



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

13 JULY 2009

AT 7.00pm

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 13TH JULY 2009**

Meeting Commenced 7.00pm

Public Gallery: 44

PRESENT

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

APOLOGIES

NIL

Also in attendance

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

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 22nd June 2009 were taken as read and confirmed by Councillors G Danaher and W McAndrew

09-285 RESOVLED

CARRIED

Confirmation of the Minutes of the ExtraOrdinary Meeting of Council held on the 29th June 2009 were taken as read and confirmed by Councillors W McAndrew and W Marshall

09-286 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor Wayne McAndrew declared a Conflict of Interest in item 12 as his wife is an employee at the Lithgow Golf Club. He vacated the Chambers.

Councillor Wayne McAndrew declared an interest in Item 13 as his sister is a member of the Committee. He vacated the Chambers.

Councillor Wayne McAndrew declared an interest in Item 15 as his sister is a member of the committee. He vacated the Chambers.

Councillor R Thompson declared a Pecuniary Interest in item 3 as he works at the Workmen's Club. He vacated the Chambers.

QUESTIONS FROM THE PUBLIC GALLERY

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

PF - 13/07/09 - TED LESTER

1. Mr Mayor I refer to the article in the Lithgow Mercury regarding the Special Rate and advise that I have concerns with the figures that are quoted. Can you please explain how Council comes to the figure of \$27.00?

The Mayor advised that it is an average figure taken over all rate payers.

2. Mr Mayor if it is only \$27.00 as Council says in the Mercury 30th May 2009, it was referenced to have another \$30M to upgrade the Sewerage Treatment Plant and the Government are to cover this to the tune of 39%, where does the rest of the money come from for this upgrade?

The General Manager responded by stating that the Sydney Catchment Authority will be contributing \$2M the remainder will be paid for by Council taking out loans and charges by users.

PF - 13/07/09 - DANNY WHITTY

1. Mr Mayor I refer to Item 1 of the agenda and ask Council has there been a costing done on these toilets? Will it come anywhere near the amount of \$100,000? I also have concerns on the availability for the usage of these toilets, will they be locked at night etc?

The Mayor advised that we are to get a report on these issues.

PF - 13/07/09 - NELI MORISSEY

1. Mr Mayor I refer to Item 4 of the agenda and ask Council are they aware that on the Development Application, it states that hours would be approx 6pm to 1am. Now with the area being very close to a residential residence and with the motorbikes starting up very early in the morning etc, is this acceptable by Council? Also with many motorbikes arriving at once, this will make the residences wary and intimidated of the situation, what are your thoughts on this?

The Mayor advised that 1am may be considered by some to be too late. He also advised that some groups as EG Elyses are not intimidated at all, while some people may be intimidated by hundreds on the highway.

PF - 13/07/09 - DR DEARIN

1. Mr Mayor I would like to advise Council that there are concerns from local Doctors on the Lithgow local government areas water supply in relation to a recent complication of a report of high levels of Nickel and heavy metals in the water supply. A report was submitted to Council and upon reading this, can you please advise what their thoughts are and action will be taken?

The Mayor advised that our most recent tests showed no nickel.

09-287 An **EXTENSION OF TIME** was moved to allow Dr Dearin to continue and allow further questions at 7.20pm.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor W Marshall

PF - 13/07/09 - TED LESTER

1. Mr Mayor I refer to the proposed Aquatic Centre and advise that ratepayers are suffering in relation to the cost of this proposed centre and I ask Council to place a column in the mercury advising the ratepayers of the total cost that will be charged to them.

The Mayor advised that Council is following previous resolution to explore all options. No costs are available and Council will be looking for grant Funding.

PF - 13/07/09 - JODY PRESBURY

1. Mr Mayor I refer to the proposed Aquatic Centre and ask Council will it include a gymnasium as well?

The General Manager responded that the proposal that Council is considering at this point is an Aquatic Centre.

PF - 13/07/09 - BRUCE UPTON

1. Mr Mayor I refer to Item 2 of the agenda and advise that I welcome the four points in the recommendation. Can Council please give further information on the following:
 - Maintenance of side roads (Port Macquarie Road and Genowlan Road)
 - Roads to recovery program, outstanding
 - Special Rate

The General Manager responded by stating that:

1. A priority of roads for the area had been established.
2. The Roads to Recovery program is expected to be finalised at the next Council meeting
3. Works under the special rate are being dealt with, in part, through the late mayoral Minute

PF - 13/07/09 - SPENCER MCCORMACK

1. Mr Mayor I refer to the community meeting held in Glen Alice recently and advise that it was very respectable of the Councillors and staff that attended from Council and I thank you. I also want Council to be aware and not make this community become the forgotten party, and also ask is it true that only one Councillor had driven in the Capertee Valley before the meeting?

The Mayor advised no, I have driven on these roads many times and I believe many other Councillors have done the same.

PF - 13/07/09 - NEIL GORREL

1. Mr Mayor I refer to the works carried out by Council in the Capertee Valley and advise that there has been complaints regarding the works over the years, regarding the pipes that had been installed etc and still Genowlin Road, it is in unsatisfactory conditions. Can Council come and inspect the road once again?

The General Manager responded by indicating that staff would meet with him.

PF - 13/07/09 - MICHEAL SALVESTORY

1. Mr Mayor if the General Manager did in fact drive along Genowlin Road, can I ask how did his car make it across the bridge as it is in very bad condition.

The General Manager informed Mr Salvestory that he had driven along the road.

PF - 13/07/09 - RON MURRAY

1. Mr Mayor can Council advise when the last time works on the Daintree Lane were undertaken?

The Mayor advised that he would take this on notice.

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MAYORAL MINUTES

13/07/09 - LATE - MAYORAL MINUTE: MINISTERIAL APPROVAL FOR 2009/10 SPECIAL RATE VARIATION OF 4.77% FOR INFRASTRUCTURE WORKS

REPORT FROM: COUNCILLOR NEVILLE CASTLE

REFERENCE

15.12.08 Min O08-210: Application for Special Rate Variation Infrastructure Works 2009/10
09.03.09 Min 09-96: Special Rate Application for Infrastructure Works 2009/10
01.06.09 Min 09-229: Adoption of 2009/10 to 2011/12 Management Plan

SUMMARY

This report advises Council of approval for a Special Rate Variation of 4.77% from the Minister for Local Government, Ms Barbara Perry, with a recommendation that Council accept the conditional approval and set the general rates structure for 2009/10.

COMMENTARY

The Acting Director General of the Department of Local Government, Mr Ross Woodward, advised Council on the 7th July 2009 of the Ministers determination in relation to our application for a Special Rate Variation for the 2009/10 financial year.

Mr Woodward advised:

I am writing in reply to your letter of 16 April 2009 seeking Ministerial approval for an increase in general income of 8.51% for 2009/2010 to assist with funding costs associated with road and building maintenance and library resources, as defined by Councils in its special variation application ten year works program.

The Minister has not approved of Council increasing its general income by the full 8.51% sought. Specifically, the Minister has not approved of Council's request to increase general income to fund \$22,500 for library resources, Such expenditure is very minor and should be funded from within existing resources.

As a result, the Minister has approved of Council increasing its general income by 8.27% in 2009/2010, for a period of ten years. The approved increase comprises:

	\$	%
2008/09 Notional General Income	9,465,797	-
Expiring Special Variation	-	-
20058/09 Adjusted Notional General Inc	9,465,797	-
2009/10 General Variation	331,303	3.50
Catch Up / (Excess)	634	0.01
Valuation Objections	-	-
Income Adjustment	-	-
Special Variation	451,276	4.77
TOTAL	10,249,010	8.27

This approval is on the basis that Council will reduce its general income for the 2019/2020 rating year by \$451,276, plus the equivalent cumulative proportion of this increase from any general variation increase of any special variation increase approved for the 2010/2011 to 2018/2019 rating years inclusive.

In addition the approval is on the understanding that Council makes and levies its rates according to the provisions of the Local Government Act 1993. It should be noted that this approval is not an endorsement of Council's rating structure.

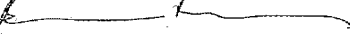
LOCAL GOVERNMENT ACT 1993
INSTRUMENT UNDER SECTION 508(2)

I, **BARBARA PERRY MP**, Minister for Local Government in pursuance of section 508(2) of the *Local Government Act 1993* determine that the percentage by which Lithgow City Council may increase its general income for 2009/2010 is 8.27% above that for 2008/2009 subject to the following conditions:

- (i) Council will raise \$451,276 of the increase by additional rates for the costs associated with road and community building maintenance, as defined by Council in its special variation 10 year works program, for a period of 10 years;
- (ii) Council will reduce its general income for the 2019/2020 rating year by \$451,276 plus the equivalent cumulative proportion of this increase from any general variation increases or any special variation increases approved for the 2010/2011 to 2018/2019 rating years inclusive; and
- (iii) Council clearly reports in its annual report for the period 2009/2010 to 2018/2019 information on the total income received, expenditure per project/program and outcomes achieved.

This approval is on the understanding that Lithgow City Council makes and levies its rates according to the provisions of the *Local Government Act 1993*.

Dated this 3rd day of July, 2009.


The Hon Barbara Perry MP
Minister for Local Government

In the her media release advising of her determination with regard to the special rate variation approvals to all Councils Ms Perry said each application was considered on a case-by-case basis.

"Council's who were approved were able to demonstrate a strong business case that detailed the program of work that the extra revenue would fund," she said.

"They also showed that their community were behind the new work and that the community actually understood the impact of the rate increase."

As reported to Council on 1 June 2009 prior to the advertised closing date of submissions to the 2009/10 to 2011/12 Management Plan on Friday 15 May 2009 twelve submissions were received and only two were in opposition to the Special Rate Variation. Also at the seven community meetings held by to present the Management Plan those in attendance were in strong support of Council's application to the Minister.

The following program of works details proposed expenditure for the first five years of the ten year special rate variation. (Note: Expenditure is in present day dollars.

2009/10 SPECIAL RATE VARIATION					
APPLIED FOR UNDER SECTION 508 (2) OF THE NSW LOCAL GOVERNMENT ACT 1993					
<u>APPROVED BY MINISTERS ORDER 3 JULY 2009 4.77% VARIATION FOR 10 YEARS</u>					
10 YEAR PROPOSED WORKS PROGRAM 2009/10 TO 2018/19					
	09/10	10/11	11/12	12/13	13/14
	\$'000	\$'000	\$'000	\$'000	\$'000
<u>ROAD INFRASTRUCTURE</u>					
Sodwalls Tarana Road	70	160			
Rydal Hampton Road	115				115
Cox's River Road		25	40		
Magpie Hollow Road			145		
Wolgan Rd (Rehab)					
Mid Hartley Road				80	
Glen Davis Road				105	
Glen Alice Road					70
Reseals - 10mm	101	101	101	101	101
Lithgow/ Portland Lanes	90	90	90	90	90
	376	376	376	376	376
<u>BUILDINGS</u>					
Crystal Theatre: Additional Major Improvements	45				

Lake Wallace Toilets: Refit interior & Security	20				
Wallerawang Memorial Hall - Flooring		45			
Civic Ballroom: Repoint Brickwork		20			
Lithgow Swimming Pool Amenities; Roof, Drainage, Toilets			50		
Family Historical Society Tank St: Roofing			15		
Red Cross Hall: Roof, Drainage, Painting				50	
Golf Club: Verandah Works - Heritage eastern side				15	
Hermitage Hall: Heating					10
Vale hall: Painting & Toilets					10
Learning Centre: Repaint					20
Wallerawang Memorial Hall : Doors & Security					20
Union Theatre Improvements					
Hoskins Building Improvements					
Meadow Flat Hall Amenities					
Capertee hall Internal Painting					
General Asset Building Maintenance	10	10	10	10	15
	75	75	75	75	75
TOTAL EXPENDITURE	451	451	451	451	451

Prior to preparation of the Mayoral Minute advice was sought from both the Department of Local Government and the Local Government Shires Association with regard to Council's resolution on the 1 June 2009 which adopted the 2009/10 Management Plan.

Council sought advice from both the Department of Local Government and the Local Government Shires Association with regard to the approval being a lower percentage than originally sought. Verbal advice from both sources advised that at the time the Management Plan was adopted it was to the best of our knowledge and it has now been announced at a lower percentage than originally advertised in the Management Plan process. The announcement of the lower percentage was beyond Councils control and the process now is for Council to set the general rating structure for the year according to the announcement.

The 2009/10 General rates will be as follows:

2009/10 GENERAL RATING STRUCTURE					
	PROPERTIES	BASE	VALUATION	AD VALOREUM	YIELD
		\$	\$	\$	\$
RESIDENTIAL					
Lithgow	4800.70	235.00	358,153,050	0.00521100	2,994,500.04
Wallerawang	815.39	205.00	62,013,799	0.00340800	378,497.98
Portland	913.91	205.00	52,709,132	0.00340800	366,984.27
Strathlone/Littleton	437.00	235.00	49,963,800	0.00521100	363,056.36
Lidsdale	129.00	235.00	8,636,750	0.00521100	75,321.10
Marrangaroo	86.00	235.00	13,981,000	0.00521100	93,064.99
General	2101.07	165.00	337,791,365	0.00285410	1,310,766.88
FARMLAND					
Intense Use	115.00	305.00	59,452,100	0.00249950	183,675.52
Farmland	1064.00	305.00	356,407,536	0.00249950	1,215,360.64
BUSINESS					
Lithgow	286.30	330.00	55,505,620	0.01967300	1,186,441.06
Wallerawang	35.61	330.00	7,073,601	0.01154500	93,416.02
Portland	33.09	330.00	1,629,908	0.01154500	29,736.99
Lidsdale	3.00	225.00	214,600	0.01967300	4,896.83
General	109.93	225.00	25,134,545	0.00392200	123,311.94
MINING					
Coal Mines	14.00	8,055.00	13,560,010	0.11222515	1,634,544.16

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Reduction of \$22,500 proposed Special Rate Income and purchase of Library resources of \$22,500.

LEGAL IMPLICATIONS

Adoption of the 2009/10 rating structure

09-288 RESOLVED

THAT:

1. Council adopt the Ministers 'Instrument Under Section 508(2)' dated 3 July 2009 which determines that the percentage by which Lithgow City Council may increase its general income for 2009/10 is 8.27% above that for 2008/09
2. Council will raise \$451,276 of the increase by additional rates for the costs associated with road and community building maintenance, as defined by Council in its special variation 10 years works program for a period of 10 years.
3. Council will reduce its general income for the 2019/2020 rating year by \$451,276 plus the equivalent cumulative proportion of this increase from any general variation increases or any special variation increases approved for the 2010/2011 to 2018/2019 rating years inclusive: and

4. Council clearly reports in its annual report for the period 2009/2010 to 2018/2019 information on the total income received, expenditure per project / program and outcomes achieved
5. Council set the 2009/10 General Rates as follows:

2009/10 GENERAL RATING STRUCTURE					
	PROPERTIES	BASE	VALUATION	AD VALOREUM	YIELD
		\$	\$	\$	\$
RESIDENTIAL					
Lithgow	4800.70	235.00	358,153,050	0.00521100	2,994,500.04
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MOVED: Councillor N L Castle
CARRIED

SECONDED: Councillor G Danaher

NOTICE OF MOTIONS

ITEM:1 **NOTICE OF MOTION - 13/07/09 - COUNCILLOR W MARSHALL - WALLERAWANG RAILWAY STATION - PUBLIC TOILETS**

NOTICE OF MOTION

MOTION TITLE/TOPIC: WALLERAWANG RAILWAY STATION – PUBLIC TOILETS

Listed by Councillor W Marshall DATE: 13 July 2009

BACKGROUND:

At its Finance and Services Committee meeting of 4 November 2008 Council considered a report in relation to the possible upgrade and use of toilets situated at Wallerawang Railway Station which is currently leased to Andrew Wilson Photography.

At the time an inspection revealed an old existing sandstone building that was an empty shell with no internal walls or operating services. Repairs were estimated at approximately \$38,000.

There were no funds available to allow Council to enter into negotiations with Andrew Wilson concerning this building at that time. However, the existing toilet block at Wallerawang located in Daintree Lane is very basic and does not have any accessible facilities. It is also not situated in the most desirable location from a safety and security perspective and is prone to vandalism. It was pointed out that Council does have a rolling program to construct or re-furbish one public toilet facility per year and funds have been targeted in the 2010/11 financial year to carry out improvements to the facility in Daintree Lane, Wallerawang.

At that time Council resolved “**THAT** the council note the information received.”. Therefore, no further action was proposed.

Since that time I have received representations on behalf of Andrew Wilson Photography and other concerned business in the Wallerawang Main Street area. These representations have indicated a preference for the provision of public toilet facilities in a more central and safer location at Wallerawang and the location at the station satisfies this criteria. Should Council enter into a relationship for the upgrade and use of the facilities the asset would not be owned by Council, however it does appear to be a superior location and would be used for community purposes. The location is more visible from a safety and security perspective and is likely to be less vulnerable to vandalism.

Andrew Wilson Photography has also provided correspondence (attached) from the Australian Rail Track Corporation Ltd (ARTC) indicating that it is willing to contribute 50% of any restoration costs for the building up to a maximum of \$20,000. ARTC have also indicated no objection to sub-leasing the toilets to Council providing Council takes responsibility for cleaning and maintenance.

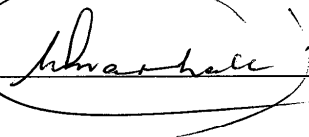
Providing Council can enter into an appropriate long term sub-lease then significant potential savings could be made when considering the upgrading of the Daintree Lane facilities is likely to be in excess of \$100,000.

Therefore, I would like to recommend that Council formally commit to funding 50% of the costs of restoring the toilets at the station providing that an appropriate 'peppercorn lease' can be negotiated with Andrew Wilson Photography. As these funds have not been currently allocated in the 2009/2010 budget at this stage I would propose that they be brought in at the September quarterly budget review.

RECOMMENDATION:

1. That Council commit an amount of \$20,000 in the September Quarterly Budget review to be expended on the toilets at Wallerawang Station. This being dependent on a matching contribution from the Australian Rail Track Corporation Ltd and successful negotiations on a long term 'peppercorn' lease with Andrew Wilson Photography.
2. That Council formally approach Andrew Wilson Photography indicating it is willing to contribute to the upgrade and use of Toilet Facilities at the Wallerawang Railway Station if a long term 'peppercorn' rental can be negotiated.
3. Subject to 1 and 2 above, that the activity of upgrading the toilets at the Wallerawang Station be included in the 2009/2010 – 2011/2012 Management Plan with the works to take place in 2009/2010.
4. Upon completion of the Wallerawang Station Toilets, the Daintree Lane facilities be closed and Council commit to cleaning and general maintenance of the new public toilet facilities.

That:
Signed:





AUSTRALIAN RAIL TRACK CORPORATION LTD

17 June 2009

Our Ref: GTV: 65/430/1960
Direct Line 02 69395470
gverdon@artc.com.au

Mr Andrew Wilson
C/- Railway Station
Main Street
Wallerawang NSW

Dear Andrew

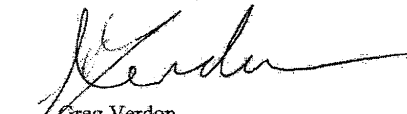
Re: Wallerawang Station Toilets

I wish to confirm our earlier discussions concerning the restoration of the station toilets for public use by Lithgow Council.

ARTC has no objection to the proposal and is willing to commit to 50% of the restoration costs up to a maximum of \$20,000. Also there would no objection to you and Robin sub-leasing the toilets to Council on the understanding they will be responsible for cleaning and maintenance.

The offer to share costs will only be available until 31 December 09. If you require any further information please do not hesitate to contact me.

Yours faithfully



Greg Verdon
Regional Property Manager

AUSTRALIAN RAIL TRACK CORPORATION LTD
ACN: 081 455 754 / ABN: 75 081 455 754
Station Place, Wagga Wagga NSW 2650; P.O. Box 2150, Wagga Wagga NSW 2650
Tel (02) 6939 5469 Fax (02) 6939 5437

MOVED**THAT:**

1. Council commit an amount of \$20,000 in the September Quarterly Budget review to be expended on the toilets at Wallerawang Station. This being dependent on a matching contribution from the Australian Rail Track Corporation Ltd and successful negotiations on a long term "peppercorn" lease with Andrew Wilson Photography.
2. Council formally approach Andrew Wilson Photography indicating it is willing to contribute to the upgrade and use of Toilet facilities at the Wallerawang Railway Station if a long term "peppercorn" rental can be negotiated.
3. Subject to 1 and 2 above, that the activity of upgrading the toilets at the Wallerawang Station be included in the 2009/2010 - 2011/2012 Management Plan with the works to take place in 2009/2010
4. Upon completion of the Wallerawang Station Toilets, the Daintree Lane facilities be closed and Council commit to cleaning and general maintenance of the new public toilet facilities

MOVED: Councillor W Marshall**SECONDED:** Councillor G DanaherAn **AMENDMENT** was moved:**THAT** a further report be provided to Council that answers these and various other questions:

- opening and closing times
- access to and front
- who leases etc
- maintenance

MOVED: Councillor W McAndrew**SECONDED:** Councillor J J McGinnes**09-289 RESOLVED****THAT** a further report be provided to Council that answers these and various other questions:

- opening and closing times
- access to and front
- who leases etc
- maintenance

MOVED: Councillor W McAndrew**SECONDED:** Councillor J J McGinnes**CARRIED**

GENERAL MANAGER REPORTS

ITEM:2 GM - 13/07/09 - COMMUNITY MEETING IN RELATION TO ROADS IN CAPERTEE VALLEY

REFERENCE

NIL

SUMMARY

Following a request from the Capertee Valley Community Council held a Community Meeting at Glen Alice in relation to road matters.

COMMENTARY

Council received a request from Capertee Valley residents to hold a Citizen's Access meeting at Glen Alice. This request came as a result of concerns in relation to the maintenance of the roads in the Capertee Valley and most recently as a result of those roads being adversely affected by rains at the end of May 2009. This caused concern for the residents of the area and they sought a meeting with councillors through a Citizen's Access Meeting to discuss these concerns.

Prior to this meeting and at completion of existing jobs Council staff and plant were reprioritised to work in the Capertee Valley commencing on the Upper Nile Road and commenced work in the area early on June 18th.

The meeting was held at the Glen Alice Hall and was attended by approximately 80-90 local residents. There were several actions that were requested at the meeting. Many of these requests can be attended to by staff however there are a number that require a resolution by Council.

It should also be noted that Council has allocated funds from the next round of the Roads to Recovery Program for the improvement of the following roads:

- a. Browns Gap Road (Rehabilitation from Great Western Highway North) \$120,000
- b. Glen Alice Road (Reconstruction and initial seal from Glen Alice towards Kandos) \$160,000

The remainder of the Roads to Recovery funds are to be allocated in the near future.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION**THAT** Council:

1. Make application to the State Government for the Glen Davis Road to be a regional road;
2. Make application to the State Government for the Glen Alice Road to be a regional road;
3. Make application to the Federal Government for road funding for the tourist route that includes the Glen Davis and Glen Alice roads; and
4. Invite the Federal and State local members to a meeting with representatives of Council and the Capertee Valley community.

09-290 RESOLVED**THAT** Council:

1. Make application for the Glen Davis Road to be a regional road;
2. Make application for the Glen Alice Road to be a regional road;
3. Make application to the Federal Government for road funding for the tourist route that includes the Glen Davis and Glen Alice roads;
4. Invite the Federal and State local members to a meeting with representatives of Council and the Capertee Valley community;
5. Appoint a Councillor to liaise with the residents of the Capertee Valley; and
6. Seek advice from Centennial Coal on assistance that they can provide in relation to Glen Davis Road.

MOVED: Councillor G Danaher**SECONDED:** Councillor W McAndrew.**CARRIED****09-291 RESOLVED****THAT** Councillor Hunter be appointed as the representative from Council**MOVED:** Councillor G Danaher**SECONDED:** Councillor W McAndrew.**CARRIED**

ITEM:3 GM - 13/07/09 - LITHGOW AQUATIC CENTRE

REFERENCE

NIL

SUMMARY

Council has received a request from the Lithgow and District Workmen's Club seeking Council's interest in forming a joint venture to facilitate the development of an aquatic centre at the Club premises in Tank Street Lithgow.

COMMENTARY

Council has for several years now been investigating a proposal to develop an aquatic centre in Lithgow. The Lithgow and District Workmen's Club Ltd is indicating that they too are considering the development of such a facility. It is probably most likely that neither organisation would be able to fund the development of such a facility without a significant partner(s). The proposal to investigate a joint venture between the two organisations is one that is likely to provide the best chance to achieve such a facility for the Lithgow community.

Councils are permitted to enter into arrangements with other organisations in order to provide community services or facilities. There are many such examples that could be cited. These arrangements are called Public-Private Partnerships and the Department of Local Government has issued guidelines setting out how they may be entered into.

Public-Private Partnerships

A public-private partnership (PPP) is considered to be an arrangement between a council and a private person for the purposes of:

- a) Providing public infrastructure or facilities in which the council has an interest, liability or responsibility under the arrangement, and/or;
- b) Delivering services in accordance with the arrangement.

The definition is intended to capture the range of arrangements that include models described as Build, Own, Operate, Transfer (BOOT); Build, Operate, Transfer (BOT); Build, Own, Operate (BOO); Design, Build, Finance, Operate (DBFO); Privately Financed Projects (PFPs) and the like.

A council must not enter into a PPP unless it has complied with the relevant requirements of the Act. The Act refers to the formation of a PPP through an "arrangement". An arrangement is not limited to the signing of formal contractual or legal documents. The definition of arrangement includes contracts and understandings.

Councils must provide the DLG with the following information:

- o description of the project;
- o scope of the project and projected costs;
- o risk assessment of the project.

The General Manager(s) of the particular council(s) involved must certify that the assessment is prepared in accordance with the Guidelines. This will need to be attached to each submission made to the DLG and supported by a Council resolution.

The process of assessment is different for projects that are significant and/or high risk, and for projects that are neither significant nor high risk. Significant projects and/or high risk projects, will be assessed for compliance with these Guidelines by a Project Review Committee (PRC) at two stages:

- before the Expressions of Interest (EOI)/Market Testing Stage where councils have developed a project brief and are seeking private sector participants in the project. An assessment from the PRC that the process to this stage complies with the requirements of the Guidelines is necessary for the EOI phase to proceed; and
- at the Pre-Contract Signing Stage where the council has selected a preferred partner(s) from the EOI/Market Testing phase and has negotiated a draft contract for the carriage of the project. Council **MAY NOT** sign the contract until such time as the PRC has endorsed the process council has undertaken as complying with these guidelines.

This project would appear not to meet the definition of significant or high risk.

Projects that are not significant or high risk may proceed to contract development without review by the PRC. This does not remove the obligation on councils to adopt the procedures and processes required of them in these guidelines. The same assessment is still required to be undertaken for scrutiny by the Director General or the PRC if required. A council, having negotiated an arrangement/agreement with a private party, may not proceed to sign a contract establishing a PPP entity without the prior approval of the Minister for Local Government under s.358 of the Act.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Nil at this stage.

LEGAL IMPLICATIONS

It is likely that this matter would be considered a Public Private Partnership and therefore before any agreement is entered into that approval is gained from the Department of Local Government.

Reference should be made to the Department of Local Government Circular 05-51 and the Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships.

RECOMMENDATION

THAT Council:

1. Support in principle and investigate further the feasibility of the concept of entering into a Public Private Partnership for the provision of an Aquatic Centre for the Lithgow Local Government Area; and
2. Advise the Department of Local Government of Council's intentions to investigate a Public Private Partnership in relation to an Aquatic Centre for Lithgow.

Councillor R Thompson declared an interest and vacated the Chambers at 7.54pm.

09-292 RESOLVED

THAT Council:

1. Support in principle and investigate further the feasibility of the concept of entering into a Public Private Partnership for the provision of an Aquatic Centre for the Lithgow Local Government Area; and
2. Advise the Department of Local Government of Council's intentions to investigate a Public Private Partnership in relation to an Aquatic Centre for Lithgow.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew

CARRIED

Councillor Thompson returned to the Chamber at 8.01pm

REGIONAL SERVICES REPORTS

ITEM:4 REG - 13/07/09 - 031-09DA CHANGE OF USE TO CLUB (MEETING PLACE) - 34-36 MAIN STREET, WALLERAWANG

REPORT FROM: GROUP MANAGER REGIONAL SERVICES, ANDREW MUIR

SUMMARY

To assess and recommend determination of DA 031/09 Recommendation will be for approval subject to conditions / refusal

COMMENTARY

Previously at Council's meeting dated 1 June 2009, Council resolved to lease the building known as 34-36 Main Street, Wallerawang to the Mid West Social Riders Incorporated, with the intention to restore the existing building and use it as a meeting place for the club. Council, at its meeting resolved to lease the building to the club. Council indicated however that any use of the building for use as a club would be deemed a change of use under the provisions of the Environmental Planning & Assessment Act 1979 and therefore require development consent.

Now, Council is in receipt of a Development Application from Mid West Social Riders Incorporated to convert an existing shop in Main Street Wallerawang to a club for the purpose of a meeting place. The premise retains pedestrian and vehicular access direct from the Main Street.

Generally the development proposes to:

- Be available to members of the Mid West Social Riders Club.
- Have approximate hours of operation from 6.00pm to 1.00am Wednesday & Friday only, however available to members 7 days a week.
- Obscure motor bikes behind existing fencing and natural screens.
- Repair existing Council owned facilities in dire need of repair.

It is considered that the development is permissible in the zone and compatible with the aims and objectives of the 2(v) Village zone.

POLICY IMPLICATIONS (OTHER THAN DCP's)

The following policy applies to the land and as such is forwarded to Council for its determination

7.6 DEVELOPMENT APPLICATIONS BY COUNCILLORS AND STAFF AND RELATIVES OR ON COUNCIL OWNED LAND

OBJECTIVE:

To provide a transparent protocol for the determination of development applications lodged by councillors, staff and relatives thereof or development applications for development on Council owned land.

POLICY:

1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is in any way connected to the application, **or where the development application is on Council owned land, that such application be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.**
2. In the case of staff members who are not Senior Staff, the following applications need not be reported to the Council:
 - (i) dwellings
 - (ii) ancillary building structures
 - (iii) general applications under Section 68 of the Local Government Act 1993.
3. In the case of an application lodged by a family member and the Council officer would normally hold delegated authority to determine the application, then the application must be referred to supervising delegate or in the absence of such, will be reported to Council.

FINANCIAL IMPLICATIONS (eg Section 94)

There are no financial implications of the development.

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. This assessment has been undertaken as part of attachment 1.

RECOMMENDATION

THAT:

1. That Council approve development application 031/09 subject to the conditions outlined in the attached section 79C report.
2. That a division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

09-293 RESOLVED

THAT:

1. A further report be provided following the onsite meeting
2. Council hold an onsite meeting in relation to DA 031/09

MOVED: Councillor M F Ticehurst

SECONDED: Councillor N L Castle

CARRIED

**ITEM:5 REG - 13/07/09 - DRAFT POLICY NO 7.7 - CALLING IN OF
DEVELOPMENT APPLICATIONS OR DEVELOPMENT
APPLICATIONS / CONSTRUCTION CERTIFICATES BY
COUNCILLORS**

REPORT FROM:GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min O09-189 Ordinary Council Meeting 11 May 2009

SUMMARY

This report provides a procedure whereby Councillors can 'call in' development applications or development application/construction certificate for determination at an Ordinary Meeting of Council.

COMMENTARY

At Council's Meeting of 11 May 2009, it was resolved to re-draft Policy No. 7.7 – Calling in of Development Applications by Councillors to provide a procedure whereby Councillors could 'call in' a development application at a Council Meeting. Therefore, the Draft Policy 7.7 – Calling in of Development Applications or Development Application/Construction Certificates by Councillors has been prepared with the following changes:

- Development Application/Construction Certificates have been added to the types of applications which Councillors can 'call in'.
- Confirms the current practice in the Policy of providing Councillors with a list of all development applications and development application/construction certificates received by Council within the reporting period in their Business Paper Packages. However, it should be noted that as there is no item on the Agenda of the Business Paper, this list does not form part of the Agenda for the meeting and as such no notice of business has been provided to discuss this list
- Provides a procedure which complies with Clause 241 of the Local Government (General) Regulation 2005 and Council's Code of Meeting Practice. This procedure requires Council to consider 'calling in' a development application or development application/construction certificate through:
 - A notice of motion which has been included in the Business Paper and therefore is able to be considered as sufficient notice of the business has been provided.
 - A Councillor raises a motion which has been passed to have the business transacted at the meeting and the chairperson has ruled that the item of business is of great urgency, the Council can consider the 'calling in' of the development application or development application/construction certificate and resolve to do such.
- A procedure is provided whereby 3 Councillors can provide written notice to the General Manager to have a development application or development application/construction certificate 'called in' which has not been determined under delegated authority. The 'calling in' of this development application or development application/construction certificate will be reported to the next available Ordinary Meeting for the information of Council. Upon finalisation of the officer's assessment of the development application or development application/construction certificate, the application shall be reported to an Ordinary Meeting of Council for determination.

POLICY IMPLICATIONS

The proposed changes will refine Council's policy position.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

RECOMMENDATION

THAT the Draft Policy 7.7 – Calling in of Development Applications or Development Applications/Construction Certificates by Council be adopted.

09-294 RESOLVED

THAT the Draft Policy 7.7 – Calling in of Development Applications or Development Applications/Construction Certificates by Council be adopted with the change to Clause 3 of the Policy that Council allow written notice of one Councillor only.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor J J McGinnes

**ITEM:6 REG - 13/07/09 - LITHGOW GAS WORKS - STAGE 1
 INVESTIGATIONS GRANT**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min O08-161 Council Meeting 21 October 2008

SUMMARY

To advise Council of the receipt of a grant for the project Lithgow Gasworks – Stage 1 Investigation.

COMMENTARY

Council will recall that at its meeting of 21 October 2008, it resolved to make an application to the Environmental Trust for further investigation and validation of part of the site known as Precinct 1 and further investigation and characterisation of Precincts 2, 3 and 4. Subsequently, an application was submitted and as a result, Council has been advised that the Environmental Trust has approved a grant of \$70,931 excluding GST to undertake the project Lithgow Gasworks – Stage 1 Investigation. The work aims to confirm validation of Precinct 1 (i.e. the remediation works have been carried out in accordance with the Remediation Plan and the site is suitable for a use appropriate in the zone) and properly characterise the remainder of the site. It will include additional soil sampling and investigation; installation of 9 additional groundwater monitoring wells to a depth of 20 - 25 metres and monitoring thereof; and preparation of reports. If it is found necessary, the scope of any additional site remediation requirements will be advised.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The grant allocation of \$70,931 excluding GST will need to be added to the 2009/10 budget at the September Quarterly Performance Report of the Management Plan 2009/10 to 2011/12.

LEGAL IMPLICATIONS

The project is not listed in the Management Plan 2009/10 to 2011/12 and as a result will need to be included at the September Quarterly Performance Report of the Management Plan.

09-295 RESOLVED

THAT:

1. Council note the information regarding the receipt of grant funds for the project Lithgow Gasworks – Stage 1 Investigations.
2. The project Lithgow Gasworks – Stage 1 Investigations and its budget of \$70,931 excluding GST is included in the September Quarterly Performance Report of the Management Plan 2009/10 to 2011/12.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:7 REG - 13/07/09 - WATER STANDPIPES

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min 09-09 Council Meeting 27 January 2009

SUMMARY

To provide details of how other councils are managing water standpipes.

COMMENTARY

At Council's Meeting of 27 January 2009, it was resolved to examine what other councils do in relation to water standpipes. Therefore, an email was forwarded to all councils with 22 councils supplying information about their current management system for water standpipes. As a result the following information was ascertained:

Type of Management System	Number of Councils
Automated	12
Manual	7
Not specified	3

The automated management systems are generally accessed through a 'smart' key card which can either be purchased by linking the card to an electronic account or by prepaying for a certain quantity of water. These cards register the user, time, date and quantity of water taken. This information is then forwarded to a private company who collects the information and forwards accounts to the water carter on behalf of the council for a commission fee. The private company will forward council reports and cheques minus the commission fees. In addition, this management system allows a 'smart' key card to be deactivated remotely in the circumstance where a carter has failed to make payments.

For councils that utilise a manual system, water carters typically access a standpipe with the assistance of a council operator or via a key with records of the metered use being kept in either a log book maintained at the standpipe or by the carter. Therefore, under such circumstances the council needs to gain access to the log books and forward accounts to the carter.

In the Management Plan 2009/10 to 2011/12, Council has resolved to "construct one new metered standpipe" in 2009/10 and another in 2011/12. Therefore, it is suggested that Council seek Expressions of Interest from interested persons for the provision of a metered automated management system as this management system accurately records all information electronically without human interpretation and the need for council staff to 'chase up' water carters for their log books.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has provided an allocation of \$35,000 in its 2009/10 Budget for the construction of one new metered standpipe.

LEGAL IMPLICATIONS

The value of the work is estimated to be well below the tendering limit of \$150,000 as set by the Local Government (General) Regulation 2005 and therefore, the requirements of the Local Government Act 1993 and Regulation for tendering do not apply to this activity.

09-296 RESOLVED

THAT Expressions of Interest from interested persons be called for the provision of a metered automated water standpipe management system.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:8 REG - 13/07/09 - GARBAGE AND RECYCLING CONTRACT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise on the position of the current recycling contract.

COMMENTARY

Councillors would be aware that the current garbage and recycling contract with JR Richards expired on 11 July 2009. With the global economic position the value of many recyclables has diminished. Furthermore, with Council planning to develop the Blackmans Flat Facility, entering into a new contract would require new specifications to be taken into consideration early into the contract term. Consequently it is not a desirable time to go to tender for a new contract as it would increase the costs to Council and subsequently residents. Discussions have taken place with JR Richards to ascertain whether they would be willing to continue their current services under the same terms and conditions as the current contract to at least coincide with the opening of the Blackman's Flat Waste Facility in approximately 18 months time. Legal advice was also sought from Council's Solicitor which confirmed an extension could take place providing an agreement was entered into prior to the expiration of the contract.

JR Richards indicated a willingness to extend the contract under the same terms and conditions for the period up to the commissioning of the Blackmans Flat facility or on ninety days written notice by either party to terminate. Whilst it was necessary to enter into the agreement for the extension to preserve the existing contract, a clause was also inserted to acknowledge the elected councils role in ratifying the agreement at the next available Council meeting. The clause that allows for termination with 90 days notice also gives Council the option to commence tendering for a new garbage and recycling contract should it disagree with the assessment that the timing to enter into a new contract is undesirable.

In discussions with Councillors it has come to light that there are some issues with the current recycling service in relation to recyclables not being taken in some instances and a general view that an upgrade to the crate system is desirable. Staff agree that an upgrade to the crate system is highly desirable but whether this can be achieved in the short term is questionable given that garbage and recycling contracts are premised on the purchase of new plant, bins (or crates) and recovery of costs over the term of the contract. However, discussions will take place with the contractor to ascertain if any possibilities exist in the shorter term. Any issues with the current system will also be discussed and rectified.

POLICY IMPLICATIONS

No specific policies appear to apply to this situation.

FINANCIAL IMPLICATIONS

The aim of extending the arrangement with the current contractor in the short term is to ensure the most cost effective contract is entered into when more favourable circumstances prevail.

LEGAL IMPLICATIONS

Council's Solicitor has confirmed an extension to the contract can take place providing agreement was entered into prior to the expiration of the contract.

RECOMMENDATION**THAT:**

1. Council confirm the short term extension of the garbage and recycling contract with JR Richards to coincide with the commissioning of the Blackmans Flat Waste Facility or on one hundred and eighty (180) days notice of termination being given by either party.
2. Discussions take place with JR Richards in relation to any current issues with the recycling crate system and investigate options to introduce a 'wheelie bin' for recycling in the short term.

09-297 RESOLVED**THAT:**

1. Council confirm the short term extension of the garbage and recycling contract with JR Richards to coincide with the commissioning of the Blackmans Flat Waste Facility or on one hundred and eighty (180) days notice of termination being given by either party.
2. Discussions take place with JR Richards in relation to any current issues with the recycling crate system and investigate options to introduce a 'wheelie bin' for recycling in the short term.
3. Council hold an on site meeting at Lithgow City refuge site to explore the extension of this facility

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

INTERNAL SERVICES REPORTS

ITEM:9 INTER - 13/07/09 - PROPOSED 2009/10 RENUMERATION FOR COUNCILLORS AND THE MAYOR

REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of the report handed down by the Local Government Remuneration Tribunal with regard to the setting of the 2009/10 fees payable to Councillors and the Mayor. The report includes a recommendation that the 2008/09 fees be increased by 2.5% in line with the CPI.

REPORT

The Local Government Remuneration Tribunal sets the range of fees for all Councillors and Mayors in NSW each year. The recommended increases in fees are determined based on submissions from various Councils and the Local Government Shires Association.

Having regard to key economic data and the views of the assessors, the Tribunal determined that an increase of 2.5% in fees for Councillors and Mayors is appropriate. The increase is effective on and from the 1 July 2009.

The Tribunal also considered the categorisation of all Councils and it was found there is no strong case to alter the current categories. While the groupings do not change, the Tribunal has applied new descriptive titles for each of the categories.

The descriptive titles for the categories are as follows:

Existing Category	New Category
4	Rural
3	Regional Rural
2	Metropolitan
1	Metropolitan Centres
1A	Metropolitan Major
S2	Major City
S1	Principal City
S3	County Councils
S4	County Councils – Water

The following table lists the Tribunals determination of fees for Rural, previously Category 4 Councils, for the 2009/10 financial year:

Rural	Min	Max	Lithgow 08/09
Councillors Annual Fee	7,040.00	9,290.00	8,500.00
Mayor	14,520.00	29,570.00	18,000.00
			(Less \$2,000 car lease)
TOTAL	21,560.00	38,860.00	26,500.00

As indicated in the report the Tribunal has recommended an increase of 2.5% on the fees payable for 2008/09.

Council may determine an appropriate payment for 2009/10 but to ensure Lithgow maintains the level of remuneration to Councillors and the Mayor, at least in line with the current level of CPI, it is recommended that Council increase the 2009/10 fees by 2.5% to \$8,712.50 for Councillors and \$18,450.00 for the Mayor, payable a month in advance.

It is further recommended that the car lease for the Mayor also be increased by CPI to \$2,050.00

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Management Plan for 2009/10 provided an increase of 3% on 2008/09 allocations for the remuneration to Councillors and the Mayor. A small saving of \$430.00 will now be achieved in the 2009/10 September review of the Management Plan.

LEGAL IMPLICATIONS

NIL

09-298 RESOLVED

THAT:

1. Remuneration for Councillors for the 2009/10 financial year is determined at \$8,500.00 from 1 July 2009, payable a month in advance.
2. Remuneration for the Mayor for the 2009/10 financial year is determined at \$18,000.00 from 1 July 2009, payable a month in advance.
3. The car lease for the Mayor also is determined at \$2,000.00 from 1 July 2009.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

ITEM:10 INTER - 13/07/09 - COUNCIL INVESTMENTS TO 30 JUNE 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min O 08-136: 19 August 2008 (July 2008)
Min F 08-125: 07 October 2008 (Aug 2008)
Min O 08-167: 21 October 2008 (Sept 2008)
Min O 08-192: 18 November 2008 (Oct 2008)
Min O 08-233: 15 December 2008 (Nov 2008)
Min 09-15: 27 January 2009 (Dec 2008)
Min 09-51: 16 February 2009 (Jan 2009)
Min 09-95: 09 March 2009 (Feb2009)
Min 09-149: 20 April 2009 (March 2009)
Min 09-215: 01 June 2009 (April 2009)
Min 09-267: 22 June 2009 (May 2009)

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 30 June 2009 when compared to 31 May 2009, has increased by \$2,287,152.77.

The increase is attributed to income received for the first payment of the 2009/10 Financial Assistance Grant which has been paid in advance in the 2008/09 financial year. We have also received the first progress payment of the RLCIP Round 2 Federal grant on 24 June 2009. Both grant payments, which are in advance, will be held as externally restricted reserves as at 30 June 2009 and carry forward to the 2009/10 financial year.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.05.09	VALUE 30.06.09	% OF TOTAL
ANZ	TD	15.06.09	17.08.09	63	3.60	508,894.08	510,415.46	2.74%
BANKWEST	TD	04.05.09	04.08.09	92	4.00	500,000.00	500,000.00	2.69%
	TD	14.05.09	12.08.09	90	4.00	530,910.27	530,910.27	2.85%
	TD	12.03.09	10.07.09	120	4.15	500,000.00	500,000.00	2.69%
	TD	25.06.09	24.08.09	60	3.75	0.00	500,000.00	2.69%
CBA	TD	09.06.09	09.07.09	30	3.42	0.00	750,000.00	4.03%
	On Call				2.95	1,019,179.81	1,022,305.62	5.49%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	220,000.00	220,000.00	1.18%
	TD Shield	21.11.07	05.06.09			750,000.00	0.00	0.00%
CITIBANK	TD	16.04.09	16.07.09	90	4.60	595,022.87	595,022.87	3.20%
	TD	09.04.09	11.06.09			527,785.01	0.00	0.00%
	TD	11.06.09	10.08.09	60	4.00	0.00	281,337.80	1.51%
	TD	18.05.09	17.08.09	91	4.50	500,000.00	500,000.00	2.69%
	TD	25.06.09	24.08.09	60	4.25	0.00	500,000.00	2.69%
	TD	25.06.09	23.09.09	90	4.50	0.00	500,000.00	2.69%
LGFS	On Call				2.90	7,159.79	7,159.79	0.04%
IMBS	TD	04.06.09	02.09.09	90	4.25	1,457,606.50	1,472,324.33	7.91%
	TD	07.05.09	05.08.09	90	4.00	911,476.94	911,476.94	4.90%
NAB	TD	14.05.09	14.08.09	90	4.33	1,000,000.00	1,000,000.00	5.37%
	TD	19.05.09	19.08.09	90	4.20	750,000.00	750,000.00	4.03%
WESTPAC	TD	15.05.09	15.09.09	120	4.00	1,000,000.00	1,000,000.00	5.37%
	TD	29.05.09	29.09.09	120	4.33	750,000.00	750,000.00	4.03%
MACQUARIE	TD	19.05.09	19.11.09	180	4.10	2,000,000.00	2,000,000.00	10.74%
ST GEORGE	TD	19.05.09	19.11.09	180	4.10	750,000.00	750,000.00	4.03%
	TD	04.05.09	04.08.09	92	3.75	500,000.00	500,000.00	2.69%
	On Call				3.20	542,651.15	546,991.99	2.94%
	TD	25.06.09	07.10.09	104	4.10	0.00	500,000.00	2.69%
SUNCORP	TD	04.06.09	04.09.09	92	4.02	500,000.00	1,005,041.10	5.40%
	TD	18.06.09	19.09.09	90	4.14	506,625.54	511,478.56	2.75%
			TOTAL			16,327,311.96	18,614,464.73	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.

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 June 2009 is \$753,876.00, which is a combined total of \$682,483.35 actual interest received and \$71,392.65 accrued interest brought to account to 30 June 2009. Expected interest of \$735,000.00 was estimated in the March quarter of the 2008/09 Management Plan and the final result shows an increase of \$18,876.00.

It should be noted that the accrued interest to 30 June 2009 will be reversed on 1 July 2009 and brought to account upon maturity.

LEGAL IMPLICATIONS

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

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

09-299 RESOLVED

THAT Investments of \$18,614,464.73 for the period ending 30 June 2009 be noted.

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

ITEM:11 INTS - 13/07/09 - TENDERS FOR THE SUPPLY OF PLANT AND GOODS & SERVICES FOR THE 2009/10 FINANCIAL YEAR

REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

REFERENCE

NIL

SUMMARY

This report recommends the use of the open tendering process, pursuant to Section 167 of the Local Government (General) Regulation 2005, for the procurement of plant and goods and services for the 2009/10 financial year.

COMMENTARY

Council regularly calls for tenders for the procurement of various items greater than \$150,000. For each purchase the process requires Council to determine the tender method, call for tenders, and report on which supplier will be accepted. The purpose of this report is to determine that for the 2009/10 financial year, on each occasion that tenders will be called for plant, pipes, fittings and stormwater drainage, road base and bitumen seal. Council will automatically use the determined tendering method and eliminate the need for a report on the individual purchases. At no time does the method of tenders being called interfere with the reporting and acceptance of tenders which will be individual reports to Council on each occasion.

For the 2009/10 financial year the following purchases will be likely:

- Plant \$715,000
- Road Base \$300,000
- Bitumen Seal \$800,000
- Pipes, Fittings & Stormwater drainage \$330,000

Council is required by Section 55 of the Local Government Act to invite tenders by one of the following methods:

These would include items such as plant, pipes, fittings and stormwater drainage, road base and bitumen seal.

- (a) the open tendering method (Section 167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (Section 168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(Section 169)

The open tendering method allows all interested parties to tender for a proposed contract following public advertising and the selective tendering process is a method by which invitations to tender for a proposed contract are made following public advertisement asking for expressions of interest.

The recommendation is for Council to use the open tendering method, for the procurement of plant, pipes and fittings, chemicals and road base (except for the Centroc contract with Boral), pursuant to Section 167 but should it be considered more appropriate to use the selective tendering method for a specific purchase a separate report will be prepared and presented to Council for consideration.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

09-300 RESOLVED

THAT Council use the open tendering method, pursuant to Section 167 of the Local Government (General) Regulation 2005, for the procurement of plant, pipes, fittings and stormwater drainage, road base and bitumen seal (except for the Centroc contract with Boral) for the 2009/10 financial year.

MOVED: Councillor J J McGinnes
CARRIED

SECONDED: Councillor R Thompson

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:12 COMM - 13/06/09 - GOLF COURSE PLAN OF MANAGEMENT PUBLIC HEARING FOR CATEGORISATION OF LAND

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min 07-519: Policy and Strategy Committee, 3 December 2007
Min 05-09: Ordinary Meeting of Council, 27 January 2009
Min 09-162: Ordinary Meeting of Council, 20 April 2009

SUMMARY

This report advises the Council that public submissions on the Draft Lithgow Golf Course Plan of Management have been received and that a public hearing will be held on Monday 10 August 2009 regarding the categorisation of land of the Lot 1 DP 840412 commonly known as the Lithgow Golf Course.

COMMENTARY

This report provides an overview on submissions following advertising of the Draft Lithgow Golf Course Plan of Management and advises that a Public Hearing will be held under Section 40A of the Local Government Act 1993.

Public Hearing

Section 40A states:

(1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).

The Draft Lithgow Golf Course Plan of Management proposes that the land be categorised as "sportsground"..

Under section 36 (4) of the Local Government Act 1993 land classified as 'community' must be categorised in one or more of the following:

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

It should be noted that the public hearing will only be considering submissions to do with the proposed categorisation and the public will be invited to attend the Public Hearing and make submissions regarding this matter only.

The Public Land Management Practice Note 1 (Revised) May 2000 outlines the public consultation process in preparing new plans of management, eg, for land such as the golf course, as per the following:

If no Aboriginal significance, prepare draft plan (If Aboriginal significance, consult)
Hold public consultation. Draft plan exhibited for at least 28 days, submission period of at least 42 days (s.38)
Hold public hearing (s.40A)
Consider submissions
If plan needs amendment, hold public consultation again (s.40). Another public hearing not required
Adopt the draft plan

A public hearing will be conducted as per the following process:

Give notice in a letter to all respondents who provided a submission 21 days before the start of the public hearing
Give notice in the Lithgow Mercury in the Council Column, 21 days in advance of the public hearing
Engage an independent facilitator*
Independent facilitator to provide report
Not later than 4 days after it has received a report, make copy available for inspection by public
Report to Council

*Note Section 47G of the Local Government Act states:

- (2) *The person presiding at a public hearing must not be:*
- (a) *a councillor or employee of the council holding the public hearing, or*
 - (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*

Public Submissions to Draft Lithgow Golf Course Plan of Management

An overview of the public submissions is provided for the information of the Council. These submissions will come back to the council following the public hearing for consideration in the adoption of the Draft Lithgow Golf Course Plan of Management.

NOTE

A number of comments in the submissions related to the leasing arrangements of the facility and financial costs to Council for the maintenance of the facility.

Neither leasing arrangements of the facility, nor costs incurred by council are the subject of Plans of Management for community land. All that is required within a Plan of Management is the statement about whether part or all of the facility can be leased and for what purpose. Council can resolve to whom the lease will be granted and the terms of the lease, and in fact whether a lease will be granted at all. Financial costs to Council are the subject of annual management planning processes.

Thus the following summary does not include comments relating to either leasing arrangements or financial costs to council.

RESPONDENT	COMMENTS	OFFICER COMMENT
Respondents 1 – 64 Individual letters with same contents (Attachment 1)	<p><i>I am writing to support the Plan of Management submitted to council on 30th March 2009.</i></p> <p><i>The document is comprehensive and concise and gives accurate assessment of the current situation regarding the course, the plant and the heritage listed clubhouse.</i></p> <p><i>The committee of the Lithgow Golf Club Ltd. and the council have a very good working relationship as can be readily seen with the improvements both out on the course and within the clubhouse, and with acceptance of this plan of management then there is no reason why this relationship should not continue.</i></p>	No comment required
Respondents 65 – 114 Individual letters with same contents (Attachment 2)	<p><i>I/we wish to show SUPPORT for the Draft Plan of Management for the Lithgow Golf Course which is currently on exhibition by Lithgow City Council until 29 May 2009.</i></p> <p><i>As detailed in the Draft Plan the Lithgow Golf Course and Club House are of particular importance in terms of its use by community and recreational users, namely as a golf course and a club house which provides opportunities for all golfers, social and competitive, juniors and seniors, locals and visitors.</i></p> <p><i>It is a valuable public facility which is available for use by all members of the community and the increasing tourism market and I support the ongoing commitment made by</i></p>	No comment required

	<i>Lithgow City Council to the Lithgow sporting community.</i>	
Respondent 115 (Attachment 3)	<i>The building is ratepayer owned and in fact the grounds should be maintained by the club, and building repairs paid for by council.</i>	Council may consider this as part of any future lease agreement. Any such arrangement is not required to be stated in a plan of management.
Respondent 116 (Attachment 4)	<i>The document appears to be done purely to fulfil the statutory obligation.</i>	Plans of Management for Community Land have specific requirements under the Local Government Act 1993.
	<i>Rather than put it out for open discussion prior to any draft document, the public gets a belated opportunity to have a say on what someone in Council has decided is the best way to go. The Lithgow Council Economic Advisory Committee has not even been given the chance to discuss this matter prior to its public display!</i>	The preparation and consultation process followed to date complies with the requirements and those stated in the Practice Notes.
	<i>Would an 'Operational' classification be better suited for potential future development.</i>	Council resolved on 3 December 2007 to reclassify the golf course to 'operational'. This will be considered in the development of a comprehensive Local Environment Plan.
Respondent 117 (Attachment 5)	<i>The Lithgow Golf Course is a valuable sporting facility, for the people of the Lithgow Council area. The buildings have significant heritage value and therefore should be preserved by the Lithgow Council.</i> <i>I do not see the need for the course to be leased to anyone; it is already maintained by Council and should be run by council, maybe by a committee.</i>	The Draft Plan of Management identifies that the Golf Course has significant value as a sporting facility. It also identifies the need for a conservation management plan and asset management plan for the buildings. The Council has a resolution to put in place a lease (27 January 09).
Respondent 118 (Attachment 6)	A number of questions relating to the lease agreement and financial commitments were raised.	All questions relating to the lease agreement with the Lithgow Golf Club and the financial commitments of Council are not the subject of Plans of Management for Community Lands.

	<p><i>... how can the identified Community Land in the Draft be classified as a Sportsground under the Local Government Act when the Lithgow city Council classifies it as a Parks and Gardens under its finances: Which one is it, it cannot be both?</i></p>	<p>Note: 'Classification' refers only to whether land is classified as 'operational' or 'community'.</p> <p>The requirements for 'categorisation' of land under the classification of 'community' land is prescribed under s36 of the Local Government Act.</p> <p>The Council's General Purpose Financial Reports Special Schedule 1, places finances for the golf course in "recreation and culture – sporting grounds", not Parks and Gardens.</p>
Respondent 119 (Attachment 7)	<p>A number of questions relating to the lease agreement and financial commitments were raised.</p>	<p>All questions relating to the lease agreement with the Lithgow Golf Club and the financial commitments of Council are not the subject of Plans of Management for Community Lands.</p>
	<p><i>Question: Is it correct that the subject lands correct category classification under the Local Government Act 1993, the Lithgow City Councils current LEP and the Department of Local Government guidelines should be 'Operational Land', as previously publicly stated ...</i></p>	<p>The Lithgow Golf Course is currently classified as 'community'. The Draft Plan of Management responds to requirements under the Local Government Act to this classification.</p> <p>Council resolved on the 7 December 2007 to reclassify the land as operational as part of the LEP process. This will be addressed with the development of a comprehensive LEP for the Lithgow LGA.</p>
	<p><i>Question: What are the legislative grounds that the Lithgow City Council relies upon for the Minister, Council, Councillors, ratepayers and residents to accept that the Draft Plan of management for the Lithgow Golf Course, involving some 99 acres of public 'community land', should be classified as a 'Sportsground' under the Local Government Act, 1993?</i></p>	<p>Note: 'Classification' refers only to whether land is 'classified' as operational or 'community'.</p> <p>The requirements for 'categorisation' of land under the classification of 'community' land is prescribed under s36 of the Local Government Act. In addition, the Local Government Regulations provide that "Land should be</p>

		<i>categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.”</i>
	<i>Question: Could the Lithgow City Council be more specific as to how does or where in the Lithgow City Councils Draft Plan of Management for lot 1 DP 840412, commonly known as the Lithgow Golf Course on public exhibition, comply with all relevant Sections, from 35 to 47F of the Local Government Act, 1993?</i>	Reference should be made to pages 6-7 of the Draft Plan of Management where the minimum requirements under the Act for a plan of management are identified. The Draft Plan of Management satisfies these requirements.
	<i>Question: In the Draft Plan of Management for the Lithgow Golf Course, why has the Lithgow City Council failed to publicly recognise or address any other future public uses of the ‘community land’, apart from the current use as an ASIC listed NSW Registered Ltd. Club holding an operating a public commercial liquor and gaming venue? Why was this not included in the Draft Plan of Management for the Lithgow Golf Course?</i>	The Plan of Management only relates to the use of the land, in this case proposed to be categorised as a ‘sportsground’, for the purposes of golf course with the buildings to be used for the purposes of club house and storage sheds for maintenance. The Plan of Management authorises the provision of a lease and associated licenses over the golf course and club house. It does not state to whom that lease or associated licenses would be granted. 8.4 (page 22) identifies some potential future uses. Point 3 would be contingent upon the land being classified as ‘operational’.
	<i>Question: The Draft Plan of Management has failed to appropriately address the future maintenance and environmental assessment for the ‘community lands’, including the Flora and Fauna. In particular, the Draft Plan lacks any substantive details on the current and future protection of the</i>	The Plan of Management recognises the existence of flora and fauna including kangaroos. Should there be a need to control the kangaroo population, this would be considered as part of the operations of council and could be considered by

	<i>existing long-standing colony of kangaroos which in previous years, were to be culled?</i>	Council if required.
	<i>Question: The Draft Plan of Management for the Lithgow Golf Course has failed to appropriately address or provide full details on what will be the future arrangements for the public to access the 'community land' whilst if expected, it is held by an ASIC listed NSW Registered Ltd. Club holding and operating a commercial public liquor and gaming venue?</i>	The matter of public access can be itemised in any lease agreement, such as in the current lease agreement Clause 21.1 which states: <i>The public shall, other than at times reserved for club competitions events approved by the landlord, have free (note: meaning unhindered) and uninterrupted access to the golf course and to those parts of the licensed club house not especially set aside with the landlord's prior written approval for members of the golf club and the club's manager or secretary.</i>

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The provision of a fee for an independent facilitator to conduct the public hearing will be provided from allocations to the policy and planning budget for 2009/10

LEGAL IMPLICATIONS

Local Government Act 1993

Councillor McAndrew declared an interest and vacated the Chambers at 8.35pm

09-301 RESOLVED**THAT** the Council notes:

1. That a public hearing will be held on Monday 10 August 2009 at 7pm in accordance with section 40A of the Local Government Act 1993 concerning the categorisation of Lot 1 DP 840412, commonly known as the Lithgow Golf Course, as 'sportsground' under section 36 (4).
2. The receipt of 119 public submissions which will be presented to the Council for consideration in the adoption of the Draft Lithgow Golf Course Plan of Management following the Public Hearing.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor H K Fisher.

Councillor McAndrew returned to the meeting at 8.36pm

ITEM:13 COMM - 13/07/09 - MEADOW FLAT RECREATION GROUND

**REPORT BY: CORPORATE PLANNING AND COMMUNICATIONS OFFICER –
DEBORAH MCGRATH**

REFERENCE

Min No. 09-201: Ordinary Meeting of council 11 May 2009

SUMMARY

This report provides advice in relation to the Meadow Flat Community's request for Council to relinquish trusteeship of the Meadow Flat Recreation Ground for the establishment of a Community Trust Board.

COMMENTARY

At the ordinary Meeting of Council 11 May 2009, the Council resolved:

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

A meeting of the Committee was convened on 15 June 2009 with three members of the Committee, one community member as an observer, the Mayor Councillor Neville Castle and Councillor Col Hunter in attendance.

The Group Manager Community and Corporate, the Development Manager and the Corporate Planning and Communications Officer were also in attendance.

The Committee discussed the issue of the future management of the Meadow Flat Recreation Ground and resolved to request that Council relinquish its trusteeship of the Recreation Ground and advice Department of Lands accordingly so that nominations may be called for the appointment of a Community Trust Board.

As such, the Committee resolved accordingly that:

- 1. A letter from the Community is sent to Council requesting that it relinquish its trusteeship of the Recreation Ground so that Local Trustees may be appointed by Department of Lands.*

Subsequently, correspondence has been received from Mrs Maureen Gunning on behalf of the Meadow Flat community as follows:

“On behalf of the Meadow Flat community we would like Council to relinquish their trusteeship of the Meadow Flat Recreation ground so members of our community can be trustees of their own Recreation Ground”.

Department of Lands have advised that they require a letter confirming Councils resolution to relinquish trusteeship of the land and supporting the communities desire to manage the Recreation Ground. They will then call for expressions of interest from the community to be appointed to the Community Trust Board for a maximum five year term.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

Councillor McAndrew declared an interest and vacated the Chambers at 8.37pm

09-302 RESOLVED

THAT:

1. Council relinquish trusteeship of the trusteeship of the Meadow Flat Recreation Ground.
2. Council advise the Department of Lands accordingly, acknowledging its support of the appointment of a Community Trust Board from the Meadow Flat community.

MOVED: Councillor C Hunter
CARRIED

SECONDED: Councillor Neville Castle.

Councillor McAndrew returned to the meeting at 8.38pm

COMMITTEE MEETINGS

**ITEM:14 COMM - 13/07/09 - TOURISM ADVISORY COMMITTEE MEETING
MINUTES - 2ND JUNE 2009**

REPORT BY: TOURISM MANAGER – JODIE RAYNER

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 2nd June 2009 for Council adoption.

COMMENTARY

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

1. Confirmation of Minutes
2. Business Arising
3. Questionnaire and Membership Forum
4. Lithgow Attractions Assessment/Audit
5. Privatisation of the Lithgow Visitor Information Centre
6. Tourism Manager 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

09-303 RESOLVED

THAT Council notes the meeting of the Tourism Advisory Committee meeting held on 2nd June 2009 did not receive a quorum and notes the following:

1. The Minutes of the meeting of the 5th May 2009 be taken as read and confirmed.
2. Notes that a Membership Forum will be held in August at a date to be determined.
3. Notes the questionnaire to be distributed to local businesses.
4. Notes that an assessment of Lithgow's attractions is being prepared and will be circulated to councillors upon completion.
5. Notes that a report on privatisation of the Lithgow Visitor Information Centre is being developed.
6. Notes the update on operations from the Tourism Office and upcoming events

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W Marshall

**ITEM:15 COMM - 13/07/09 - MEADOW FLAT HALL COMMITTEE MEETING
MINUTES 15TH JUNE 2009**

**REPORT BY: CORPORATE PLANNING AND COMMUNICATIONS OFFICER –
DEBORAH MCGRATH**

SUMMARY

This report details the minutes of the Meadow Flat Hall Committee held on Monday, 15 June 2009 for Councils information.

COMMENTARY

At the Meadow Flat Hall Committee meeting held on 15 June 2009, six items were discussed by the Committee.

1. Declaration of Interest
2. Minutes of the Previous Meeting
3. Business Arising from the Minutes
4. Terms of Reference – Meadow Flat Hall Advisory Committee
5. Business Without Notice
6. Next Meeting

The minutes contain updates for Council on the Meadow Flat Hall Committee with recommendations for Council.

Councillor McAndrew declared an interest and vacated the Chambers at 8.39pm

09-304 RESOLVED

THAT:

1. Council note that a letter requesting Council relinquish its trusteeship of the Meadow Flat Recreation Ground so that Local Trustees may be appointed by Department of Lands will be forwarded by a representative of the Meadow Flat Hall Committee on behalf of the community.
2. The Principal of Meadow Flat School be invited to become a representative on the Advisory Committee.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor C Hunter

Councillor Wayne McAndrew returned to the meeting at 8.40

**ITEM:16 COMM - 13/07/09 - LITHGOW FLASH GIFT COMMITTEE MEETING
MINUTES 19TH 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

Referral of trade marking issues to Council's solicitor for comment

LEGAL IMPLICATIONS

Nil

09-305 RESOLVED

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.
3. The issue of trade marking for the Lithgow Flash Gift be referred to Council's solicitor.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

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

**ITEM:17 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDER 04/09
CONSTRUCTION OF LITHGOW SKATE PARK, LITHGOW**

REPORT FROM: PROJECT CO-ORDINATOR – LEANNE KEARNEY

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.

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

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

The draft Tendering Guidelines issued by the NSW Department of Local Government indicates that the consideration of tenders should be dealt with in Closed Council.

**ITEM:18 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDER 01/09 -
CRYSTAL THEATRE UPGRADING CONFIDENTIAL**

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.

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

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

The draft Tendering Guidelines issued by the NSW Department of Local Government indicates that the consideration of tenders should be dealt with in Closed Council.

**ITEM:19 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDERS FOR THE
LITHGOW SEWERAGE TREATMENT PLANT - STAGE 2 UPGRADE
CONFIDENTIAL**

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.

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

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

The draft Tendering Guidelines issued by the NSW Department of Local Government indicates that the consideration of tenders should be dealt with in Closed Council.

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

09-306 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

Moved into closed council at 8.42pm

**ITEM:17 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDER 04/09
CONSTRUCTION OF LITHGOW SKATE PARK, LITHGOW**

09-307 RESOLVED

THAT:

1. Council accept the tender submitted by Precision Parks and Concreting for the construction of the Lithgow Skate Park, Lithgow, Tender No. 04/09 for \$279,000 (excluding GST);
2. The Mayor and General Manager be authorised to sign the relevant documentation associated with the construction of the Lithgow Skate Park, Lithgow;
3. The use of the Common Seal be authorised for contract documentation in relation to the construction of the Lithgow Skate park, Lithgow.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

**ITEM:18 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDER 01/09 - CRYSTAL
THEATRE UPGRADING**

09-308 RESOLVED

THAT:

1. Council accept the revised tender price of \$473,172.00 (excluding GST) from M Bruton Building Co. for the upgrading works at Crystal Theatre, Portland.
2. Council allocate additional funding for the upgrading of the Crystal Theatre, Portland from projected savings of \$20,000 on the Union Theatre Walkway project.
3. The shortfall and contingency amount as outlined in this report be covered by the recently announced Community Infrastructure program.
4. Should the guidelines for the Community Infrastructure program not allow expenditure on a project previously funded by the Federal Government then a report be brought back to Council indicating how funds can be re-allocated from currently funded projects.
5. The Mayor and General Manager be authorised to sign the relevant documentation associated with the upgrading of Crystal Theatre, Portland.
6. The use of the Common Seal be authorised for any contract documentation in relation to the upgrading of Crystal Theatre, Portland.
7. If Council is successful in its request for a special rate variation then a further report be provided adjusting the funding required for the Crystal Theatre.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:19 REG - 13/07/09 - CONFIDENTIAL REPORT - TENDERS FOR THE LITHGOW SEWERAGE TREATMENT PLANT - STAGE 2 UPGRADE

09-309 RESOLVED

THAT:

1. Subject to final approval by the Minister for Water and Energy the tender submitted by Haslin Constructions P/L, in the Recommended Tender Amount of \$18,924,743.00 excluding adjustment for foreign currency fluctuation, be accepted for Contract No. 0800013 for the Lithgow Sewerage Augmentation; and
 - a. The Recommended Tender Amount be adjusted, as agreed, for foreign currency fluctuation, 14 days after the Letter of Award.
 - b. The use of the Common Seal be authorised for the relevant contract documentation.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

09-310 RESOLVED

At 8.49pm the Council resolved to refer back to open Council and recommend the resolutions of closed Council.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

The Mayor announced the recommendations of the Closed Council.

09-311 RESOLVED

THAT Council adopt the recommendations of the closed Council

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

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.

UB - 13/07/09 - COUNCILLOR FISHER

1. Mr Mayor I refer to the question from Dr Dearin on the Lithgow water supply and ask that through the Councils Health Inspectors can we get a clear and full report on the water supply of Lithgow and obtain if it is acceptable?

09-312 RESOLVED

THAT the concerns of Councillor Fisher in relation to the water supply in the Lithgow Local Government area be considered urgent and dealt with at this meeting.

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

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

09-313 RESOLVED

THAT Council seek an independent analysis to be carried out by the relevant authority on the water supply of Lithgow and report back to Council.

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

Meeting closed at 9.02pm.