



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

02 SEPTEMBER 2008

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY - NIL

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 5TH AUGUST 2008

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - Gas Works Site

CORRESPONDENCE AND REPORTS

General Manager Reports

Regional Services Reports

Community and Corporate Services Report

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - Tourism Advisory

CLOSED REPORTS - NIL

QUESTIONS WITHOUT NOTICE

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>NOTICES OF RESCISSION</u>	<u>3</u>
<u>ITEM:1</u>	<u>RESCISSION MOTION - 02/09/08 - GAS WORKS SITE</u>	<u>3</u>
	<u>GENERAL MANAGER REPORTS</u>	<u>4</u>
<u>ITEM:2</u>	<u>GM - 02/09/08 - MITCHELL CONSERVATORIUM - 2008 SCHOLARSHIP PROGRAM</u>	<u>4</u>
<u>ITEM:3</u>	<u>GM - 02/09/08 - CANCER CARE WESTERN NSW</u>	<u>5</u>
<u>ITEM:4</u>	<u>GM - 02/09/08 - CIRCULARS TO COUNCIL FROM DEPARTMENT OF LOCAL GOVERNMENT</u>	<u>6</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>8</u>
<u>ITEM:5</u>	<u>REG - 02/09/09 - BLACK BRIDGE, WALLERAWANG</u>	<u>8</u>
<u>ITEM:6</u>	<u>REG - 02/09/08 - PORTLAND AND WALLERAWANG SEWERAGE UPGRADE OPTIONS</u>	<u>9</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>12</u>
<u>ITEM:7</u>	<u>COMM - 02/09/08 - RECOGNITION OF THE BRACEY FAMILY</u>	<u>12</u>
	<u>COMMITTEE MEETINGS</u>	<u>14</u>
<u>ITEM:8</u>	<u>COMM - 02/09/08 -TOURISM ADVISORY COMMITTEE MEETING MINUTES HELD ON 28TH JULY 2008</u>	<u>14</u>


NOTICES OF RESCISSION

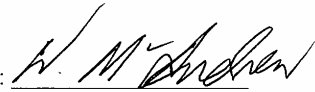
ITEM:1 RESCISSION MOTION - 02/09/08 - GAS WORKS SITE

ITEM RESCISSION MOTION - GAS WORKS SITE

COMMENTARY

We the undersigned having had further consideration and following a meeting between representatives of Ultra Services Pty Ltd and Lithgow City Council believe that a Rescission Motion would be appropriate to allow the possible sale of the old Gas Works Site to Ultra Services Pty Ltd.

Signed: 

Signed: 

Signed: 

GENERAL MANAGER REPORTS

ITEM:2 GM - 02/09/08 - MITCHELL CONSERVATORIUM - 2008 SCHOLARSHIP PROGRAM

COMMENTARY

Correspondence has been received from the Mitchell Conservatorium in relation to the 2008 Scholarship Program at the Lithgow Division.

The Mitchell Conservatorium thanked Council for the generous support that was given to them for the 2008 program. The winner of the scholarship which Council sponsored was Veronica Milroy. She has been studying singing, piano and musicianship this year.

In musicianship Veronica has sat for and passed 6th grade AMEB musicianship (not many people attempt this level) and has been working on music composition skills. She is now using these skills to compose a piece of music for the HSC Music 2 course.

In singing, Veronica is preparing a program of songs for her HSC Music practical, as well as preparing for her 7th Grade AMEB examination later this year. She is also a member of the Gondwana Chorale, this is an Australian Choir. Veronica is the only member of this choir from the Central West and this Choir will travel to the National Museum in Canberra later this year as part of a tour around the State.

In piano Veronica is working towards her 8th Grade AMEB practical examination. Veronica puts her musical skills to good use. She is a member of the Lithgow City Band, where she plays EB soprano cornet. She plays the organ at Church as well as sometimes singing solo.

In addition Veronica has also performed at a number of community events this year as a soloist, accompanist and member of band.

Mitchell Conservatorium thanks Lithgow City Council for the ongoing commitment and support of the Scholarship program and the talented young people of Lithgow.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information is noted.

ITEM:3 GM - 02/09/08 - CANCER CARE WESTERN NSW

REFERENCE

NIL

COMMENTARY

Correspondence has been received from Cancer Care Western NSW in relation to seeking support from Councils and Service Clubs.

The Cancer Care Western NSW is seeking support in terms of fundraising initiatives throughout the Western Region. They have already enlisted the majority of the towns in the area to fundraise and would welcome the involvement of Lithgow in this project.

The accommodation and service of radiotherapy would be supported by the Lithgow community. The Cancer Care Western NSW would welcome the opportunity to address the residents of the Lithgow Community and involve their participation in perhaps naming a room for the community, by fundraising as part of the area project.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council support the cancer Care Western NSW fundraising initiative.

ITEM:4 GM - 02/09/08 - CIRCULARS TO COUNCIL FROM DEPARTMENT OF LOCAL GOVERNMENT

REFERENCE

NIL

SUMMARY

This report tables for the Council's information a number of circulars from the Department of Local Government.

COMMENTARY

Following is a summary of the circulars from the Department of Local Government. All circulars are attached.

Commencement of the Local Government and Planning Legislation Amendment (Political Donations) Act 2008.

This circular outlines the changes to the Local Government Act and Environmental Planning and Assessment Act to commence on 1 September 2008.

The changes required include:

Donations

- The General Manager is now required to keep a public register of all current donations and expenditure declarations lodged by councillors with the Election Funding Authority of NSW.
- Should the General Manager reasonably expect that a councillor has failed to comply with his or her obligation to disclose and manage a conflict of interests arising from a political donation, the general manager must refer the matter to the Director General.

Planning decisions

- The General Manager is required to record which councillors vote for and against each planning decision of the council, and make this information publicly available.
- To maintain the register, a division is to be called whenever a planning decision is put at a council or committee meeting, including meetings closed to the public.

Revised Ministerial Investment Order

This circular outlines a number of changes to the Order following the Review of NSW Local Government Investments. All of the recommendations in this report were adopted. The changes to the Order are listed in the circular. The Department is preparing guidelines aimed at assisting councils in developing a comprehensive investment policy.

Amendment to the Local Government Act 1993 – Rating of Land Partially Subject to a Conservation Agreement

This circular advises councils that the Threatened Species Conservation Amendment (Special provisions) Act 2008 was assented to on 1 July 2008. As a result s555(3) of the Local Government Act 1993 has been amended to provide for the continued proportional rating of lands that include a Conservation Agreement.

Mayor's Role After Ordinary Election

This circular outlines the role of the mayor after General Elections. In effect, all councillors, other than the mayor, cease to hold office on the day of the ordinary election. The mayor holds the mayoral position until a successor is declared to be elected to the office.

POLICY IMPLICATIONS

The information in the circulars may require a number of policies to be amended including:

- Code of Meeting Practice
- Model Code of Conduct
- Investment Policy

FINANCIAL IMPLICATIONS

No specific financial implications have been identified at this time, however, the changes to the Investment Order may have an impact over time.

LEGAL IMPLICATIONS

A number of changes to various Acts are identified in the Circulars.

ATTACHMENTS

1. Circular: Commencement of the Local Government and Planning Legislation Amendment (Political Donations) Act 2008
2. Circular: Revised Ministerial Investment Order.
3. Order: Local Government act 1993 – Investment Order
4. Circular: Amendment to the Local Government Act 1993 – Rating of Land Partially Subject to a Conservation Agreement
5. Circular: Mayor's Role After Ordinary Election

RECOMMENDATION

THAT the information contained in the Circulars to Councils from the Department of Local Government be noted.

REGIONAL SERVICES REPORTS

ITEM:5 REG - 02/09/09 - BLACK BRIDGE, WALLERAWANG

REPORT BY: OPERATIONS MANAGER – S. DARLINGTON

REFERENCE

QWN - 05/05/08 - Councillor BS Moran

Min: 07-497 - Ordinary Meeting of Council - 19 November 2007

SUMMARY

This report is in response to a Question without Notice from Clr BS Moran requesting an update on the Black Bridge at Wallerawang

COMMENTARY

As reported to Council on 19 November 2007, following representations to the Roads and Traffic Authority (RTA), Council received a grant to investigate options for Lithgow City Council to progress planning and budgeting of a grade separated crossing of the rail line at or near the Black Bridge, Wallerawang.

This grant has allowed the preparation of a concept report for the construction of a vehicular and shared pedestrian/cycle way grade separated railway crossing. (A grade separated crossing is essentially an overhead bridge rather than a level crossing). The resultant document will provide sufficient information to bid for funding and include a background to the location and problems, traffic and crash history, proposed pedestrian facility, budget and timeline for completion of proposed works.

After lengthy consultations with the rail authorities (ARTC) a preferred structure and alignment has been determined by Council's consultants. It will be recommended in the report that the new structure be located adjacent to the existing bridge and include a pedestrian/cycle way. The report is in its final stages of completion with cost estimates of the various options currently being finalised. Upon receipt, the document will be subject to a further report to Council with funding alternatives.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding of the structure will be subject to a further report to Council and for inclusion in future Management Plans

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the report on the Black Bridge at Wallerawang be received.

ITEM:6 REG - 02/09/08 - PORTLAND AND WALLERAWANG SEWERAGE UPGRADE OPTIONS

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Min P08-89 - Policy and Strategy Committee Meeting of 05/08/2008

SUMMARY

This report advises Council on discussions with the Sydney Catchment Authority in relation to possible funding toward the transfer of sewerage from Wallerawang to an upgraded Sewerage Treatment Plant at Portland.

COMMENTARY

Council will recall its consideration of this matter at its Policy and Strategy Committee Meeting of 5 August 2008 where it resolved as follows.

THAT

1. Correspondence be forwarded to the Sydney Catchment Authority requesting funding for any shortfall not covered by Council and the Country Towns Water and Sewerage Scheme for the capital and operating costs of option C as outlined in this report due to the positive benefits to the Sydney Drinking Water Catchment and environs.
2. Should the Sydney Catchment Authority decline Council's request, then Option B be pursued with the design of an upgraded Wallerawang Sewerage Treatment Plant being finalised in 2008/2009.

A meeting was held with representatives of the Sydney Catchment Authority (SCA) and also the Department of Environment and Conservation who are another major stakeholder in the options and timeframes for the upgrade of sewerage schemes in the Lithgow Local Government Area. At the meeting the feasibility of the Sydney Catchment Authority contributing additional* funds toward the possible transfer of sewerage from Wallerawang to an upgraded Sewerage Treatment Plant at Portland was discussed (*The SCA is already committed to contributing toward the 'least cost' option under their accelerated scheme providing adequate progress is made before the end of the financial year). Whilst formal confirmation is to be provided, it appears that there is no possibility of the SCA committing to the shortfall for the Wallerawang to Portland option.

Therefore, it appears reasonable for Council to formally commit to proceed with two standalone plants at Wallerawang and Portland. This being the case, Council will need to formally decide to proceed with the option of two standalone plants at Wallerawang and Portland which would be in accordance with the timelines established through the management planning process having regard to the 5 year capital works program below.

Five Year Capital Works Program -Sewer					
Wallerawang Sewer					
Component	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
Treatment Works					
<i>Buildings</i>					
<i>System</i>					
<i>Design of Wallerawang STP</i>	289,573#				
<i>Wallerawang STP (Standalone)</i>		6,540,000.00			

As design works are well advanced on this option it is anticipated that progress beyond design can be achieved in the 2008/2009 financial year. This will assist in ensuring SCA funding is secured.

Five Year Capital Works Program -Sewer					
Portland Sewer					
Component	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013
Treatment Works					
<i>Buildings</i>	-	-	-	-	-
<i>System</i>	-	-	-	-	-
<i>Design Portland STP</i>	-	-	300,000.00		
<i>Construct Portland STP (Standalone)</i>	-	-	-	6,855,000.00	-

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council will recall the cost differential of the two final options were as follows:

Option	Capital Cost	Annual Cost	NPV (to 2031 at 7%)
Separate Schemes			
Wallerawang STP Augmentation	\$6,540,000	\$105,000 to \$148,000	
Portland STP Augmentation	\$6,855,000	\$105,000 to \$121,000	
Total	\$13,481,000	\$306,000 to \$325,000	\$14,806,000
Sewage Transfer to Portland			
Transfer System	\$9,964,000	\$57,000 to \$159,000	
Portland STP Augmentation	\$9,344,000	\$181,000 to \$232,000	
Total	\$19,308,000	\$237,000 to \$391,000	\$20,688,000

Funding of the least cost option up to approximately 40% is available through the Country Towns Water and Sewerage Scheme as are funds under the Sydney Catchment Authority's accelerated scheme. Whilst the final funding mix is complicated, Council will be responsible for around 55 – 60% of project costs if it chooses the least cost option.

LEGAL IMPLICATIONS

Under the terms of the relevant Environment Protection Licences both Wallerawang and Portland Sewerage Treatment Plants are to be upgraded by 30 June 2009. As these dates are unachievable, applications to vary the licenses have been lodged. The Department of Environment and Conservation (DECC) have been very reasonable in their understanding that the various options had to be investigated prior to Council proceeding. DECC have now indicated that the licence variation applications will be considered following formal resolution by Council to proceed with two standalone plants and indication of respective timetables.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council commit to the upgrade of two standalone Sewerage Treatment Plants at Wallerawang and Portland having regard to the timetables in the 5 year capital works program outlined in tis report.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:7 COMM - 02/09/08 - RECOGNITION OF THE BRACEY FAMILY

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min P08-92: QWN, Councillor H K Fisher – Policy and Strategy Committee – 5 August 2008

SUMMARY

This report provides a response to a Question without Notice from Councillor Fisher at the Policy and Strategy Committee held on 5 August 2008 regarding recognition of the Bracey Family. Some suggestions for such recognition are contained in the report for consideration.

COMMENTARY

At the Policy and Strategy Committee Meeting of 5 August 2008, Councillor Fisher put the following Question without Notice:

Mr Mayor I refer to the recent closing of the Bracey's Store, could a report come back to Council in relation to considering recognition of a significant nature of the Bracey's family for their contributions and sponsorship of the local government area over many years.

In response the Mayor **RESOLVED** to have a report back to Council on this issue.

The Bracey Family are currently acknowledged in Lithgow with the naming of the Bracey Lookout. Formerly the lookout included a shelter which was affected by concrete cancer and was demolished after consultation with the Bracey family as part of an upgrade to the facility. A commemorative plaque that was on the shelter is in safe keeping and could be utilised at the lookout.

The lookout is now in a run-down state; however works are planned in the 2008/09 financial year from an allocation of \$80,000 for the Hassan Walls Reserve.

As part of the works the following works are planned:

- Re-gravelling of road and parking areas.
- Trees trimmed to restore the lookout over the town.
- Replacement of the safety fence.
- Provision of bench seating.

Some suggestions for consideration for further recognition of the Bracey Family include:

- The building of a significant shelter at Bracey's Lookout to restore the original concept
- The provision of a plaque and interpretation of the contribution of the Bracey Family at Bracey's Lookout
- The provision of interpretation at the former Bracey Family home (Wenvoe) in Ordnance Street (subject to approval with current owners) with the place being included on a heritage trail.
- A plaque, possibly in the pavement outside the former Bracey store in Main street
- Council discuss options for recognition in any redevelopment of the Bracey's store with the current owners

- Name a significant park, street, road or subdivision after the family.
- Present them with a memento such as a painting or other object inscribed with a plaque recognising the Bracey family's contribution.

It is recommended that the Council indicate to staff their preferred option. Further investigation could then be undertaken with information reported back to the Council for consideration.

It is also recommended that prior to further action being taken that the Bracey Family be contacted and asked whether they wish for such recognition to take place.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It is recommended that the Council indicate to staff their preferred option and upper financial amount for recognition of the Bracey Family. Council staff could then investigate costs which could then be considered by the Council in the 2009/10 Management Plan.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the Council:

1. Indicates that is the preferred option for recognising the contribution to Lithgow by the Bracey Family.
2. Indicates that the upper financial amount be in the order of \$
3. Contact the Bracey Family and inform them that the Council is considering recognising their family in a significant way and seek their endorsement for the proposal.

COMMITTEE MEETINGS

**ITEM:8 COMM - 02/09/08 -TOURISM ADVISORY COMMITTEE MEETING
MINUTES HELD ON 28TH JULY 2008**

COMMENTARY

This report contains the minutes of the Tourism Advisory Committee Meeting held on 28th July 2008.

The Tourism Advisory Committee held a meeting on the 28th July 2008 to discuss:

1. Tourism Trainee of the Year 2008.
2. Regional Flagship Event Funding - 2009.
3. Tourism Strategy
4. Promotions for Lithgow

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Tourism Advisory Minutes 28th July 2008

RECOMMENDATION

THAT the minutes be noted.

QUESTIONS OF AN URGENT NATURE



Circular No. 08-45
Date 11 August 2008
Doc ID. A150709

Contact Lyn Brown
02 4428 4161
lyn.brown@dlg.nsw.gov.au

COMMENCEMENT OF THE LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT (POLITICAL DONATIONS) ACT 2008

The *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* is expected to commence on 1 September 2008 by Proclamation published in the Government Gazette.

The object of the amending Act is to amend the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* in relation to political donations.

Local Government Act changes

The Act inserts Part 8A into the Local Government Act, requiring the general manager of each local council to keep a public register of all current donations and expenditure declarations lodged by councillors with the Election Funding Authority of NSW (section 328A).

In addition, where a general manager reasonably suspects that a councillor has failed to comply with his or her obligation to disclose and manage a conflict of interests arising from a political donation, the general manager must refer the matter to the Director General (section 328B).

Sections 328A and 328B do not apply to county councils.

New section 375A requires the general manager to record which councillors vote for and against each planning decision of the council, and to make this information publicly available. This section will also apply to those county councils delegated the exercise of planning functions under the *Environmental Planning and Assessment Act 1979*.

To maintain the register, the Act requires that a division be called (in accordance with the council's code of meeting practice or Regulation) whenever a planning decision is put at a council or committee meeting, including meetings closed to the public. Each decision recorded in the register is to clearly describe or identify the matter being determined and how councillors voted.

Section 12 of the Act is amended to include the current declarations of disclosures of political donations and the register of councillor voting on planning matters as documents that are publicly available for inspection.

What councils now need to do

- The Department considers that providing a link from council's website to the Election Funding Authority website will satisfy section 328A. Council should ensure that members of the public are provided with access to this website at council's offices if they do not have access to the internet. Members of the public should also be able to request copies be printed of the disclosures of political donations returns for taking away in accordance with the requirements of sections 12 and 12B of the Act.
- Section 328B requires that if the general manager has a reasonable suspicion that a councillor has not complied with the requirements of clauses 7.21 to 7.25 of the Model Code of Conduct, then he/she is to refer the matter to the Director General and not to a conduct review committee or reviewer.
- For the purposes of section 375A the general manager will need to establish a register that contains:
 - a description or identifier of the development or planning matter considered by council
 - the decision in relation to the matter or a reference to the minutes of the meeting where the decision is recorded
 - names of the councillors who supported the decision
 - names of the councillors who opposed the decision.
- Council needs to ensure that councillors, and the Mayor or councillors who chair council meetings or committee meetings that deal with development matters, are aware of the requirements of the Act for a division and the recording of voting by councillors in respect of each development matter at the meeting.
- The general manager needs to put systems in place that can accurately record such divisions and voting by councillors and for inclusion in the minutes of council and committee meetings.

Environmental Planning and Assessment Act changes

The amendments to the Environmental Planning and Assessment Act in relation to political donations are provided by the Department of Planning under a separate circular and guideline.

Political Donation and Electoral legislation enquiries

The Electoral Commission of NSW has established a dedicated enquiry line to assist councillors, candidates for election and members of the public. In order to ensure that persons receive consistent information, any enquiries regarding disclosure of political donations returns and electoral legislation generally should be made to Elections Enquiries on telephone 1300 135 736.



Garry Payne AM
Director General



Circular No. 08-48
Date 18 August 2008
Doc ID. A153888

Contact Chris Duff
02 4428 4133
chris.duff@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

The recent Review of NSW Local Government Investments ("the Cole Report") investigated the impact on councils that invested in structured financial products. The NSW Government adopted all the recommendations from the report.

The Minister for Local Government has now issued a revised Order pursuant to section 625 of the *Local Government Act 1993*. The Minister signed the amended Order on 31 July 2008 and it was gazetted on Friday 15 August 2008. It replaces the Order dated 15 July 2005. The revised Order is attached to this circular.

The changes to the Order include:

- including both principal and investment income in the definition of investment instruments
- removal of investments with specific credit ratings under items (k) and (l) of the previous Order. This decision will be reviewed after 31 December 2009
- removal of item (g) in the previous Order, which identified purchase of land as a form of investment. This removal does not preclude a council from acquiring land for the purpose of exercising any of its functions (s186(1) *Local Government Act 1993*)
- streamlining the wording around investing in public funds and securities issued by or guaranteed by the Commonwealth or Territory (part (a))
- restricting mortgages over land to first mortgages with a Loan to Value ratio of no greater than 60% (part (c))
- excluding subordinated obligations (part (d))
- improving the wording for investments and bills of exchange with authorised deposit-taking institutions (part (e))
- transitional arrangements regarding existing investments (grandfathering provisions).

The Department is preparing guidelines aimed at assisting councils in developing a comprehensive investment policy. The process will incorporate consultation with stakeholders. The guidelines will include issues raised in the Cole Report relating to conflicts of interest, such as product manufacturers and distributors being appointed as investment advisors, and the fiduciary responsibilities of councils and county councils in relation to investment activities.

When considering selling current investments that fall below the requirements of the revised Ministerial Investment Order (see Circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).

A handwritten signature in black ink, appearing to be 'Garry Payne', with a stylized flourish at the end.

Garry Payne AM
Director General

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Paul Lynch MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act, 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) mortgage of land in any State or Territory of the Commonwealth (restricted to first mortgages over land with a Loan to Value ratio of no greater than 60%);
- (d) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (e) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (f) a deposit with the Local Government Financial Services Pty Ltd
- (g) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Order dated 15 July 2005, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Dated this 31st day of July

2008


Hon PAUL LYNCH MP
Minister for Local Government



Circular No. 08-49
Date 20 August 2008
Doc ID. A153540

Contact Mark Hely
02 4428 4176
mark.hely@dlg.nsw.gov.au

AMENDMENT TO THE LOCAL GOVERNMENT ACT 1993 - RATING OF LAND PARTIALLY SUBJECT TO A CONSERVATION AGREEMENT

Councils are advised that the *Threatened Species Conservation Amendment (Special Provisions) Act 2008* was assented to on 1 July 2008. As a result, s555(3) of the *Local Government Act 1993* has been amended to provide for the continued proportional rating of lands that include a Conservation Agreement established under s69A-KA of the *National Parks and Wildlife Act 1974*.

The amendment can be found at <http://www.legislation.nsw.gov.au>.

In 2006, the Department of Lands changed the way it valued land parcels that were partially subject to a Conservation Agreement. This change arose following broader amendments made to the *Valuation of Land Act 1916*, which clarified how land was to be valued for various purposes (sections 28 and 28A). As a result, properties partially subject to a Conservation Agreement were able to be valued as two separate parts. This greatly increased the rates applying to these land parcels compared to the proportionately reduced rates previously levied.

The amendment to s555(3) maintains the proportional rating practice of the past 12 years, which recognises the contribution of private landowners to the legal protection and conservation of significant natural and cultural heritage on their land under a Conservation Agreement. This is part of the Government's support for community conservation efforts.

Conservation Agreements are only established on private lands formally assessed as having significant natural or cultural heritage conservation values. In voluntarily entering into the agreement, the landowner foregoes certain property rights and is required to undertake positive management actions that maintain or improve these conservation values. A Conservation Agreement is registered on the land title and is legally binding on current and successive owners, in-perpetuity.

The amendment applies to any rate levied on land parcels that include a Conservation Agreement for any period on or after 1 July 2008. Councils are therefore required to calculate rates accordingly for the 2008/09 year onwards.

It should be noted that only those councils that have obtained separate valuations for land parcels subject to a Conservation Agreement and applied those separate valuations for rating purposes are affected by the change.

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by a horizontal line extending to the right.

Garry Payne AM
Director General



Circular No. 08-46
Date 11 August 2008
Doc ID. A153972

Contact Mehtap Stanfield
02 4428 4217
mehtap.stanfield@dlg.nsw.gov.au

MAYOR'S ROLE AFTER ORDINARY ELECTION

This Circular is to inform councils about the role of a mayor after an ordinary election is held.

Under section 233(2)(b) of the *Local Government Act 1993* all councillors – other than the mayor – cease to hold office on the day of the ordinary election.

The position is different for a mayor. Section 230(3)(b) provides that the mayor holds the mayoral position until a successor is declared to be elected to the office.

This applies to both a popularly elected mayor and a mayor elected by the councillors. It also applies whether or not a mayor elected by the councillors is re-elected as a councillor at the ordinary election.

A popularly elected mayor takes office from the declaration of the mayoral election.

The position for a mayor elected by councillors is different. Section 290(1)(a) of the Act requires the election of such a mayor to be conducted at a meeting held within 3 weeks after an ordinary election.

A mayor elected by councillors would be entitled to preside at this meeting, even if not re-elected as a councillor, until the successor is declared elected at the meeting.

However, such a mayor could decline to preside at the meeting at which the mayoral election is to take place. If this happens, clause 236 of the Local Government (General) Regulation 2005 will apply.

Clause 236 of the Regulation provides that in the absence of a chairperson at a council meeting, the first item of business must be the election of a chairperson.

The election is to be conducted by the general manager or in his or her absence, a council employee designated by the general manager, or in the event that all of these people are absent, by the person who called the meeting.

It is good practice if, once the chairperson is elected, the next item of business is the mayoral election. The procedure for conducting the mayoral election is set out in clause 394 and Schedule 7 to the Regulation.

A mayor elected by the councillors would continue to exercise his or her mayoral functions as set out in section 226 of the Act after election day until a successor is declared to be elected – even if the mayor is not re-elected as a councillor.

However, it would be expected that such functions would be exercised in only a 'caretaker' capacity. Councils might consider limiting the operation of any delegations that can be exercised by the mayor during this 'caretaker' period.

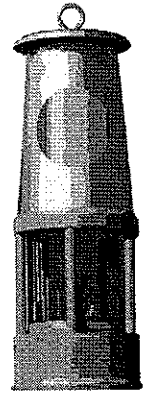
A handwritten signature in black ink, appearing to be 'Garry Payne', with a long horizontal line extending to the right.

Garry Payne AM
Director General

Lithgow Tourism Advisory Committee



Notice Paper



*Lithgow
Australia*

Meeting of the
Lithgow Tourism Advisory Committee
held on
Monday 28th July 2008
at the
Lithgow Visitor Information Centre
at
4.00pm





Tourism Advisory Committee

Present: Mrs Janelle Johnstone, Mr Thomas Ebersall, Mrs Michael Forbes, Mr Brian Hustwaite, Mr Malcolm Wells, Ms Suzanne Lollback, Ms Wendy Dollin, Ms Kellie Barrow, Ms Jodie Rayner

Apologies: Cr Margaret Collins, Mr John Eggenhuizen, Mr Greg Johnston, Mr Danny Whitty, Mr David Noble

Declaration of Interests: Nil

ITEM: 1 Report on items from the Tourism Manager

SUMMARY

Report on items from the Tourism Manager

COMMENTARY

Visitation Statistics

Visitation statistics for the 2007/08 period for door statistics at the Lithgow Visitor Information Centre are as follows:

Month	2004/05	2005/06	2006/07	2007/08
Jul	2995	3181	3617	3681
Aug	2741	2846	3138	2997
Sept	2085	2948	4186	1898
Oct	3854	4132	4774	4856
Nov	3258	3701	3266	3434
Dec	3755	3557	3599	4137
Jan	4241	4310	4922	4882
Feb	3254	4310	3162	3368
Mar	3795	3952	4155	5397
Apr	4661	5365	5918	5054
May	3136	2994	3766	3157
June	3059	2956	3240	2897
Total Visitation	40834	44252	47743	48236

Total commissionable bookings at the Lithgow Visitor Information Centre for the 2007/08 period are as follows:

Month	Total Price for Accommodation	Total Commission	No. of Visitor Nights	Employee attaining most Bookings	Total no. of bookings for the month	VIC Total monthly visitation - Door	Booking % to Visitation
Jul-07	\$ 6,950.50	\$ 695.50	62	Kirsty	56	3681	15.21%
Aug-07	\$ 5,030.00	\$ 502.20	50	Kirsty	35	2997	11.68%
Sep-07	\$ 5,847.50	\$ 584.75	62	Kellie	50	4376	11.43%
Oct-07	\$ 13,068.00	\$ 1,306.80	117	Kirsty	74	4856	15.24%



Tourism Advisory Committee

Nov-07	\$ 4,642.00	\$ 464.20	41	Kellie	41	3434	11.94%
Dec-07	\$ 2,781.00	\$ 278.10	31	Kellie	21	4137	5.08%
Jan-08	\$ 5,005.00	\$ 379.10	50	Kirsty	41	4882	8.40%
Feb-08	\$ 4,356.00	\$ 435.60	44	Jodie	26	3368	7.72%
Mar-08	\$ 8,074.00	\$ 807.40	77	Kellie	57	5397	10.56%
Apr-08	\$ 10,447.00	\$ 1,044.70	89	Kirsty	67	5054	13.26%
May-08	\$ - 7,227.00	\$ - 722.70	81	Kellie	41	3157	12.99%
Jun-08	\$ - 6541.00	\$ - 654.10	53	Jodie	50	2897	17.26%
TOTAL	\$ 79,969.00	\$ 7,875.15	757		559	48236	11.73%

Lithgow Tourism Trainee Kirsty Melnyk announced the 2008 Trainee of the Year

The Central West Group Apprentices announced the winners of the prestigious 2008 Apprentice and Trainee of the Year at an official luncheon at Orange on Friday 30th May 2008. The awards seek to acknowledge the Central West regions highest achievers in Vocational training.

Kirsty Melnyk has been named as the Central West Group Apprentices most outstanding Trainee for 2008. Kirsty currently works at the Lithgow Visitor Information Centre as the Tourism Trainee. Her role incorporates customer service and promotion of Lithgow as a tourist destination.

Selection was based on excellence in their chosen field and the development of personal skills such as leadership ability, effective communication and an ability to work well as member of a team.

A special plaque has also been presented to Lithgow City Council acknowledging the quality training processes implemented by the Lithgow Visitor Information Centre in training Kirsty.

Congratulations is to be passed onto to Kirsty Melnyk for her commitment and dedication to her position at the Lithgow Visitor Information Centre.

Regional Flagship Event Funding - 2009

Applications are now open for funding under the Tourism NSW Regional Flagship Events Program. Tourism Event Organisers in regional NSW are encouraged to apply for funding under next year's program. Funding is available for established tourism events that have the capacity to attract large numbers of visitors and reflect the character and culture of their region.

Annual one-off grants of \$10,000 and tri-ennial grants of \$20,000 each year for three years are available to assist Event Organisers with marketing and promotion of their event. Regional events starting between 1st January and 31st December, 2009 are eligible for the grants.

Information about the Regional Flagship Events Program and a copy of the Expression of Interest form is available on the Tourism NSW Corporate Website at www.tourism.nsw.gov.au.



Tourism Advisory Committee

Event Organisers have until Friday 25th July, 2008 to lodge an Expression of Interest, which is the first stage of a two part application process.

Tourism NSW has streamlined the application process to make submissions for funding easier this year. Training workshops on event management and marketing in regional NSW will also be run by Tourism NSW.

Consultation continues to formulate new \$40 million tourism strategy

Tourism NSW is continuing its industry consultation for the formulation of the NSW Tourism Strategy in response to the O'Neill Review. The strategy will be developed within three months and will detail how the additional \$40 million will be spent over three years to grow tourism in this State. Consultation sessions are being facilitated by former Director General of the NSW Premier's Department, Dr Col Gellatly. The first session with tourism industry groups such as the Australian Tourism Export Council, the Tourism and Transport Forum, the NSW Regional Tourism Network, the Tourism Industry Council NSW and the Sydney Chamber of Commerce took place on June 23. This week Tourism NSW held a session with government agencies including the Department of Environment and Conservation, the Department of Planning, the Department of Education and the Ministry of Transport. Consultation with the Tourism NSW's board will take place on July 30. Input from all of the sessions will be used to inform a draft of the strategy which will be presented to the industry on August 13 before the final strategy is presented to NSW Cabinet in September. Implementation will commence from September.

Staff Product Famils

Product famils carried out in May and June include the following locations:

- Famil with Oberon Visitor Information Centre including Jenolan, Evans Crown, Flat Rock, Mayfield Gardens
- Majic Views
- Bowen Inn
- Hampton Halfway Hotel
- Glenroy Cabins
- Parkside Lodge Motel

Promotions for Lithgow

Articles on the Lithgow region have appeared in the following publications:

- Getaway – Centennial Glen Stables and Woolshed Cabin (has not yet aired)
- National Business Review – Feature article Emirates development
- Daily Telegraph – article on Newnes
- Sydney Morning Herald – Article on Lithgow and surrounding areas "Time to let off steam"

Filming in the Region

Recent filming in the Lithgow region includes the following:

- The Ground Beneath - a short film completed around Oakey Park, the Blast Furnace and Pottery Estate. Filming was carried out over a 5 day period. The Ground Beneath has been short listed for the Melbourne Film Festival.
- Deadly Women – filmed around George Coates Avenue, Lithgow and Lidsdale State Forest, this documentary is for the USA.

New Museum Opening – Glen Davis

Simmo's Museum, located at Glen Davis has recently opened. The museum is open from 10.00am to 4.00pm weekends and Public Holidays, with the collection featuring memorabilia and collectables from railways, the Blue Mountains and Glen Davis.



Tourism Advisory Committee

"What's In Your Backyard" Open Weekend

The annual "What's in your Backyard" programme targeting the visiting friends and relatives market (VFR) was held on Saturday 14th and Sunday 15th June 2008.

"What's in your Backyard" encourages local Lithgow residents to discover the local Lithgow attractions, promoting community awareness of the regions tourism industry. Tourism NSW statistics indicate that 40% of total visitation to the area is visiting the friends and relatives (VFR) market and as such it is important to ensure the local community is aware of the range of tourism products.

The campaign is supported by targeted marketing on local media, in the Lithgow Valley Plaza and Woolworths.

The "What's in your Backyard" campaign attracted large interest by locals, resulting in visitation to attractions. Attractions that were been involved in this programme include Zig Zag Railway, Jenolan Caves, State Mine Heritage Park & Railway, Mt Tomah Botanic Gardens, Eskbank House Museum and Delta Energy Expo, offering free entries for locals over the weekend.

Correspondence – Mr Barry Fisher

Correspondence has been received from Mr Barry Fisher in regards to promotion of Portland. Mr Fisher feels that is important to recognise that Portland sits on an important geographical time line – Longitude 150° East and the Eastern Australian Line 10h GMT. Other areas in Australia eg Byron Bay use geographical information as supportive tourism information. This information is to be forwarded to the Portland Progress Committee.

Wolgan Valley – Newnes Oil Shale Ruins

Department of Environment, Conservation and Climate Change (NPWS) have been contacted in regards to access issues at Newnes. Upgrade works to the camping area are planned out of the NPWS budget.

Lithgow City Council or NPWS have no planned works for the river crossing, however information has been forwarded to NPWS and they will investigate this issue.

NPWS has also advised that upgrade works to Glow Worm Tunnel Road is budgeted for this financial year. Picnic and BBQ facilities have also been installed at Coorangooba.

In relation to the Coorangooba camp site, interpretive information has been installed to the site that highlights other regional areas, however does not provide visitors with any information on the Glen Davis area. This issue is to be raised with NPWS. Also at the access to Coorangooba there is no NPWS directional signage. A request for directional signage at this site is to be forwarded to NPWS.

Hassans Walls Lookout – Proposed Works 2008-09

Works proposed at Hassans Walls Lookout for 2008/09 financial year include the following:

- o Construction of entry gates on the main entrances
- o Re-instate fence lines at Bracey's Lookout
- o Re-instate seating at Bracey's Lookout

A report on the location of entry gates is to be forwarded to the next meeting of the TAC.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil



Tourism Advisory Committee

ATTACHMENTS

Nil

RECOMMENDATION

THAT

1. the information be received
2. Signage at the NPWS site at Coorangooba, in relation to interpretive signage be investigated and a request for the installation of directional signage at the entrance to Coorangooba be forwarded to NPWS
3. A report on the location of entry gates to Hassans Walls be tabled at the next TAC meeting

MOVED: Mr Malcolm Wells

SECONDED: Mr Michael Forbes

ITEM: 3 **BMTL REPORT – MR M WELLS**

SUMMARY

Mr M Wells and Mrs W Dollin are to provide an update report on the operations of Blue Mountain Tourism Ltd.

COMMENTARY

Correspondence – BMTL

Correspondence has been received from BMTL seeking written support from Lithgow for financial commitments for the next 4 financial years. Lithgow City Council has committed to support the BMTL structure for the 2008/09 financial year.

Major marketing initiatives that have recently been undertaken by BMTL include:

- o Launch of the Greater Blue Mountains World Heritage Drive
- o Inclusion of the Greater Blue Mountains Drive into the National Landscapes programme
- o Participation in Short Breaks campaign with Tourism NSW
- o Attraction of the Emirates Resort into the region
- o BMTL upcoming awards programme
- o ATE (Australian Tourism Exchange)

BMTL seeks written support from Lithgow City Council.

Lithgow City Council has committed to supporting BMTL in the 2008/09 financial year.

There is a definite strength in Lithgow leveraging with Blue Mountains Tourism Ltd, particularly with marketing, whilst still maintaining our own identity.

The TAC agreed that a letter of written support committing to membership with BMTL is to be forwarded.

Blue Mountains Tourism Limited 2008 Regional Excellence in Tourism Awards

Blue Mountains Tourism in conjunction with the Blue Mountains International Hotel School will be coordinating the 2008 Blue Mountains Regional Excellence in Tourism Awards. The awards will acknowledge and celebrate the very best of the Blue Mountains Region tourism industry. As an added incentive to enter, all winners of the regional awards will automatically become finalists in the NSW State Tourism Awards.

Application is available to all BMTL member operators with forms available on the members section of the BMTL



Tourism Advisory Committee

website.

Key dates and deadlines

Deadline for entries: 22 July 2008

Gala Awards Night: 17 August 2008

Report to BMTL on contribution fees

As raised at the last Tourism Advisory Committee, a report on member fees proportional to Lithgow Tourism fees being forwarded back to Lithgow was raised. A BMTL Team is currently in the process of preparing a report on this issue.

The proposal put forward to BMTL from the Lithgow Tourism Advisory Committee:

"That all operators that contribute membership fees to Blue Mountains Tourism Ltd from the Lithgow local Government area, Blue Mountains Tourism Ltd will return to Lithgow Tourism the appropriate membership from the member fees to ensure that the operator is a financial member of both organisations. This will aim to increase membership of both organisations, whilst providing a financial benefit to both organisations."

Further information on this issue will be forwarded to the Tourism Advisory Committee as it becomes available.

National Landscapes – Greater Blue Mountains World Heritage Drive

Tourism Australia has launched the National landscapes project, in which eight regions in Australia will be marketed at an international level as the best that Australia has to offer. The Greater Blue Mountains World Heritage region has been incorporated as part of the National Landscapes program and will therefore greatly benefit as part of this initiative.

The Greater Blue Mountains World Heritage Drive has recently taken out an internal award within NPWS.

Activities of BMTL - Update

- Mrs Kerry Fryer, CEO of BMTL, is currently on extended sick leave
- Tourism NSW Review – BMTL is currently negotiating with TNSW as to how allocated funding is to be dispersed throughout the State. As yet money has not been allocated to the Regional Tourism Offices (RTO's)
- BMTL has conducted training workshops for Lithgow Tourism on the State Tourism Data Warehouse
- The Marketing Manager position, which has been recently vacated, is currently in the process of being advertised.

(a) Policy Implications

Budget commitment for BMTL for a three year period from 2009/10

(b) Financial Implications

Nil

(c) Legal Implications

Nil

ATTACHMENTS

Nil

RECOMMENDATION



Tourism Advisory Committee

THAT

1. the information be received
2. A letter of support regarding on-going financial commitment for the next 3 financial years to BMTL from Lithgow City Council be forwarded to BMTL

MOVED: Mr Malcolm Wells

SECONDED: Mr Michael Forbes

ITEM: 3 GENERAL BUSINESS

1. Lithgow Tourism is currently in discussions with major attractions that operate on a 7 day basis to develop a tourist Superpass that includes discounts for visitors and encourages regional dispersal. As part of the "Superpass" meetings, the feasibility of LBA members potentially becoming involved in this project is to be investigated.
2. Celebrate Lithgow is to be expanded for 2008, with a range of focus events set to occur in the lead up to the major street carnival. The Celebrate Lithgow committee is currently working through event organisation and will further report on this event when information is available.
3. The LBA is currently investigating the installation of banners in Main Street, Lithgow.
4. A report on the billboard signage is to be tabled for the next meeting of the TAC.
5. A report on the Bottle Kilns at Portland is to be tabled for the next meeting of the TAC. Access and a viewing area for the Bottle Kilns has supposedly been discussed with the site owners, however no further information has been reported on this issue.
6. A report on exterior lighting for the Miners Lamp at the Lithgow Visitor Information Centre is to be tabled at the next meeting of the TAC.

Next Meeting of the Tourism Advisory Committee to be held on Monday 8th
September July at 4.00pm at the Lithgow Visitor Information Centre