



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

01 JUNE 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 1ST JUNE 2009**

Meeting Commenced 7.00pm

Public Gallery: 23

PRESENT

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

APOLOGIES

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

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

09-208 RESOLVED

CARRIED

Also in attendance

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

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 11th May 2009 were taken as read and confirmed by Councillors R Thompson and H K Fisher

09-209 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

NIL

PUBLIC FORUM

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

PF - 01/06/09 - MR TED LESTER

1. Mr Mayor I refer to the minutes of previous meeting and in particular to casting votes. Can you please explain how a casting vote works?

The General Manager explained the use of casting votes. A casting vote was not used in the example cited.

2. Mr Mayor will Council offer a deal to ratepayers that have a problem in paying their rates?

The Mayor advised that processes are available for ratepayers in difficulty.

3. Mr Mayor will Council consider a referendum with ratepayers regarding the costs towards the survival of the Lithgow Golf Club?

The Mayor advised it would be a decisive for the Council to consider.

PF - 01/06/09 - MR DENIS ISMAY - LINC

1. Mr Mayor are Councillors aware that the proposed changes to the current rent for LINC will affect our services? Will Council consider maintaining the current rent arrangements?

The Mayor advised that Council would be considering a report on this matter at this meeting.

PF - 01/06/09 - MR MORRIS

1. Mr Mayor can you please explain how Council can justify an outlay of \$250,000 to the Lithgow Golf Club which is \$1,000 per member? Don't you think that a disproportional amount is being spent?

The Mayor advised that there are many examples of services being supported by Council, e.g. Library Services.

PF - 01/06/09 - MRS CHILDS

Mrs Childs made a comment that an expansion to the rail system should be considered as an alternative to upgrading the Great Western Highway.

PF - 01/06/09 - MRS MOODIE

1. Mr Mayor I refer to the old Hoskins Memorial Hall and ask Council if there are any proposed works for this building in the future?

The Group Manager Community and Corporate explained that Council has funding from Xstrata Coal to conduct a study into a cultural precinct which would include the Hoskins Building.

2. Mr Mayor I refer to a petition sent to ratepayers regarding the proposed rate increase from Councillors Ticehurst and McGinnes and ask Council to please explain the figures that are mentioned in this petition in relation to the Lithgow Tourism Centre?

The Mayor advised that the petition is not a Council petition and therefore Council is unable to answer the questions.

PF - 01/06/09 - MRS BEV MORRIS

1. Mr Mayor I refer to the Crystal Theatre in Portland and ask if the Councillors are aware that repairs for this theatre have been proposed for a long time and ask will they commence in July 2009?

The Mayor advised that Council would be considering tenders at this meeting.

2. Mr Mayor also in regards to the Crystal Theatre will interest earned on grant funds go towards the upgrade of the building?

The Mayor advised that this will be reported to Council in the future for Councils consideration.

An **EXTENSION OF TIME** was moved at 7.20pm to allow for further questions.

09-210 RESOLVED

MOVED: Councillor M F Ticehurst

SECONDED: Councillor G Danaher

CARRIED

PF - 01/06/09 - MR RON MURRAY

1. Mr Mayor I refer to the proposed aquatic centre and ask Council where is the \$700,000 that was granted by the Federal Government and also what is Council intending to spend this money on?

The General Manager explained that Council held these funds and that a report is to be considered at this meeting with a recommendation that Council request an extension of time for the use of the funds.

PF - 01/06/09 - MR BIRD

1. Mr Mayor I refer to the proposed bypass through Hartley and would like to suggest that Council consider the route through the Newnes Plateau?

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTES</u>	<u>7</u>
<u>ITEM:1</u>	<u>MAYORAL MINUTE - 01/06/09 - MEETINGS WITH NEW SOUTH WALES PREMIER, MINISTERS AND PARLIAMENTARIANS</u>	<u>7</u>
	<u>NOTICE OF MOTIONS</u>	<u>10</u>
<u>ITEM:2</u>	<u>NOTICE OF MOTION - 01/06/09 - COUNCILLOR C HUNTER - GREAT WESTERN HIGHWAY - MOUNT VICTORIA TO LITHGOW</u>	<u>10</u>
<u>ITEM:3</u>	<u>NOTICE OF MOTION - 01/06/09 - QUESTIONS WITH NOTICE - COUNCILLOR TICEHURST</u>	<u>12</u>
<u>ITEM:4</u>	<u>NOTICE OF MOTION - 01/06/09 - ROAD NAMING - COUNCILLOR M F TICEHURST</u>	<u>14</u>
<u>ITEM:5</u>	<u>NOTICE OF MOTION - 01/06/09 - ROAD NAMING DISCREPANCIES - COUNCILLOR M F TICEHURST</u>	<u>17</u>
	<u>GENERAL MANAGER REPORTS</u>	<u>20</u>
<u>ITEM:6</u>	<u>GM - 01/06/09 - PROPOSED LEASE OF COUNCIL PREMISES AT 34/36 MAIN STREET WALLERAWANG</u>	<u>20</u>
<u>ITEM:7</u>	<u>GM - 01/06/09 - COUNCIL INVESTMENTS TO 30 APRIL 2009</u>	<u>23</u>
<u>ITEM:8</u>	<u>GM - 01/06/09 - TERMS OF REFERENCE - ECONOMIC DEVELOPMENT SHOPFRONT COMMITTEE</u>	<u>25</u>
<u>ITEM:9</u>	<u>GM - 01/06/09 - QUARTERLY PERFORMANCE REPORT ON 2008/09 TO 2010/11 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY 2009 TO 31 MARCH 2009</u>	<u>26</u>
<u>ITEM:10</u>	<u>GM - 01/06/09 - INTEGRATED PLANNING AND REPORTING - RELEASE OF DRAFT LEGISLATION AND GUIDELINES FOR CONSULTATION</u>	<u>28</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>30</u>
<u>ITEM:11</u>	<u>REG - 01/06/09 - DOCTORS GAP RESIDENTS MEETING HELD ON 7 MAY 2009</u>	<u>30</u>
<u>ITEM:12</u>	<u>REG - 01/06/09 - DROUGHT MANAGEMENT UPDATE</u>	<u>33</u>
<u>ITEM:13</u>	<u>REG - 01/06/09 - PORTLAND OWNERS AND TRAINERS ASSOCIATION - REQUEST FOR REDUCTION IN FEES</u>	<u>35</u>
<u>ITEM:14</u>	<u>REG - 01/06/09 - EXPRESSIONS OF INTEREST - CONSTRUCTION OF LITHGOW SKATE PARK</u>	<u>37</u>

<u>ITEM:15</u>	<u>REG - 01/06/09 - 021/09DA - SKATE PARK (PUBLIC) TONY LUCHETTI SPORTS CENTRE GEORDIE STREET LITHGOW NSW 2790</u>	<u>39</u>
<u>ITEM:16</u>	<u>REG - 01/06/09 - WORKCOVER REPORT CONCERNING HOWARDS FIREWORKS</u>	<u>45</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>46</u>
<u>ITEM:17</u>	<u>COMM - 01/06/09 - ANIMAL POUND</u>	<u>46</u>
<u>ITEM:18</u>	<u>COMM - 01/06/09 - RTA TUNNEL HILL STOCKPILE SITE</u>	<u>48</u>
<u>ITEM:19</u>	<u>COMM - 01/06/09 - REVIEW OF COUNCIL DONATIONS POLICY</u>	<u>50</u>
<u>ITEM:20</u>	<u>COMM - 01/06/09 - LITHGOW CITY COUNCIL HERITAGE COLLECTION - .303 RIFLE</u>	<u>55</u>
<u>ITEM:21</u>	<u>COMM - 01/06/09 - DRAFT MANAGEMENT PLAN 2009/10 - 2011/12 AND SPECIAL RATE VARIATION APPLICATION</u>	<u>56</u>
<u>ITEM:22</u>	<u>COMM - 01/06/09 - JOINT REGIONAL PLANNING PANEL (JRPP) - LOCAL REPRESENTATION</u>	<u>68</u>
	<u>DELEGATES REPORTS</u>	<u>72</u>
<u>ITEM:23</u>	<u>DELEGATES REPORT - 01/06/09 - MINING RELATED COUNCIL MEETING</u>	<u>72</u>
<u>ITEM:24</u>	<u>DELEGATES REPORT - 01/06/09 - CENTROC BOARD MEETING AND SUMMIT - FRIDAY 22ND MAY 2009</u>	<u>73</u>
	<u>COMMITTEE MEETINGS</u>	<u>76</u>
<u>ITEM:25</u>	<u>COMM - 01/06/09 - TOURISM ADVISORY COMMITTEE MEETING - 5TH MAY 2009</u>	<u>76</u>
<u>ITEM:26</u>	<u>COMM - 01/06/09 - LITHGOW FLASH GIFT COMMITTEE MINUTES - 19 MAY 2009</u>	<u>77</u>
<u>ITEM:27</u>	<u>GM - 01/06/09 - MINUTES 6TH MAY 2009 ECONOMIC DEVELOPMENT SHOPFRONT COMMITTEE</u>	<u>78</u>
<u>ITEM:28</u>	<u>REG - 01/06/09 - INDOOR AQUACTIC CENTER ADVISORY COMMITTEE MINUTES 21 MAY 2009</u>	<u>79</u>
	<u>CLOSED REPORTS</u>	<u>81</u>
<u>ITEM:29</u>	<u>REG - 01/06/09 - CONFIDENTIAL REPORT - TENDER 01/09 CRYSTAL THEATRE UPGRADING</u>	<u>81</u>
<u>ITEM:30</u>	<u>GM - 01/06/09 - CONFIDENTIAL REPORT - COUNCILS ORGANISATION STRUCTURE</u>	<u>82</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>85</u>

MAYORAL MINUTES

ITEM:1 **MAYORAL MINUTE - 01/06/09 - MEETINGS WITH NEW SOUTH WALES PREMIER, MINISTERS AND PARLIAMENTARIANS**

COMMENTARY

On Wednesday May 13, 2009 representatives from Lithgow Council met with a range of people at Parliament House. A summary of those meetings is provided for information.

Meeting with the Premier of NSW, the Hon Nathan Rees

Arrangements were made to meet with Premier Rees in relation to the expansion of Mount Piper Power Station. Also involved in the meeting was the Minister for Energy, the Hon Ian MacDonald.

The meeting was very positive and we put the case for Mt Piper being the premium option for the expansion of base load generation in New South Wales. Our points were that given the elevation of Mt Piper there are inherent thermal efficiencies for any type of power station located there over other sites in NSW. These efficiencies would lead to a reduction in greenhouse emissions and reduced fuel use which is important in these economically and environmentally sensitive times.

Our belief is that the altitude and temperate air may also mean that air cooled condensers could be used at the site. That means there is no need for water to cool (and condense) steam back to water and the amount of water needed is about one tenth of the water required for conventional water cooled power stations.

With no need to build additional dams there is minimal impact on aquatic ecosystems, flora and fauna or water resources. As there would also be no need to utilise water from Delta's existing system of dams for cooling there would be no additional impacts on the Cox's River system.

Clearly the expansion of Mt Piper will have significant benefits for Lithgow particularly in the increased Delta workforce and numerous contractors, as well as a large number of jobs during construction.

The extension and upgrade proposals at Mt Piper are sensible given the proximity of existing suppliers in addition to the environmental benefits. The works would serve to stabilise the local economy creating long term job security for employees in the power industry. In addition there would be flow on effects to contractors and support industries which all lead to a strong and secure economy built on a solid base of a nationally important commodity, i.e. electricity.

I now feel more confident that with the works already done for the site being so substantial that it provides an enormous advantage to the project viability when compared to a new power station on a greenfield site where the necessary engineering and construction works add a further cost not required at Mt Piper.

I felt that Council had a very good and positive hearing from the Premier and thanks goes to our local member, Gerard Martin for being able to arrange this for us.

During our meeting with the Premier and Minister MacDonald, who is also the Minister for Mineral Resources and Minister for State Development, the opportunity was taken to raise some additional issues, including:

- The Rail Unloader proposal for Piper's Flat
- Decentralisation of government offices
- The development of the Minerals Processing Park

Meeting with Minister Phillip Costa, Minister for Water and Minister for Regional Development

Whilst at Parliament House the opportunity was taken to meet also with Minister Costa. This meeting was arranged at very short notice by our local member, Gerard Martin.

During the meeting we sought funding for emergency works for local water supplies.

With the water level at Oberon Dam at a record low we sought funding on Council's behalf for those villages supplied from the Fish River Water Supply (FRWS) scheme from the Oberon Dam. The current dam level is 12.5% (5,500 ML) and based on the worst case scenario, Oberon Dam will reach 8% by September 2009 when the water supply to the Oberon timber industries and the Delta power stations will be shut down. Oberon Dam at 8% would hold just over one year's water supply to Oberon town, Lithgow villages, domestic supplies to Delta and minor consumers. Council representatives met with the Minister for Water, the Hon Phillip Costa to discuss concerns for the supplies to

It was indicated to the Minister that Council needs to secure the water supply for those communities on the Fish River Water Supply Scheme including the villages of Marrangaroo, Wallerawang, Portland, Rydal, Cullen Bullen and Glen Davis.

Emergency works for the project have been estimated at \$400,000 and we have formally requested 100% subsidy under the drought relief for country towns program administered by the Department of Water and Energy to undertake these emergency works.

Normally under the funding program councils are expected to provide 50% funding however given that the works will assist communities outside of our local government area we feel that it only appropriate that the State Government provide the full funding.

These proposed works will enable Lithgow Council to supply water from the Lithgow supply system to these villages instead of from the current FRWS scheme.

In addition to these discussions representations were also made to the Minister on:

- the additional works required on the rock wall at the Wolgan Gap; and
- the development of the industrial land at the Minerals Processing Park.

Meeting with the Hon. Christine Robertson, Chair of Country Labor

Discussions were also held with Ms Robertson in relation to the CENTROC Summit.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

09-211 RESOLVED

THAT:

1. Note the report on meetings with Premier Rees and other members; and
2. Thank our local member, Gerard Martin, for arranging the meetings.

MOVED: Councillor Neville Castle

SECONDED: Councillor H K Fisher.

CARRIED

NOTICE OF MOTIONS

ITEM:2 NOTICE OF MOTION - 01/06/09 - COUNCILLOR C HUNTER - GREAT WESTERN HIGHWAY - MOUNT VICTORIA TO LITHGOW

NOTICE OF MOTION

MOTION TITLE/TOPIC

GREAT WESTERN HIGHWAY. MOUNT VICTORIA TO LITHGOW.

LISTED BY COUNCILLOR COLIN HUNTER

24 May 2009

BACKGROUND

The RTA is at present developing route options for the Great Western Highway from Mount Victoria to Lithgow.

It is in the interest of residents of the Hartley and Bowenfels area that the Lithgow City Council only supports the Orange Corridor following as close as possible to the present highway.

RECOMMENDATION

That the Lithgow city Council write to the RTA Project Manager, Chris Barnett, informing him of our support only for the Orange Corridor following as close as possible to the present highway.

Signed *C. J. Hunter*

09-212 RESOLVED

THAT the Lithgow City Council write to the RTA Project Manager, Chris Barnett, informing him of our support only for the Orange Corridor following as close as possible to the present highway.

MOVED: Councillor C Hunter

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:3 NOTICE OF MOTION - 01/06/09 - QUESTIONS WITH NOTICE -
COUNCILLOR TICEHURST**

NOTICE OF MOTION

MOTION TITLE/TOPIC:

Questions with Notice submitted by Councillor Martin Ticehurst.

Listed by: Councillor Martin Ticehurst

Date: 24 May 2009.

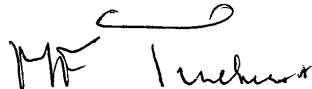
BACKGROUND

- Q. Could the Lithgow City Council confirm that it will spend in its current 2008/2009 budget up to \$242,000 in compliance with its Maintenance Clause (C. 20) under the terms of its expired property lease with the ASIC listed Lithgow Golf Club Ltd.?
- Q. Could the Lithgow City Council confirm that it will spend in its current 2008/2009 budget up to \$380,000 for capital drainage works and water reuse projects in compliance with its Maintenance Clause (C. 20) under the terms of its expired property lease with the ASIC listed Lithgow Golf Club Ltd.?
- Q. Could the Lithgow City Council confirm that it has allocated in its Draft 2009/2010 Management Plan up to \$258,000 in compliance with its Maintenance Clause (C. 20) under the terms of its expired property lease with the ASIC listed Lithgow Golf Club Ltd.?
- Q. Could the Lithgow City Council confirm that it has allocated in its Draft 2009/2010 Management Plan up to \$13,000 for more improvements to the buildings under the terms of its expired property lease with the ASIC listed Lithgow Golf Club Ltd.?

RECOMMENDATION

THAT the General Manager provides appropriate confirmation and responses to the Questions without Notice.

Signed:



MOTION

THAT the general manager provides appropriate confirmation and responses to the Questions Without Notice.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

The Motion was put and declared **LOST**

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

For 2

Against - 6

FOR

Councillor J J McGinnes

Councillor M F Ticehurst

AGAINST

Councillor C Hunter

Councillor W Marshall

Councillor R Thompson

Councillor H K Fisher

Councillor G Danaher

Councillor N L Castle

ITEM:4 NOTICE OF MOTION - 01/06/09 - ROAD NAMING - COUNCILLOR M F TICEHURST**NOTICE OF MOTION****MOTION TITLE/TOPIC:**

Confirmation by Lithgow City Council that all public roads are correctly named and gazetted under the Roads Act 1993 and Councils website Road Naming Policy and Councils Street Name Policy 10.11.

Listed by Councillor Martin Ticehurst.

Date: 24 May 2009.

REFERENCES

Lithgow City Council Road Naming Policy (website).
Lithgow City Council Street Name Policy 10.11.
Department of Local Government Circular 08/17 dated 16 April 2008.

BACKGROUND

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

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

With respect to a recent Notice of Motion (Item 7 LCC Ordinary Meeting of 16 February 2009) negatived 6-3 by the Lithgow City Council, public information confirms that the Geographical Names Board has cited a recent event whereby two roads of a similar nature in a Council area located in South Western NSW caused confusion in the dispatch of an ambulance. That confusion resulted in the death of the caller and the State Coroner recommended that all roads that had similar or duplicated names be renamed. That Council subsequently complied with the Coroners request.

Recently, Lithgow City Council ratepayers and residents have expressed serious concern over the ongoing public confusion with a number of roads and streets in the Lithgow township. This includes the two truncated sections of Chifley Road and Mort Street and Eddy Street and Edye Street, Lithgow.

Councillors now ask that as a matter of urgency, the General Manager declare what Lithgow City Council public roads if any are not correctly named and gazetted under the Roads Act 1993 and Councils website Road Naming Policy and Councils Street Name Policy 10.11.

ATTACHMENTS

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

RECOMMENDATION

THAT as a matter of urgency, the General Manager declares to the Council and Councillors at the next Ordinary Meeting of the Council which Lithgow City Council public roads if any, are not correctly named and gazetted under the Roads Act 1993 and Councils website Road Naming Policy and Councils Street Name Policy 10.11.

Signed:



MOTION

THAT as a matter of urgency, the General Manager declares to the Council and Councillors at the next Ordinary Meeting of the Council which Lithgow City Council public roads, if any, are not correctly named and gazetted under the Roads Act 1993 and Councils website Road Naming Policy and Councils Street name Policy 10.11

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

The **MOTION** was put and declared **LOST**

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

FOR

Councillor C Hunter

Councillor J J McGinnes

Councillor M F Ticehurst

AGAINST

Councillor G Danaher

Councillor W Marshall

Councillor H K Fisher

Councillor R Thompson

Councillor N L Castle

**ITEM:5 NOTICE OF MOTION - 01/06/09 - ROAD NAMING DISCREPANCIES -
COUNCILLOR M F TICEHURST**

NOTICE OF MOTION

MOTION TITLE/TOPIC:

Current serious public road naming discrepancies by Lithgow City Council, as the official road naming authority, of Park Ave and Park Street, Portland; Coolamigal Road and Coolamigal Road, Portland and Reservoir Road and Reservoir Street, Portland.

Listed by Councillor Martin Ticehurst

Date: 24 May 2009.

REFERENCE:

Minutes of LCC Finance and Services Committee Meeting on 7 August 2007.
Internet www.google.com ; www.whereis.com and www.lands.nsw.gov.au.
Various Blaxland Shire Council; Lithgow City Council, CMA Maps.

BACKGROUND

Further information has come to hand from Portland ratepayers and residents raising serious public concerns not only over the previously disputed location by Lithgow City Council of Coolamigal Road, Portland but also of further publicly named roads including, Park Ave and Park Street, Portland and Reservoir Road and Reservoir Street, Portland. Each of the identically named roads are no where near each other and as such are causing and may cause serious confusion in responding to any emergency.

Lithgow City Councils own large Shire Roads Map (Greater Lithgow City Council/CMA/1987) clearly identifies Coolamigal Road as No. 26 and running east to west as the road that runs up to the Pinch Museum in Portland and is beside the Portland Tip off the Portland-Cullen Bullen Road, Portland. The current Lithgow City Council signposted road of Coolamigal Road is listed on the Greater Lithgow City Council/CMA/1987 Map as Williewa Creek Road.

Further, correspondence with the Department of Lands has confirmed that the Lithgow City Councils previous identification of the Coolamigal Road in the Government Gazettal notice in NSW Government Gazette No 151 1970 is completely wrong. The Department of Lands has confirmed that the portion of road identified in NSW Government Gazette No. 151 of 1970 is the roadway within the Portland Common running from Ridge Street down to the Williewa Creek Road Causeway. This appears to confirm Blaxland Shire Maps and Shire Road Lists showing that the Coolamigal Road existed pre-1964 on the road that runs up to the Pinch Museum in Portland.

Further, the www.Google.com.au website has a new MAPS facility (Street View) which clearly shows the Coolamigal Road Portland as running east to west as the road that runs up to the Pinch Museum in Portland. The current Lithgow City Council signposted road is not identified with any road name. This website facility, which is also used by many Mapping authorities (i.e. Whereis.com.au) emergency services, couriers and the public using GPS facilities. New Council Maps provided to the Local Emergency Services groups when this matter arose in 2003 may be erroneous and in the interests of public safety, should be urgently replaced by the Lithgow City Council.

Additional information has also been provided confirming that there both a Park Ave and Park Street, Portland and Reservoir Road and Reservoir Street, Portland, neither of which are near their identically named road. This is seriously contrary to the policies of the Geographical Names Board and the Lithgow City Councils own Road Naming Policy on the Councils website.

At the Finance and Services Committee Meeting on Monday 6 August 2007 the General Manager indicated to the Council that a report on this matter of Coolamigal Road, Portland would be considered by staff and brought back "*in as timely manner as possible.*" It still remains outstanding to this date.

I believe it is **urgent and timely** for Lithgow City Council to provide an urgent report, including all Council/Shire Road Maps to the Council, Councillors and ratepayers on the Park Ave and Park Street, Portland; Coolamigal Road and Coolamigal Road, Portland and Reservoir Road and Reservoir Street, Portland and advise of any investigation and any action/s taken as a result of the Councils investigation into the matter.

Council Officers may also like to confirm information that none of the above mentioned public roads, streets and avenues have been formally gazetted.

RECOMMENDATION

THAT the above information be received and that the General Manager provide an urgent report to Council, including City of Greater Lithgow Council/Shire Road Maps to Council, all Councillors and ratepayers at the next Ordinary Meeting of Council.

Signed:



MOTION

THAT the above information be received and that the General Manager provide an urgent report to Council, including City of Greater Lithgow Council / Shire Road Maps to Council, all Councillors and ratepayers at the next Ordinary Meeting of Council.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

AMENDMENT

THAT an investigation be carried out as to whether four roads mentioned namely Park Avenue and Park Street and Reservoir Road and Reservoir Street pose a problem for Emergency Services and if so, appropriate action be taken to rectify the matter.

MOVED: Councillor W Marshall

SECONDED: Councillor H K Fisher

On being put the **AMENDMENT** was carried and became the **MOTION**.

09-213 RESOLVED

THAT an investigation be carried out as to whether four roads mentioned namely Park Avenue and Park Street and Reservoir Road and Reservoir Street pose a problem for Emergency Services and if so, appropriate action be taken to rectify the matter.

MOVED: Councillor W Marshall

SECONDED: Councillor H K Fisher

CARRIED

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

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

GENERAL MANAGER REPORTS

ITEM:6 GM - 01/06/09 - PROPOSED LEASE OF COUNCIL PREMISES AT
34/36 MAIN STREET WALLERAWANG

REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of an approach by a prospective tenant to lease Council premises at 34/36 Main St Wallerawang.

COMMENTARY

Council is in receipt of correspondence from a Council staff member, in relation to leasing premises at 34/36 Main St Wallerawang.

The request is:

“The property has been unoccupied for many years and because of this has become rundown and dilapidated.

I am seeking to lease a meeting place for motorcycle enthusiasts and their families in the community and this property would meet those requirements. I must emphasise that I am not starting a motorcycle club, just seeking a place for any motorcycle enthusiasts and their families in the community to meet once a week, possibly on Friday nights, for family social get togethers.

Repairs to the internal walls brickwork and render would be carried out by Council’s own qualified bricklayer,, and other repairs done by myself, being Council’s building maintenance carpenter in our own time, at no cost to Council, and ultimately the ratepayer.

I would ask that a nominal monthly rental be applied to the whole building as the repairs and ongoing maintenance, including internal painting of the property would be done, as mentioned, at no cost to Council.

By being occupied once repairs and maintenance are effected, the building would not deteriorate a quickly as being left as it is. Another upside for Council is that the building appreciates in value by having necessary repairs carried out at no cost and would get some return on the building which currently is bringing no return. If this building is left unoccupied it will get further into disrepair.

Trusting my application to lease the whole building is looked upon favourably”:

The nature of the proposed development would be defined as a "club" under the definitions within the Environmental Planning and Assessment Model Provisions 1980 and as such the applicant would need to lodge a development application prior to occupation.

Section 5 of Lithgow's LEP adopts the definitions and although they have now been repealed, the definitions as they were at the date of repeal are still applicable for classification purposes. In this respect a "club" is defined as "a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#)."

In regards to the location being sought, Main St Wallerawang, clubs are considered permissible within the 2(v) Village zone subject to Development Consent.

Prior to the applicant seeking development approval it would be considerate of Council to firstly determine if it wishes to lease the premises.

Council has in past years considered the dilapidated state of the premises and demolition was considered but prior to this happening an offer to purchase was made which Council favourably considered but a sale did not eventuate

The premises have remained vacant for a considerable length of time and an estimate of \$5,000 to \$8,000 has been provided by Councils Development Manager to improve the building. No provision has been made for improvements on the building in the current or forthcoming Management Plans and Council may wish to consider improvements to the internal fixtures at the full cost of the applicant. All proposed works would be by prior consultation and written approval from Councils Development and Asset Managers.

The employee has offered to pay reduced monthly rental of \$60.00 in lieu of improvements to the building.

To provide Council a rental comparison, offices adjacent to the Wallerawang Library were leased as a doctor's surgery in the past for \$45.00 per week or \$180.00 per month, \$2,160 per annum. In consideration of major capital improvements it is considered reduced rental of \$120.00 per month would be considered reasonable.

The lease would attract a condition that renovation of the premises will remain the property of Council in consideration of the reduced rental and Clause 26 of the proposed Schedule of Principal Terms and Conditions will read as follows:

“Clause 26 Special Conditions

The Lessee is granted permission to make alterations to the property by written authorisation of Council

- 1. Improvements carried out by the Lessee will become the property of the Lessor at the conclusion of the lease period or when the Lessee terminates the tenancy.*

Notwithstanding this the Lessor may request the Lessee to remove any or all of the items 1 to 4 as mentioned above and request remediable works to be conducted.

As required by Council's insurer the lessee is responsible for insurance noting the lessor's interest on a relevant Certificate of Currency for public liability coverage of \$20,000,000.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Annual rental of \$1,140 (GST Inc) payable in monthly instalments of \$120.00 (GST Inc). Water and sewerage charges to be paid by the tenant as well as all costs incurred in relation to the preparation of the lease.

LEGAL IMPLICATIONS

Real Property Act 1900

RECOMMENDATION

THAT Council approve the granting of lease of 34 / 36 Main St Wallerawang to a Council employee for use of the premises as a meeting place for motorcycle enthusiasts and their families

09-214 RESOLVED

THAT:

- Council approve the granting of lease of 34 / 36 Main St Wallerawang to Council employee for use of the premises as a meeting place for motorcycle enthusiasts and their families
- The term of lease to be a maximum of 6 months and terminated if any problems occur.

MOVED: Councillor R Thompson
CARRIED

SECONDED: Councillor G Danaher

ITEM:7 GM - 01/06/09 - COUNCIL INVESTMENTS TO 30 APRIL 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

- Meeting: 19 August 2008 (July 2008)
- Meeting: 07 October 2008 (Aug 2008)
- Meeting: 21 October 2008 (Sept 2008)
- Meeting: 18 November 2008 (Oct 2008)
- Meeting: 15 December 2008 (Nov 2008)
- Meeting: 27 January 2009 (Dec 2008)
- Meeting: 16 February 2009 (Jan 2009)
- Meeting: 09 March 2009 (Feb2009)
- Meeting: 20 April 2009 (March 2009)

SUMMARY

To advise Council of investments held to 30 April 2009 for the 2008/09 financial year.

COMMENTARY

Council's total investment portfolio as at 30 April 2009 when compared to 31 March 2009 has decreased by \$1,578,448.16.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.03.09	VALUE 30.04.09	% OF TOTAL
ANZ	TD	12.03.09	14.05.09	63	3.28	1,018,101.41	1,018,101.41	7.41%
	TD	12.03.09	14.05.09	63	3.28	506,029.26	506,029.26	3.68%
	TD	18.04.09	18.05.09	32	3.37	505,931.35	508,523.94	3.70%
BANKWEST	TD	27.01.09	02.04.09	65	4.25	250,000.00	0.00	0.00%
	TD	05.01.09	09.04.09	94	4.70	542,908.78	0.00	0.00%
	TD	09.02.09	14.05.09	94	4.05	525,429.96	525,429.96	3.83%
	TD	19.01.09	16.04.09	87	4.45	502,123.29	0.00	0.00%
	TD	12.03.09	10.07.09	120	4.15	500,000.00	500,000.00	3.64%
CBA	On Call				2.95	1,110,478.01	814,216.78	5.93%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.60%
	TD Shield	21.11.07	05.06.09	547	***	750,000.00	750,000.00	5.46%
CITIBANK	TD	16.04.09	16.07.09	90	4.60	592,732.32	595,022.87	4.33%
	TD	09.04.09	11.06.09	64	3.90	521,293.83	527,785.01	3.84%
	TD	09.03.09	15.05.09	66	4.00	1,019,977.83	1,019,977.83	7.43%
LGFS	On Call				2.90	7,159.79	7,159.79	0.05%
IMBS	TD	05.03.09	06.06.09	91	4.05	1,457,606.50	1,457,606.50	10.61%
	TD	05.03.09	07.05.09	63	3.95	905,304.75	905,304.75	6.59%
MACQUARIE	TD	18.02.09	19.05.09	90	4.40	2,079,693.15	2,079,693.15	15.14%
ST GEORGE	TD	19.03.09	19.05.09	60	3.28	750,000.00	750,000.00	5.46%
	On Call				3.20	541,180.33	542,651.15	3.95%
SUNCORP	TD	04.03.09	04.06.09	90	4.00	500,000.00	500,000.00	3.64%
	TD	19.03.09	18.06.09	91	3.81	506,625.54	506,625.54	3.69%
						15,312,576.10	13,734,127.94	100.00%

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

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

The CBA deposit of \$750,000 which will mature on the 5th June 2009 states the following:

Principal Protection:

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 April 2009 is \$575,388.19 of a revised estimate of \$755,000 reported in the December quarter of the 2008/09 Management Plan. Interest is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

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

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

RECOMMENDATION

THAT Investments of \$13,734,127.94 for the period ending 30 April 2009 be noted.

09-215 RESOLVED

THAT Investments of \$13,734,127.94 for the period ending 30 April 2009 be noted and the Internal Services Manager be congratulated for the Management of Councils investments

MOVED: Councillor G Danaher

SECONDED: Councillor R Thompson

CARRIED

ITEM:8 GM - 01/06/09 - TERMS OF REFERENCE - ECONOMIC DEVELOPMENT SHOPFRONT COMMITTEE

REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH

REFERENCE

Min 09-78: Ordinary Meeting of Council 16 February 2009

SUMMARY

This report recommends the adoption of the Terms of Reference for the Economic Development Shopfront Committee under Section 355, NSW Local Government Act 1993.

COMMENTARY

As reported at the Ordinary Council Meeting of 16 February 2009 Council agreed to establish a 'Economic Development Shopfront Committee' to assess the eligibility of suitable Community groups to occupy vacant Council premises on a conditional basis.

It is now appropriate for Council to adopt the Terms of Reference for that Committee as detailed in the attachment to the business paper.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NSW Local Government Act 1993, Section 355

09-216 RESOLVED

THAT the Council adopts the Terms of Reference to the Economic Development Shopfront Committee.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:9 GM - 01/06/09 - QUARTERLY PERFORMANCE REPORT ON 2008/09 TO 2010/11 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY 2009 TO 31 MARCH 2009

REFERENCE

Min P08-32: Council Meeting 7 April 2008
Min O08-118 Council Meeting 19 August 2008
Min O08-193 Council Meeting 18 November 2008
Min 09-54 Council Meeting 16 February 2009

SUMMARY

This report provides the Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan for the period of 1 January 2009 to 31 March 2009 with a recommendation that the adjusted surplus of \$385,269 be noted.

COMMENTARY

The March Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan has been prepared and details are provided with the attachment to the Business Paper.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities. The Budget Review Statement notes a surplus of \$385,269 which is an increase on the December surplus of \$316,920.00 by \$68,349 and is attributed to minor savings within all programs.

2008/09 QUARTERLY BUDGET COMPARISON

Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	\$61,665	-\$61,665	\$0
September Quarter	\$62,063	-\$61,752	\$311
December Quarter	\$62,420	-\$62,103	\$317
March Quarter	\$58,899	-\$58,514	\$385

The decrease in the total budget income and expenditure is due to Divisional Managers reviewing all planned capital projects and revoting work which have not commenced to the 2009/10 financial year. In the case of the Lithgow Sewerage Treatment Plant no further expenditure will occur this financial year due to the fact that tenders have recently closed and are in the final stage of evaluation. Expenditure has been previously allocated in 2009/10 to 2011/12 Management Plan for completion of the project.

Copies of the report are also available for viewing at Council's Administration Centre and the website.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the March Quarterly Performance Report on the 2008/09 to 2010/11 Management Plan.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

RECOMMENDATION

THAT:

1. The surplus of \$385,269 for the 2008/09 to 2010/11 Management Plan as detailed in the Quarterly Performance Report for the period 1 January 2009 to 31 March 2009 be noted.
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory.

09-217 RESOLVED

THAT:

1. The surplus of \$385,269 for the 2008/09 to 2010/11 Management Plan as detailed in the Quarterly Performance Report for the period 1 January 2009 to 31 March 2009 be noted and the variations approved;
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2008/09 to 2010/11 Management Plan has been reviewed and the financial position of Council is satisfactory; and
3. \$14,000 from the surplus be allocated to the town clock to improve the image of our town centre

MOVED: Councillor W Marshall

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:10 GM - 01/06/09 - INTEGRATED PLANNING AND REPORTING -
RELEASE OF DRAFT LEGISLATION AND GUIDELINES FOR
CONSULTATION**

SUMMARY

The NSW Government has issued draft legislation and guidelines for the implementation of its Integrated Planning and Reporting proposal.

COMMENTARY

Following consultation with a variety of stakeholders, the Government has released the Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009 for public consultation.

The draft legislation is supported by draft Planning and Reporting Guidelines (compliance is mandatory), and a draft Planning and Reporting Manual. A set of frequently asked questions has also been prepared.

All documents are available on the Department's website at www.dlg.nsw.gov.au under Integrated Planning and Reporting.

The Integrated Planning and Reporting Framework has been developed as part of the Local Government Reform Program and proposes changes to the Local Government Act 1993 to improve council's long term community, financial and asset planning.

Councils will be required to identify and plan for funding priorities and service levels in consultation with their community, while planning for a more sustainable future.

The key drivers for changing the current planning and reporting framework include: increased expectations on local government, innovation of some councils with positive effects, recent findings from reviews of council strategic performance, and the need for improved asset management and long term financial planning.

The new planning and reporting framework replaces the former Management Plan, Social Plan and Annual Reporting requirements with an integrated framework, consisting of a hierarchy of documents including a long-term Community Strategic Plan, a Resourcing Strategy and a Delivery Program for each elected council term.

While the implementation of the new requirements will be staged, to comply with the requirements of the legislation and the *Planning and Reporting Guidelines for local government in NSW*, all councils by 2012 will need to have in place the following **planning** processes:

- a Community Strategic Plan
- a community engagement strategy that sets out how each council will engage its community when developing its Community Strategic Plan
- a Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans

- a Delivery Program
- an Operational Plan, including a statement of revenue policy, and a detailed annual budget

To comply with the requirements of the legislation and the *Planning and Reporting Guidelines for local government in NSW*, councils will need to have in place the following **reporting** processes:

- an annual report outlining achievements against the Delivery program
- a State of the Environment Report as part of the Annual Report, which outlines achievements in relation to the environmental objectives in the Community Strategic Plan
- audited financial statements as part of the Annual Report
- an end of term report by each outgoing council outlining the achievements in implementing the Community Strategic Plan presented to the final meeting of that council

Councils have been invited to make submissions to the Department on the draft legislation, and the guidelines and manual. The closing dates for making submissions have been staggered, so that comments on the legislation can be considered first.

The closing dates for submissions are:

Draft Bill and Regulation - **5.00 pm, Friday, 12 June 2009**
Draft Guidelines and Manual – **5.00 pm, Friday, 3 July 2009.**

Information sessions on the Integrated Planning and Reporting Framework were held in several locations during the consultation period. It is disappointing that little notice was given on these sessions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

09-218 RESOLVED

THAT Council notes the report on the Integrated Planning and Reporting Legislation and Guidelines

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

REGIONAL SERVICES REPORTS

ITEM:11 REG - 01/06/09 - DOCTORS GAP RESIDENTS MEETING HELD ON 7 MAY 2009

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min O08-191 Council Meeting 18 November 2008

SUMMARY

This report provides details of a meeting held on 7 May 2009 with residents of Doctors Gap to discuss the proposal to provide reticulated sewerage to this area.

COMMENTARY

At Council's Meeting of 18 November 2008, it was resolved to hold a meeting with residents of Doctors Gap to provide an update on the proposal to provide reticulated sewerage to this area. The meeting was held on 7 May 2009 with the following being discussed:

- The background of the proposal to provide reticulated sewerage to Doctors Gap including the unsuccessful bid to lodge an application for subdivision to provide landholders with individual title to their properties
- Council's proposal to undertake a project over three years to provide sewerage to existing dwellings in Doctors Gap consisting of:
 - Year 1 - Feasibility/Options Study
 - Year 2 – Design and investigation of external funding options
 - Year 3 – Construction
- Proceeding to years 2 and 3 would be dependent on a feasible option being identified in year 1
- The possibility of a newer technology, e.g. low pressure sewerage system, being more cost effective and not as severely impacted by the unique land tenure.
- That another meeting would be planned following the receipt of the feasibility study

The information was positively received by the residents who also indicated no objection to a project timeframe of 3 years. The residents also pointed out that the project should also include water reticulation.

At the meeting an opportunity was afforded to residents to raise other issues. The most significant of these requiring Council consideration was a request for Council to grade Doctors Gap Road which they indicated that Council had done in previous years but this practice had ceased.

Doctors Gap Road is not a public road and it is likely that in previous years the road may have been graded, however Council has correctly ceased the practice of grading roads that are not public roads whenever such a situation is established. Such private works can be carried out in accordance with the provisions of the Local Government Act providing a fee is charged in accordance with the Council's adopted fees. The Act provides that if a council proposes to charge an amount less than the approved fee, then this may occur by resolution of the council at an open meeting before the work is carried out. A council must include details or a summary of any such resolutions in its next annual report.

POLICY IMPLICATIONS

Policy 10.13 – Crown Roads Maintenance provides that “Council will not maintain Crown Roads within its local government area unless the landholders receiving the benefit of the Crown Road enter into at Work at Owners Cost arrangement and pay Council for the maintenance works.” Whilst the road is not a Crown Road the principle is similar.

FINANCIAL IMPLICATIONS

Council has allocated an amount of \$50,000 in its draft budget for 2009/2009. Should this amount be adopted when Council adopts the budget then the first stage of the project may proceed. Should Council resolve to grade a private road there would be a Work at Owners cost in accordance with Council's adopted fees unless otherwise resolved.

LEGAL IMPLICATIONS

Nil in relation to this report. The feasibility study may raise issues.

RECOMMENDATION

THAT

1. The report on the meeting with Doctors Gap residents be noted
2. The project for sewer to Doctors Gap also considers water reticulation; and
3. Council advise the Doctors Gap Landholders Association that it is willing to grade Doctors Gap Road as a Work at Owners Cost.

MOTION

THAT

1. The report on the meeting with Doctors Gap residents be noted
2. The project for sewer to Doctors Gap also considers water reticulation; and
3. Council advise the Doctors Gap Landholders Association that it is willing to grade Doctors Gap Road as a Work at Owners Cost.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

AMENDMENT

THAT:

1. The Report on the meeting with Doctors Gap residents be noted.
2. No work to be done on water and sewer surveys until a subdivision is finalised and that the road can be used as an easement for the mains

MOVED: Councillor C Hunter

SECONDED: Councillor H K Fisher

The amendment was put and declared LOST

09-219 RESOLVED

THAT

1. The report on the meeting with Doctors Gap residents be noted
2. The project for sewer to Doctors Gap also considers water reticulation; and
3. Council advise the Doctors Gap Landholders Association that it is willing to grade Doctors Gap Road as a Work at Owners Cost.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

ITEM:12 REG - 01/06/09 - DROUGHT MANAGEMENT UPDATE

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min 09-06 Council Meeting 9 March 2009
Min 09-20 Council Meeting 30 March 2009
Min 09-136 Council Meeting 30 March 2009
Min 09-160 Council Meeting 20 April 2009
Min 09-185 Council Meeting 11 May 2009

SUMMARY

This report provides an update to Council on drought management issues.

COMMENTARY

The following activities have been taking place since the last Ordinary Council meeting in relation to drought management.

Clarence Water Transfer Scheme

The draft feasibility/options report on the Clarence Water Transfer Scheme has been received. The objective of this report is to identify a preferred option for transferring additional water from the Clarence Colliery to Council's water supply system. Therefore, the preferred option will provide a secure, sustainable source of water, be environmentally and economically feasible and be practicable from an operations and maintenance point of view. The Draft Report is currently being reviewed and a further report on this matter will be provided to Council's meeting of 22 June 2009.

State Water – Peer Review of the Fish River Water Supply Drought Management Strategy

State Water has engaged the Department of Commerce to undertake a peer review of the Fish River Water Supply Drought Management Strategy to ensure that the Strategy is sound and:

- Addresses the specific drinking needs of the towns and villages in the scheme and its diverse customers;
- Is consistent with NSW Government best practice guidelines for drought planning; and
- Is consistent with drought management plans of similar water authorities.

A 'start up' meeting was attended on 13 May 2009 with other members of the Fish River Customer Council. Following Council's request to investigate other potential water sources a request was made at the start up meeting if this could be included as part of the review. Given the scope of the review and the due date for the final report, being 9 June 2009, it is uncertain as to what extent of investigation may be able to provided as part of this review.

Application for Drought Relief Funding

With the assistance of State Water, Council forwarded an application for funding under the Drought Relief for Country Towns program on 21 May 2009. The submission requests 100% subsidy to undertake emergency works involving the installation of a duplicate main to Council's Cook Street Reservoir and additional pumping capacity. This would then deliver the necessary supply to back feed water through the Fish River infrastructure as far as Glen Davis.

The current Oberon dam level is 12.5%. If funding is forthcoming then these works will secure extension of supplies to the Oberon Township in the event that level 7 restrictions are implemented; save the FRWS Scheme an estimated 750ML/year and in the worst case scenario modelling, extend the drinking water supply to Oberon by another two years.

Meeting with the Minister for Water and Minister for Regional Development

On 13 May 2009 The Hon Phillip Costa, MP, Minister for Water and Regional Development received a delegation from Lithgow Council on short notice so that the current situation could be explained and notice given of the impending drought relief funding application. The Minister was very receptive and had already received representations from Oberon Council. It is hoped that as Lithgow Council's application for drought relief funding also assists Oberon then 100% funding may be achieved.

Other Matters

State Water has reviewed recent consumption figures and the amount of 72ML for April consumed by Lithgow Council consumers was found to be incorrect. The correct figure of 54.3ML raises some confidence that back feeding Farmers Creek water to Marrangaroo is having some impact.

POLICY IMPLICATIONS

Policy No. 12.2 Water Restrictions sets out Council's response to non-compliance with water restrictions.

FINANCIAL IMPLICATIONS

The application for drought relief seeks funding up to \$400,000 and if 100% funding is successful then no additional contribution from Council would be necessary. Further negotiations would need to take place on issues such as the sale of Farmers Creek water to State Water; reduction in Fish River Water Supply access charges and Council's use of State Water infrastructure.

LEGAL IMPLICATIONS

Nil

09-220 RESOLVED

THAT the report on drought management be noted.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

**ITEM:13 REG - 01/06/09 - PORTLAND OWNERS AND TRAINERS ASSOCIATION
- REQUEST FOR REDUCTION IN FEES**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise of a request from the Portland Owners and Trainers Association to amend the current fees from \$1,397.50 per season to \$50.00 per member per season for the use of Kremer Park, Portland.

COMMENTARY

Council issued tax invoices for \$1,210 in 2007/2008 and \$1,397.50 for 2008/2009 in accordance with the adopted fees in the Management Plan for those years to the Portland Owners and Trainers Association for the use of Kremer Park, Portland. Since the issue of the invoices, Portland Owners and Trainers Association have advised that they have only nine (9) members training horses at Kremer Park and as such, believe that a fee of \$50.00 per member of their Association is more feasible.

Subsequently, a review of Council's current fee was undertaken and indicates that \$50.00 per member will not cover a reasonable proportion the costs associated with maintenance to Kremer Park. A fee of \$100.00 per member would be more realistic to cover these costs, with one (1) invoice for the total amount owing being forwarded annually to the Portland Owners and Trainers Association, based on advice being provided regarding their current membership numbers.

As a result, Council has the following options:

- To reconfirm the fees of \$1,210 and \$1,397.50 as listed in the Management Plan for 2007/2008 and 2008/2009.
- To reconfirm the fee of \$1,210 and \$1,397.50 but donate the difference between the adopted fee and a fee of \$100 per member i.e. \$310 for 2007/2008 plus \$497.50 for 2008/2009 = \$807.50
- Write off the difference in income between the adopted fee and proposed revised fee of \$497.50 for the year 2008/2009.
- Write off the difference in income between the adopted fee and proposed revised fee of for both financial years totaling \$807.50 with the cost of the write off impacting on the 2008/2009 budget.

In an effort to resolve this matter, it is suggested that Council consider 'writing off' the difference in income of \$807.50 for both years. Additionally, Council will recall that the proposed fee for harness racing at Kremer Park for 2009/2010 is listed in the Draft Management Plan 2009/10 to 2011/12 as \$1,468 and as such may wish to reconsider this fee in light of the representations made on this matter in 2008/2009. As such is it suggested that an altered fee of \$105 per member be adopted as the fee in the Management Plan in 2009/2010.

POLICY IMPLICATIONS

Council's Policy No. 4.4 – Donations Section 356 of the Local Government Act is relevant if Council was considering donating the difference of \$807.50 or reducing the fee by \$807.50. The Policy states that Council's Sports Advisory Committee considers all requests to reduce fees for the hire of Council's sporting facilities. However, in this case and lateness in the financial year, it is considered appropriate that Council consider the request without the matter being forwarded to the Sports Advisory Committee.

FINANCIAL IMPLICATIONS

Should Council agree to the proposed fee arrangement then Council's 2008/2009 budget will need to be amended to indicate income of \$900.00 rather than the \$1,397.50 as currently invoiced.

LEGAL IMPLICATIONS

Nil

09-221 RESOLVED

THAT

1. Council adopt a reduce fee of \$100 per member of the Portland Owners and Trainers Association for use of Kremer Park, Portland for the 2008/2009 season.
2. The difference of \$807.50 in income be 'written off' and reflected in the 2008/2009 budget.
3. The outstanding invoice of \$1,210 be adjusted to \$900 for the 2007/2008 financial year.
4. The outstanding invoice of \$1,397.50 be adjusted to \$900 for the 2008/2009 financial year.
5. A fee of \$105 per member of the Portland Owners and Trainers Association be adopted as the fee in the Management Plan for 2009/2010.
6. The Portland Owners and Trainers Association be required to provide details of their membership at the commencement of each financial year to calculate the required tax invoice and only one tax invoice be issued to the Portland Owners and Trainers Association.
7. The General Manager be delegated authority to negotiate a reasonable payment plan with the Portland and Owners and Trainers Association.
8. If a reasonable payment plan cannot be negotiated, the Portland Owners and Trainers Association be advised that access to Kremer Park by any of their members may be restricted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

**ITEM:14 REG - 01/06/09 - EXPRESSIONS OF INTEREST - CONSTRUCTION
 OF LITHGOW SKATE PARK**

REPORT FROM: STRATEGIC ENGINEER – LEANNE KEARNEY

REFERENCE

Council Resolution 09-170 of Ordinary meeting held on Monday, 11 May 2009.

SUMMARY

To advise of the receipt of expressions of interest submissions for the proposed construction of the new Lithgow Skate Park, and recommend that selected contractors be invited to tender for the project.

COMMENTARY

As previously resolved by Council, expressions of interest were called for the proposed construction of the Lithgow Skate Park. Advertisements were placed in the Sydney Morning Herald and on Councils website for twenty one (21) days. A total of seven (7) expressions of interest were received from the following:

- Services (Inc.) Pty Ltd (Karrabin, Queensland)
- American Ramp Company (Missouri, USA)
- Precision Parks and Concreting (Mulwala, New South Wales)
- Parkequip (Wetherill Park, New South Wales)
- Convic Skateparks (Richmond, Victoria)
- Euclid Infotech (Mumbai, India)
- Concrete Skate Parks (Brisbane, Queensland)

Assessment of the submissions were made by Council Officers in conjunction with the designer of the facility (Oasis Skate Park), who has vast expertise and experience in this field. Examination of the expression of interest submissions from each company reveals that they have met the criteria for acceptance of the documentation.

Of the seven (7) submissions, it is recommended that four (4) companies be invited to tender for the construction of the Lithgow Skate Park, based on the information provided in their submission and completion of previous projects, and references from their previous clients. The four (4) companies selected are:

- Services (Inc.) Pty Ltd (Karrabin, Queensland)
- Precision Parks and Concreting (Mulwala, New South Wales)
- Concrete Skate Parks (Brisbane, Queensland); and
- Convic Skateparks (Richmond, Victoria)

Council has not previously worked with any of the companies, however, the documentation provided indicates that they have the capabilities to complete the contract and should be requested to tender. Of paramount importance to Council is the ability of this project to be completed prior to 30 September 2009 to comply with the funding grant conditions. Discussions with the four (4) preferred tenderers indicate that this deadline can be met.

POLICY IMPLICATIONS

Councils Tendering Policy requires that Council consider a report from the assessment team with a recommendation to proceed to the tender process for selected tenderers pursuant to the provisions of Section 55 of the Local Government Act, 1993, and Clause 166 of the Local Government (General) Regulation 2005.

FINANCIAL IMPLICATIONS

Nil as funding for this project has been committed by the Federal Government under the Regional and Local Communities Infrastructure Program, and in accordance with the grant conditions, part of funding needs to be expended prior to 30 September 2009.

LEGAL IMPLICATIONS

Council is required to comply with the tendering provisions of the Local Government Act, 1993, and relevant regulation.

09-222 RESOLVED

THAT the following four (4) companies be invited to tender for the proposed construction of the Lithgow Skate Park:

- Services (Inc.) Pty Ltd (Karrabin, Queensland)
- Precision Parks and Concreting (Mulwala, New South Wales)
- Convic Skateparks (Richmond, Victoria); and
- Concrete Skate Parks (Brisbane, Queensland).

MOVED: Councillor R Thompson
CARRIED

SECONDED: Councillor G Danaher

ITEM:15 REG - 01/06/09 - 021/09DA - SKATE APRK (PUBLIC) TONY LUCHETTI SPORTS CENTRE GEORDIE STREET LITHGOW NSW 2790

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil.

SUMMARY

This report assesses and recommends approval, subject to conditions, of Development Application No. 021/09.

COMMENTARY

Council is in receipt of development application 021/09DA by Lithgow City Council for a proposed concrete skate park on land described as within Tony Luchetti Sportsground.

The land is held and managed by Lithgow City Council as Corporate Manager of the Lithgow Public Park Trust (P590046).

This area forms part of the Lithgow Sporting and Cultural Precinct that incorporates a series of open space land developed around Farmers Creek for sporting/recreational and cultural activities.

The development site has an area of approximately 2,900 m² and is located adjacent to Barton Street.

The current transportable skate ramp is located upon the site on a hard stand area having an area of approximately 1,000 m². The remainder of the site is vacant grassed area. Only one tree stands on the site in the north eastern corner adjacent to the existing ticket box that is proposed to be retained.

The proposal has become possible due to successful funding in two rounds of recent federal funding initiatives being the Regional Local Community Infrastructure Program (RLCIP). This funding arrangement requires the Project to be constructed by 30th September, 2009.

Recommendations are for approval subject to conditions.

LOCATION

Legal Description :	Lot 11 DP 433799
Property Address :	TONY LUCHETTI SPORTS CENTRE GEORDIE STREET LITHGOW NSW 2790

ZONING

The land is zoned 6 – Open Space in accordance with Council's Local Environmental Plan 1994.

POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

FINANCIAL IMPLICATIONS (eg Section 94)

Nil.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

These matter for consideration are attached in a separate report.

09-223 RESOLVED

THAT:

A. Development Application 021-09 be approved subject to the following conditions:

Administrative Conditions

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

Building Code of Australia Compliance/Civil Construction

- 2 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with;
 - a) A construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principle Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) 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.
- 3 Structural details designed and certified by a practicing structural engineer are to be submitted to Council with the construction certificate application.
- 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 prior to covering.

- d) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use of the building.

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.

- 5 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 |
- 6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 7 The person constructing any works shall install, prior to any construction work, adequate sediment and soil erosion controls. Details regarding these controls are to be included with the Construction Certificate for road works to be submitted to Council for approval. The controls shall be in accordance with the Department of Infrastructure Planning & Natural Resources current guidelines for erosion and sediment control.
- 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) 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 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.
- 10 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.
- 11 That stairways, landings and balustrades comply with the following requirements:
- o That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
 - o That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

- That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

Landscaping

- 12 A detailed landscaping plan is to be submitted to Council for approval prior to the issue of any construction certificate. The plan will indicate proposed species to be planted within the development and highlighting how the landscaping can be used to ameliorate the bulk and scale of the development along the local road frontages. The plan shall include the retention of existing trees, proposed tree plantings, gardens adjacent to the visitor parking area and details of the height of plants at maturity. All cultivars used should be frost tolerant and a maintenance plan should be implemented to ensure that any failures are replaced.
- 13 The developer/owner and his agents shall take all measures to prevent damage to established landscaping during site works and construction.
- 14 The landscaping plan shall incorporate seating and bin placement within the landscaped areas. These shall be located in positions to adequately allow spectator and pedestrian seating without being able to be used for skating purposes.

Landscaping (SCA)

- 15 The site is to be landscaped as specified in Landscape Plan attached to the Statement of Environmental Effects (SoEE) prepared by Lithgow City Council (undated).

Traffic and Access

- 16 A hard stand surface disabled car space is to be constructed and linked to the skate park via a walkway. In this regard the car park is to be a minimum of 3.5m x 5.5m and the walkway is to have a minimum width of 1m, maximum gradient of 1:20 in accordance with AS1428.1 – 2001, Design for access and mobility.

Department of Lands

- 17 All works are to be in accordance with the conditions and development standards required by Lithgow City Council and other relevant authorities.
- 18 That the Lithgow Public Park Trust ensure that all the requirements contained within the Department of Lands Reserve Trust Handbook be complied with.
- 19 The development is to be consistent with the principles of the Crown land management as detailed in Section 11 of the Crown Lands Act 1989.

Amenity

- 20 Hours of operation for the use of the stake park will be restricted from 6am and 6pm to 8pm in daylight saving. Any exception to these hours will not occur without the consent of Council.
- 21 Rubbish bins are to be provided to the development in consultation with Council's Group Manager Regional Services.
- 22 Security lighting of the facility shall be installed so as not to encourage after hours use. No light shall emanate from the development. All lighting is to be inward facing to minimise external light splay from the development.

Engineering Conditions

- 23 All stormwater runoff shall be directed into Councils stormwater system. Details of the stormwater drainage shall be provided prior to the start of construction for approval to Councils Development Engineer.
- 24 All stock pile areas shall be kept barricaded from the general public at all times. The site shall be kept in a tidy state and stock piles are not spread outside the work area unless approved by Council.
- 25 A work-as-executed plan of drainage shall be drafted by the appropriate person and submitted to Council and the owner upon completion of all drainage works.

Environmental Protection

- 26 That appropriate dust mitigation measures be implemented during demolition and construction to Council's satisfaction.
- 27 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
- 28 That dust emissions be maintained within the site boundary, due care is to be taken to comply with Council's water restrictions. Where a variance to the water restriction is required, an exemption can be applied for through Council.

Environmental Protection (SCA)

- 29 Effective erosion and sediment controls are to be installed, as shown on the Concept Erosion & Sediment Control Plan attached to the Statement of Environmental Effects (SoEE) prepared by Lithgow City Council (undated), prior to any construction activity. The controls must prevent sediment entering the existing stormwater drainage system and are to be regularly maintained and retained until works have been completed and groundcover established.

- 30 The site layout and works are to as shown on the site plan attached to the Statement of Environmental Effects (SoEE) prepared by Lithgow City Council (undated). Any revised site layout or works are to be agreed to by the Sydney Catchment Authority.

Stormwater and Drainage (SCA)

- 31 All runoff from the Skate Park is to be directed to Council's stormwater drainage system via an existing stormwater pit located in the south east corner as specified in the Statement of Environmental Effects prepared by Lithgow City Council (undated). The stormwater pit is to be fitted with a trash rack.
- 32 Any variation to stormwater management is to be agreed to by the Sydney Catchment Authority.

Noise

- 33 The LA₁₀ level measured over a period of not less than 15 minutes when the demolition/construction site is in operation must not exceed the background level by more than 10dB(A). In this regard, the background noise level is to be provided to Council prior to the commencement of construction.

B. THAT a DIVISION be called.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

**ITEM:16 REG - 01/06/09 - WORKCOVER REPORT CONCERNING HOWARDS
FIREWORKS**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min 09-131 Council Meeting 30 March 2009

SUMMARY

This report provides an update on the WorkCover Report concerning Howards Fireworks.

COMMENTARY

At Council's Meeting of 30 March 2009, it was resolved to "seek an update on the WorkCover report in relation to the explosion in December 2007 and that on receipt, the report be provided to the Council and public". Subsequently, WorkCover has responded to Council with the following:

"I advise that the WorkCover report has been submitted to the Coroner. The decision regarding the public access to this or other evidence provided to the Coroner on this matter is entirely a matter for the Coroner. This does not normally involve public exhibition of evidence.

As discussed in our recent meeting with your Council senior officers, the Coroner who determines the causation of the matter determines the time taken for scheduling or review of this matter".

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-224 RESOLVED

THAT the report on the information relating to the WorkCover Report on Howards Fireworks be noted

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:17 COMM - 01/06/09 - ANIMAL POUND

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Notice of Motion from the Ordinary Meeting of Council 11/05/09 concerning a break-in at the Lithgow Animal Pound.

SUMMARY

Council resolved at the Ordinary Meeting of Council on 11 May 2009, resolution 09-172 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 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.

This report provides further information in relation to the break-in at the Lithgow Animal Pound and subsequent action taken by Council.

COMMENTARY

The break-in at the Lithgow Animal Pound in Geordie Street Lithgow overnight on 7th/8th April 2009, resulted in the death of a number of dogs.

The intruders gained access by climbing over the approximately 1.5m high perimeter chain wire fence and using bolt cutters to gain entry to the locked pen where impounded dogs were held. There were 8 impounded dogs at the time in addition to 2 Council guard dogs. It appears that there must have been more than one intruder as the Council guard dogs, which patrol freely within the perimeter fence, allowed the break-in and subsequent events to occur indicating that they were either attacked or intimidated into submission.

Once the intruders entered the locked pen they released all dogs from their caged enclosures allowing them to roam freely within all areas of the pound. As a result, one very large dog attacked the other dogs which resulted in five dogs being so badly injured that they needed to be immediately euthenazed. Two small dogs survived due to being in a bolted cage at the time. The dog which attacked the other dogs was subsequently declared a dangerous dog and euthenazed. One impounded dog is missing.

The break-in was immediately 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. It is believed that the owner of the missing dog has moved interstate. The Police have the details of their location.

A review of pound security has since been undertaken. Council is currently arranging to have CCTV equipment installed and is considering further security improvements including fencing improvements.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

RECOMMENDATION

THAT Council note the report on the animal pound.

09-225 RESOLVED

THAT:

1. Council note the report on the animal pound
2. A review be conducted on the operations of the Lithgow Animal Pound including the consideration of private contractors for the role.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor R Thompson

ITEM:18 COMM - 01/06/09 - RTA TUNNEL HILL STOCKPILE SITE

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

QWN - Ordinary Meeting of Council 27/01/09
Min No 09-137 - Ordinary Meeting of Council 30/03/09

SUMMARY

This report provides further information received from the RTA concerning the RTA stockpile at Tunnel Hill.

COMMENTARY

In response to a Question Without Notice at the 27/01/09 Ordinary Meeting of Council concerning the state of the Tunnel Hill stockpile site, it was reported to Council at the 30 March 2009 Ordinary Meeting of Council that Mr John Harrison of the RTA had advised Council of the following:

The stockpile site at Tunnel Hill is a recognised stockpile site for our roadworks. The bulk of the material at Tunnel Hill is the excavated basecourse from the Tunnel Hill project. This material was surplus from the original Tunnel Hill works. The asphalt has also been stockpiled for reuse as pavement material. These materials have been stockpiled for reuse at the Diamond Swamp project, between Lithgow and Bathurst. That project is due to commence on 19 Feb 2009. Cartage of the stockpiled material should commence in mid March.

In addition to the stockpiled fill material there was a large number of concrete pipes. These primarily were surplus from the Lidsdale project due to design changes. They have now been recycled and used on the Tabrabucca / Crudine project.

The stockpiling and subsequent reuse of these materials will save the RTA and taxpayers in excess of \$500,000.

At the Ordinary meeting of Council on 30 March 2009, Council resolved, Resolution 09-137:

THAT Council press the Roads and Traffic Authority for a final cleanup date in relation to the stockpile at Tunnel Hill and have the area returned to its natural state.

John Harrison of the RTA has since advised that the RTA intends by approximately 15th May 2009 to remove all stockpiles from the Castlereagh Highway vehicle rest area, to remove all rubbish from the main stockpile site above the Castlereagh Highway and further to tidy up and consolidate the main stockpile site.

Council officers have since confirmed that this work has been undertaken. The General Manager has also written to the Regional Manager of the RTA seeking a commitment to maintain the site in a tidy state, that no further materials be stockpiled – even temporarily, on the vehicle rest area and that the RTA plant suitable screenings to improve the visual amenity of the location for residents and visitors.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

09-226 RESOLVED

THAT Council note the report on the RTA Stockpile at Tunnel Hill.

MOVED: Councillor R Thompson

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:19 COMM - 01/06/09 - REVIEW OF COUNCIL DONATIONS POLICY

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

06-349 (v1)

P08-33 (V2)

Resolution P08-136 from the Policy and Strategy Committee Meeting of Council 4/11/08

Resolution 09-67 from the Ordinary Meeting of Council 16/02/09

SUMMARY

Community and Culture Division has undertaken a review of Policy 4.4 Donations Section 356 of the Local Government Act. The revised policy is submitted for Council consideration.

In summary, the revised policy:

- Retains the “Recurrent” Category of Financial Assistance.
- Replaces the “Annual Management Plan” and “As Resolved Donations Throughout the Year” categories with a single “Non-recurrent Financial Assistance” category with two funding rounds – in April and October each year.
- Retains financial assistance throughout the year for the waiving of fees and charges by the General Manager.
- Requires all organisations to submit their requests on the Council Application Form and to submit their constitution.
- Enhances the acquittal and reporting processes.
- Allows for organisations to receive more than one donation per year.
- Replaces the term “Donation” with “Financial Assistance”.

The guidelines and application form have also been amended in line with the policy revisions.

The policy would come into effect in 2010/11 and will not impact on the 2009/10 Management Plan, although Council endorsement will be required prior to October 2009 in order that the usual October/November funding round can be replaced with an April 2010 funding round.

There has also been a minor revision to Policy 4.6 “Request For Financial Assistance By Waiving Of Fees For Council Facilities.”

COMMENTARY

1. Financial Assistance Categories

1.1 Recurrent Financial Assistance

All organisations or programs receiving recurrent financial assistance under the current policy are retained: Lithgow Show; Ironfest; Lithgow Business Association for the Business Awards and Celebrate Lithgow; Western Region Academy of Sport; White Ribbon Day; Solid Fuel Incentive to Community; and, Portland Art Show.

These will continue to be adopted, as under the current policy, in each Management Plan. Council will, as under the current policy, have the opportunity each year to amend the list of organisations receiving recurrent financial assistance and the amount they are to receive.

In 2009/10, Council is to allocate recurrent Financial Assistance of \$46,870 under this category.

1.2 Non-Recurrent Financial Assistance

Under the current policy, organisations are required to submit applications in October/November for the following financial year. This is a long time in advance for organisations to be aware of their needs for the next financial year. Further, the policy of providing a smaller amount of financial assistance throughout the year for “as resolved” donations has not been well known amongst applicant organisations and has not been advertised, resulting in a benefit to those which are aware of this 2nd opportunity.

It is proposed instead that Council call for financial assistance applications twice, in April and October each year and there be no “As Resolved Donations Throughout the Year” funding category (other than the waiving of fees and charges by the General Manager). This is more closely aligned to organisation and community needs than the current Management Plan process and gives all organisations the same opportunity to apply. Council would resolve a \$ amount in each Management Plan for allocation to these two funding rounds.

A list of organisations to receive financial assistance under these two funding rounds would continue to be submitted to Council for resolution after the funding rounds close. So Council will first vote on the \$ allocation in the Management Plan and subsequently vote on two later occasions on those organisations to receive this financial assistance.

In 2009/10, Council is to allocate a total of \$84,250 in the Management plan to projects other than recurrent projects, including \$22,010 for “As Resolved Donations Throughout the Year” and Council Fee waiver requests.

1.3 Council Fees and Charges

It is proposed that, as in the current policy, an amount be allocated in each Management Plan (the amount was \$3,000 in 2008/09), as part of the Non-recurrent Funding Category, for the waiving of Council fees and charges throughout the year. These amounts are submitted to the General Manager under Policy 4.6 Request for Donation by Waiving of Fees for Council Facilities.

The revised policy also states that Council fees and charges incurred in the use of a Council facility for the event that Council is providing the financial assistance, will be deducted before the financial assistance is paid. *Although current Council policy, this requirement has not previously been stated in the Financial Assistance Policy.*

1.4 Rates Reimbursements

The current policy does not refer to rates reimbursements. These have been referred to in the Financial Assistance Guidelines.

- The revised policy specifically refers to Rates Reimbursements. These requests will be funded from the Non-recurrent Funding Category.
- The revised policy removes the requirement for the organisation to be staffed by volunteers and for a list of current membership to be submitted. *It is considered fairer that each organisation's requests, not just those staffed by volunteers, be considered on their merits.*

2. Application Form required

The revised policy establishes a requirement that Financial Assistance requests under all categories are to be submitted to Council on the Financial Assistance Application Form.

In the past, those receiving recurrent financial assistance have not always submitted an application and Council has also determined financial assistance requests throughout the year without an application form being submitted.

3. Number of Financial Assistance requests per Organisation

The revised policy removes the current limit of only one amount of financial assistance being made to any particular organisation in each financial year.

This clause has not been consistently applied in the past. Some organisations with a wide range of activities often apply for more than one project, targeted at different needs and areas. It is recommended therefore that there be no prohibition on this in the revised policy.

4. Retrospective Funding

The revised policy continues with the policy that financial assistance will not be provided retrospectively however the revised policy allows for Council fee waiver requests to be made retrospectively within the current financial year.

5. Constitution

The revised guidelines require that all applicants provide Council with their constitution.

This is to assist Council with determining not-for profit and local status.

6. Sports Related Funding

- The guidelines for the Reg Cowden Sports Star Award have been re-named the LJ Hooker Reg Cowden Sports Star Award.
- *The revised policy amends the following clauses as shown to allow nominations to be submitted from the floor at Sports Advisory Council meetings when there haven't been any other nominations received for the month.*

- Nominations for the LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards may be made by any member of the community on behalf of the nominee. ~~however, supporting documentation verifying the Applicant's achievements is required from either the team the Applicant has been selected in, the local sporting organisation of the sport the Applicant has been chosen to represent, or the School Principal (should the Applicant be selected in a school representative team.~~
- Merit Certificates will be distributed on a ~~quarterly~~ regular basis (dates to be determined by the number of recipients) at a meeting of Lithgow City Council, with merit certificates being presented by the Mayor, and an article published in the Lithgow Mercury regarding the presentation.

7. Indicative Funding levels

The current funding types and indicative funding levels in the guidelines have been reduced to the following:

Funding Type	Maximum funding levels available annually per application
Recurrent Financial Assistance	Generally up to \$10,000
School Prize giving – for schools within the Lithgow City Council area – per school per annum.	\$50
Non-Recurrent Financial Assistance	
Projects of demonstrated broad community benefit – the applicant must demonstrate the uniqueness of the project, show how it will benefit the community in a broad sense and how it meets Council's vision statement(s) objectives.	Generally up to \$3,000
Rates reimbursement – Not for profit only and general land rates component of rates bill only	As specified on rates notice
Requests for the waiving of fees and charges for the use of Council owned facilities.	As per Council Fees and Charges
Sporting Donations All sporting related donations for junior representatives are considered by the Council's Sports Advisory Committee.	up to \$100.00 for regional \$300.00 for state selection \$500.00 for national selection

The current levels of financial assistance (up to \$100, \$300, \$500 and \$1,000) were confusing to applicants and did not assist with determining priorities. The above levels are considered to be simpler to understand and apply. Most projects will receive less than \$3,000.

8. Acquittal and Reporting

The current policy was unclear about when an acquittal form is required by Council. It is proposed that the following be adopted:

- Organisations receiving financial assistance of less than \$500 are required to submit a letter outlining the achievements and benefits of the project.
- All organisations receiving financial assistance of between \$500 and \$2,000 are required to submit the acquittal form and provide a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.
- Organisations receiving financial assistance of more than \$2,000 are required to submit an acquittal form, an audited financial statement and a written report that indicates how monies were spent and whether the outcomes identified in the application were achieved.

9. Policy 4.6 Request For Financial Assistance By Waiving Of Fees For Council Facilities

Minor changes are proposed for this policy under which the General Manager has delegation to waive Council fees and charges.

The only amendment is: Replacing the term “Donation” with “Financial Assistance”

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The revised Financial Assistance Program Policy and Guidelines will enable Council to better meet community needs, tighten the application and acquittal processes and do not alter the amount of funding provided by Council.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

09-227 RESOLVED

THAT Council place the following revised policies on public exhibition for 28 days:

1. 4.4 Donations Section 356 of the Local Government Act and
2. 4.6 Request For Financial Assistance By Waiving Of Fees For Council Facilities

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

**ITEM:20 COMM - 01/06/09 - LITHGOW CITY COUNCIL HERITAGE COLLECTION
- .303 RIFLE**

REPORT FROM: CULTURAL DEVELOPMENT OFFICER – DEBORAH McGRATH

SUMMARY

Lithgow City Council has received a request from the Small Arms Factory Museum to have on permanent loan the .303 Rifle which was presented to Council in 1989 by the then Honourable David Simmons MP, Member for Calare.

COMMENTARY

It is recommended that Council agree to this request as:

- The Small Arms Factory Museum is considered to be an appropriate location for the rifle to be stored and maintained where both residents and visitors to Lithgow may have a better the opportunity to view the item.
- There would be considerable regulatory hurdles for Council in obtaining the Firearms Museum Permit necessary for Council to display the rifle.
- As Eskbank House & Museum does not maintain a current firearms collection it would be difficult to obtain a licence to exhibit firearms. The rifle is a replica and as such is not considered appropriate for display at Eskbank House Museum.

It should be noted that this rifle is not considered to be a genuine article. Expert advice from a registered firearms dealer has identified that the stock and trigger have been reworked and the item is a replica. This has also been noted in correspondence received from the Small Arms Museum *“The rifle cannot be fired and is identical to the trophy prepared for presentation each year to the top graduating cadet at Duntroon”*.

For storage purposes the rifle has been denuded of its display backing board and until recently the weapon was in storage with Bob Taylor, Gunsmith and registered Firearms Dealer at Lidsdale. This was at a small cost to Council. The rifle is currently stored by a Council Registered Firearms Permit Holder at private premises in secure storage and is not on exhibition.

It is therefore considered appropriate that the rifle be placed on permanent loan with the Lithgow Small Arms Museum. As Council is aware, the Small Arms Museum is dedicated to preserving local and national firearms heritage.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-228 RESOLVED

THAT the Council .303 Rifle be placed on permanent loan with the Lithgow Small Arms Museum.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

**ITEM:21 COMM - 01/06/09 - DRAFT MANAGEMENT PLAN 2009/10 - 2011/12
AND SPECIAL RATE VARIATION APPLICATION**

**REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH
AND ACTING MANAGER COMMUNITY AND CORPORATE MATTHEW JOHNSON**

REFERENCE

Min : Ordinary Meeting of Council 15 December 2008
Min : Ordinary Meeting of Council 9 March 2009
Min : Extra Ordinary Meeting of Council 14 April 2009

SUMMARY

This report recommends the adoption of the Draft Management Plan 2009/10 – 2011/12 with identified amendments and consideration of submissions received in relation prior to the advertised closing time of 4.30 pm on Friday 15 May 2009. The report also recommends adoption of Option 1 which includes the Special Variation to the Ordinary Rate for the proposed infrastructure works.

COMMENTARY

Council at the Extra Ordinary Meeting of 14 April 2008 resolved to place the Draft Management Plan 2009/10 – 2011/12 on public exhibition for a period of 31 days from 15 April to 15 May 2009. Following resolution extensive advertising was conducted through the local media and copies of the plan were made available at various locations:

- Council's website: <http://www.council.lithgow.com/>
- Council Administration Centre
- Lithgow Library / Learning Centre
- Wallerawang Library
- Portland Library

Community forums were held at seven locations in the Local Government area during the exhibition period:

- 15 April 2009 at 5.30pm - LBA, Futures Lithgow, Economic Development Advisory Committee, Tourism
Advisory Committee - Council Chambers, Lithgow
- 15 April 2009 at 7.30pm - Community meeting - Council Chambers, Lithgow
- 16 April 2009 at 7.00pm - Community meeting - Hartley School, Hartley
- 22 April 2009 at 6.00pm - Community meeting - Community Room Wallerawang Sporting Complex
- 22 April 2009 at 8.00pm - Community meeting - Portland Central School Library
- 23 April 2009 at 7.00pm - Community meeting - Little Union Church, Rydal
- 29 April 2009 at 7.00pm - Community meeting - Capertee Hall, Capertee

Minutes of each meeting are provided as an Attachment 1.

The Draft Management Plan contained two options:

Option 1 – Special Variation to the Ordinary Rate for the Infrastructure Improvements

Variation to the ordinary rate by an increase of \$10 to the 2008/09 base rate, an increase in the ad valorem rate by the allowable rate pegging allocation of 3.5% and a 5.00% increase to the ad valorem rate as a special variation for infrastructure improvements.

Option 2 – Ordinary Rate Without Special Variation.

This model involves an increase of \$10 to the 2008/09 base rate and an increase to the ad valorem rate by the allowable rate pegging allocation of 3.5%.

Public Submissions

Council received 12 submissions to the plan prior to the advertised closing date of 4.30pm Friday 15 May 2009. A copy of each submission is provided as an Attachment 2.

The following table summarises the submissions:

CATEGORY	NO:
Environmental Concerns	5
Roads	2
Oppose 5% Special Rate	2
Retail Strategy	1
Fees & Donations	2

SUBMISSION BY	REQUEST	OFFICERS RECOMMENDATIONS
Resident 1	Requests additional funds to continue sealing of Dark Corner Road	Discussions are ongoing with State Forests at this present time and the result of this action will be reported to a future meeting of Council. A report is also being prepared for the Council meeting of 22 June 2009 which will detail Roads to Recovery funding to be expended on Dark Corner.
Resident 2	Requests preparation of a Draft Management Plan for Hassans Walls Reserve	Draft Management Plans for all community land being addressed
Resident 3	Requests preparation of a Draft Management Plan for Hassans Walls Reserve	Draft Management Plans for all community land being addressed
Resident 4	Oppose the 5% Special Rate Variation but would like to see a cinema, bowling alley etc	Opposition noted
Resident 5	Requests reduction to the proposed charge for street stalls from \$23.10 to \$10.00	Organisation may apply to Council for a donation under Sec 356
Resident 6	Requests preparation of a Draft Management Plan for Hassans Walls Reserve	Draft Management Plans for all community land being addressed
Resident 7	Positive support for the Management Plan and advises Glen Davis Road requires attention	Comments noted for recurrent budget
Resident 8	Oppose the 5% Special Rate Variation	Opposition noted
Resident 9	Declining Lithgow Community and would like to see a heritage centre, Main St beautification	Suggestions noted for recurrent budget and future planning
Resident 10	Suggestion for Environmental improvements, art and cultural, pool, youth activities, traffic lights, Main St cleanup etc	Comments noted for recurrent budget
Council Officer	Increase funding for Retail Strategy from \$12,500 to \$20,000.	Investigation of funds to carry over unspent funds from 2008/09 within own program. To be reported in the first quarter of the 09/10 review.
LINC	Requests Council reinstate annual donation from \$8,000 to \$15,000 per annum	Community Officer advises the amount was reduced to allow for greater distribution of financial assistance to all community groups

Council officers note that a petition was circulated in the Local Government area calling for submissions to the Management Plan. Circulation of the petition was after the closing date for submissions, ie 4.30pm 15 May 2009. The petition was 'against' the special rate application.

At the time of preparation of this report some had been received.

Based upon the results of the public submissions it is recommended that Council proceed with Option 1 - Special Variation to the Ordinary Rate for infrastructure improvements.

At the time of writing of the report there had been no announcement by the Minister in relation to Council's application for a special rate variation.

Minor Alterations Required of the Draft 2009/10 – 2011/12 Management Plan:

Minor grammatical errors have been highlighted by Council officers and will be corrected in the final Management Plan.

Fees And Charges

The following amendments to the Fees and Charges Schedule:

FEE TYPE	ADVERTISED DRAFT	RECOMMENDED CHANGE
ANIMAL REGISTRATION		
Non-Desexed Dog	\$157.50	\$150
De-sexed dog	\$42	\$40
Non-desexed dog registered breeder	\$42	\$40
De-sexed dog eligible pensioner	\$15.75	\$15
ESKBANK HOUSE		
Non-Lithgow LGA resident		
child 5-7 years	\$3.50	\$2.50
school groups	\$2.50	\$2.00
Lithgow LGA resident		
school groups	\$2.50	\$1.50
Pensioner Groups	\$3.50	Combine into 1 category of Non-School Groups with fee of \$3.50 for non Lithgow groups and \$2.00 for Lithgow groups
Adult groups	\$4.50	
Function Hire		
Wedding ceremony booking fee	\$28.00	Ceremony Booking Fee \$28.00
Wedding ceremony	\$290.00	Ceremony \$290.00

FEE TYPE	ADVERTISED DRAFT	RECOMMENDED CHANGE
CIVIC BALLROOM		
SUPPER ROOM		
Minor Function includes use of only supper room	\$100.00 per hour	Amend to “Minor function including kitchen” \$100.00 per event
Kitchen	\$202.50 per event	Delete
Microphone	Microphone Deposit	Amend to “Microphone refundable deposit”
BUSKING		
Busking	\$0	Delete this fee type
WATER		
Water Truck Inspection	Not included	New Fee - Annual inspection fee \$50
CEMETERIES		
Lowther Cemetery	\$0	Stillborn / Premature Baby single per site \$241.36
Lowther Cemetery	\$0	Stillborn / Premature Baby double per site \$692.73
TROTS		
Portland Owners and Trainers		
LIBRARY		
LOEB Collection	\$64.00	\$50.00
Photocopies		
Colour	Not included	A4 \$1.00 A3 \$2.00
Family history/local history searches written requests	\$74.55	\$50.00
Internet charges and email/chat	Current fees show separate internet and email/chat charges	Amend fee description to “Internet” only to include email/chat Library Members first hour free and subsequent hours \$2.75 per hour Non-Library members \$2.75 per hour for first and subsequent hours.
Internet printing/laser printing/laser printing – gloss paper		Delete
WATER		
Water Meter Key	Not included	\$10
RURAL ADDRESSING		
Rural Address Numbering	Application for dwelling in rural zone without development	Application for dwelling in rural zone not included with development application.

Revotes from the 2008/09 Management Plan March Quarterly Review to Transfer to the 2009/10 – 2011/12 Management Plan:

The following projects have been highlighted in the 2008/09 Management Plan, March Quarterly Review to carry forward to the forthcoming year. By this action no additional funds will be required in the 2009/10 Management Plan as the allocation has been made in 2008/09:

PROGRAM	PROJECT	REVOTE
Assets	Wallerawang Stadium	\$10,000
	Depot Building Improvements	\$10,077
	External Paint Golf club	\$10,000
	Toilet Facilities Civic Ballroom (to RLCIP)	\$80,000
	Seating Tony Luchetti Grandstand (to RLCIP)	\$7,500
Operations	Upgrade internal access road Pearsons Lookout	\$15,000
Waste	Glen Davis Depot closure	\$55,816
	Glen Davis / Glen Alice Transfer Station	\$60,316
	Tarana Transfer Station	\$60,000
Water	Construct new water reticulation mains Sth Bowenfels	\$200,000
	Mains & Services renewals Lithgow	\$50,000
	Mains & Services renewals Lithgow	\$177,400
	Mains & Services renewals Wallerawang	\$30,000
	Mains & Services renewals Wallerawang	\$10,000
	Mains & Services renewals Portland	\$20,000
	Mains & Services renewals Portland	\$10,000
	Mains & Services renewals Miscellaneous	\$6,240
	Upgrade Water Reservoirs	\$167,440

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

When adopted the Draft Management Plan 2009/10 – 2011/12 includes the Council's Revenue Policy for the next three financial years.

LEGAL IMPLICATIONS

Council is required to prepare a Management Plan by 30 June each year.

RECOMMENDATION

THAT:

1. Council note the receipt of 12 submissions received prior to closing date of the Draft Management Plan 2009/10 – 2011/12 at 4.30pm 15 May 2009
2. Should the Minister for Local Government approve the special rate variation, Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 Option 1 Variation to the ordinary rate by an increase of \$10 to the 2008/09 base rate, an increase in the ad valorem rate by the allowable rate pegging allocation of 3.5% and a 5.00% increase to the ad valorem rate as a special variation for infrastructure improvements.
3. Should the special rate variation not be approved by the Minister for Local Government, then Council adopt the Lithgow City Council Draft Management Plan 2009/10 - 2011/12 Option 2.
4. Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 correcting minor grammatical errors
5. Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 with the following amendments to the fees and charges:

FEE TYPE	ADVERTISED DRAFT	RECOMMENDED CHANGE
ANIMAL REGISTRATION		
Non-Desexed Dog	\$157.50	\$150
De-sexed dog	\$42	\$40
Non-desexed dog registered breeder	\$42	\$40
De-sexed dog eligible pensioner	\$15.75	\$15
ESKBANK HOUSE		
Non-Lithgow LGA resident		
child 5-7 years	\$3.50	\$2.50
school groups	\$2.50	\$2.00
Lithgow LGA resident		
school groups	\$2.50	\$1.50
Pensioner Groups	\$3.50	Combine into 1 category of Non-School Groups with fee of \$3.50 for non Lithgow groups and \$2.00 for Lithgow groups
Adult groups	\$4.50	
Function Hire		
Wedding ceremony booking fee	\$28.00	Ceremony Booking Fee \$28.00
Wedding ceremony	\$290.00	Ceremony \$290.00
CIVIC BALLROOM		
SUPPER ROOM		
Minor Function includes use of	\$100.00 per hour	Amend to "Minor function

FEE TYPE	ADVERTISED DRAFT	RECOMMENDED CHANGE
only supper room		including kitchen" \$100.00 per event
Kitchen	\$202.50 per event	Delete
Microphone	Microphone Deposit	Amend to "Microphone refundable deposit"
BUSKING		
Busking	\$0	Delete this fee type
WATER		
Water Truck Inspection	Not included	New Fee - Annual inspection fee \$50
CEMETERIES		
Lowther Cemetery	\$0	Stillborn / Premature Baby single per site \$241.36
Lowther Cemetery	\$0	Stillborn / Premature Baby double per site \$692.73
TROTS		
Portland Owners and Trainers		
LIBRARY		
LOEB Collection	\$64.00	\$50.00
Photocopies		
Colour	Not included	A4 \$1.00 A3 \$2.00
Family history/local history searches written requests	\$74.55	\$50.00
Internet charges and email/chat	Current fees show separate internet and email/chat charges	Amend fee description to "Internet" only to include email/chat Library Members first hour free and subsequent hours \$2.75 per hour Non-Library members \$2.75 per hour for first and subsequent hours.
Internet printing/laser printing/laser printing – gloss paper		Delete
WATER		
Water Meter Key	Not included	\$10
RURAL ADDRESSING		
Rural Address Numbering	Application for dwelling in rural zone without development	Application for dwelling in rural zone not included with development application.

6. Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 with the following revotes from the 2008/09 Management Plan March Quarterly Review:

PROGRAM	PROJECT	REVOTE
Assets	Wallerawang Stadium	\$10,000
	Depot Building Improvements	\$10,077
	External Paint Golf club	\$10,000
	Toilet Facilities Civic Ballroom (to RLCIP)	\$80,000
	Seating Tony Luchetti Grandstand (to RLCIP)	\$7,500
Operations	Upgrade internal access road Pearsons Lookout	\$15,000
Waste	Glen Davis Depot closure	\$55,816
	Glen Davis / Glen Alice Transfer Station	\$60,316
	Tarana Transfer Station	\$60,000
Water	Construct new water reticulation mains Sth Bowenfels	\$200,000
	Mains & Services renewals Lithgow	\$50,000
	Mains & Services renewals Lithgow	\$177,400
	Mains & Services renewals Wallerawang	\$30,000
	Mains & Services renewals Wallerawang	\$10,000
	Mains & Services renewals Portland	\$20,000
	Mains & Services renewals Portland	\$10,000
	Mains & Services renewals Miscellaneous	\$6,240
	Upgrade Water Reservoirs	\$167,440

09-230 A PROCEDURAL MOTION was put following a debate from Councillor H K Fisher that the motion be put.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

09-229 RESOLVED

THAT:

1. Council note the receipt of 12 submissions received prior to closing date of the Draft Management Plan 2009/10 – 2011/12 at 4.30pm 15 May 2009
2. Should the Minister for Local Government approve the special rate variation, Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 Option 1 Variation to the ordinary rate by an increase of \$10 to the 2008/09 base rate, an increase in the ad valorem rate by the allowable rate pegging allocation of 3.5% and a 5.00% increase to the ad valorem rate as a special variation for infrastructure improvements.

3. Should the special rate variation not be approved by the Minister for Local Government, then Council adopt the Lithgow City Council Draft Management Plan 2009/10 - 2011/12 Option 2.
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6. Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 with the following revotes from the 2008/09 Management Plan March Quarterly Review:

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	Mains & Services renewals Wallerawang	\$10,000
	Mains & Services renewals Portland	\$20,000
	Mains & Services renewals Portland	\$10,000
	Mains & Services renewals Miscellaneous	\$6,240
	Upgrade Water Reservoirs	\$167,440

7. The Rent assistance be reinstated of \$15,000 to the LINC
8. A film projector be purchased for the Lithgow Valley Movie Club and Community Cinema.
9. A report be brought back to Council on proposed works for the netball courts at Wallerawang
10. The Lithgow Council Street Stall fee be reduced from \$23.00 to \$10.00
11. Council reduce the charge to \$2,200 inclusive of GST for water standpipes

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor H K Fisher.

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

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

AGAINST

Councillor M F Ticehurst
 Councillor J J McGinnes

**ITEM:22 COMM - 01/06/09 - JOINT REGIONAL PLANNING PANEL (JRPP) -
LOCAL REPRESENTATION**

**REPORT FROM - GROUP MANAGER COMMUNITY & CORPORATE, SUZANNE
LOLLBACK**

REFERENCE

Nil

SUMMARY

The NSW Government's planning reforms include the establishment of Joint Regional Planning Panels (JRPPs) to determine development proposals of regional significance. The Minister has advised that *the core objective of JRPPs is to provide stronger-decision making through greater independence, to supplement Councils' expertise and draw on local and regional knowledge.*

Details of the Joint Regional Planning Panels including the regions and functions are provided in the attached information package.

It is intended currently to only appoint JRPPs in five of the regions across the State, with the function of the JRPP in the Western Region (of which Lithgow City Council is a part) being undertaken by the Planning Assessment Commission (PAC).

JRPPs will commence operation on the 1 July 2009.

The current system proposed by the State Government removes the ability for Councils in the Western Region to have input into significant planning decisions. It is recommended that the Council make strong representations to the Minister that this region deserves the same level of local governance as the rest of the state.

COMMENTARY

FUNCTIONS OF THE JOINT REGIONAL PLANNING PANELS

The core functions of the JRPPs are to:

1. Exercise certain consent authority functions in regard to regional development applications, and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

Development Applications for projects classed as regional development will be assessed by Council officers. The Council officer's assessment and recommendations will then be referred to the JRPP for determination. The thresholds for regional development are:

- Commercial, residential, retail and tourism with a capital investment value (CIV) between \$10m and \$100m
- Public and Private community infrastructure and ecotourism with a CIV of more than \$5m. e.g. schools, community halls, libraries
- Designated Development
- Certain major coastal developments; and
- Council DA or where Council has a conflict in relation to a development with a CIV of more than \$5m

JRPP MEMBERSHIP

JRPP where appointed will consist of 3 state appointed members and two members nominated from the relevant local government area. The guidelines outline the selection criteria as follows:

- Experience in development and planning matters
- Senior level experience in dealing with multiple stakeholders
- High Level communication skills
- Capability to drive high profile outcomes in a credible and authoritative manner
- High level analytical skills
- Knowledge of assessment of complex developments and planning matters
- In addition at least one Council panelist must have a high level of expertise in one or more of the following fields: planning, architecture, urban design, land economics, traffic and transport, law engineering and tourism.

The information package recommends that an alternate member be nominated.

Nominations for JRPP in all regions proposed for appointment must be forwarded to the Department of Planning by the 5 June 2009.

COUNCIL'S ROLE IN RELATION TO MATTERS UNDER CONSIDERATION BY THE JRPP.

The assessment of applications to be determined by the JRPPs is to be undertaken by the relevant council officers in which the proposed development is located. The council officers are to submit their assessment report and recommendations to the JRPP for determination.

Whilst the council will not be the determining body for JRPP matters, the council will have the opportunity to provide its views about any matters that are to be considered by a JRPP. The councils view may be provided to a JRPP by way of a submission in the same way that any other submissions about the matter are provided to a JRPP for its consideration in determining a matter.

The JRPP must consult the council prior to determining a matter which is likely to have significant financial implications for the council.

FUNCTIONS AND MEMBERSHIP OF THE PLANNING ASSESSMENT COMMISSION (PAC).

The NSW Planning Assessment Commission (the Commission) has been constituted and begun operations, as part of the NSW Government's planning reforms.

The Environmental Planning and Assessment Act 1979 (EP&A Act), Section 23D details the functions of the Commission which includes the determination of project and concept plans under Part 3A, when those matters are delegated to it by the Minister for Planning.

Another function of the Commission is to provide advice to the Minister on a range of planning and development matters including environmental planning instruments or the administration or implementation of the provisions of the Act, or any related matter.

The following people have already been appointed to the PAC:

- Gabrielle Kibble (chair) – current chair of the Heritage Council and administrator of Wollongong Council, former head of the Department of Planning;
- Donna Campbell – former Director of Legal Services at the Environmental Protection Authority with 25 years of Government experience in environmental planning law;
- John Court – chemical engineer and environmental expert with extensive experience in the planning system;
- Lindsay Kelly – former NSW Government architect;
- Neil Shepherd – former head of the Environment Protection Authority, Ministry for the Environment and National Parks and Wildlife Service;
- Garry Payne – former Director-General of the Department of Local Government;
- Janet Thomson – respected planner with more than 30 years experience at all levels of government; and
- Richard Thorp – leading architect and current President of the NSW Architects Registration Board.

The Minister has the power to appoint casual members to the PAC.

COMMENT

Council may consider if the use of PAC to make significant regional planning decisions undermines local democracy and removes the rights conferred on the other regions to have local input into significant planning decisions.

Council may also consider if the removal of decision making powers of local elected representatives in only one region of the State is both inequitable and unjustifiable.

POLICY IMPLICATIONS

It should be noted that the Minister can request that the JRRP or PAC provide advice to the Minister on planning instruments which would include Local Environmental Plans.

If introduced as currently proposed, this reform will result in all significant planning decisions being made by the State, removing local decision making.

FINANCIAL IMPLICATIONS

Local Government is yet to be advised who will bear the cost of the administration of JRRPs. It is understood that a number of options are being considered including the increasing Development Application fees. It is considered that the cost burden should rest with the State Government rather than local government.

LEGAL IMPLICATIONS

Nil arising from this report.

RECOMMENDATION

THAT:

1. Council write to the State Minister for Planning requesting that Joint Regional Planning Panels be formed in the Western Region to coincide with the implementation in the rest of the state.
2. Alternatively should the Minister resolve not to establish a Western Region Joint Regional Planning Panel then Council request that two local government representatives sit with the Planning Assessment Commission for regional planning decisions in the relevant Council area.

This item was **WITHDRAWN**

09-231 MOTION

THAT Council note that due to additional information coming forth, it notes the withdrawal of Item 22

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson

CARRIED

DELEGATES REPORTS

ITEM:23 DELEGATES REPORT - 01/06/09 - MINING RELATED COUNCIL MEETING

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

REFERENCE

NIL

COMMENTARY

The NSW Mining Related Council Association held their mid year general meeting at Barrington Tops in the Dungog Shire area.

A lively debate took place on the subject of royalties and a proposal by Muswellbrook Council that royalties be paid to councils at Muswellbrook and Singleton Only. After much debate the Mining Related Councils agreed that this organisation will pursue mining royalties to go to all Councils in NSW. Additionally the Mine Related Councils will be looking at a number of proposals including an idea that is just in its beginnings in Western Australia along these same lines. A report will come to the next meeting so that a final position on these royalties can be decided.

The organisation found out that the Maldon Dom Barton Railway Line Link is progressing steadily with the pre-feasibility study now being well underway. Councils in our area and further west will benefit if this link is eventually completed.

Lithgow Council were able to move in General Business a motion regarding the “allowable deduction” for the calculation of coal royalties as far as transport costs go. This proposal came in in last years State Governments mini budget and is due to take effect from 1st July. The Association now has asked to have an urgent review of this policy as it is clear that mines west of the Blue Mountains will suffer a competitive disadvantage in the export market If this proposal was to go ahead.

The Mining Related Councils were disappointed that the Minister for Primary Industries, The Hon Ian MacDonald was unable to attend the most recent meeting of the Association. A number of issues were on the agenda for him to discuss. However at this time the Association will be writing to the Minister to ask for a written response on the issues and would also make available the Association for the Minister to attend any future meetings.

The storage of greenhouse gases in suitable rock strata is in developmental stage in both QLD and NSW. Pilot projects are underway in both states to see if carbon capture can be successful. If this is shown to be successful it could cut emissions from coal fire power stations by as much as 90%. Not only the coal industry but the entire population will be interested in the outcome of these tests.

09-232 RESOLVED

THAT the information of the Mining Related Councils Meeting held on 15th May 2009 be noted.

MOVED: Councillor Neville Castle
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:24 DELEGATES REPORT - 01/06/09 - CENTROC BOARD MEETING AND SUMMIT - FRIDAY 22ND MAY 2009

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

The most recent Centroc Board Meeting was held on 22nd May 2009 in Bathurst which was followed by the first ever Centroc Summit, which included a number of politicians of both State and Federal level.

In the morning Centroc was addressed by Justine Cooper, Director of Marketing and Communications Tourism NSW. Justine gave an interesting talk on where Tourism NSW is up to and the advantages of being involved and the level of activity that is taking place in Central NSW as well as the potential for further tourism throughout our area.

Another very interesting guest speaker was Ms Emma Pryer, MWH Global, who is responsible for the Centroc Water Security Study. Emma gave a very detailed update as to where the water security study is up to. It is clear that this study is very comprehensive and has looked at a whole range of possibilities throughout the entire area. Certainly at this stage no definitive action will be required however, the bottom line for the study will be to see what is feasible and at what cost and then who may be responsible for funding the options.

The superannuation funding issue was also on the agenda for the meeting and Centroc has backed a call from Weddin Shire Council to have a major review of this and to have it put at the Local Government Shires Meeting to be held in early June. I am sure with the situation of many Council's that this motion will get backing at that particular meeting as well.

The Bells Line Expressway was the subject of much debate and it is certainly unfortunate that the Central West Transport Needs Study sees no need in the short to medium term for such an expressway.

It seems that the information from WRI (Western Research Institute) has not been taken into account for the possibility of having the road completed first (which includes a rail corridor) and the fact that it would be able to pay for itself in productivity improvements in 10 - 15 years. People should keep in mind that the Bells Line expressway is intended to have a four lane expressway from the top of Tunnel Hill to Dean Park in Sydney which would also involve having a rail corridor. If this road was to be constructed it would certainly help the residents of Hartley who advocate for more rail transport. It should also be noted that the Great Western Highway upgrade between Lithgow and Mount Victoria is for only a two to three lane road and certainly has no rail corridor as part of the proposal.

Centroc has been told that advice from the consultant regarding the audit of Telephony Services and the joint securing of contracts for such services should look to have a saving between \$300,000 and \$400,000 for member councils. This amount of savings will in fact be greater than each individual council's contributions to Centroc.

In the afternoon the first Centroc Summit was held and an opening address from the Minister for Local Government, the Hon Barbara Perry. All councils had a chance to not only listen to the Minister's talk but to indeed question her about various issues that were currently before her.

The Hon Bob debus MP Member for Macquarie gave a half term report as to what the federal government had achieved overall and in particular what had been achieved by him, through his working with Centroc and also the individual councils that are in the electorate of Macquarie. Mr Debus was thanked for his efforts on behalf of Centroc for what he has been able to achieve as far as visits to Ministers. He has indicated that he will continue to work with Centroc to try to have the corridor for the Bells Line Expressway preserved as soon as possible, with an understanding that a decision will need to be made jointly between the Federal and State Governments.

The Summit was also heard from a number of other Ministers and members of Parliament. In the State Government including Tony Kelly, Minister for Police and Lands and Minister Phillip Costa, Minister for Water. These people gave a brief outline as to what their portfolios are doing and how these may impact on the Central West as well as being able to take questions in a forum at the end of that session.

Finally on the day Senator Steven Hutchins the Deputy Senator for much of the Centroc area was able to give a run down as to what the overall Federal Government had been able to achieve in its half term report.

The delegates to the day and the Summit saw the day as an outstanding success and would like to publicly congratulate the CEO, Jenny Bennett and her team for organising the event and we look forward to having another event next year.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

09-233 RESOLVED

THAT:

1. The report on the Centroc Board Meeting and Summit be noted
2. Congratulations be sent to Jenny Bennett and the Centroc staff for organising the summit.

MOVED: Councillor Neville Castle
CARRIED

SECONDED: Councillor R Thompson

COMMITTEE MEETINGS

**ITEM:25 COMM - 01/06/09 - TOURISM ADVISORY COMMITTEE MEETING -
5TH MAY 2009**

REPORT BY: TOURISM MANAGER – JODIE RAYNER

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 5 May 2009 for Council adoption.

COMMENTARY

At the Tourism Advisory Committee Meeting held on 5 May 2009, there were (7) seven items discussed by the Committee.

1. Confirmation of Minutes
2. Business Arising
3. Marketing and Branding
4. Rally of Lithgow
5. Grant Applications
6. Tourism Office Report
7. General Business

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-234 RESOLVED

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on 7th April 2009
2. 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.

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

**ITEM:26 COMM - 01/06/09 - LITHGOW FLASH GIFT COMMITTEE MINUTES -
19 MAY 2009**

REPORT BY: TOURISM MANAGER – JODIE RAYNER

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee held on 19th May 2009 for Council adoption.

COMMENTARY

At the Lithgow Flash Gift Committee meeting held on 19th May 2009, there were (8) eight items discussed by the Committee.

- 1.Date for the 2010 event
- 2.NSW Athletics League – Lithgow Flash Gift NSW carnival of the year
- 3.Debrief
- 4.Upgrades to Tony Luchetti Showground
- 5.2010 Sponsorship
- 6.Invite list for 2010 event
- 7.Update on Stall Gift
- 8.Trade Marking

The minutes contain updates on the Lithgow Flash Gift Committee with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT Council:

1. Forward letters of congratulation regarding the success of the 2010 Lithgow Flash Gift be forwarded to the following:
 - Lithgow City Council staff – tourism department, ground staff and plumbers
 - Little Athletics
 - NSW Athletics League
2. Note that the 2009 Lithgow Flash Gift received the award for NSW Carnival of the Year.

09- 235 RESOLVED

THAT Council:

1. Forward letters of congratulation regarding the success of the 2010 Lithgow Flash Gift be forwarded to the following:
 - a. Lithgow City Council staff – tourism department, ground staff and plumbers
 - b. Little Athletics
 - c. NSW Athletics League
2. Note that the 2009 Lithgow Flash Gift received the award for NSW Carnival of the Year.
3. Council write to Mr John Scott requesting that he release the trade name back to Lithgow City Council

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

**ITEM:27 GM - 01/06/09 - MINUTES 6TH MAY 2009 ECONOMIC
DEVELOPMENT SHOPFRONT COMMITTEE**

REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Economic Development Shopfront Committee Meeting held on 6 May 2009.

COMMENTARY

At the Economic Development Shopfront Committee Meeting held on 6 May 2009, there were (8) eight items discussed by the Committee:

- ITEM 1: Apologies and Member Introductions
- ITEM 2: Vacant Council premises
- ITEM 3: Request for use of Council premises by the Rail Trail
- ITEM 4: Offer to local schools from vacant premises on a roster system
- ITEM 5: Advertsining in the local media
- ITEM 6: Instructions to Councils Property Manager – L J Hooker
- ITEM 7: Economic Development Grant Applications
- ITEM 8: Directions of the committee (as per Terms of Reference)
- ITEM 9: Other Business

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

09-236 RESOLVED

THAT Council notes the minutes of the Economic Development Shopfront Committee held on 6 May 2009.

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

**ITEM:28 REG - 01/06/09 - INDOOR AQUACTIC CENTER ADVISORY
COMMITTEE MINUTES 21 MAY 2009**

REPORT BY: OPERATIONS MANAGER, STEPHEN DARLINGTON

SUMMARY

Details of the Minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 21 May 2009 for Council adoption.

COMMENTARY

Attached for Council's adoption are the minutes of the meeting held on 21 May 2009.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil

09-237 RESOLVED

THAT:

1. Council adopt the minutes of the Indoor Aquatic Centre Advisory Committee Meeting held on Thursday, 09 April 2009.
2. Council write to the Department of Communications, Information Technology and the Arts seeking an extension of time for the expenditure of \$700,000 for the construction of a new integrated sports and aquatic centre in Lithgow.

MOVED: Councillor W Marshall **SECONDED:** Councillor G Danaher

CARRIED

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

CLOSED REPORTS

ITEM:29 REG - 01/06/09 - CONFIDENTIAL REPORT - TENDER 01/09 CRYSTAL THEATRE UPGRADING

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

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 councilors)
- (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, councilors, 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)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**ITEM:30 GM - 01/06/09 - CONFIDENTIAL REPORT - COUNCILS
ORGANISATION STRUCTURE**

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 councilors)
- (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, councilors, 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)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councilors)

The Mayor asked if there were any objections from the Public with regards to the confidential reports being in closed council.
Nil submissions received.

09-238 RESOLVED

THAT Council consider the reports 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 9.25pm

ITEM:29 REG - 01/06/09 - CONFIDENTIAL REPORT - TENDER 01/09 CRYSTAL THEATRE UPGRADING

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

09-239 RESOLVED

THAT:

1. Council decline to accept any of the tenders submitted for the construction of improvements to the Crystal Theatre, Tender No. 01/09.
2. Council not invite fresh tenders because of time constraints with tendering and funding allocations.
3. The General Manager be authorised to negotiate with any tenderer pursuant to the provisions of Local Government (General) Regulation Clause 178(3)(e) & (4), the reason being to achieve savings on the submitted tenders to meet Councils budget requirements.
4. Council allocate an additional \$20K from the budget surplus

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

09-240 RESOLVED

THAT all staff, excluding the General Manager be requested to leave the Chamber.
MOVED: Councillor M F Ticehurst **SECONDED:** Councillor H K Fisher
CARRIED

**ITEM:30 GM - 01/06/09 - CONFIDENTIAL REPORT - COUNCILS
ORGANISATION STRUCTURE**

09-241 RESOLVED

THAT Council adopt the organisation structure described in Appendix 2 effective from the completion of service of the incumbent Operations Manager.

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

09-242 At 9.34pm the Council resolved to refer back to open Council and recommend the resolutions of closed Council.

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

09-243 RESOLVED

THAT Council adopt the recommendations of the closed Council
MOVED: Councillor H K Fisher **SECONDED:** Councillor R Thompson
CARRIED

BUSINESS OF GREAT URGENCY

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

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

NIL questions were received.

The Meeting closed at 9.36pm.