



LITHGOW CITY COUNCIL

**MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

03 AUGUST 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 3 AUGUST 2009**

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Meeting Commenced 7.00pm

Public Gallery: 13

**PRESENT**

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

**APOLOGIES**

An apology was received and accepted from Councillor W Marshall and Councillor W McAndrew due to being out of the state on personal business.

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

**09-314 RESOLVED**

**CARRIED**

**Also in attendance**

General Manager, Mr Roger Bailey  
Group Manager Community and Corporate, Ms Suzanne Lollback  
Acting Group Manager Regional Services, Mr Jim Nichols  
Acting Group Manager Operation, Mr Chris Schumacher  
Internal Services Manager, Mrs Carol Farnsworth  
Executive Assistant, Miss Cortney Wood

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 13 July 2009 were taken as read and confirmed by Councillors H K Fisher and G Danaher

**09-315 RESOLVED**

**DECLARATION OF INTEREST**

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

NIL

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## **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 - 03/08/09 - ALLAN DICKSON**

Mr Mayor, referred to Item 5 of tonight's agenda in relation to the Rural Fire Services (RFS) Volunteers Category 9 fire fighting appliances. The vehicles in questions are not appropriate to fighting fires in our district as they lack certain specifications needed as they are mostly used for support applications. The RFS are not resolving this matter and I ask that the Council support us with our attempts to get this issue resolved.

*The Mayor advised the recommendation in the business paper supports this issue.*

### **PF - 03/08/09 - TED LESTER**

1. Mr Mayor, following on from the water issue that was raised at the previous Council Meeting where discussions were held with Dr Dearin. Why is the Council buying bottled water, which would be at a large cost, is there something wrong with the tap water?

*The Mayor advised that there is nothing wrong with the Lithgow water supply. Dr Dearin has put in an apology in regards to his comments. The General Manager advised that it is available to the staff and to the public as a choice.*

2. Mr Mayor, A flyer was sent out in regards to the unanimous decision on the rate increase. The flyer is confusing. How much the will rates increase by over the next 10 years, the normal 3.5% pegging each year or the 8.27% each year as stated in the flyer. Can you please clarify this?

*The Mayor indicated that the flyer put out was completely wrong. The General Manager advised that Council has not made a special rate variation application for next year and unless Council made a further application and it was approved or the Minister set the rate pegging limit at 8.27% then Council would not be increasing rates by that amount.*

### **PF - 03/08/09 - RON WILLIAMS**

Mr Mayor, Can you please tell me what happened to the water that used to be made available to the public in the Chambers?

*The General Manager advised that this is available in the foyer.*

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## NOTICES OF MOTION

**ITEM:1 NOTICE OF MOTION - 03/08/09 - SYDNEY WEST AREA HEALTH SERVICES - COUNCILLOR M F TICEHURST**

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### **MOTION TITLE/TOPIC:**

Question with Notice submitted by Councillor Martin Ticehurst to Lithgow City Council.

Listed by: Councillor Martin Ticehurst Date: 26 July 2009.

### **QUESTION WITH NOTICE**

Q. Could Council Officers provide advice to the Council, Councillors and ratepayers if they are aware of a recent request from Professor Steven Boyages, the CEO of the Sydney West Area Health Service (covering the Lithgow LGA) to establish a Stakeholders Committee for the development of Drinking Water Management Plans for drinking water sourced by the Lithgow City Council from both the Farmers Creek and Fish River Water Supply Systems?

Q. Could Council Officers provide advice to the Council, Councillors and ratepayers where the request by Professor Steven Boyages is currently at and if any Stakeholders Committee Meeting has been held and if not, when will it be held?

### **RECOMMENDATION**

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

Signed: MF Ticehurst

### **General Managers Comment:**

Please see the staff report on the Lithgow Water Quality.

## MOTION

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor JJ McGinnes

The Motion was put and declared **LOST**.

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

### **FOR**

Councillor M F Ticehurst

Councillor J J McGinnes

### **AGAINST**

Councillor R Thompson

Councillor G Danaher

Councillor H K Fisher

Councillor N L Castle

Councillor C Hunter

**ITEM:2 NOTICE OF MOTION - 03/08/09 - COUNCILLOR M F TICEHURST - LITHGOW POOL**

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### **MOTION TITLE/TOPIC:**

Question with Notice submitted by Councillor Martin Ticehurst to Lithgow City Council.

Listed by: Councillor Martin Ticehurst

Date: 26 July 2009.

### **QUESTION WITH NOTICE**

Q. Could Council Officers provide advice to the Council, Councillors and ratepayers on the feasibility of providing all Senior Citizens with free entry into the Lithgow City Council Pool, similar to that as recently provided by Blue Mountains City Council to its' ratepayers and residents?

### **BACKGROUND**

Attached Media Report from the Blue Mountains Gazette of 9 July 2009.  
*"Free Pool Entry for Seniors gets off the Blocks"*

## RECOMMENDATION

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

Signed: MF Ticehurst

## MOTION

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor JJ McGinnes

An **AMENDMENT** was moved:

**That** advice be forwarded to Council as part of the 2010/2011 – 2012/13 Management Plan process on the feasibility of providing all senior citizens with free entry into the Lithgow City Council pool, similar to that recently provided by Blue Mountains City Council to its ratepayers and residents.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor H K Fisher

On being put the amendment was **carried** and became the **motion**.

## 09-316 RESOLVED

**That** Council refer this issue on the feasibility of providing all Senior Citizens with free entry into the Lithgow City Council Pool, similar to that as recently provided by Blue Mountains City Council to the 2010/2011 - 2011/2012 Draft Management Plan.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor H K Fisher

**CARRIED**

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

### FOR

Councillor G Danaher

Councillor H K Fisher

Councillor N L Castle

Councillor C Hunter

Councillor R Thompson

### AGAINST

Councillor M F Ticehurst

Councillor J J McGinnes



**ITEM:3 NOTICE OF MOTION - 03/08/09 - CURRENT WORKS AT TONY LUCHETTI SPORTSGROUND**

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**MOTION TITLE/TOPIC:**

Question with Notice submitted by Councillor Martin Ticehurst to Lithgow City Council.

Listed by: Councillor Martin Ticehurst Date: 26 July 2009.

**QUESTION WITH NOTICE**

Q. Could Council Officers provide advice to the Council, Councillors and ratepayers if they are aware that young people and children are playing within the current works being undertaken on the Farmers Creek upgrade near the Tony Luchetti Showground?

Q. What action is the Council taking to restrict or deter young people and children playing within the current works being undertaken on the Farmers Creek upgrade near the Tony Luchetti Showground?

**RECOMMENDATION**

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

Signed: MF Ticehurst

**MOTION**

**THAT** Council Officers provide the Council, Councillors and ratepayers in due course with a written report to the Question without Notice.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

The Motion was put and declared **LOST**.

## GENERAL MANAGERS REPORTS

### ITEM:4 GM - 03/08/09 - COUNCILLOR INFORMATION SESSIONS

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#### REFERENCE

Min No: 16/09 - Ordinary Meeting of Council 27<sup>th</sup> January 2009

#### SUMMARY

To improve communication between staff and councillors and generally improve the information flow to councillors a policy was developed on Council Information Sessions. Council had indicated that a review should be held after six months. This report deals with the review of the policy.

#### COMMENTARY

Council previously considered a report in relation to Council Workshops and Information Sessions and resolved that a trial period of six months be held and then to review the effectiveness of these sessions.

Under the NSW Local Government Act 1993 a council can hold a workshop (or sometimes called a briefing or information session) under its general powers as a body corporate. Information Sessions are informal committees and can provide useful background information to councillors on issues. Such sessions may involve councillors, council staff and invited participants.

Information Sessions should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting.

The Department of Local Government has recognised the value of workshops or information sessions in developing councillor knowledge and expertise, and in assisting their role as public officials. However, where briefing sessions are held in relation to issues such as development applications or business enterprises, Council needs to remember its obligations and responsibilities under the Model Code, and community perceptions in terms of unfair advantage and transparency of process.

Councillors will recall that the value of such briefings was also identified in the Lithgow City Council Promoting Better Practice Review conducted by the Department on Council. In the report the Department stated (p30):

*Council does not provide regular formal briefing sessions to councillors on items on meeting agendas. Briefings have been provided in relation to specific strategic items such as the management plan and budget.*

*The Mayor and general manager commented that these briefings appeared to promote a better understanding of those items on the part of councillors and reduced the amount of time taken up in meetings by questions in relation to them. In the interests of assisting council to get through its business in a more efficient manner, council may wish to consider trialling regular briefing sessions for councillors on business to be considered at council and committee meetings. (Recommendation 8)*

Attendance entitlements in the Act and the Regulation apply only to meetings of the council and its formal committees (made up of councillors only). As workshops are not meetings of the council or its formal committees, the attendance entitlements of councillors and the public do not apply. However Part 9.2 of the Model Code states that “any information given to a particular councillor in the performing of their civic duties must also be available to any other councillor who requests it”.

There is no obligation on councillors to attend workshops.

The meeting procedures in the Act and the Regulation apply only to meetings of the council and its formal committees made up of councillors only. As workshops are not meetings of the council or its formal committees, the meeting procedures in the Act and the Regulation do not apply. Meeting procedures for council workshops is a decision for the Council or, failing that, the workshop convenor.

The non-disclosure provisions of sections 664(1) and 664(2) (Disclosure and misuse of information) of the Act apply to workshops but, because they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1A) and 664(1B) do not apply.

Council needs to be mindful about its obligations and responsibilities under the Model Code, and of community perceptions in terms of unfair advantage and transparency of process. There may be a belief that Information Sessions are a means of transacting council business and coming to council decisions in secret.

However these problems may be overcome by ensuring that council decisions are not made at Information Sessions. The Policy therefore includes requirements that workshop papers contain information but no recommendations; or directions that no recommendations are to be put to, and no agreement sought from, the councillors or other workshop participants in the course of the Information Session.

### **Conclusion**

The purpose of the Council Information Sessions has to date allowed the mayor, elected councillors and senior management staff to:

- Exchange information on proposals that are being worked on by staff or proposals that councillors would like investigated.
- Provide a forum for discussion on proposed staff initiatives and discuss options for engaging the community in determining Council’s strategic corporate direction.

- Assist councillors/executive staff in team building.
- Help develop trust and understanding between those who attend the Information Sessions.

As part of the Information Sessions the General Manager, Group Manager and other staff provided a five minute update on their responsibility area(s).

To date the Information Sessions have created an avenue for increased information flow from staff to councillors which has ultimately allowed councillors to make more informed decisions at Council meetings.

It is felt that the Information Sessions should continue.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**09-317 RESOLVED**

**THAT** Council:

1. Note the report on Council Information Sessions; and
2. Confirm that the policy, Council Information Sessions with minor wording changes be reaffirmed and continue.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor G Danaher

**CARRIED**

**ITEM:5 GM - 03/08/09 - RURAL FIRE SERVICE CATEGORY 9 FIRE APPLIANCES**

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**SUMMARY**

Concerns have been expressed by local Rural Fire Service (RFS) volunteers in relation to the Category 9 Fire Appliances.

**COMMENTARY**

The Category 9 Fire Appliance is a very low intensity bush fire fighting unit used for initial response, support, mop-up and patrol applications. Local RFS volunteers have expressed concern about these fire appliances.

It is understood that in the past 12 months five new Category 9 fire appliances have been provided to the Lithgow District of the NSW Rural Fire Service. These five appliances were replacements for existing Category 9 appliances but the replacement appliances are not in accordance with the specifications provided at the time of ordering. Local volunteers consider that the appliances provided are not suitable replacements and cannot be used for fire fighting in Lithgow without significantly increasing the risk to fire fighters.

There are a range of problems identified by the RFS volunteers have it has been indicated that the major problem with these vehicles is that they come without the specified bulbar. The local terrain is extremely rough and mountainous. The volunteers consider that the local terrain is unsuitable for bigger longer vehicles and hence these vehicles are used in the Lithgow District as the primary attack/response vehicle.

From the RFS's view volunteer fire fighters should not be using bull bars to trail blaze their way into a fire. In such instances they are putting themselves in a dangerous situation and potentially they are also putting other lives at risk.

It is concerning that the Lithgow District has been left with five vital fire fighting appliances that cannot be safely utilised in the situations where they are most needed.

Representations have been made to the Minister for Emergency Services, the Hon. Steve Whan through the local member.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

## RECOMMENDATION

THAT Council note the report on the Rural Fire Service Category 9 Fire Appliances.

### 09-318 RESOLVED

THAT Council

1. Note the report on the Rural Fire Service Category 9 Fire Appliances; and
2. Seek an urgent meeting, through the State Member, with the Minister for Emergency Services and the RFS to assist the RFS Volunteers resolve the issue of Category 9 Fire Appliances.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor C Hunter

**CARRIED**

**ITEM:6            GM - 03/08/09 - LOCAL GOVERNMENT ANNUAL CONFERENCE  
                         2009 - DELEGATES**

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## SUMMARY

Notification of voting delegates are required to be resolved by Council and advice of the delegates submitted to the Local Government Association.

## COMMENTARY

The Local Government Association Annual Conference will be held in Tamworth, NSW from Sunday 25<sup>th</sup> October through to Wednesday 28<sup>th</sup> October 2009 at the Tamworth War Memorial Hall (Town Hall).

Council is advised that three voting delegates are to be identified for the Conference to enable the ordering of Conference materials.

Council is requested to specify who the voting delegate will so that appropriate information and arrangements can be made with the Department of Local Government. Traditionally the Mayor has been one of the delegates.

Note: The General Manager will also be in attendance as an observer.

The deadline for submitting motions to the Conference is **Monday 10<sup>th</sup> August 2009**.

The Deadline for application for Outstanding Service Awards to be presented at the conference is **Monday 7<sup>th</sup> September 2009**.

The deadline for the receipt of late motions is **Monday 12<sup>th</sup> October 2009**.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**09-319 RESOLVED**

**THAT:**

1. Council note the report on the Local Government Association Annual Conference 2009.
2. Council note the date of Monday 10<sup>th</sup> August 2009 for Motions to be received for the Local Government Association Annual Conference.
3. Council appoint three voting delegates to attend the Local Government Association Annual Conference.

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

**SECONDED:** Councillor H K Fisher.

**09-320 RESOLVED**

**THAT** Council appoint the Mayor and Deputy Mayor to attend the Local Government Association Annual Conference, with a third delegate to be appointed by the Mayor.

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

**SECONDED:** Councillor R Thompson.

**ITEM:7            GM - 3/08/09 - GRANT FUNDING**

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**SUMMARY**

Further grant programs have been announced whereby additional funds are available to Council.

**COMMENTARY**

Additional grant programs have been announced by both the State and Federal governments. Amongst these are:

- Community Infrastructure Program
- Community Building Partnership

**1. \$220 million Boost to Community Infrastructure Program**

Additional funding of \$220 million for the Community Infrastructure Program is to be made available in 2009-10.

This funding is assist councils to build and modernise community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure.

This will take the Australian Government's total investment in the Community Infrastructure Program to more than \$1 billion since November 2008.

This investment is intended to support local jobs during the global economic recession and provide long-term benefits to communities by renewing and upgrading local infrastructure.

The \$220 million injection into the Community Infrastructure Program will be delivered as follows:

- \$100 million is being allocated to all 566 of Australia's councils (565 councils plus the ACT) on a formula basis; and
- \$120 million for larger Strategic Projects will be available on a competitive basis. The Government will commence the next round of community infrastructure funding at the end of 2009.

This is to enable councils to complete and properly acquit their current projects under the original \$250 million allocated component of the Community Infrastructure Program.

**Guidelines for both components of the new Community Infrastructure Program funding will be released later in 2009.**



The \$100 million allocation consists of:

1. All councils will receive a base grant of \$30,000.
2. The 105 councils classified as urban fringe or urban regional according to the Australian Classification of Local Government Code and who have at least 30,000 residents will receive an additional growth component of \$150,000.
3. All councils with at least 5,000 residents will share in the distribution of the remaining funds in proportion to their 2008-09 general purpose *Financial Assistance Grant*.
4. The Australian Capital Territory will receive \$800,000.

The allocation to Lithgow City Council is to be \$208,000.

A report is to be prepared with suggested projects for this funding.

## **2. Community Building Partnership**

The NSW Government has allocated \$35 million Community Building Partnership program is designed to support local jobs, stimulate growth and improve community facilities. Community groups and local councils across NSW are eligible to submit applications for funding that will help support local infrastructure and jobs.

The NSW Community Building Partnership will invest \$300,000 into building local community projects in every electoral district with an additional \$100,000 to be invested in electoral districts with higher unemployment.

The amount of \$400,000 has been allocated to the Bathurst electorate. The Bathurst electorate covers five local government areas including the entire areas of Lithgow, Bathurst, Blayney and Oberon plus a part of the Mid Western Regional Council area.

Under the partnership, the NSW Government will contribute to the cost of building community projects and stimulating local economies.

Applications should demonstrate how their project will deliver positive results for their community, through job creation and community, social, recreational or environmental outcomes.

Applications from local councils will require a commitment of matching funding by Council.

Projects must be ready to commence by late 2009 and be completed before the end of December 2010. Applications for funding under the partnership close on 10 August 2009.

Local Members of Parliament are to:

- Invite applications from local councils and community groups within their electoral districts.
- Provide comments and recommendations on the suitability and priority of eligible proposals within their electoral districts for the Premiers consideration.

The Department of Premier and Cabinet will make recommendations to the Premier based on the assessment criteria and information provided by Members of Parliament.

It is expected that a number of local community groups will be making application for this funding. While there may be a number of applications being made for this funding it would be appropriate that Council too submit an application(s) to help ensure that an equitable amount of this funding is provided to the Lithgow LGA.

Note: Councils are permitted to make one application only.

Some suggested projects that may be eligible under this program may include:

- Shade Structures at Local Parks
- Public Toilet at Cook Street Plaza
- Upgrades to Existing Public Toilets
- Establish Men's Shed – Lithgow or Portland
- Increased Seating in Town Centre and Main Thoroughfares - incl. route to Bowenfels, Hospital and Medical Centre
- Creative Walking/Cycle Path
- Increased Rubbish/Recycle Bins
- "Lithgow Community Development Project" i.e. 'The Bunyip Trail'
- Taxi Rank Toilets Eskbank St
- Wallerawang Toilets Main St
- Pontoon for rowing at Lake Wallace
- Toilet facilities at Conran Oval
- Fencing, walkways and viewing areas for Bracey's and/or Hassan's Walls lookouts

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Council will be receiving \$208,000 as part of the Federal Community Infrastructure Program.

Funding can be applied for under the State Community Building Partnership program. Funding under this program is based upon dollar for dollar. Dependant upon other funding applications funds here may be available from Council's Infrastructure Reserve.

#### **LEGAL IMPLICATIONS**

NIL

## RECOMMENDATION

**THAT** Council:

1. Note the funding of \$208,000 to be provided to the Lithgow City Council in 2009/10 as part of the Federal Government's Community Infrastructure Program;
2. Note the availability of funding under the State Government's Community Building Partnership; and
3. Council make application for funding under the Community Building Partnership program.

## 09-321 RESOLVED

**THAT** Council:

1. Note the funding of \$208,000 to be provided to the Lithgow City Council in 2009/10 as part of the Federal Government's Community Infrastructure Program;
2. Note the availability of funding under the State Government's Community Building Partnership; and
3. Council make application for funding under the Community Building Partnership program for fencing, walkways and viewing area for Bracey's Lookout with a costing of up to \$60,000 with Council's 50% contribution to be funded from the Council's Infrastructure Reserve.

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

**SECONDED:** Councillor G Danaher

## REGIONAL SERVICES REPORTS

### ITEM:8            REG - 3/08/2009 - NSW COUNTRY TOWNS WATER SUPPLY AND SEWERAGE PROGRAM FUNDING

#### REPORT FROM: ACTING GROUP MANAGER REGIONAL SERVICES – JIM NICHOLS

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#### **SUMMARY**

To inform Council of advice that financial assistance will be provided at a reduced rate for Wallerawang Sewerage Treatment Plant Augmentation than originally budgeted. This level of funding will result in a shortfall of approximately \$555,000.

#### **COMMENTARY**

Council previously applied for funding under the NSW Country Towns Water Supply and Sewerage Program through the Minister for Water, the Honourable Phillip Costa, towards the Wallerawang Sewerage Treatment Works Augmentation.

Council had budgeted for a grant of 39% being provided through this funding source as occurred for the Lithgow STP upgrade. Minister Costa has advised that funding at 32.2% has been approved for this project through the NSW Country Towns Water Supply and Sewerage Program based on the size of the community being serviced. Depending on the result of tenders when finalised there is a potential shortfall to council for this project of about \$555,000 based upon the current estimated eligible cost of \$8.162M. This would need to be funded from additional loan funds serviced by council.

In addition to funding from the Department of Water, Council is also to receive \$700,000 from the Sydney Catchment Authority for this project. There are strict timelines that apply to the use of these funds.

The financial assistance is also dependant upon substantial compliance by Council with each of the criteria in Best Practice Management of Water Supply and Sewerage Guidelines.

Due to the potential funding shortfall it is suggested that representations be made through the Local Member to Minister Costa for an increase in the level of funding based on the original estimate considered by Council.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

A potential funding shortfall of \$555,000.

#### **LEGAL IMPLICATIONS**

Nil

## RECOMMENDATION

**THAT** Council;

1. Due to time constraints, accept the offer of 32.2% financial assistance from the Department of Water in relation to the Wallerawang Sewer Treatment Plant Augmentation;
2. Make representations to the Minister for Water and Regional Development, the Honourable Phillip Costa, through the local member to request an increase in funding for the Wallerawang Sewerage Treatment Plant Augmentation; and
3. Authorise the affixing of the Council seal to any documentation associated with the funding provided

## 09-322 RESOLVED

**THAT** Council:

1. Due to time constraints, accept the offer of 32.2% financial assistance from the Department of Water in relation to the Wallerawang Sewer Treatment Plant Augmentation;
2. Make representations to the Minister for Water and Regional Development, the Honourable Phillip Costa, through the local member to request an increase in funding for the Wallerawang Sewerage Treatment Plant Augmentation; and
3. Authorise the affixing of the Council seal to any documentation associated with the funding provided; and
4. Call tenders for the Wallerawang Sewerage Treatment Plant Augmentation.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

**CARRIED**

## OPERATIONS REPORTS

### ITEM:9 OPER - 03/08/09 - ROADS TO RECOVERY PROGRAM

#### REPORT BY: ACTING GROUP MANAGER OPERATIONS - CHRIS SCHUMACHER

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#### SUMMARY

This report provides details of the Roads to Recovery Funding for the period 2009/10 to 2013/14 and proposes a program of works.

#### COMMENTARY

Council has received advice from the Department of Infrastructure, Transport, Regional Development and Local Government of funding for the Roads to Recovery Programme (RTR) for the five year period 2009/10 to 2013/14

Councils funding allocation is \$2,801,687 over the 5 years, which equates to an annual allocation of \$560,337. The previous RTR funding amounted to \$1,813,556 over 4 years, which equated to \$453,389 pa.

Although the RTR program is a five year program it is proposed at this stage to lock in a 3 year program, providing the flexibility to adjust the program in year 3 for the final two years to allow for cost of construction increases and changing circumstances that may alter construction priorities.

There are two types of works proposed, these being:

1. Rehabilitation of failed sealed pavements and
2. Reconstruction and bitumen sealing of unsealed pavements

Depending on the location of the works and the haul distance of suitable roadbase material, the current indicative cost for this type of work is in the range of \$160,000 - \$170,000 per kilometre. Future fluctuations in the price of oil may impact on these figures.

The development of the RTR program has been based on asset management principles whereby factors considered in the allocation of funds include:

- Current pavement conditions – in all cases, the proposed rehabilitation works are necessary because of the age of the pavement, the lack of an effective reseal programme and, more importantly, the fact that there is little or no pavement thickness.
- Traffic volumes – the nominated roads are of the highest trafficked local roads in the Lithgow Council area.
- Safety and risk management – all of the nominated roads are now beyond maintenance by routine methods and potentially provide an increased risk to

The program has also been prepared in conjunction with other Council programs, including the Infrastructure Levy and Council funded works from the FAG program (Roads component of the Financial Assistance Grant.

The initial programme, as it appears in the Draft Management Plan was based on the anticipated value of the annual allocation of \$470,000. This value is now confirmed as \$560,337.

The proposed program, for the first 3 years of the RTR program, is tabled below.

| <b><u>Project Description</u></b>               | <b><u>2009/10</u></b>  | <b><u>2010/11</u></b>  | <b><u>2011/12</u></b>  |
|---|------------------------|------------------------|------------------------|
| Wolgan Gap Rock Face (Remedial Works)           | \$145,000              |                        |                        |
| Browns Gap Rd<br>(Rehab from GWH north)         | \$120,000              | \$130000               |                        |
| Glen Alice Rd                                   | \$160,000              | \$160,000              | \$160000               |
| Glen Davis Rd                                   | \$135,000              | \$160,000              |                        |
| Rydal Hampton Rd (Rehab)                        |                        | \$110,000              | \$150000               |
| Cuthill Rd (Rehab)                              |                        |                        | \$160000               |
| Ivatt St (Rehab from 0.2-0.8km nth of Busby St) |                        |                        | \$90000                |
| <b><u>TOTAL</u></b>                             | <b><u>\$560000</u></b> | <b><u>\$560000</u></b> | <b><u>\$560000</u></b> |

Projects which have been identified for inclusion in the final 2 years of the RTR Programme include, in priority order

- Continuation of reconstruction of Glen Davis Rd over the next two year period
- Commence rehabilitation of sections of Mid Hartley Rd
- Dark Corner Rd – provide seal over the next two year period
- Commence rehabilitation of Curly Dick Rd

**Note:** Whilst it is recognised from the new Roads to Recovery program that the Capertee Valley is receiving up to 50% funding of road upgrade work over the next five year period, it is fair to say that on a needs basis that several other roads will be receiving a considerable proportion of other funding for rehabilitation work over the next 5 year period.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

RTR funding of \$2801687 over the 5 years 2009/10 – 2013/14 has been announced.

#### **LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council adopt the Roads to Recovery Program for the three year period 2009/10 to 2011/12 as presented.

**09-323 RESOLVED**

**THAT**

1. Council adopt the Roads to Recovery Program for the 2 year period of 2009/10 and 2010/2011.
2. A further report be provided to Council in relation to the Roads to Recovery program for 2011/12.

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

**SECONDED:** Councillor G Danaher.



**ITEM:10            OPER - 03/08/09 - INTEGRAL ENERGY LAND ACQUISITION  
                         MEADOW FLAT SUBSTATION (DP1138115)**

**CHRIS SCHUMACHER – ACTING GROUP MANAGER OPERATIONS**

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**REFERENCE**

NIL

**SUMMARY**

This report advises Council of Integral Energy's intent to acquire a strip of land (DP1138115) adjacent to their substation at Meadow Flat equating to 325.73sq/m of Council land in order to expand their substation operations yard adjacent to Great Western Highway at Meadow Flat.

**COMMENTARY**

Integral Energy is currently undertaking a number substation upgrades, in particular the existing substation yard located near the Great Western Highway at Meadow Flat. As part of these improvement works Integral Energy is seeking acquisition of a small portion of land 325.73sq/m as part of the improvement works to their utilities yard.

As part of these works Integral Energy is seeking Council's agreement to all matters including the amount of compensation to enable compulsory acquisition by agreement under Section 30 "Compulsory acquisition with consent of owners" of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Taking this into account, Integral Energy have carried out a generalised valuation of this land and have made a compensation offer to Council for \$5,000 (excluding GST) - which equates to a rate of \$15.35 per sq/m.

Furthermore, this land acquisition reasoning is based on a company policy for the grant of an easement for a distribution substation including any associated rights for cables and access in which \$5,000 is considered reasonable having regard to Integral Energy's Network Property section's average valuation fee (\$2,000) plus the usual nominal consideration in the valuation for the granting of the easement. Although the fixed compensation is generous to some properties, it provides a consistent approach to dealing with land owners and gives them an incentive to consider Integral Energy's requests. Under the policy Integral Energy is responsible for all costs associated with securing the property tenure and accordingly in addition to top the compensation would reimburse Council's reasonable legal costs in this matter.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Integral Energy has offered Council \$5,000.00 Ex.GST compensation for the acquisition of 325.73sq/m of land as per the land valuation from the Department of Lands.

## **LEGAL IMPLICATIONS**

Integral Energy to undertake all necessary survey plans, land transfer documentation and legal costs at their full cost.

## **RECOMMENDATION**

### **THAT**

1. Council accept the \$5,000.00 Ex.GST compensation offer from Integral Energy for the acquisition of 325.73sq/m of Council land for the purposes of expanding their substation yard at Meadow Flat.
2. Integral Energy at their full cost shall meet all plan registration and legal fees associated with the transfer of their requested land acquisition.
3. Council approve of the affixing of the Council Common Seal of Approval and undertake signing of legal documents for the land transfer.

## **09-324 RESOLVED**

### **THAT**

1. Council accept the \$5,000.00 Ex.GST compensation offer from Integral Energy for the acquisition of 325.73sq/m of Council land for the purposes of expanding their substation yard at Meadow Flat.
2. Integral Energy at their full cost shall meet all plan registration and legal fees associated with the transfer of their requested land acquisition.
3. Council approve of the affixing of the Council Common Seal of Approval and undertake signing of legal documents for the land transfer.

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

**SECONDED:** Councillor R Thompson.

## **SUPPLEMENTARY MOTION**

### **09-325 RESOLVED**

**THAT** Council contact Integral Energy as a matter of urgency in relation to:

1. Replacing the three defective Telegraph poles in Bells Road Lithgow
2. The need for street lighting in Hoskins Avenue Lithgow.

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

**SECONDED:** Councillor R Thompson.

Councillors MF Ticehurst and JJ McGinnes requested that their names be recorded against the motion.

**ITEM:11 OPER - 03/08/09 - RECLASSIFICATION OF ROADS CURRENT RTA REGIONAL ROADS TO LOCAL ROADS**

**CHRIS SCHUMACHER – ACTING GROUP MANAGER OPERATIONS**

**SUMMARY**

This report advises Council of the RTA's intent to reclassify two out of the three existing Regional Roads in the Lithgow City Council Government Area to Local Roads status, resulting in the total ownership, control and maintenance of Council by 2014/15. This is as a result of the RTA's independent review of the classification of State and Regional Roads in NSW.

**COMMENTARY**

Council is in receipt of correspondence from the Roads and Traffic Authority advising that the Government has announced that extra funds will be made available to local Councils subject to the recent roads reclassification report issued by the RTA. Implementation of the road classification changes are alleged by the RTA to benefit both road users, Councils and the wider community by helping focus available funds on the more economically and socially significant roads throughout the State.

As Council may be aware, the Government appointed Panel, which undertook the statewide review, consulted extensively with Councils and has recommended that a number of roads throughout NSW be reclassified.

The roads to be reclassified in the Lithgow Local Government Area are;

| Road No                          | Road Name                               | From                        | To                | Current Class | Recommended Class | Length (km) |
|----------------------------------|---|-----------------------------|-------------------|---------------|-------------------|-------------|
| MR255<br>Diamond<br>Swamp<br>Rd. | Great<br>Western<br>Highway –<br>Oberon | Great<br>Western<br>Highway | Oberon            | Regional      | Local             | 7.6         |
| MR557<br>Range<br>Road           | Portland –<br>Meadow<br>Flat            | Great<br>Western<br>Highway | MR531<br>Portland | Regional      | Local             | 10.5        |

The Government has announced that it will provide an additional \$10.5M over three years to support implementation of the reclassifications including transitional safety net arrangements as sought by Local Government. The funds will be in addition to maintaining the current overall level of funding assistance to councils for Regional Roads.

Councils with a net increase in Regional Roads will receive an increase in their Block Grant in 2009/10. Councils with a net reduction from regional to Local Road status will receive safety net payments to maintain their Block grant for 2009/10. The safety net payments would then reduce by one third per year over the following three years.

After three years, the extra funding will continue at the rate of \$3.5 million per year, as part of the annual Regional Roads Program, to provide an ongoing benefit to every Council in the State.

Reclassification involving State Roads will require a transfer of asset management responsibility between RTA and Councils and in some cases will impact on council maintenance contracts. Transfer of management responsibility for existing State road asset will include joint inspection, detailed inventory identification and provision of condition data and maintenance history. Implementation arrangements, including detailed handover arrangements for State Roads, for changes to take effect from July 2009.

Lithgow City Council will be directly impacted as a result of the RTA's proposal to reclassify two out of three of its current Regional Roads to Local Roads. Lithgow City Council's proposed net loss in Regional Road revenue equates to a combined length total of 18.1km or 43% of the existing Regional Roads controlled by Lithgow City Council.

This will effect Lithgow City Council's income revenue with the outlined net loss of income being 33.3% over the next 3 financial years, as outlined below:

| <u>Current Year</u> | <u>\$ Revenue</u>                                      |
|---------------------|--|
| 2009/10             | \$269,000.00   |
| 2010/11             | \$179,423.00 (Net Loss of 33.3%, 1 <sup>st</sup> Year) |
| 2011/12             | \$119,675.00 (Net Loss of 33.3% 2 <sup>nd</sup> Year)  |
| 2012/13             | \$ 79,823.00 (Net Loss of 33.3% 3 <sup>rd</sup> Year)  |

From RTA indications Lithgow City Council after its third year of depreciation will continue to receive an annual income revenue of \$79,823.00 in order for on-going maintenance to MR531 Barton Avenue, Wallerawang to Castlereagh HWY, Cullen Bullen. This is the only remaining classified 'Regional Road' left in the Lithgow City Council area.

RTA have indicated that there is no fixed cycle for 'Road Classification Reviews', however it had been 10 years since the last round of reviews were conducted to the current review.

Find attached to the report the reasons for the reclassification of the two Lithgow City Council Regional Roads to Local Roads as per the attached web link to the RTA 'NSW Road Classification Review' report.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

The current RTA funding for both MR255 and MR557 will decrease by one third each year over the next three year period commencing from 2010/11. This will result in an ultimate annual loss of \$190,000 annually.

## LEGAL IMPLICATIONS

NIL

## RECOMMENDATION

**THAT** Council note the letter of intent from the RTA to reclassify both the following roads from Regional Road status to Local Road Status over the next 3 year period as follows:

1. Note the letter of intent from the RTA to reclassify both the following roads from Regional Road status to Local Road Status over the next 3 year period as follows:
  - a) MR255 – (Diamond Swamp Road) from the Great Western Highway to Oberon) Lithgow City Councils section being 7.6km in total length, and
  - b) MR557 – (Range Road) from the Great Western Highway to Wallerawang/Portland Road.
2. Respond to the RTA objecting to the reclassification of Range Road (MR557).
3. Make an application to the RTA for consideration for reclassification of the Sunny Corner Road in consideration to it in becoming the alternate 'Regional Road' between the Portland town limits to Meadow Flat.

## 09-326 RESOLVED

**THAT** Council note the letter of intent from the RTA to reclassify both the following roads from Regional Road status to Local Road Status over the next 3 year period as follows:

1. Note the letter of intent from the RTA to reclassify both the following roads from Regional Road status to Local Road Status over the next 3 year period as follows:
  - a) MR255 – (Diamond Swamp Road) from the Great Western Highway to Oberon) Lithgow City Councils section being 7.6km in total length, and
  - b) MR557 – (Range Road) from the Great Western Highway to Wallerawang/Portland Road.
2. Respond to the RTA objecting to the reclassification of both Diamond Swamp Road (MR255) and Range Road (MR557).
3. Make an application to the RTA for consideration for reclassification of the Sunny Corner Road in consideration to it in becoming the alternate 'Regional Road' between the Portland town limits to Meadow Flat.
4. Council make a delegation to the Minister for Roads advising that Council strongly object to the reclassification of these Regional Roads.

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

**SECONDED:** Councillor G Danaher

## INTERNAL SERVICES REPORTS

### ITEM:12           INTS - 03/08/09 - CHANGE TO THE 2009/10 NSW FIRE AND EMERGENCY SERVICES CONTRIBUTIONS

#### REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

##### **SUMMARY**

To advise Council of changes to the Fire and Emergency Services contributions for 2009/10 following the provisions of the State Revenue and Other Legislation Amendment Act (Budget Measure) 2008: No 122 to include a contribution to the State Emergency Services (SES) which will be funded by an alteration to the contribution to the NSW Fire Brigade and the Rural Fire Service.

##### **REPORT**

NSW Emergency Management has advised that under the provisions of the Fire Brigades Act 1989, the Rural Fires Act 1997 and State Emergency Services Act 1989, NSW Councils are required to contribute to the costs of the NSW Fire Brigade, the NSW Rural Fire Service and the State Emergency Service (SES). The addition of the State Emergency Service (SES) has only recently come about through the contribution system by the provisions of the State Revenue and Other Legislation Amendment Act (Budget Measures) 2008: No 122.

To simplify business processes for Councils, Emergency Management NSW will now collect the contributions on behalf of the three services and all contributions collected will be passed onto the services.

From 2009/10 Councils will be required to contribute 11.7% of the cost of providing the services. This percentage has been lowered from the former 12.3% for the NSW Fire Brigade and 13.3% for the Rural Fire Service in recognition of the requirement to contribute to the SES.

The Minister for Emergency Services will estimate the cost of providing their services in each council area, and this will form the basis for calculating each Council's contribution. In the first year under the new arrangements, the SES funding contribution has been based on the NSW aggregate contribution to the two fire services in 2008/09. If a Council paid one percent of the total contribution to the two fire services in 2008/09, then it will pay one percent of the total Council contribution for the State Emergency Service in 2009/10.

Quarterly contributions will be payable July, October, January and April in each financial year. The July and October invoices will be payable in advance and based on the previous year's payments. The third quarterly instalment will adjust the contribution following the finalisation of the NSW Fire District and Rural Fire Fighting Fund contributions.

The following table provides a comparison for contributions made by Lithgow City Council to the two fire services in 2008/09 and estimates for 2009/10.

As previously mentioned Emergency Management NSW will adjust the payments to the three emergency services in the third quarter but from the first quarterly tax invoice, which has been received, the contributions are indicated as follows:

| <b>EMERGENCY SERVICE</b> | <b>ACTUAL PAYMENT:<br/>2008/09</b> | <b>ESTIMATED PAYMENT:<br/>2009/10</b> |
|--------------------------|------------------------------------|---------------------------------------|
| NSW Fire Brigades        | \$110,113.00                       | \$110,113.00                          |
| Rural Fire Service       | \$236,607.13                       | \$202,936.00                          |
| State Emergency Service  | \$0.00                             | \$33,405.08                           |
| <b>TOTAL</b>             | <b>\$346,720.13</b>                | <b>\$346,545.08</b>                   |

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Council acknowledge the reallocation of the contributions to NSW Fire Brigade and the Rural Fire Service to also include an annual payment to the State Emergency Service.

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

#### **THAT:**

1. Council note the addition of the State Emergency Services to the contributory system by the provisions of the State Revenue and Other Legislation Amendment Act (Budget Measure) 2008 No 122.
2. Council note 2009/10 contributions, calculated from the first tax invoice to the Emergency Services as follows:
  - NSW Fire Brigades \$113,160.00
  - Rural Fire Service \$202,936.00
  - State Emergency \$ 33,405.00

### **09-327 RESOLVED**

#### **THAT** Council;

1. Note the addition of the State Emergency Services to the contributory system by the provisions of the State Revenue and Other Legislation Amendment Act (Budget Measure) 2008 No 122.
2. Note 2009/10 contributions, calculated from the first tax invoice to the Emergency Services as follows:
  - NSW Fire Brigades \$113,160.00
  - Rural Fire Service \$202,936.00
  - State Emergency \$ 33,405.00

3. Make representation to the Minister for Emergency Services expressing concern that there may be future cost shifting in relation to the State Emergency Services Contributions.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher

**CARRIED**

**ITEM:13            INTS - 03/08/09 - REQUEST FOR LEGAL ASSISTANCE FROM THE  
                         LGSA TO BERRIGAN SHIRE COUNCIL**

**REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH**

**SUMMARY**

To advise Council of a request from the Local Government and Shires Associations for Council to contribute towards legal costs incurred by Berrigan Shire Council in relation to legal proceedings in the Land and Environment Court in the defence of a refusal of a Development Application to subdivide two existing rural lots and create two alternative lots.

**COMMENTARY**

Council is in receipt of correspondence from the Local Government & Shires Association advising that Berrigan Shire Council was successful in the Land & Environment Court with regard to the refusal of a Development Application and is requesting contributions from member councils towards Berrigan Shire Councils legal costs.

The LGSA advise that Berrigan Shire Council had refused a Development Application by Iramoo Flyer Pty Ltd that sought to subdivide two existing rural lots to create two alternative lots. The Subdivision would have resulted in two individual lots separated by approximately 8.5 kilometres.

A Class 1 application was filed in the Land and Environment Court by the owner of the property, Iramoo Flyer Pty Ltd, seeking to review the merits of the refusal of the development application and Council elected to defend the appeal.

Council has consistently maintained that defending this application was paramount to ensuring the avoidance of the land owners along the Murray River seeking to consolidate smaller parcels of land adjacent to the river with non contiguous allotments for the purpose of creating dwelling entitlements.

In other words, if this development application was approved it would have opened the gates on similar applications which would arguable result in detrimental impact on the river environment.



Council argued that this had significant implications for all Councils because if the appeal were to be successful it would have created a range of uncertainty for all councils such as:

- 1) Where non – contiguous lots cross boundaries, which Council determines the application?
- 2) How would performance based standards, such as minimum area requirements be managed?
- 3) Do non- contiguous lots have any limitations?

Council further argued that the matter was so important that the Department of Planning has now introduced a Rural Lands SEPP that goes some way to addressing the issues raised by this matter.

The LGSA further advised that although Berrigan Council was successful in the matter, the Court ordered that each party pay their own costs. The Joint Committee of the Local Government Shires Association have considered the significance of this decision and it was decided that it was sufficiently important to all councils to warrant support to Berrigan.

Berrigan Shire Council incurred the sum of \$66,848.62 defending its position and the LGSA is requesting that in accordance with the same formula used to determine the annual Association fees the proportion due for Lithgow in this case is \$415.67.

In determining whether or not to contribute, Council may wish to decide whether the same situation could arise in the Lithgow Local Government area, though noting the Department of Planning has now introduced a Rural Lands SEPP that goes some way to addressing the issues raised.

**POLICY IMPLICATIONS**  
Nil

**FINANCIAL IMPLICATIONS**

Should Council decide to contribute, its proportion would be \$415.67 which would be funded by legal expenses.

**LEGAL IMPLICATIONS**

Council is under no legal obligation to make a contribution.

**09-328 RESOLVED**

**THAT** Council contribute \$415.67 towards legal costs incurred by Berrigan Shire Council.

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

**SECONDED:** Councillor R Thompson.

## COMMUNITY AND CORPORATE REPORTS

### ITEM:14          COMM - 03/08/2009 - REVIEW OF COUNCIL ANIMAL POUND

#### REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON & DAVID DURIE

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## REFERENCE

Min 09-225: Ordinary Meeting of Council 1 June 2009

## SUMMARY

Council resolved at the Ordinary meeting of 1 June 2009 (resolution 09-225) that:

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

A subsequent review has been undertaken of the operation of Council's animal pound. Alternative options for future management are presented below.

## COMMENTARY

Council's animal pound is located on Geordie Street Lithgow near the entrance to Council's Waste Management Facility. The pound includes a number of pens for dogs and cats and three drop-off cages for after hours use by the public and Police. The capacity of the pound is up to 30 dogs and 20 cats although the average is 8-10 dogs and 2 cats per week.

The pound is owned and managed by Council in accordance with the NSW Companion Animals Act 1998. The pound is cleaned and animals fed daily, including weekends. Animals are also euthanased at the pound in accordance with the provisions of NSW Companion Animals Act 1998. Council rangers are present at the pound for around 2 hours per day. At other times, the pound is unattended.

Animals enter the pound either by:

- Council Rangers impounding stray, injured, abandoned and dangerous animals.
- The Police or the public leaving animals in the drop off cages for processing and impounding by Council Rangers.

Data on the pound for the past 3 years is as follows:

|  | 2008/09 | 2007/08 | 2006/07 |
|--|---------|---------|---------|
| <b>No. animals impounded</b>   | 449     | 397     | 268     |
| <b>No. animals returned to owners</b>  | 190     | 194     | 107     |
| <b>%</b>   | 42%     | 49%     | 40%     |
| <b>No. animals destroyed</b>   | 202     | 153     | 136     |
| <b>%</b>   | 45%     | 39%     | 51%     |
| <b>No. animals sold</b>  | 51      | 47      | 16      |
| <b>%</b>   | 11%     | 12%     | 6%      |
| <i>These numbers do not include microchipped animals returned immediately to owners without being impounded.</i> |         |         |         |

### Pound Income

Council income from the pound for the past 3 years is as follows:

|                                   | 2008/09  | 2007/08  | 2006/07 |
|-----------------------------------|----------|----------|---------|
| <b>Dog Release and impounding</b> | \$7,286  | \$5,381  | \$2,012 |
| <b>Sale of Dog</b>                | \$1,121  | \$2,376  | \$336   |
| <b>Microchipping</b>              | \$2,089  | \$1,732  | \$1,550 |
| <b>Surrender</b>                  | \$869    | \$865    | \$35    |
| <b>Registration Fees</b>          | \$9,500  | \$8,500  | \$2,500 |
| <b>Total</b>                      | \$20,865 | \$18,854 | \$6,433 |

### Pound Costs

An estimate of pound operating costs for the 2008/09 financial year is as follows:

|   |               |
|---|---------------|
| <b>Staffing Costs</b><br>Feeding, Cleaning and Processing based on average of 2 hours per day including weekends. | <b>24,000</b> |
| <b>Food and other Materials</b>   | <b>1,000</b>  |
| <b>Rates, Electricity and Maintenance</b>   | <b>3,000</b>  |
| <b>Veterinarian fees including Euthanasias fees</b>   | <b>4,500</b>  |
| <b>TOTAL</b>  | <b>32,500</b> |

In the 2008/09 financial year, pound operating costs exceeded income by approximately \$12,000. Salaries made up the greatest part of costs.

Note an additional visit to the pound on weekends and public holidays would add an extra \$9 000 to annual costs. This would total two visits per day but is not considered necessary if other measures, described below, are implemented.

### **Pound Condition**

The pound has been in operation at its current location for many years. Improvements undertaken in recent years include the provision of dog drop cages, veterinary inspection room, an indoor cattery, improved weatherproofing and trampoline beds. Although the facility looks old and ideally requires a major upgrade in the longer term, the current standard is considered to be appropriate and humane.

RSPCA Policy A6 Companion Animal Management lists the welfare requirement for companion animals, including:

6.4.1 RSPCA Australia believes that impounded stray animals must be treated with the same consideration for their welfare as owned animals. Impounded animals must be housed under appropriate conditions which meet their physical and behavioural needs. Immediate veterinary treatment should be provided wherever necessary.

While the RSPCA do not have a guide on construction, maintenance, and the operation of pounds, the NSW Department of Primary Industries has a NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishment.

Establishments which provide commercial boarding services, Council Pound services and veterinary hospital services must comply with the standards of this code.

The RSPCA visit the pound on a regular basis and use the facility as a transfer point from the Dubbo and Orange RSPCA Animal Ambulance to the Katoomba and Yagoona Ambulance.

RSPCA Inspector Bev Holloway completed an unannounced inspection on the 15 April 2009 and concluded:

“All kennel areas were found to be clean and tidy with trampoline beds in all pens. Several dogs were located in separate kennels and found to have water and bedding. All dogs appeared healthy and with no injuries or sickness apparent.”

RSPCA Regional Team Leader, Anthony G Croker, provided Council with a letter of support recently noting the improvements to the pound in recent years and professionalism of Council staff.

DABS (Domestic Animal Birth-control Co-operative Society Limited) also wrote a letter of support stating that they found the pound to maintain suitable levels of hygiene and health and compared it favourably with other similar pounds that they deal with.

Veterinarian Julie Grant, Council's contracted veterinarian provided a review of the pound and acknowledged recent improvements to the pound and the professionalism of Council's Rangers in a thankless job.

Although there is general satisfaction with the operation of the pound by external agencies discussions with RSPCA shelters at Dubbo and Blue Mountains revealed that there are cost effective practices that could be implemented to improve conditions for animals in the colder months.

For example, Dubbo uses plastic kennels in its cages, which are exposed on all sides to the elements, and heated microwavable pads for younger animals or vulnerable animals (heated pads keep animals warm for up to 12 hours). Blue Mountains have heated beds for all pens and have a kennel and disposable bedding within their drop off cages.

In the longer term, the pound will require a major upgrade or replacement although no costings have been developed for this at this stage.

CCTV equipment has recently been installed and consideration is also being given to replacement of the current fence following a recent break-in as an interim.

### **Alternative Operators**

Outside of Sydney nine councils have contracted the RSPCA to manage their responsibilities under the Act or to manage their animal shelters. Some of the facilities are owned by the RSPCA while others are council owned and leased to the RSPCA and the council contracts the RSPCA to run the facility on their behalf. Outside of the RSPCA there are no other known examples of animal welfare agencies managing pounds for councils within NSW.

The cost of having the RSPCA run the shelters for councils varies however after contacting several councils including Dubbo , Blue Mountains, Shoalhaven, Orange, and Wollongong it was found that the average cost per annum was \$184,540 with a range of \$155,000 to \$230,000.

Wollongong Council investigated using other welfare agencies, other than the RSPCA, and found that there was no suitable alternate or reliable provider to the RSPCA for animal shelter services of the scale required by their Council.

Council's Vet in review of the pound advised the use of a private concern is not a viable option:

“People interested would do it to save the world or to make a profit. This is not a profitable venture. There are groups that would like to run the pound as they think they can save every dog or cat in the world. This would only create more problems than it solves.”

Contracting pound operations to an operator of an existing animal facility eg a veterinarian clinic or boarding kennel could in theory allow for economies of scale with the existing staff and other resources of that facility being shared across both pound and commercial activities.

Orange Council has contracted with the RSPCA for over 5 years who had an existing facility in the area. The contract includes provision of funds by Council to meet the RSPCA's staffing and operational costs. The cost benefit to Council has been due to not having to construct a new pound.

Orange Council finds that the arrangement works quite well although there remains considerable work for Council in relation to contract development, contract auditing and in dealing with community complaints regarding impounding. The RSPCA does not have a facility in Lithgow with the closest facility being located at Katoomba.

Strathfield Council contracts pound operations to a private veterinarian clinic. Strathfield Council is satisfied with this arrangement as there is limited suitable land in the area for a pound and Council had previously had to transport animals to a regional pound at Blacktown. The arrangement is expensive however with Council having to pay administration and daily fees per animal to the operator.

There are only two veterinarian clinics in Lithgow Local Government Area, Bowenfels Veterinary Clinic on the Great Western Highway and Lithgow Veterinary Hospital in Ferro Street. Both are located in residential areas and neither provides kennelling services. There are no registered kennels in the Lithgow Local Government Area.

### **Issues to consider**

#### **Costs**

The Lithgow pound is small by comparison with Council pounds operated elsewhere by the RSPCA. As with other councils there would be insufficient financial return from activities for a contractor to consider management of the pound without an operational subsidy from Council (as demonstrated above). It should also be noted that there would be no reduction to Council in ranger salary costs in relation to the pound as Council rangers would continue to be employed on general ranger and companion animal matters. Council would therefore continue to pay current ranger salary costs (which represent greatest proportion of pound operating costs).

#### **Transfer Station**

Another option could be for Council to operate a transfer station only where animals are temporarily held in drop-off cages and then transferred daily to eg the RSPCA at Katoomba or an alternative facility elsewhere. This would involve costs in relation to management of the transfer station and transport costs. Residents would then need to travel to the out of area pound to retrieve their animal. Unless the animals could be transferred daily, Council would need to continue to feed, house and care for the animals until the next transfer day.

### **POLICY IMPLICATIONS**

NIL

### FINANCIAL IMPLICATIONS

1. Council will need at some point in the future to construct a new pound or upgrade the existing facility.
2. Cost of purchasing a microwave, three kennels, and heated pads \$1350.00.

### LEGAL IMPLICATIONS

Local Government Act NSW 1993  
Companion Animals Act 1998

### RECOMMENDATION

**THAT** Council

1. Continue with the operation of the pound.
2. Continue with improvements of the pound and install plastic kennels in drop off cages and purchase heated pads for younger or vulnerable animals.
3. Plan and budget for an upgrade or replacement of the existing facility within the 10 year financial plan.

### MOTION

**THAT** Council call for expressions of interest to provide 24 hour dog pound services.

**MOVED:** Councillor JJ McGinnes

**SECONDED:** Councillor MF Ticehurst

### AMENDMENT

**THAT** Council:

1. Continue with the operation of the pound.
2. Continue with improvements of the pound and install plastic kennels in drop off cages and purchase heated pads for younger or vulnerable animals.
3. Plan and budget for an upgrade or replacement of the existing facility within the 10 year financial plan.
4. Council seek a follow up report from the RSPCA to further assess the conditions at the Pound.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

On being put the **amendment** was **carried** and became the **motion**.

### 09-329 RESOLVED

**THAT** Council:

1. Continue with the operation of the pound.
2. Continue with improvements of the pound and install plastic kennels in drop off cages and purchase heated pads for younger or vulnerable animals.

3. Plan and budget for an upgrade or replacement of the existing facility within the 10 year financial plan.
4. Council seek a follow up report from the RSPCA to further assess the conditions at the Pound.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

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

**FOR**

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

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**CARRIED**

**ITEM:15          COMM - 03/08/09 - LITHGOW WATER QUALITY**

**REPORT FROM: ENVIRONMENTAL HEALTH OFFICER – DAVID DURIE**

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**SUMMARY**

Council resolved at the Ordinary Meeting on the 13 July 2009 (resolutions 09-312 and 313) that:

- *through the Council's Health Inspectors that we get a clear and full report on the water supply of Lithgow and obtain if it is acceptable?*
- *Council seek an independent analysis to be carried out by the relevant authority on the water supply of Lithgow and report back to Council.*

**COMMENTARY**

A Journal Article published in New South Wales Public Health Bulletin 19(10) 170–173 *Environmental Health Risk Assessment of Nickel Contamination of Drinking Water in a Country Town in NSW* (Nov 08) raised concerns with some Lithgow Doctors and these concerns were expressed by Dr John Dearn at the Ordinary Meeting of Council held on the 13 July 2009.

The country town of concern is acknowledged by NSW Health as being Lithgow and the study refers to Lithgow's Farmers Creek Water Supply. The results of the risk assessment found that the mean nickel concentration in the drinking water samples tested over a 4-year period (2002–2005) was 0.03 mg/L.



The average daily consumption of two litres of water by a 70-kg adult provided 0.06 mg (0.03 mg × 2) of nickel, which was only 7% of the lowest observed adverse effect level based on experiments on nickel-sensitive people in a fasting state.

Scientific methodology and the enHealth Guidelines (2002) were used as the risk assessment tool and all laboratory test results for nickel in water samples were compared with the Australian Drinking Water Guidelines 2004 and the World Health Organization's (WHO) Guidelines for Drinking Water Quality 2005. The conclusion was the mean nickel concentration in drinking water appears to have no health risks for the inhabitants of Lithgow.

Since July 2005 (the study date ended 2005) there has been one guideline exceedence for Nickel at 0.03 mg/L (guideline value is 0.02mg/L. This was a minor, one off exceedence in 2006, of diminutive significance.

Water samples are taken every week and are analysed for bacteria, a broad suite of chemicals including heavy metals, chlorine by-products, and pesticides. Residual chlorine is also tested in the field, when samples are taken, to ensure adequate disinfection.

Parameters tested for include health based and aesthetic parameters. Health based heavy metals tested for include: Arsenic, Barium, Chromium, Copper, Lead, Manganese, Mercury, Molybdenum, Nickel, Selenium, Silver, and Zinc. In the last four years there has been no failures for any of these health based health based heavy metals.

Aesthetic parameters are about consumer satisfaction such as the water is colourless, free from suspended solids and has no unpleasant taste or odour. . In general, the physical characteristics of water are not of direct public health concern, but they do affect the aesthetic quality of the water, which largely determines whether or not people are prepared to drink it.

There have been a limited number of aesthetic exceedences for Aluminium (7), Iron (2), and pH (8) over the last four years, however these are not considered a general health concern and are readily addressed through the treatment process when exceedences are identified.

Lithgow is part of the NSW Health Drinking Water Monitoring Program. Council Officers take water samples from the water treatment plant and various points along the reticulated water supply within Lithgow. The samples are sent by courier to the Division of Analytical Laboratories at Lidcombe. This laboratory is NATA registered meaning that it has best practice quality control systems in place.

Results from analysis are sent to Environmental Health Officers at Sydney West Area Health Services (NSW Health) and Lithgow City Council. Where there is a non-compliant result the laboratory is obligated to notify NSW Health and Council on the day of analysis. Both NSW Health and Council have standard procedures for dealing with non-compliant results. Council has a responsibility to NSW Health in these situations. Depending on the failure this can range from re-sampling to boiled water alerts.

Water samples were taken on Wednesday the 15<sup>th</sup> of July 2009 at the request of Council and NSW Health. Sample results from the outlet of the water treatment plant, the council building, and Valley Plaza all were found to comply with the Australian Drinking Water and World Health Guidelines. Results were vetted by appropriately qualified scientists and engineers from NSW Health and the Department of Water and Energy.

Risk assessment is part of managing a water supply and is a primary focus of the Australian Drinking Water Guidelines. Sydney West Area Health Service wrote to Lithgow City Council, Department of Water and Energy, and State Water in May this year inviting all parties to be involved in a risk assessment. From this, it is proposed, that Drinking Water Management Plans for both Lithgow's water supply and the Fish River supply be developed. These shall be developed using the steps outlined by the Framework for Management of Drinking Water Quality. This Framework as part of the Australian Drinking Water Guidelines 2004, recommend an integrated management approach with collaboration from all relevant agencies as essential for effective drinking water from catchment to consumer. Stakeholders in the discussions may include Oberon Council, the Clarence Colliery, the Hawkesbury Nepean and Central West Catchment Authorities, local landholders, the Department of Agriculture and the Department of Environment and Climate Change.

Council has accepted this offer and this will occur later this year. Likewise, as part due process and in due time, Council will need to complete a further risk assessment should it wish to take additional water from the Clarence transfer.

Under the provisions of the *Public Health Act 1991* NSW Health is responsible for overseeing the safety of drinking water in the greater Lithgow area. Results from water sampling analysis have consistently shown that Lithgow's water is safe to drink and compliant with the Australian Drinking Water Guidelines and World Health Organisation Guidelines.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **RECOMMENDATION**

**THAT** Council notes that tests undertaken on the Lithgow drinking water supply in the week commencing 13 July 2009 show that the water is compliant with the Australian Drinking Water Guidelines and the World Health Organisation Guidelines.

## 09-330 RESOLVED

### THAT

1. Council notes that tests undertaken on the Lithgow drinking water supply in the week commencing 13 July 2009 show that the water is compliant with the Australian Drinking Water Guidelines and the World Health Organisation Guidelines.
2. A representative of the Lithgow Medical Council be invited to participate as a stakeholder in the development of the Drinking Water Management Plan proposed by NSW Health.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor JJ McGinnes

### CARRIED

A **DIVISION** was called by Councillors HK Fisher and G Danaher.  
Unanimously in favour

**ITEM:16            COMM - 03/08/09 - SECTION 356 - DONATIONS - AUSTRALIAN  
MINING HISTORY CONFERENCE**

**REPORT BY: TOURISM MANAGER – JODIE RAYNER**

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### REFERENCE

Nil

### SUMMARY

This report recommends that Council sponsor the Australian Mining History Conference that will be staged in Lithgow from Saturday 24 to Friday 30 October 2009.

### COMMENTARY

Council has received a sponsorship request from the Australian Mining History Conference. This report outlines the request for sponsorship.

The Fifteenth Annual Australian Mining History Conference will be held in Lithgow from Saturday 24 to Friday 30 October 2009. The conference includes continuous paper sessions throughout the week and a series of field trips to mining and related sites across the Lithgow region. The conference is expected to attract approximately 80 attendees from throughout Australia, as well as some international visitors. The expected economic benefit for the local area from this conference is approximately \$70,000.

Local businesses that are involved in the conference include Centennial Coal, Westfund and Lithgow Valley Springs.

The Australian Mining History Conference will stage a welcome event on Sunday 25 October 2009 for conference delegates, at the Union Theatre. The Australian Mining History Association seeks Council sponsorship for this welcome event, providing food and drinks for visitors and waiving of fees for the hire of the Union Theatre.

Quotes for the supply of food and drink are as follows:

|   |          |
|---|----------|
| Supply of food for 80 conference delegates  | \$400.00 |
| Supply of drink for 80 conference delegates | \$300.00 |

Fees for the hire of the Union Theatre are as follows:

|                                    |          |
|------------------------------------|----------|
| Hire fees – Union Theatre          | \$63.00  |
| Refundable deposit – Union Theatre | \$330.00 |

The Australian Mining History Association also seeks a representative from Lithgow City Council to welcome guests to the conference.

Note: the Local Government Association Conference is on at the same time. The Council will need to appoint a representative who will not be attending this Conference.

**Benefits for Lithgow City Council in conference sponsorship**

Lithgow City Council will receive the following benefits for sponsorship of the Australian Mining History Conference:

- Sponsorship recognition with inclusion of logo in marketing collateral
- Welcome to Lithgow message from the Mayor included in conference papers
- Opportunity to attend the welcome event and deliver a welcome to Lithgow speech

It is recommended that Council sponsors \$700.00 for the Australian Mining History Conference welcome event to supply food and drink, waives fees for the hire of the Union Theatre and provides a councillor to welcome the delegates to the Lithgow area.

**POLICY IMPLICATIONS**

Donations are provided under Policy 4.4 Donations- Section 356 of the Local Government Act

**FINANCIAL IMPLICATIONS**

The Council provides financial assistance to the Australian Mining History Conference to provide food and drinks as part of the welcome event and waives hire fees for the Union Theatre.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

**09-331 RESOLVED**

**THAT** Council:

1. Sponsors the Australian Mining History Conference to the value of \$700.00 for food and drink for the welcome event.
2. Waives hire fees of \$63.00 and the \$330.00 refundable bond for the use of the Union Theatre to host the Australian Mining History Conference welcome event on Sunday 25 October 2009
3. Nominates a Councillor to attend the Australian Mining History Conference welcome event on Sunday 25 October 2009 to provide a welcome speech to conference delegates.

**MOVED:** Councillor R Thompson  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

**09-332 RESOLVED**

Councillor W McAndrew be appointed to attend the Australian Mining History Conference welcome event on Sunday 25 October 2009 to provide a welcome speech to conference delegates

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

**SECONDED:** Councillor H K Fisher.

**ITEM:17            COMM - 30/8/09 - SECTION 356 - DONATIONS - BLUE MOUNTAINS  
TOURISM LTD TOURISM AWARDS**

**REPORT BY: TOURISM MANAGER – JODIE RAYNER**

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**SUMMARY**

This report recommends that Council sponsor the Blue Mountains Tourism Ltd (BMTL) Tourism Awards, to be held on 6 August 2009.

**COMMENTARY**

Council has received a sponsorship request from Blue Mountains Tourism Ltd (BMTL) for the 2009 Regional Tourism Awards. This report outlines the request for sponsorship.

Blue Mountains Tourism Limited (BMTL) is the official Regional Tourism Organisation (RTO) covering the areas of Blue Mountains, Lithgow and Oberon. The BMTL Tourism Awards are held annually to celebrate and acknowledge regional tourism businesses that have demonstrated outstanding achievement and success throughout the year.

The Awards are a submission competition and provide the opportunity to publicly recognise and showcase the region's finest tourism operators.

The BMTL Tourism Awards aim to:

- Encourage and celebrate creativity, professionalism and innovation.
- Provide a benchmark for best practice within the tourism industry.
- Promote business planning amongst tourism operators.
- Encourage the continual raising of standards.
- Publicly recognise and reward excellence.
- Reinforce the value of the tourism industry.
- Reinforce consumer confidence in the tourism industry.
- Promote an annual platform of celebration for the industry and offer networking opportunities for operators, supporters and sponsors alike.
- Provide an opportunity for successful entrants to progress to the NSW Tourism Awards.

The Major Sponsor for the 2009 BMTL Tourism Awards is Emirates Wolgan Valley Resort and Spa, the Platinum Partner Sponsor of Blue Mountains Tourism Limited. The Blue Mountains International Hotel Management School will assist with providing the venue for judging and student staff on the night and is a Category Sponsor.

The Awards Presentation this year will be held on Thursday 6 August 2009 at Caves House in Oberon.

**Benefits for Lithgow City Council in sponsorship of the 2009 Blue Mountains Tourism Awards**

Lithgow City Council will receive the following benefits for a \$2,000.00 sponsorship of the 2009 Blue Mountains Tourism Awards:

- Recognition on the night and business name and logo printed in programme
- 2 tickets to attend the Awards Night

- Invitation to present the Award on the night to the winning business in your category
- Sponsorship covers the fee for the Winner to enter the NSW Tourism Awards
- Sponsorship enables the Winner to receive professional advice on how to enhance their submission for the NSW Tourism Awards
- Acknowledgement as a Sponsor with logo in paid advertising after the event in the Blue Mountains, Lithgow and Oberon local newspapers
- Access to distribute information on up to four separate occasions to approximately 350 BMTL members via weekly Hot News e-newsletter

Note: last year the Council provided \$1,000 in sponsorship for the awards. It is recommended that Council sponsors \$1,000 for the 2009 Blue Mountains Tourism Ltd Regional Tourism Awards and provide a councillor to make award presentations throughout the event on the 6 August 2009 at Caves House, Oberon.

### **POLICY IMPLICATIONS**

Donations are provided under Policy 4.4 Donations- Section 356 of the Local Government Act

### **FINANCIAL IMPLICATIONS**

The Council provides sponsorship for Blue Mountains Tourism Ltd for the 2009 Tourism Awards.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

### **09-333 RESOLVED**

**THAT** Council:

1. Sponsors the 2009 Blue Mountains Tourism Ltd Tourism Awards for \$1,000.00, to be held on 6 August 2009.
2. Nominates a Councillor or representative to attend the 2009 Blue Mountains Tourism Ltd Tourism Awards to make award presentations during the event.

**MOVED:** Councillor R Thompson  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

### **09-334 RESOLVED**

**That** the Group Manager Community and Corporate, Ms Suzanne Lollback attend the 2009 Blue Mountains Tourism Ltd Tourism Awards to make award presentations during the event on Councils behalf.

**MOVED:** Councillor R Thompson  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

**ITEM:18            COMM - 03/08/09 - MANAGEMENT PLAN 2009/10 - 2011/12**

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

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**REFERENCE**

Min No. O08-210: Ordinary Meeting of council 15 December 2008  
Min No. O09-96: Ordinary Meeting of Council 9 March 2009  
Min No. O09-229: Ordinary Meeting of Council 1 June 2009  
Min No. O09-288: Ordinary Meeting of Council 13 July 2009

**SUMMARY**

This report recommends Council adopts the requirement to update the Management Plan 2009/10 – 2011/12 to reflect the recent announcement by the Minister for Local Government regarding the approval of Option 1 - Special Rate Variation.

**COMMENTARY**

At the Ordinary Meeting of Council held on 1 June 2009, Council resolved:

2. *Should the Minister for Local Government approve the special rate variation, Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 Option 1 Variation to the ordinary rate by an increase of \$10 to the 2008/09 base rate, an increase in the ad valorem rate by the allowable rate pegging allocation of 3.5% and a 5.00% increase to the ad valorem rate as a special variation for infrastructure improvements.*
3. *Should the special rate variation not be approved by the Minister for Local Government, then Council adopt the Lithgow City Council Draft Management Plan 2009/10 – 2011/12 Option 2.*

As Council is aware the Minister for Local Government approved Council's request to increase its general income but by 4.77%.

It is therefore appropriate that the wording of the "Message from the Mayor" and "Executive Summary" in the Management Plan 2009/10 – 2011/12 be altered accordingly to Option 1 with reference to the \$22,500 for the purchase of new Library Resources and Option 2, being deleted. In addition to this, it is necessary for all relevant financial tables to be reduced accordingly by \$22,500.

**Amendments to Fees and Charges Schedule**

It has been found that several fees and charges have been omitted or require amendment.

It is recommended that the Management Plan be changed to reflect these amendments.

**Page 90 Development**

Add the following: Plus \$3.00 per \$1,000, Plus \$2.00 per \$1,000, Plus \$1.00 per \$1,000  
Amend Private certifier holding fee to \$30.00 as per regulation.



| Type of Fee/Charge  | Fee \$ | GST               | Total Payable           |
|---|--------|-------------------|-------------------------|
| Complying Development Certificate B) - +0 - \$100,000       | 76.36  | 7.64              | 84.00                   |
|   |        | GST is Applicable | Plus \$3.00 per \$1,000 |
| Complying Development Certificate C) - +100,001 - \$250,000 | 362.73 | 36.27             | 399.00                  |
|   |        | GST is Applicable | Plus \$2.00 per \$1,000 |
| Complying Development Certificate C) - +100,001 - \$250,000 | 649.09 | 64.91             | 714.00                  |
|   |        | GST is Applicable | Plus \$1.00 per \$1,000 |
| Private certifier holding fee                               | 30.00  | 0                 | 30.00                   |

Page 93 Dwelling  
 Add words \$100,000 or less

|             |                   |                                  |
|-------------|-------------------|----------------------------------|
| House rural | \$100,000 or less | As per scale maximum of \$364.00 |
| Residential | \$100,000 or less | As per scale maximum of \$364.00 |

### Page 130 Rates

The % was reduced to 9% from 10%

| Type of Fee/Charge | Comments                | Fee   | GST  | Total Payable |
|--------------------|-------------------------|---|------|---------------|
| Interest           | Section 566(3) LGA 1993 | 9% pa calculated or rate specified by the Minister for Local Government in the Government Gazette |      |               |
|                    |                         | 81.14   | 8.11 | 89.25         |

### Page 110 Inter Library Loan

Inter Library Loan is standard fee of \$13.20 (not \$14.00)

| Type of Fee/Charge | Comments | Fee   | GST  | Total Payable |
|--------------------|----------|-------|------|---------------|
| Non NSW Libraries  | Per Item | 12.00 | 1.20 | 13.20         |

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Local Government Act 1993

## 09-335 RESOLVED

### THAT

1. The Management Plan 2009/10 – 2011/12 be amended to Option 1 with reference to the \$22,500 for the purchase of Library Resources removed and with the reference to the special rate variation of 5% amended to 4.77%.
2. All relevant financial tables be amended to reflect the reduction of the special rate variation from 5% to 4.77%.

3. Copies of the amended Management Plan 2009/10 – 2011/12 be printed for Councillors and made available for the public to view at the Council Administration Centre, Lithgow Library Learning Centre and all branch Libraries and on Council's website.
4. The Management Plan Fees and Charges Schedule be changed to include the amendments as outlined in this report.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher

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

**FOR**

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

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**CARRIED**

**ITEM:19            COMM - 03/08/09 - UNIVERSITY OF WESTERN SYDNEY**

**REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE**

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**SUMMARY**

This report provides details of the proposal by the University of Western Sydney that was discussed during the Economic Development Advisory Committee Meeting held on 25 June 2009.

**COMMENTARY**

Representatives from the University of Western Sydney (UWS) made a presentation regarding a proposal to have a UWS College established in Lithgow's CBD.

Rhonda Hawkins, Deputy Vice-Chancellor - Corporate Strategy and Services University of Western Sydney and Dr Kerry Hudson, Director – UWS Innovation & Consulting and CEO UWS College, made the presentation. The University of Western Sydney was keen to gauge the level of community support for establishing a University College presence in Lithgow's CBD. They also wished to identify the training needs of key industries in the region to see if opportunities existed for specific courses to be run to address these requirements.

### **Outline of College proposal**

The University of Western Sydney is one of the largest universities in Australia, with over 35,000 students situated on six campuses.

This UWS proposal is essentially to establish a university college in Lithgow utilising premises already located within the CBD itself. This provides maximum benefit to those businesses within proximity and can totally regenerate a town centre and the broader region as a whole.

### **Background to the UWS College**

UWS College is a university pathway college wholly-owned by the University of Western Sydney. UWS College provides Australian students with a choice of University Foundation Studies and Diploma courses. University Foundation Studies courses provide direct entry into the first year of university. Diploma courses provide direct entry into second year at UWS. This pathway to university is designed to help students who:

- did not secure immediate university entry through HSC
- want to gain entry to university without a recent HSC

Successful students are guaranteed direct entry to first year and second year at UWS.

### **Research completed to date**

Since the UWS presentation was made Council has organised a series of one-on-one meetings with key employers in the region and UWS. The university wanted to identify the training needs of key industries in the region to refine the types of courses that could be run at the college. Dr Kerry Hudson has advised that the responses from those people/businesses that were interviewed has been very encouraging. In addition to this the UWS College Capital Works Manager, Human Resources Manager and Major Projects Manager have visited the region as part of the research involved in identifying the feasibility of the proposal.

Council has been working closely with UWS to assist in providing research support and identifying suitable sites for the campus.

UWS proposes to apply for funding under the Education Infrastructure Fund if the project is considered achievable.

Should this project proceed, UWS would like to be in a position to be offering programs from mid-2010.

### **Use of Hoskins Building as Potential Campus**

University representatives have inspected a number of buildings in the town with the Hoskins Building being identified as a potential campus. Initial investigations indicate that it may be a feasible option.

Should the Hoskins Building prove feasible, and UWS be successful in gaining funds from the Education Infrastructure Fund, it has been identified that the funds would be used to renovate the building which would remain the property of the Council with UWS being able to secure long term tenancy consistent with the amount of funding achieved to renovate the building.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

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

**09-336 RESOLVED**

**THAT** Council:

1. Notes the investigation into the establishment of a University of Western Sydney College presence in Lithgow.
2. Supports the investigation of options regarding the potential use of the Hoskins Building by the University of Western Sydney.

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

**SECONDED:** Councillor G Danaher.

## COMMITTEE MEETINGS

**ITEM:20            COMM - 22/07/2009 - ENVIRONMENTAL ADVISORY COMMITTEE  
MINUTES 22 JULY 2009**

**REPORT BY: ENVIRONMENTAL HEALTH OFFICER – DAVID DURIE**

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### REFERENCE

Min No 07-389: Policy and Strategy Committee Meeting 3 September 2007 -Terms of Reference adopted

Min No F08-21: Finance and Services Committee Meeting 3 March 2008

Min No 008-153: Extraordinary Meeting 29<sup>th</sup> of September 2008

Min No 008-198: Ordinary Meeting 18 November 2008

### SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 15 April 2009 for Council adoption.

### COMMENTARY

At the Environmental Advisory Committee Meeting held on 15 April, there were (11) eleven items discussed by the Committee.

1. Confirmation of Minutes
2. Business Arising
3. Live Life Well in Lithgow Project
4. Ballarat Environment Network
5. Gardens of Stone stage II proposal
6. Heritage walk – donnybrook to Fernhill
7. Overview of Platypus meeting
8. Regional Landcare Awards
9. Street Tree and Hassan's Walls Committees
10. Historic Items
11. General Business

The Minutes contained updates of the Environmental Advisory Committee with recommendations for Council.

### POLICY IMPLICATIONS

In accordance with the terms of reference of S355 Committees of Council.

### FINANCIAL IMPLICATIONS

Nil

### LEGAL IMPLICATIONS

Nil

## 09-337 RESOLVED

### THAT

1. Council notes the minutes of the Environmental Advisory Committee Meeting held on 15 April 2009.
2. Council staff liaises with the Environmental Advisory Committee Chair and interested members of the Committee to assist in preparing a brief that incorporates relevant existing plans for walkways, cycle ways and local tourist destination points.
3. Information on the platypus populations be acknowledged in the Local Environment Plan.
4. Council actively pursues identified measures in order to reform the Hassan's Walls Management Committee.

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

**SECONDED:** Councillor R Thompson.

**ITEM:21            COMM - 03/08/09 - TOURISM ADVISORY COMMITTEE MINUTES 7 JULY 2009**

**REPORT BY: TOURISM MANAGER – JODIE RAYNER**

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### SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 7 July 2009 for Council adoption.

### COMMENTARY

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

1. Confirmation of Minutes
2. Business Arising
3. Presentation on the Bunyip Trail
4. Questionnaire and Membership Forum
5. Lithgow Attractions Assessment
6. Privatisation of the Lithgow Visitor Information Centre
7. Maps
8. World Masters Games – orienteering
9. Membership of the Tourism Advisory Committee – Hartley
10. Updates on Actions
11. Tourism Manager Report
12. General Business

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**RECOMMENDATION**

**THAT Council:**

1. Notes the minutes of the Tourism Advisory Committee held on 7 July 2009.
2. Supports the Bunyip Trail project in principle with further investigation to be undertaken as to how the project can be intertwined with potential projects that are awaiting grant funding
3. Not privatises the Lithgow Visitor Information Centre as the Tourism Advisory Committee does not see any benefit in the privatisation of the Centre
4. A letter to be forwarded to the Hartley Advisory Committee thanking them for their interest in being appointed to the Tourism Advisory Committee and recommending that an expression of interest for inclusion on the Tourism Advisory Committee be made when a vacancy exists.
5. Notes that work on Braceys Lookout in the Hassans Walls Reserve was carried out by volunteers on the weekend of 13 June 2009 and that Thomas Ebersoll be thanked for coordinating the volunteers who carried out the work on Braceys Lookout.
6. All the volunteers who participated in the clean up day be thanked with an expression of thanks being included in Council's column in the Lithgow Mercury.

**MOTION**

**THAT Council:**

1. Notes the minutes of the Tourism Advisory Committee held on 7 July 2009.
2. Supports the Bunyip Trail project in principle with further investigation to be undertaken as to how the project can be intertwined with potential projects that are awaiting grant funding
3. Provide a further report in relation to the privatisation of the Lithgow Visitor Information Centre.
4. A letter to be forwarded to the Hartley Advisory Committee thanking them for their interest in being appointed to the Tourism Advisory Committee and recommending that an expression of interest for inclusion on the Tourism Advisory Committee be made when a vacancy exists.
5. Notes that work on Braceys Lookout in the Hassans Walls Reserve was carried out by volunteers on the weekend of 13 June 2009 and that Thomas Ebersoll be thanked for coordinating the volunteers who carried out the work on Braceys Lookout.
6. All the volunteers who participated in the clean up day be thanked with an expression of thanks being included in Council's column in the Lithgow Mercury.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor JJ McGinnes

## AMENDMENT

### THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on 7 July 2009.
2. Supports the Bunyip Trail project in principle with further investigation to be undertaken as to how the project can be intertwined with potential projects that are awaiting grant funding
3. Not privatises the Lithgow Visitor Information Centre as the Tourism Advisory Committee does not see any benefit in the privatisation of the Centre
4. A letter to be forwarded to the Hartley Advisory Committee thanking them for their interest in being appointed to the Tourism Advisory Committee and recommending that an expression of interest for inclusion on the Tourism Advisory Committee be made when a vacancy exists.
5. Notes that work on Braceys Lookout in the Hassans Walls Reserve was carried out by volunteers on the weekend of 13 June 2009 and that Thomas Ebersoll be thanked for coordinating the volunteers who carried out the work on Braceys Lookout.
6. All the volunteers who participated in the clean up day be thanked with an expression of thanks being included in Council's column in the Lithgow Mercury.

**MOVED:** Councillor HK Fisher

**SECONDED:** Councillor G Danaher

On being put the **amendment** was **carried** and became the **motion**.

## 09-338 RESOLVED

### THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on 7 July 2009.
2. Supports the Bunyip Trail project in principle with further investigation to be undertaken as to how the project can be intertwined with potential projects that are awaiting grant funding
3. Not privatises the Lithgow Visitor Information Centre as the Tourism Advisory Committee does not see any benefit in the privatisation of the Centre
4. A letter to be forwarded to the Hartley Advisory Committee thanking them for their interest in being appointed to the Tourism Advisory Committee and recommending that an expression of interest for inclusion on the Tourism Advisory Committee be made when a vacancy exists.
5. Notes that work on Braceys Lookout in the Hassans Walls Reserve was carried out by volunteers on the weekend of 13 June 2009 and that Thomas Ebersoll be thanked for coordinating the volunteers who carried out the work on Braceys Lookout.
6. All the volunteers who participated in the clean up day be thanked with an expression of thanks being included in Council's column in the Lithgow Mercury.

**MOVED:** Councillor HK Fisher

**SECONDED:** Councillor G Danaher

**CARRIED**

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

### FOR

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

### AGAINST

Councillor M F Ticehurst  
Councillor J J McGinnes  
Councillor C Hunter



**ITEM:22            COMM - 03/08/09 - ECONOMIC DEVELOPMENT ADVISORY  
                         COMMITTEE MINUTES**

**REPORT FROM: ECONOMIC DEVELOPMENT OFFICER - ARABELLA PERUGINI-  
SHEERE**

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**SUMMARY**

This report provides the Minutes of the Economic Development Advisory Committee Meeting held on 25 June 2009.

**COMMENTARY**

At the Economic Development Advisory Committee Meeting held on 25 June 2009, there were (9) nine items discussed by the Committee:

- ITEM 1: Presentation by University of Western Sydney
- ITEM 2: Confirmation of minutes from previous meeting
- ITEM 3: Business arising from previous minutes
- ITEM 4: Lithgow Minerals and Industry Park update
- ITEM 5: Economic Development Grant Applications
- ITEM 6: Economic Development Website
- ITEM 7: Business Retention and Expansion Surveys
- ITEM 8: Economic Development Strategy – key tasks update
- ITEM 9: Other Business

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

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

**09-339 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Economic Development Advisory Committee held on 25 June 2009.
2. Notes the efforts being made by the University of Western Sydney to establish a University College presence in Lithgow and that Council staff assist by identifying potential locations.
3. Investigates and pursues arrangements to have Business Enterprise Centre services provided locally.

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

**CARRIED**

**ITEM:23           INTS - 03/08/09 - MINUTES 08/07/09 - ECONOMIC DEVELOPMENT  
SHOPFRONT COMMITTEE**

**REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH**

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**SUMMARY**

This report provides the Minutes of the Economic Development Shopfront Committee Meeting held on 8 July 2009.

**COMMENTARY**

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

- ITEM 1: Apologies
- ITEM 2: Adoption of Minute of the Meeting of 6 May 2009
- ITEM 3: Update of Vacant Council Premises
- ITEM 4: Additional information Sought from 'Rail Trail' for the Use of Vacant Premises
- ITEM 5: Request for Use of Council Premises by Community Groups
- ITEM 6: Update of a Council Incentive Plan to Owners of Vacant Shop
- ITEM 7: Update on Absentee Landlords
- ITEM 8: NSW Heritage Office Grant Funding from the 'Local Heritage Fund'
- ITEM 9: General Business

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

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

**09-340 RESOLVED**

**THAT** Council notes the minutes of the Economic Development Shopfront Committee held on 8 July 2009.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

**CARRIED**

## **BUSINESS OF GREAT URGENCY**

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

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

There was **NO** business of great urgency.

The Meeting Closed at 8.49pm