associates, on the instability of the rockface on the Wolgan Gap section of the Wolgan Rd

Two reports were commissioned and received. The first is the "Road Slope Instability Risk Management Plan" and the second is the "Road Slope Instability Remedial Options Study". Both reports are in response to Council's and the communities concerns to the risk and likelihood of possible rockfalls on the section of road known as Wolgan Gap.

1. Road Slope Instability Risk Management Plan

The objective of this report is the preparation of a plan to provide Council with a tool to manage the risk of rockfall on this section of Wolgan Rd and to develop procedures to deal with the effects of a rockfall. This report also refers to two previous slope risk assessments dated 09 May 2006 and 12 Nov 2008.

Reports to date indicate that the mechanisms that are likely to trigger rockfalls on these slopes are

- Rainfall – water pressures in joints behind blocks
- Wetting and drying of fine grained rocks which result in fretting, reduction in strength and erosion. This leads to loss of support for overlying sandstone blocks isolated from the face by jointing.
- Root jacking by trees
- Rainfall runoff – erosion of colluvial soils supporting rock blocks above the crest of the slope

The Management Plan includes the following aspects:

- Monitor rockfall hazards by periodic inspections
- Reassess the slope instability risks in response to changing conditions and installation of remedial measures
- Where required, develop, assess, and compare and implement remediation measures and maintenance
- Respond to rockfall events in a timely manner
- Provide training of Council personnel for induction into the requirements of this management plan
- Maintain records of inspections, risk assessments rockfall events, cleanup of rockfalls, remedial work and training records
- Update the management plan as required.

To assist Council with the implementation of the Management Plan, the report includes standard inspection and reporting forms. It is estimated that Council will incur additional maintenance expenses in the order of \$1200 pa to implement the plan. Funds will be available from Council routine road maintenance vote.

It is recommended that Council formally adopt the Road Slope Instability Risk Management Plan and commence its implementation immediately.

2. Road Slope Instability Remedial Options Study

This report presents an assessment of the slope remedial options for Council to consider. The purpose of the report is to provide guidance for Council to assess various remedial options on a cost benefit basis to manage the risks associated with the rockfall hazards. The report is attached to the business paper.

The objective of the report is to:

- Develop design concepts for various remedial options
- Estimate the cost within a range for comparative purposes
- Assess the benefit for reducing the risk (particularly the likelihood) of rockfalls

The report provides extensive details on risk assessment based on the RTA's Slope Risk Assessment (RTA, 2001). Page 3 of the report describes the Slope Instability Risk Assessment in terms of the Assessed Risk level (ARL). The ARL is applied to slopes on a scale of 1 (highest risk) to 5 (lowest risk).

The reports advises that slopes with a risk level of ARL1 or 2 are unacceptable without remedial work and that slopes with ARL3 to 5 may be tolerable but require further investigation and monitoring.

The table on Page 3 indicates Face 4 with an ARL of 2. The report indicates that the risk of a rockfall of large slabs is not tolerable to Council and should be addressed to reduce the risk level. The report then goes on and provides recommendations for various remedial measures for both ARL2 and ARL3 sites.

Appendix A1 provides details of remedial option comparisons for the four identified rock face zones. Appendix A2 provides details of the cost benefit of remedial options.

It should be noted that the lower the score in the final column of the table indicates the greater benefit. Therefore, remedial measures with scores of 11, 12, and 13 are deemed to provide the greatest cost benefit and are considered to be the minimum necessary to be implemented and provide the greatest benefit to affected stakeholders.

The lowest cost benefit score is 11, being:

- Face 2 – Remove trees and scale loose blocks from face and crest
- Face 4 – Install survey points and targeted tree removal above overhand

The next lowest cost benefit score is 12 and 13, being

- Face 3 – Remove trees and scale loose blocks from face and crest (12)
- Face 4 – Rockbolt loose blocks (13)

The report estimates the cost of the above works as follows:

- Cost benefit score 11 works:- \$55000 + \$25000 = \$80000
- Cost benefit score 12 works:- \$110000
- Cost benefit score 13 works:- \$100000

The total of initial recommended works is \$290000. Council has no specific funds allocated or available for this work.

The current Auslink Project for the upgrade of the Wolgan Rd has an overall project budget of \$3.6M The approved project is in three stages, with Stages 1 and 2 completed. Stage 3, being the Wolgan Gap section is to be commenced in June 09 with the works comprising pavement reconstruction and the erection of guardrail or similar safety barrier. These works should take 8 - 10 weeks. The agreed works do not include any works on the rockface as described above.

Total expenditure to date, being the Stage 1 and Stage 2 works, as reported in the bi - monthly Auslink reports is \$2,391,735. The Stage 3 works is estimated to fully expend the remaining available funds. Consultation with Council's consultants will take place as part of the Road Slope Instability Risk Management Plan to determine the most appropriate and safest method of road reconstruction in the section immediately below the rockface. The Stage 3 works will proceed independently of any remedial works on the rockface.

It is anticipated that no funds will be available from the approved Auslink project to be allocated to the remediation of the rockface.

It is therefore recommended that Council make representations and prepare submissions to appropriate Federal and State Government authorities for additional funding to undertake the very necessary remedial works on the Wolgan Gap Rockface.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is anticipated that no funds will be available from the approved Auslink project to be allocated to the remediation of the rockface.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT.

1. Council note the Road Slope Instability Risk Management Plan
2. Council make representations and prepare submissions to appropriate Federal and State Government authorities for additional funding to undertake the necessary remedial works on the Wolgan Gap Rockface.

09-188 RESOLVED

THAT

1. Council note the Road Slope Instability Risk Management Plan;
2. Due to current budgetary constraints, Council make representations and prepare submissions to appropriate Federal and State Government authorities for additional funding to undertake the necessary remedial works on the Wolgan Gap Rockface; and
3. That Council make deputations to the appropriate State and Federal Government Local Members for urgent funding to accelerate the commencement of these works.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall.

ITEM:20 REG - 11/05/09 - POLICY REVIEW BY THE REGIONAL SERVICES DEPARTMENT

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

This report provides Council with the outcome of the review of policies by the Regional Services Department. It recommends amendments to the Policy Register.

COMMENTARY

Council resolved with the adoption of the Management Plan 2008/09 - 2010/11 to “develop, review and implement policies”. In this regard, those policies in the Policy Register maintained by the Regional Services Department have been reviewed by officers. As a result, the following proposed changes are suggested to the Policy Register and reported for Council’s consideration.

Policy No.	Policy Name	Proposed Changes
2.1	Lawn Cemetery - Management	Grammatical changes only.
2.2	Double Depth Internment	Nil.
5.2	Building Over Easements	Grammatical changes only.
5.3	Encroachments onto Public Roads	Nil.
5.4	Footpaths – Use of Public Footpaths for Restaurant Seating and Display of Goods	Changes to correct grammar and consistency in the policy.
5.5	Compliance – Enforcement Policy	Changes to correct grammar and consistency in the policy.
7.1	Filling and Levelling of Land	Grammatical changes only.
7.2	Provisions for Deferment of Payment of Developer Contributions Applicable under the Water Management Act 2000	Changes to correct grammar and terminology in the policy.
7.3	Subdivision – Release of Subdivision Plans	Changes include: <ul style="list-style-type: none"> • The redefinition of minor works by deleting ‘final course of road surfacing’ and ‘foot paving’. It includes activities such as ‘the erection of street signs’. • The security is also changed to be 100% of the estimate cost of the works. • The use of correct terminology and grammar.
7.4	Planning – Exhibition Homes	Removal of an unlawful prohibition

	on Land Zoned Residential	guideline to control the location of exhibition homes on main roads and use of current terminology.
7.5	Rainwater Storage for Domestic Use – Non Urban Areas	Grammatical changes only.
7.6	Development Applications by Councillors and Staff and Relatives or on Council Owned Land	Removal of “or its appropriate committee” from point 1 of the Policy and grammatical changes.
7.7	Calling in of Development Applications by Councillors	Streamlined the process for Councillors by removing the option to ‘call in’ a development application through a notice of motion at a meeting. The reference to the Finance and Services Committee has been deleted and altered to an Ordinary Meeting of Council.
7.9	Roadworks – Provision of Unusable Materials to Property Owners	Nil.
7.10	Requirements for Restricted Premises	Removal of location requirements as these are determined by the Local Environmental Plan and grammatical changes.
8.4	Bonds Held for Works	Correction of contradicting provisions and streamlining the process for Council to utilise bonds and undertaken works which have not been completed within 1 year.
10.5	Bus Shelters/Street Seating - Advertising	Changes to correct grammar and consistency in the policy.
10.6	Footpath Reservations – Works Undertaken by Adjacent Landowners	Grammatical changes and use of correct terminology.
10.7	Kerb and Gutter Construction - Contributions	Added a 25% charge for the side and rear kerb and gutter.
10.8	Public Gates and Grids on Local Roads	Grammatical changes only.
10.9	Rural Addressing	Grammatical changes only.
10.10	Street Lighting	Grammatical changes only.
10.11	Street Naming	Changes to points 3 and 4 to more accurately reflect the legislative requirements.
10.12	Street Numbering	Altered to state the procedure which will be followed when it is not possible to follow the normal numerical sequence.
10.13	Crown Roads - Maintenance	Grammatical changes only.
10.15	Removal of Trees from Public	Inserted 2 points regarding alleged

	Land	damage to private property.
10.17	Footpath Maintenance and Repairs	Grammatical changes only.
10.18	Nature Strip and Median Strip Maintenance	Added “of the urban” to distinguish the nature strips which point 2 of the Policy refers too.
11.1	Exemption to Wheelie Bin Service	Grammatical changes only.
11.2	Waste Disposal – Waste Depots – Exemption from Charges	Altered point 3 to provide the General Manager with delegation to determine exemptions from the charges instead of the Group Manager – Regional Services.
11.3	Waste Management Charge for Council Community Groups	This policy is to be deleted.
12.1	Meter Installation	Grammatical changes only.
12.2	Water Restrictions	Altered point 1 to provide for a warning and issue of a penalty infringement notice for non compliance with water restrictions. Altered point 3 to provide the General Manager with delegation to institute prosecutions for the misuse of water supply instead of the Group Manager – Regional Services.

The proposed changes to the Policy Register are not considered to be major to require public exhibition as they will only refine Council’s policy position.

POLICY IMPLICATIONS

The proposed changes will refine Council’s policy position.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The policies have been reviewed in terms of legislative requirements and subsequently amendments have been made.

RECOMMENDATION

THAT the proposed changes to the policies in Council’s Policy Register be made as per the report and attachments.

RECOMMENDATION

THAT Council make representations to the Roads and Traffic Authority, and through the Traffic Authority Local Committee (TALC), to review the current 50 km/h speed zone on Chifley Road and Mort Street from the bottom of Scenic Hill to the intersection of Mort Street and Bridge Street, Lithgow.

Councillor M F Ticehurst declared a non-pecuniary personal interest in the item. He did not vacate the chambers or take part in the debate.

09-190 RESOLVED

THAT Council make representations to the Roads and Traffic Authority, and through the Traffic Authority Local Committee (TALC), to review the current 50 km/h speed zone on Chifley Road and Mort Street from the bottom of Scenic Hill to the intersection of Mort Street and Bridge Street, Lithgow to a 60km/h zone.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:22 **COMM - 11/05/09 - ESTABLISHMENT OF ALCOHOL FREE ZONES - PORTLAND AND WALLERAWANG CENTRAL BUSINESS DISTRICTS**

REPORT FROM: COMMUNITY AND CULTURE MANAGER – MATTHEW JOHNSON

REFERENCE

Resolution 05-503 from Ordinary Meeting of Council 4/10/05

Resolution 24-09 from Ordinary Meeting of Council 27/01/09

Resolution 09-138 from Ordinary Meeting of Council 30/03/09

SUMMARY

This report proposes that, following completion of a public notice period on a proposal to establish Alcohol Free Zones in the Portland and Wallerawang CBD areas for a further 4 years, that Council resolve to adopt the proposal.

COMMENTARY

Council resolved at the Ordinary meeting of Council on 30th March 2009 as follows:

THAT:

1. Council endorses the attached proposal to establish Alcohol Free Zones in the Wallerawang and Portland CBD areas for a further 4 years and advertise it for public comment in accordance with Section 644A of the Local Government Act 1993.
2. Council includes the following areas in the Portland CBD Alcohol Free Zone:
 - Williwa Street from Lett Street to Saville Street.
 - Lett Street from Vale Street to Williwa Street
 - Scheidel Lane
 - Cox Street from Villiers Street to Vale Street.
 - Vale Street from Lett Street to Wolgan Street
 - Wolgan Street from Villiers Street to Williwa Street.
 - Villiers Street from Lett Street to Wolgan Street
 - Wallerawang Road from Cullen Street to Wolgan Street
 - Cullen Street from Wallerawang Road to Williwa Street
3. Council includes the following area in the Wallerawang CBD Alcohol Free Zone:
 - Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

The proposal to establish the Portland and Wallerawang Alcohol Free zones was advertised in the Council Column with the community asked to make comment by 1 May 2009. All Liquor Licensees within or adjoining the proposed Alcohol Free Zones together with the Police and MINGAAN Aboriginal Corporation were provided with a copy of the proposal and invited to make comment.

No public comment has been received on the proposal.

The Alcohol Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the areas included in the zones are adequately signposted.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

09-191 RESOLVED**THAT**

1. Council adopt the attached proposal to establish Alcohol Free Zones in the Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644A of the Local Government Act 1993.
2. Council advises the Police, all affected Liquor Licensees and the general community by way of publication of a notice of the re-establishment of the Alcohol Free Zone.
3. Signs be posted at appropriate locations within the Alcohol Free Zones.

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

**ITEM:23 COMM - 11/05/09 - CLOSURE OF ADULT STORE ON MAIN STREET,
LITHGOW AND SQUASH COURTS - YOUNG STREET CENTRE
LITHGOW**

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Min No O08-197: Ordinary Meeting of Council, 11 November 2008

SUMMARY

This report provides a response to a request raised at the ordinary meeting of Council held on 11 November 2008 in relation to the closure of the 'Flirt' adult store on Main Street, Lithgow and the closure of the Squash Courts in the Young Street Centre, Lithgow.

COMMENTARY

'Flirt' adult store

It is reported that the 'Flirt' store closed as a result of insufficient trade which can occur for a number of reasons such as inappropriate business location. It is prudent to note that some 75 % of new businesses fail within their first year of operation.

Squash Courts in the Young Street Centre

It is reported that the centre's then proprietors wanted to retire prior to their lease expiring at the end of 2008. Efforts were made to attract another operator but unfortunately there was no market demand in taking on the business. Consequently when the owners retired in 2008 the squash centre closed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

09-192 RESOLVED

THAT Council notes the information regarding the closure of the 'Flirt' store in Main Street, Lithgow and the Squash Courts in the Young Street Centre, Lithgow.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor H K Fisher.

09-193 MATTER ARISING

THAT Councillors be provided with a quarterly report in relation to the opening and closing and increasing or decreasing in scale of any significant businesses in the Lithgow area.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W McAndrew

09-194 MATTER ARISING

THAT Councillors be provided with a report in relation to:

1. What awnings have been repaired in the Lithgow Main Street; and
2. The clean up of White Rooster Cafe.

MOVED: Councillor HK Fisher
CARRIED

SECONDED: Councillor R Thompson

COMMITTEE MEETINGS

ITEM:24 REG - 11/05/09 - SPORTS ADVISORY COMMITTEE - MINUTES 27
 APRIL 2009

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 27 April 2009 for Council's information.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 27 April 2009, there were eleven (11) items discussed by the Committee. It is considered that all actions resolved by the Sports Advisory Committee be noted by Council in accordance with the Committee's adopted Terms of Reference and Delegations.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

09-195 RESOLVED

THAT Council note the actions of the Sports Advisory Committee from the meeting held on Monday, 27 April 2009.

MOVED: Councillor HK Fisher

SECONDED: Councillor R Thompson

CARRIED

**ITEM:25 REG - 11/05/09 - INDOOR AQUATIC CENTRE ADVISORY
 COMMITTEE MEETING MINUTES OF 9 APRIL 2009**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

This report provides the Minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 9 April 2009 for Council's consideration and adoption.

COMMENTARY

The inaugural meeting of the Indoor Aquatic Centre Advisory Committee was held on 9 April 2009 and the minutes are presented for Council's consideration and adoption.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-196 RESOLUTION

THAT Council adopt the minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 9 April 2009.

MOVED: Councillor W Marshall

SECONDED: Councillor HK Fisher

CARRIED

**ITEM:26 COMM - 11/05/09 - TOURISM ADVISORY COMMITTEE MINUTES 7
 APRIL 2009**

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

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 7 April 2009 for Council adoption

COMMENTARY

At the Tourism Advisory Committee Meeting held on 7 April 2009, there were (12) twelve items discussed by the Committee.

1. Confirmation of Minutes
2. Business Arising
3. Lithgow Tourism Plan
4. Membership Forum and Membership Drive
5. Marketing and Branding Strategy
6. Grant Applications
7. Hassans Walls Lookout Update
8. Replacement of Council Representative to the Blue Mountains Tourism Ltd Board
9. Privatisation of the Lithgow Visitor Information Centre
10. Workshop with John King RE: Blue Mountains Tourism Ltd
11. Tourism Office Report
12. General Business

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

09-197 RESOLUTION

THAT Council:

1. Notes the actions that the Committee considers to be of priority.
 - Development of tourism infrastructure including Hassans Walls Lookout and Braceys Lookout
 - Distribution of Tourism Information through agents with existing businesses.
 - Promotional Material
 - Research
 - Events
2. Notes that a forum for members of the Visitor Information Centre will be held on a date to be determined in June and that other business operators will be invited to encourage new membership.
3. Notes that the Tourism Advisory Committee will seek further information on the outcomes of discussions at the Economic Development Advisory Committee to which the Agenda Item was also put.
4. Notes the grants that have been applied for and are proposed to be applied for.
5. Considers a contribution for the development of a Master Plan for Hassans Walls Lookout in the 2009/10-2011/12 Management Plan for the next financial year.
6. Thanks Mr Malcolm Wells for being the Council's representative to the Blue Mountains Tourism Limited and for his contribution to tourism in the Lithgow Local Government Area.
7. Appoints Ms Kate Faithorn to represent Council at the Blue Mountains Tourism Limited meetings, pending approval from Royal Botanic Gardens.
8. Appoints Mr Malcolm Wells to the Council's Tourism Advisory Committee.
9. Notes that further information will be compiled and provided to the Tourism Advisory Committee on the expenditure and operations of the Visitor Information Centre.
10. A report on information from other Council areas where privatization of Visitor Information Centre Services has already occurred will be presented to the next Tourism Advisory Committee.
11. Notes the input to the workshops held with members of the Tourism Advisory Committee concerning matters relating to the working relationship of the Blue Mountains Tourism Limited and its role as regional tourism organisation inclusive of the Lithgow, Oberon and Blue Mountains local government areas.

12. Notes the update on operations from the Tourism Office and upcoming events.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor R Thompson.

ITEM:27 COMM - 11/05/09 - SISTER CITY ADVISORY COMMITTEE

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

SUMMARY

This report details the Minutes of the Sister City Committee Meeting held on 6 April 2009.

COMMENTARY

At the Sister City Committee Meeting held on 6 February 2009, there were (3) three items discussed by the Committee:

ITEM 1: Welcome and Apologies

ITEM 2: Shrewsbury and Atcham Borough Council

ITEM 3: General Business

The minutes contain full details on the Sister City Committee meeting with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

09-198 RESOLVED

THAT Council:

1. Notes that details of the newly formed Shrewsbury and Atcham Borough Council will be requested.
2. Provides Shrewsbury and Atcham Borough Council with links to the Lithgow City Council and tourism websites.
3. Notes that the progress of the 'schools debate' will be investigated.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor Thompson.

**ITEM:28 COMM - 11/05/09 - ECONOMIC DEVELOPMENT ADVISORY
 COMMITTEE**

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER - ARABELLA PERUGINI-SHEERE

SUMMARY

This report provides the Minutes of the Economic Development Advisory Committee Meeting held on 7 April 2009.

COMMENTARY

At the Economic Development Advisory Committee Meeting held on 7 April 2009, there were (9) nine items discussed by the Committee:

- ITEM 1: Apologies and Member Introductions
- ITEM 2: Committee Terms of Reference
- ITEM 3: Discussion of key Economic Development issues to be addressed by Committee.
- ITEM 4: Economic Development Program Background
- ITEM 5: Economic Development Strategy
- ITEM 6: Lithgow Minerals and Industry Park
- ITEM 7: Economic Development Grant Applications
- ITEM 8: Marketing and Branding Strategy
- ITEM 9: Other Business

The minutes contain full details on the Economic Development Advisory Committee with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Economic Development Advisory Committee held on 7 April 2009.
2. Notes that information on the Terms of Reference was provided to the Committee.
3. Notes the key strategic issues that the Economic Development Advisory Committee consider should be examined as part of Economic Development in the region:
 - Marketing and promotional initiatives
 - Diversification of the economic base
 - Critical need for the region to market itself correctly.

4. Notes the information provided on the economic development program.
5. Notes the project timeline for the economic development strategy.
6. Notes that a consultants' brief has been completed and distributed to targeted consultants to provide a quote for a feasibility study to be completed on a ten hectare industry park site in Wallerawang – subject to funding from DSRD.
7. Notes the range of economic development orientated grant applications currently under consideration and proposed.
8. Supports the development of a Marketing and Branding Strategy that considers the principal components of the Lithgow Local Government Area, Lithgow City Council, economic development and tourism.
9. Supports the proposal by allocating funds for the development of Marketing and Branding activities in the 2009/2010 budget.
10. Actively seeks and applies for funding for the development of the Marketing and Branding Strategy proposal.

09-199 RESOLVED

THAT Council:

1. Notes the minutes of the Economic Development Advisory Committee held on 7 April 2009.
2. Notes that information on the Terms of Reference was provided to the Committee.
3. Notes the key strategic issues that the Economic Development Advisory Committee consider should be examined as part of Economic Development in the region:
 - Marketing and promotional initiatives
 - Diversification of the economic base
 - Critical need for the region to market itself correctly.
4. Notes the information provided on the economic development program.
5. Notes the project timeline for the economic development strategy.
6. Notes that a consultants' brief has been completed and distributed to targeted consultants to provide a quote for a feasibility study to be completed on a ten hectare industry park site in Wallerawang – subject to funding from DSRD.
7. Notes the range of economic development orientated grant applications currently under consideration and proposed.
8. That the following points be referred to a separate short term committee called 'Marketing and Branding Committee':
 - a) The development of a Marketing and Branding Strategy that considers the principal components of the Lithgow Local Government Area, Lithgow City Council, economic development and tourism.
 - b) Allocating funds for the development of Marketing and Branding activities in the 2009/2010 budget.
 - c) Council actively seeks and applies for funding for the development of the Marketing and Branding Strategy proposal.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

CARRIED

09-200 MATTER ARISING

THAT Council appoint Councillor Castle, Danaher and Marshall to this new short term committee named the 'Marketing and Branding Committee'.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

CARRIED

ITEM:29 COMM - 11/05/09 - MEADOW FLAT HALL COMMITTEE

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min No 07-500: Ordinary Meeting of Council 19 November 2007
Min No P08-09: Policy and Strategy Committee 4 February 2008
Min No 09-103: Ordinary Meeting of Council 9 March 2009

SUMMARY

This report provides information on the Meadow Flat Hall Committee and recommends that Council appoints two representatives to the Committee.

COMMENTARY

At the Ordinary Meeting of Council 19 November 2007, the Council resolved:

- 1. Council amend its list of Committees formed under section 355 of the Local Government Act 1993 to include the Meadow Flat Hall Committee.*
- 2. Council call for Expressions of Interest for members of the Meadow Flat Hall Committee*
- 3. Council appoint Mayor N Castle as a representative on the Committee with Councillor B Moran as the alternate.*
- 4. Meadow Flat Hall be delegated to take bookings for Hall usage in accordance with the fees and charges as specified in Council's Management Plan as identified in the Draft Terms of Reference.*
- 5. Meadow Flat School be offered a position on the committee.*

Expressions of Interest were called and at the Policy and Strategy Committee Meeting held on 4 February 2008 the Council resolved:

THAT *Mrs Ellen McManus, Mrs Maree Statham, Mrs Elizabeth Reen, Mr Bruce Gunning, Mrs Maureen Gunning, Mr Greg Scott and Mrs Annie Scott be appointed to the Meadow Flat Hall Committee.*

On the 9 March 2009, the Council resolved:

***THAT** Council form the Meadow Flat Hall Committee to look at the maintenance of the hall as soon as possible*

The Committee has not been convened to date.

All Committee members of the Hall Committee have now been contacted. In the meantime, officers have also been approached with regards to the use and management of the Meadow Flat Recreation Ground.

A preliminary get together of the hall committee members and other residents who have expressed interest in the management of the recreation ground was held to gauge the level of interest in convening the Committee, the future management of the hall and recreation ground by residents, and for officers to inspect the hall and recreation ground.

The Group Manager Community and Corporate and the Manager Operations attended.

Eight residents and Councillor Col Hunter were in attendance.

The outcomes, as discussed, were as follows:

- Residents would like to convene the Meadow Flat Hall Committee.
- Residents would like the Council to consider the Committee managing the recreation ground as well as the hall.
- Suggested structure would be one committee, with possibly two sub-committees.
- Some identified uses for the hall included: school activities, childcare groups, functions, etc.
- Some identified uses for the recreation ground included: school activities, pony club, BMX, grazing of animals, etc.
- The Manager Operations would have a building inspection carried out on the hall.
- A meeting of residents to be held to consider the scope of usage of both the hall and the recreation ground and this to guide future works and management of the facilities.
- A meeting of the Meadow Flat Hall Committee be convened in early June.
- Residents indicated that the majority of people would prefer to hold meetings in the morning due to other commitments of residents.
- Information be provided to the Committee on insurance cover for the committee and other community activities.
- Some discussion was held as to whether the Meadow Flat Progress Association should be reconstituted to oversee the management of the hall and undertake activities. Further discussions to be held.
- Preliminary inspections revealed that both the hall and the recreation ground require considerable work prior to usage.
- People in attendance indicated that they would be willing to contribute to the upgrade and continuing maintenance of the facilities.
- The use of inmates from the Kirkconnell Correctional Centre to carry out some of the works was suggested.

There is clear evidence that residents would like to be involved in the management of both the hall and the recreation ground, however, some residents would like to only be involved in one of the facilities and not the other. The suggested structure was one committee with a sub-committee/working party for each facility.

It is planned to convene the first Meadow Flat Hall Committee on a morning in early June. At that meeting it is proposed that the following be discussed:

- Potential future use of the Hall
- Potential future use of the Sportsground
- Draft Terms of Reference for the Meadow Flat Hall Committee – should they include Sportsground?
- Hall building condition report and works
- Future options for management - Council committee/progress association or other
- Membership of advisory committee to include sportsground.

At the Council meeting 19 November 2007 the Council appointed Mayor Neville Castle and Councillor Moran (alternate) as the representatives to the committee. As a Council election has been held in the meantime and the Meadow Flat Hall Committee representation has not been considered since, it is recommended that the Council again consider its representatives to the committee.

Whilst there is evidence of Draft Terms of Reference for the Committee, there is no record of them having been adopted by the Council.

Those Draft Terms of Reference have now been put into the adopted proforma and are attached for the Council's information. It is recommended that these Draft Terms of Reference be reviewed following the meeting to be held with the Committee and residents to consider the scope of usage and management of both the hall and recreation ground.

The Council has \$10,000 in the current budget for upgrade works on the hall. The Manager Operations has ordered a building inspection to take place with a condition report and scope of works to be identified.

POLICY IMPLICATIONS

Policy 4.1 Community Representatives – Appointment of to Committees or Working Groups

Policy 9.2 Appointment of Mayor to Committees

FINANCIAL IMPLICATIONS

The Council currently has \$10,000 in the 2008/09 budget for works on the Meadow Flat Hall.

The resolution of the Council of 19 November 2007 states: *The Meadow Flat Hall be delegated to take bookings for Hall usage in accordance with the fees and charges as specified in Council's Management Plan as identified in the Draft Terms of Reference.*

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council appoints 2 Councillors to the Meadow Flat Hall Committee.
2. Council notes that a meeting will be convened of the Meadow Flat Hall Committee in early June.
3. The Management of the Meadow Flat Recreation Ground by the Meadow Flat Hall Committee be considered following further discussions with the Committee.
4. The Draft Terms of Reference be reviewed following meetings with the Meadow Flat Hall Committee and consideration of scope of usage and management of the hall and recreation ground and put to Council for adoption.

Councillor W McAndrew declared a non-pecuniary personal interest in the item due to being related to a member on the committee. He did not vacate the Chambers or take part in the debate.

09-201 RESOLVED

THAT

1. Council appoints 2 Councillors to the Meadow Flat Hall Committee.
2. Council notes that a meeting will be convened of the Meadow Flat Hall Committee on a Saturday in early June.
3. The Council formally appoint the previous Committee members; Mrs Ellen McManus, Mrs Maree Statham, Mrs Elizabeth Reen, Mr Bruce Gunning, Mrs Maureen Gunning, Mr Greg Scott and Mrs Annie Scott, to the Meadow Flat Hall Committee.
4. The Management of the Meadow Flat Recreation Ground by the Meadow Flat Hall Committee be considered following further discussions with the Committee.
5. The Draft Terms of Reference be reviewed following meetings with the Meadow Flat Hall Committee and consideration of scope of usage and management of the hall and recreation ground and put to Council for adoption.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

CARRIED

09-202 MATTER ARISING

THAT Council appoint Councillor N Castle and Councillor C Hunter as the Council delegates to the Meadow Flat Hall Committee

MOVED: Councillor H K Fisher

SECONDED: Councillor W Marshall

CARRIED

The Mayor advised the Public that Council will now consider the Closed Confidential report. The report is confidential in nature due to:

CLOSED REPORTS

**ITEM:30 GM - 11/05/09 - CONFIDENTIAL REPORT - TENDER / PURCHASE OF TILT TRAY TRUCK WITH VEHICLE LOADING CRANE
CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

Reason for Confidentiality

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

The DLG Tendering guidelines for NSW Local Government states in Section 1.3 'Confidentiality' "that *council staff or councillors must not disclose information regarding the specific details of a tendering process, including recommendation of the tender evaluation or assessment panel before the Council has made a resolution on the matter at a Council meeting.*"

The Mayor asked for objections from the Public as to the confidential report.
Nil submissions received.

09-203 RESOLVED

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

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson

The Council moved into Closed Council at 9.50pm

**ITEM:30 GM - 11/05/09 - CONFIDENTIAL REPORT - TENDER / PURCHASE OF
TILT TRAY TRUCK WITH VEHICLE LOADING CRANE CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

09-204 RESOLVED

THAT

1. The tender from Suttons Motors for the supply and delivery of one Isuzu FVY 1400 long with the Hiab 088 crane and Suburban Towing body for the price of \$280,726.40 (GST Inc) be accepted.
2. The tender from Galaxy Equipment for the purchase of Council's replacement plant Volvo Tilt tray truck - RCZ 775 for the sum of \$46,260.00 (GST Inc) be accepted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson

09-205 RESOLVED

THAT Council resolve to go back into open Council and refer the recommendation to Council for consideration.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

At 9.55pm the Mayor reopened the meeting to the public and the General Manager advised that:

ITEM:30 GM - 11/05/09 - CONFIDENTIAL REPORT - TENDER / PURCHASE OF TILT TRAY TRUCK WITH VEHICLE LOADING CRANE CONFIDENTIAL

09-204 RESOLVED:

THAT

1. The tender from Suttons Motors for the supply and delivery of one Isuzu FVY 1400 long with the Hiab 088 crane and Suburban Towing body for the price of \$280,726.40 (GST Inc) be accepted.
2. The tender from Galaxy Equipment for the purchase of Council's replacement plant Volvo Tilt tray truck - RCZ 775 for the sum of \$46,260.00 (GST Inc) be accepted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson

BUSINESS OF GREAT URGENCY

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

UB - 11/05/09 - COUNCILLOR W MCANDREW

1. Mr Mayor, there is a Mining Related Councils meeting due to be held on Friday in Dungog. Can the issue of coal transportation levies and costs and the affects they are having here in Lithgow be raised at this meeting?

09-206 RESOLVED

THAT the issue of coal transportation levies and costs and the affects they are having here in Lithgow be raised at the Mining Related Councils meeting to be held on Friday the 15th of May 2009 in Dungog be declared urgent in accordance with Clause 241 of the Regulation and be dealt with at this meeting

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

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

09-207 RESOLVED

THAT the issue of coal transportation levies and costs and the affects they are having here in Lithgow be raised at the Mining Related Councils meeting to be held on Friday the 15th of May 2009 in Dungog.

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

The Meeting Closed at 9.59pm