



LITHGOW CITY COUNCIL

AGENDA

**POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL**

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

06 AUGUST 2007

AT 6.00pm

AGENDA

PRESENT

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 2 JULY 2007

QUESTIONS FROM THE PUBLIC GALLERY

DECLARATION OF INTEREST

NOTICES OF MOTION

Councillor MF Ticehurst - Request for updated Policy
Councillor MF Ticehurst - Business and Community Summit

NOTICE OF RECISSION MOTION - NIL

MAYORAL MINUTES - NIL

REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Reports

COMMITTEE MEETINGS

Environmental Advisory Committee Meeting Minutes

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>NOTICES OF MOTION</u>		
<u>ITEM:1</u>	<u>NOTICE OF MOTION - 06/08/07 - COUNCILLOR MF TICEHURST - REQUEST FOR UPDATED POLICY 7.9 ROADWORKS - PROVISION OF UNUSABLE MATERIALS TO PROPERTY OWNERS</u>	<u>4</u>
<u>ITEM:2</u>	<u>NOTICE OF MOTION - 06/08/07 - COUNCILLOR MF TICEHURST - BUSINESS AND COMMUNITY SUMMIT</u>	<u>5</u>
<u>GENERAL MANAGERS REPORTS</u>		
<u>ITEM:3</u>	<u>GM - 6/08/2007 - PROPOSED MINIMUM SECURITY CORRECTIONAL FACILITY</u>	<u>6</u>
<u>ITEM:4</u>	<u>GM - 06/08/2007 - PROPOSED LITHGOW CORRECTIONAL CENTRE - EARLY WORKS PACKAGE</u>	<u>7</u>
<u>ITEM:5</u>	<u>GM - 06/08/2007 - PROPOSAL FOR A LITHGOW GIFT</u>	<u>8</u>
<u>ITEM:6</u>	<u>GM - 06/08/2007 - CRANE ROAD - LAND DEALINGS</u>	<u>10</u>
<u>ITEM:7</u>	<u>GM - 06/08/2007 - CONFIDENTIAL REPORT - GAS WORKS SITE</u>	<u>11</u>
<u>REGIONAL SERVICES REPORTS</u>		
<u>ITEM:8</u>	<u>REG - 06/08/2007 - BLACK BRIDGE WALLERAWANG</u>	<u>13</u>
<u>ITEM:9</u>	<u>REG - 06/08/2007 - ISSUES AT BLACKMANS FLAT</u>	<u>14</u>
<u>ITEM:10</u>	<u>REG - 06/08/2007 - WATER FLUORIDATION - PRESENTATION OF SURVEY RESULTS</u>	<u>15</u>
<u>ITEM:11</u>	<u>REG - 06/08/07 - ROADWORKS - PROVISION OF UNUSABLE MATERIALS TO PROPERTY OWNERS POLICY - PROPOSED IMPROVEMENTS</u>	<u>16</u>
<u>ITEM:12</u>	<u>REG - 6/08/07 - MINISTER FOR PLANNING CORRESPONDENCE SMALL ARMS FACTORY SITE CHIMNEY</u>	<u>18</u>
<u>CORPORATE SERVICES REPORTS</u>		
<u>ITEM:13</u>	<u>COMM - 06/08/07 - FRIEND OF AUSTRALIAN RED CROSS - UPDATE REPORT</u>	<u>20</u>
<u>ITEM:14</u>	<u>COMM - 06/08/07 - SPECIAL PARKING RATE</u>	<u>22</u>
<u>ITEM:15</u>	<u>COMM - 06/08/2007 - ARTS OUTWEST ANNUAL REPORT AND BOARD APPOINTMENT</u>	<u>24</u>
<u>ITEM:16</u>	<u>COMM - 06/08/2007 - CONSTITUTIONAL REFERENDUM REQUIREMENTS</u>	<u>26</u>

<u>ITEM:17</u>	<u>COMM - 06/08/2007 - LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTION</u>	<u>29</u>
	<u>COMMITTEE MEETINGS</u>	<u>32</u>
<u>ITEM:18</u>	<u>COMM - 06/08/2007 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES</u>	<u>32</u>
	<u>ATTACHMENTS</u>	<u>33</u>

NOTICES OF MOTION

**ITEM:1 NOTICE OF MOTION - 06/08/07 - COUNCILLOR MF TICEHURST -
REQUEST FOR UPDATED POLICY 7.9 ROADWORKS - PROVISION
OF UNUSABLE MATERIALS TO PROPERTY OWNERS**

Notice of Motions for Agendas of Lithgow City Council Committee Meetings on 6 August 2007

Lithgow City Council
Agenda

NOTICE OF MOTION

31 JUL 2007

ON TITLE/TOPIC:

Doc. No.
GDA Ref.
Years

Request for the updated Lithgow City Council Policy 7.9 ROADWORKS – PROVISION OF USABLE MATERIALS TO PROPERTY OWNERS to be brought before the Lithgow City Council as a matter of urgency.

by Councillor Martin Ticehurst

Date: 31 July 2007

BACKGROUND

Councillors, Senior Officers and ratepayers would be aware, the Council resolved (07-262) after receiving a written report from Andrew Muir, Group Manager, Regional Services at their Policy and Strategy Committee Meeting on Monday 2 July 2007, to seek a further report on a revised Lithgow Council Policy 7.9 Roadworks – Provision of unusable materials to Property Owners.

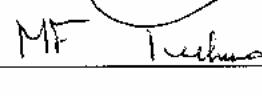
This resolution by the Lithgow City Council followed the receipt by Andrew Muir of alleged written advice to the Lithgow City Council on the content of its current Spoils Policy from the Independent Commission Against Corruption and its need to be urgently updated.

Following a question from Councillor Morrissey during the debate of the Item (2) at the above Council Policy and Services Committee Meeting, the Group Manager, Regional Services Andrew Muir verbally indicated that he would consider his updated Spoils Policy report as urgent and that it will be provided to the Council and Councillors at a forthcoming Council Meeting.

Further, Andrew Muir indicated publicly that the letter from the ICAC, used for the basis of his initial advice to the Council and to be used for and included into the updated Spoils Policy, would also be available with his subsequent urgently requested Spoils Policy report.

RECOMMENDATION

That the above information be received and that the Lithgow City Council's Group Manager of Regional Services, Mr Andrew Muir immediately provide his updated Lithgow City Council's Spoils Policy report and associated documents to Council, all Councillors and ratepayers at the Policy and Strategy Committee Meeting on Monday 6 August 2007.



**ITEM:2 NOTICE OF MOTION - 06/08/07 - COUNCILLOR MF TICEHURST -
BUSINESS AND COMMUNITY SUMMIT**

Lithgow City Council
Notice of Motions for Agendas of Lithgow City Council Committee Meetings on 6 August 2007

NOTICE OF MOTION

31 JUL 2007

MOTION TITLE/TOPIC:

Request for the Lithgow City Council to host a Business and Community Summit to address public concerns over the lack of and ever decreasing business development in the Main Street Lithgow Central Business District.

Listed by Councillor Martin Ticehurst

Date: 31 July 2007

BACKGROUND

Business Operators and ratepayers have for some time been expressing increasing business and community concerns over the general lack of any major development in the Lithgow CBD.

As such, a request is being made for the Lithgow City Council to host a Business and Community Summit as soon as possible to investigate ways of preventing the ever decreasing business development in the Main Street Lithgow Central Business District.

The public concerns over the Lithgow Main Street CBD have increased over the recent closures of the Bracey Department Store (3 storey building and adjoining store still remain vacant); there is currently up to 35 vacant shop and business premises in the Main Street CBD with another major Main Street business shop front also soon to be vacant. Of public note is that the Lithgow City Council itself also has currently numerous vacant shops in Main Street, Lithgow CBD.

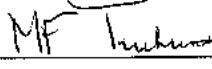
The level of decreasing business opportunities is highlighted by many Landlords and Property Agents seeking to attract tenants with Free Rental periods and substantially decreased rents.

Following the closure of the Lithgow BEC, there has been little if any major development in the Main Street, Lithgow CBD and it is opportune for the Lithgow City Council to demonstrate some leadership on revitalising their Main Street Lithgow CBD.

RECOMMENDATION

THAT the Lithgow City Council convene and host a Business and Community Summit to address public concerns over the lack of and ever decreasing business development in the Main Street Lithgow Central Business District.

Signed:



GENERAL MANAGERS REPORTS

ITEM:3 GM - 6/08/2007 - PROPOSED MINIMUM SECURITY CORRECTIONAL FACILITY

REFERENCE

NIL

SUMMARY

This report updates Council on the response to the previous letter to the Government on the proposed Minimum Security Correctional Facility.

COMMENTARY

As Council is aware following from the motion of Councillor AE Thompson and a question from Councillor HK Fisher a further letter was sent to the Local Member Gerard Martin regarding the Government decision on the development of such a facility.

Mr Martin advises that he is advised by the Minister's Office that a formal response will be provided to Council's correspondence in the near future.

POLICY IMPLICATIONS

NIL.

FINANCIAL IMPLICATIONS

NIL.

LEGAL IMPLICATIONS

NIL.

CONCLUSION

This report merely updates the information following the motion of Councillor AE Thompson and question from Councillor HK Fisher.

RECOMMENDATION

THAT the information be noted.

**ITEM:4 GM - 06/08/2007 - PROPOSED LITHGOW CORRECTIONAL CENTRE
- EARLY WORKS PACKAGE**

REFERENCE

NIL

SUMMARY

This report provides advise to Council on the process used by Department of Commerce (DoC) in the early works package for the proposed minimum security facility in Lithgow.

COMMENTARY

Council will recall the question and concerns raised with the DoC calling for a tender for a range of early works associated with the development of the proposed extension to the Lithgow Correctional Centre.

The early works package included matters such as;

1. Upgrade to the hydraulic services (water and sewer)
2. Upgrade the electrical services.
3. Relocation of the telecommunication cabling.

At the time of the public meeting held in the Union Theatre, these tenders had been advertised locally and intrastate, however following Council's concern, these matters have been put on hold pending the Government decision on the development.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The report updates the Council on the early works package and provide advice on its current matters.

RECOMMENDATION

THAT the information be noted.

ITEM:5 GM - 06/08/2007 - PROPOSAL FOR A LITHGOW GIFT

REFERENCE

Nil

SUMMARY

This report outlines a proposal from the NSW Athletics League to run and promote a Lithgow Gift in the City during February 2008 and annually there after.

This report recommends Council support the proposal in principal to enable planning and logistics to be carried out with a Stakeholder Committee.

COMMENTARY

The NSW Athletics League are seeking Council's support in hosting a Gift Carnival at a suitable venue during February 2008. It is proposed that ultimately this event would become an annual event which would grow in popularity and fame.

It is proposed that the "profits" of the event would be held in a trust as a scholarship for a local youth to improve and attend sporting events (national and international) or train / educate as a sports administrator, coach, teacher or the like.

To ensure Community support and promotion of the program it is envisaged that a sunset Co-ordinating Committee be formed, involving Council, Service clubs, Corporate groups, NSW Sport and Recreation, Media, Athletics Club and the Western Regional Academy of Sport (WRAS).

To commence the program and to ensure its success the NSW Athletics League is seeking Council's assurance to underwrite the event the value of the gift prize money. This is suggested to be \$5000 to secure the elite athletes from NSW and possibly interstate. Council's other involvement would be the use of the venue (ie Tony Luchetti Sports Ground), some advertising and promotion and staff time to assist with risk analysis and traffic Management Plans.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

If Council agree to "host" the event, overall cost may be some where in the vicinity of \$10,000 with all costs. Currently the 07/08 budget has a surplus of money which could be utilised for this project and resolved as part of the September quarterly review.

LEGAL IMPLICATIONS

Nil.

CONCLUSION

The proposed Lithgow Gift is a concept which could provide some additional positive exposure to our region and provide an opportunity for local athletes to compete with and

against some of Australia's elite runners. This project can also be the commencement of better health outcomes under Council's Management Plan and social planning documents.

RECOMMENDATION

THAT

1. Council agree to support the concept of the Lithgow Gift in principal subject to other community support.
2. A further report to be provided at a later date.
3. Council call for Expressions of Interest to participate in a Sunset Co-ordination Committee for coordinating the inaugural event.

ITEM:6 GM - 06/08/2007 - CRANE ROAD - LAND DEALINGS

SUMMARY

This report updates Council with the progress made and often being provided to the community in the Crane precinct following the sale of the land to Marie Edward Pty Ltd. The report will recommend Council note the matter.

COMMENTARY

As Council is aware, the land in Crane was sold by Xstrata to Marie Edward Pty Ltd. Since that time Council has been discussing options with the new owners of the land in an attempt to provide a fair and equitable solution to the people who were previously renting the premises from the Lithgow Valley Coal Company.

Marie Edward Pty Ltd have appointed LJ Hooker Lithgow to act on their behalf. Marie Edward Pty Ltd have determined 3 options which they will make available to the residents.

In essence these options include;

1. A continuation of a lease of the premises at a weekly rental.
2. An offer to purchase the property , or
3. Vacation of the property, if option 1 or 2 are not accepted.

The residents will have until the 1 December 2007 to determine which option they wish to select, however new lease agreements and payment of rental will need to occur from 1 September 2007. As a show of good faith and in recognition of the process Marie Edward Pty Ltd have agreed not to request the payment of any lease fee prior to 1 September 2007.

POLICY IMPLICATIONS

There are no impacts arising from this report, however this reflects Council's desire to assist in resolving the matter.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONCLUSION

This report updates Council on the process and has delivered a fair and equitable solution (or a number of) to the residents of the area.

RECOMMENDATION

THAT the information be noted.

ITEM:7 GM - 06/08/2007 - CONFIDENTIAL REPORT - GAS WORKS SITE

Reason for Confidentiality

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

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

The matters and information are the following:

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

This item is classified **CONFIDENTIAL** under section 10A(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

The valuation price, should it be revealed, could impact on the realisation of appropriate proceeds for the sale of the former gas works site.

Pursuant to section 10A(4), the public are invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

REFERENCE

- Min 05-545: Ordinary Meeting 31 October 2005
- Min 06-143: Ordinary Meeting 15 May 2006
- Min 07-06: Policy and Strategy Committee Meeting 5 February 2007
- Min 07-57: Ordinary Meeting 19 February 2007
- Min 07-64: Ordinary Meeting 19 February 2007

SUMMARY

Council is advised that the valuation has been received and the Expression of Interest process can now be enacted.

RECOMMENDATION

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(A) (2)(c) of the Local Government Act 1993.

REGIONAL SERVICES REPORTS**ITEM:8 REG - 06/08/2007 - BLACK BRIDGE WALLERAWANG****REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

REFERENCE

NIL

SUMMARY

To report on correspondence received from the Minister for Transport, the Hon John Watkins in relation to the Black Bridge at Wallerawang.

COMMENTARY

Council has received correspondence from the Hon John Watkins MP, Minister for Transport, in relation to the Black Bridge at Wallerawang. The Minister has indicated that he is advised that the 'Rail Infrastructure Corporation's obligation with regard to road overbridges is to maintain the structural components of the bridge to its original design criteria. Road authorities are responsible for the road wearing surface and approaches as well as improvements in the capacity or alignment of the bridge.'

The response is disappointing, however the Minister has provided a contact within the Rail Infrastructure Corporation and Council officers will be meeting with Railcorp to discuss possibilities.

Given the response, Council may like to consider requesting the support of the Local Member to have the bridge replaced by the RTA under the timber Bridge Replacement program.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Ministers letter.

RECOMMENDATION

THAT the information be received with disappointment from RIC and Council secure support from the Local Member to lobby the RTA to replace the Bridge under the Timber Bridge Replacement programs

ITEM:9 REG - 06/08/2007 - ISSUES AT BLACKMANS FLAT

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

NIL

SUMMARY

To advise of correspondence on behalf of the Premier, the Hon Morris Iemma MP, responding to Council's representations to the Local Member, Gerard Martin, in regard to issues at Blackman's Flat.

COMMENTARY

A response has been received from the Premier, the Hon Morris Iemma MP, in relation to Council's representations to the Local Member in regard to issues at Blackman's Flat. The response is self explanatory and is attached for information.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter forwarded from Local Member, Gerard Martin.

RECOMMENDATION

THAT the information be received.

ITEM:10 REG - 06/08/2007 - WATER FLUORIDATION - PRESENTATION OF SURVEY RESULTS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil.

SUMMARY

To advise of a presentation of the results of a recent survey, in relation to fluoridation of the Lithgow water supply.

COMMENTARY

The results of a survey conducted by the Western Research Institute on behalf of NSW Health in relation to water fluoridation are now available. Representatives of the NSW Health and the Western Research Institute are in the Chambers this evening to present and speak on the results.

POLICY IMPLICATIONS

None specifically as a result of this report.

FINANCIAL IMPLICATIONS

None specifically as a result of this report.

LEGAL IMPLICATIONS

None specifically as a result of this report.

ATTACHMENTS

1. Fluoridation Survey results.
2. Letters received.

RECOMMENDATION

THAT the presentation be received.

ITEM:11 REG - 06/08/07 - ROADWORKS - PROVISION OF UNUSABLE MATERIALS TO PROPERTY OWNERS POLICY - PROPOSED IMPROVEMENTS**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

SUMMARY

To advise of improvements to Council's policy – "Roadworks - provision of unusable materials to property owners".

COMMENTARY

Council will recall this matter from its ordinary meeting of 18 December 2006 and Policy and Strategy Committee Meeting of 2 July 2007. In summary, the ICAC provided advice in relation to allegations regarding the disposal of roadwork's spoil at Blackheath Creek Road indicating that "the Commission has examined the matter and decided not to investigate". However, a policy on the issue had been developed by Council and the Commission's Corruption, Prevention, Education and Research Division was kind enough to review the policy and provide comments for Council's consideration on how it may be improved. These comments have been taken into consideration and as they primarily relate to operational matters, will be for the most part in an accompanying Standard Working Procedure. The following summarises the observations provided by the Corruption Prevention, Education and Research Division for Council's consideration and comments on the proposed action.

Identification of recipients of waste: The policy states that "all property owners within close proximity to road works" will be offered the waste material. For reasons of transparency it may be useful to develop clearer criteria regarding which residents are eligible to receive waste. For example, all residents within a certain radius of the roadworks.

- **Comments:** The current policy does contain a provision that "the General Manager may cause to be prepared and varied from time to time more specific details in relation to procedures and processes in the form of a Standard Working Procedure". It is proposed that this provision remains and that standard working procedures be developed to provide clarification.

Value of waste: The policy states only material that is "not economical to remove" to a landfill will be disposed of via distribution to local residents. Note that even though the waste may not be economical to remove to landfill, it still has value to the resident receiving it. LCC may wish to estimate the value of the waste based on what it would cost the resident to obtain similar material if he/she has to pay for it on the open market, as well as estimate the value of disposing the waste to landfill. These values should be recorded for future reference.

LCC may also wish to consider clarifying the process to be followed if more than one resident wants the waste. For example, will LCC accept bids for the waste and sell the waste to the highest bidder?

- Comments: This can be clarified in the Standard Working Procedure accompanying the Policy.

Approval to distribute waste: The policy states that LCC's Operations Manager must give approval before the waste can be distributed. A procedure for documenting the Operations Manager's approval should be developed and linked to the policy. A record should be kept of the approval.

- Comments – Such as procedure has been developed and will be incorporated into the Standard Working Procedure.

Certification that waste is not contaminated: The process of disposing of road waste to local residents should include certification that it is not contaminated. A record should be kept of this certification.

- Comments – This is simply not feasible. The spoil normally consists of clay, dust, twigs etc. The first step in assessing contamination is to physically inspect and consider issues such as odour. A checklist will be incorporated in to the Standard Working Procedure to ensure the normal matters eg discolouration, odour, known site history are covered, but to undertake testing and certification of material that has a low likelihood of contamination would not be practical or feasible.

Contaminated waste: The LCC did not forward to the Commission a copy of its policy regarding the handling and disposal of contaminated waste. If such a policy does not exist, the Commission recommends that the LCC develops one. The contaminated waste policy should address the issue of road waste that is found to be contaminated following disposal. The contaminated waste policy should be linked to the policy for disposal of road waste to local residents.

- Comments – This can be further discussed as it seems odd to have a policy that is already entrenched in legislation and guidelines.

Communications to residents: For reasons of transparency a procedure for communicating the offer of roadworks waste – such as through letter-drops, phone calls or a notice on the council website – should be developed and linked to the policy. A record should be made of how and when communications on the issue were made to local residents.

- Comments – This can be incorporated into the Standard Working Procedure.

Record of who receives the waste: A procedure to record which resident(s) receives the waste should be developed and linked to the policy, including the date waste was received and the quantity. This would effectively be a registry.

- Comments - This can be incorporated into the Standard Working Procedure

Responsibilities of the resident: The policy states that the owner receiving the waste "shall agree that the Council shall not be responsible for any damage incurred to his or her property as a result of disposing of materials". It also states that the landowner shall be responsible for all sedimentation controls once the material is deposited. LCC may wish to develop a procedure to record the owner's agreement and subsequent responsibilities regarding these issues, and link this procedure to the policy.

- Comments - This can be incorporated into the Standard Working Procedure

POLICY IMPLICATIONS

The subject of this report. No changes to the policy itself are proposed, but Standard Working Procedures will be put in place.

FINANCIAL IMPLICATIONS

Minor costs associated with exhibiting the revised policy through Council's column

LEGAL IMPLICATIONS

No specific legal issues arise.

ATTACHMENTS

1. Letter from ICAC

RECOMMENDATION

THAT the information be noted.

**ITEM:12 REG - 6/08/07 - MINISTER FOR PLANNING CORRESPONDENCE
SMALL ARMS FACTORY SITE CHIMNEY**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To provide advice received from the Minister for Planning, the Honourable Frank Sartor in relation to the request by the National Trust of Australia for heritage listing of the Lithgow Small Arms Factory site as a result of the demolition application for the chimney. The Minister indicates that he is not prepared to place an Interim Heritage Order over the site.

COMMENTARY

Council would be aware that a Development Application was lodged by ADI (now Thales) for the demolition of the brick chimney on the Small Arms Factory site. As a result of this application, a number of reports to Council and a meeting with the applicant, it was resolved that the application could proceed to determination once the applicant had lodged additional supportive documentation to meet the requirements of the ADI Development Control Plan.

Subsequent to this representations were made by the National trust to the Minister for Planning to place an Interim Heritage Order on the entire site. The Member for Bathurst, Gerard Martin MP, was requested to raise Council's concerns to this action by the National Trust with the Minister.

The Minister for Planning has responded advising that "Having Considered the circumstances of the case, I do believe placing an Interim Heritage Order over the site under the Heritage Act (1977) is not warranted, regarding the proposed demolition of the chimney."

The Minister also advises that issues concerning the future use of the site, including the conservation of heritage features and the National Trust Heritage listing nomination be discussed between representatives of Council, Thales, and the Heritage Office and has provided a contact person.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Council Officers can now negotiate with Thales to finalise outstanding issues in relation to the Development Application for the chimney.

ATTACHMENTS

The letter from the Minister for Planning.

RECOMMENDATION

THAT the information be received and noted.

CORPORATE SERVICES REPORTS

ITEM:13 COMM - 06/08/07 - FRIEND OF AUSTRALIAN RED CROSS - UPDATE REPORT

REPORT FROM: COMMUNITY AND CULTURE MANAGER P.HALL

REFERENCE

Min 07 – 13: Policy and Strategy Meeting 2 February 2007

SUMMARY

It was resolved at the Policy and Strategy Meeting on 2 February 2007 that Council enter into the Local Government Friends of the Australian Red Cross program with the Manager Community and Culture to be the point of contact for consideration of new programs and enhanced services and co-ordinator of any further involvement of Council. Also Council was to provide to staff any particular issues that should be listed as areas where there is community need to develop programs and staff prepare the response noting Council's particular areas of interest in the response.

COMMENTARY

Gail Snelgar, Regional Manager of Western Region, and representatives of the Local Red Cross group met with the Community and Culture Manager to discuss programs in general, local programs and those which could be beneficial to Council.

Previous programs in Lithgow include:

- **Save a Mate** is a hands on program providing physical and emotional support for long-term patients in hospitals, aged facilities, mental health units and respite centres. Volunteers offer hand massages and nail care. It operates in both the Lithgow and Portland communities.
- **Red Cross Emergency Services** where Red Cross staff respond to disasters and emergencies by mobilising staff and volunteers to provide support to victims. Red Cross also helps set up evacuation centres.
- **First Aid Courses** - Red Cross is a First Aid teaching provider of choice in workplaces and organisations across NSW.

Programs being reviewed:

- **Telecross** is going through a state wide review and then this service may be offered in Lithgow. It is a free service where every morning a trained Red Cross volunteer makes a short friendly telephone call to a frail, aged, isolated or medically dependent person to ensure they are safe

Programs being developed:

- The **Talk Out Loud** program dealing with depression could be beneficial to the Council area.

Other Red Cross programs are Energy Australia Red Cross Youth Challenge for 12-18 year old and the Good Start Breakfast Club which is more suitable for primary school children.

Council is also assisting Red Cross with the provision of an access ramp and disabled toilet in 2008/09 for their facility next to Queen Elizabeth Park.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Budget items in the Management Plan to be undertaken in 2008/09 budget with regard to Queen Elizabeth Park access improvements are noted.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The Talk Out Loud program is one that could be beneficial to residents in the Council's area in light of some of the issues in this area of health management that have been noted in other presentations to Council. It, along with the already made commitment to improvements to the Red Cross' facility in Queen Elizabeth Park are recommended to Council as the projects to be undertaken as projects in the Friends of the Red Cross project.

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received and the Talk Out Loud program be further investigated as the project to be included, along with the improvements to the Red Cross facility in Queen Elizabeth Park, as the items in the Friends of the Red Cross project.

ITEM:14 COMM - 06/08/07 - SPECIAL PARKING RATE

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Min 07-141: Council Meeting 16 April 2007
Question Without Notice 21 May 2007
Min 08-226: Policy and Strategy Committee Meeting 4 June 2007
Min 07-258: Extraordinary Council Meeting 28 June 2007

SUMMARY

This report provides further information on the special parking rate which Council adopted at its Extraordinary Meeting of 28 June 2007.

COMMENTARY

As Council would be aware, at its Extraordinary Meeting on 28 June 2007, it was resolved to adopt the special parking ad valorem rate of \$0.00818 for properties within the designated area of Lithgow which included 17 new properties to be rated in 2007/08 as shown in the diagram below.

A.120011.2



Within this area are business premises fronting Mort Street with which on-street parking is prohibited and therefore, at Council's Policy and Strategy Committee Meeting, it was resolved that a report be provided on how this issue can be considered.

Firstly, the special rate for parking is levied against business properties as they generate a need for car parking within the designated area. It is used to fund the maintenance of existing car parking areas such as the Mort/Eskbank Street car park.

Whilst there were no written submissions received commenting on the special parking rate during the exhibition of the Management Plan 2007/08 to 2009/10, Council has the opportunity to consider the donation of the special parking rate for such Mort Street properties.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If Council was to consider the donation of the special parking rate for such Mort Street properties, it must remember that the donations program for 2007/08 has almost been fully expended.

LEGAL IMPLICATIONS

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

RECOMMENDATION

THAT the information be received.

ITEM:15 COMM - 06/08/2007 - ARTS OUTWEST ANNUAL REPORT AND BOARD APPOINTMENT**REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley**

REFERENCE

Min 06-242: Policy ad Strategy Meeting 7 August 2006
Min 05-540: Ordinary Meeting 31 October 2005

SUMMARY

To provide Council with the 2006 Arts OutWest Annual Report for 2006 and advise of the call for nominations to the Board of the organisation.

COMMENTARY

The Annual Report was provided to Council in hard copy and a copy of the contents page was provided in recent correspondence. The Annual Report is available on the Arts OutWest website (www.arttoutwest.org.au) or a copy can be provided to Councillors if required. The Report summarises the achievements of Arts OutWest during 2006 and those specifically relating to Lithgow City Council are as follows:

Major outcome highlights and activities undertaken;

Facilitated two Artists and community professional development day, media and funding workshops.

Meetings held with council staff to develop programs and cultural planning

Meetings with Greater Lithgow Arts Council, Ironfest organisers, Newman White Gallery, Hartley galleries,

Negotiated with Sodwalls artist Gabrielle Hegyes to plan projects for 2007,

Promotion and support for Lithgow Musical Society performances, Angelina's Portrait, Portland Art Purchase Society, Fellowship of Australian Writers, Lithgow, LINC, Lithgow Folk Club and Shelagh Show events, Library Learning Centre, Ironfest, Conservatorium of Music, Eskbank House activities and events, youth services programs particularly Rock-Up program, Greater Lithgow Arts Council - performances and Cultural Awards.

Sunny Corner Multi Media Artist Adrian Symes assisted with Quicks funding from Regional Arts NSW to attend Pacific Edge, National Regional Arts Conference in Mackay, QLD as professional development.

Adrian employed by Arts OutWest on pilot Youth Media project in Condobolin and Forbes and referred to Barnardos as film maker working with Aboriginal Men on domestic violence prevention program.

Offered assistance to Greater Lithgow Aboriginal and Torres Strait Islander Council

Promotions

113 Events promoted on radio, in calendars and on the website

2 News stories on television

Estimated Value of Services

Visits/meetings/support \$2,500

Regional Projects \$500

Promotions \$16950

Workshops and Professional Development \$3,000

TOTAL Estimated Value \$22,950"

Arts OutWest determined at a meeting in late May 2007 that its new Board would be drawn from membership from each Council area plus 3 general members. Councillors are offered the opportunity to nominate and be endorsed by Council for the position.

Delegates endorsed by Council are requested to attend an Extraordinary Meeting at 4.30 pm on 27 August 2007 at Orange City Council

The attached information on Board membership is supplied by Arts OutWest to assist in identification of necessary activities for Board members. In summary:

Board meetings are held on a quarterly basis;

Board meetings in the past the meetings have been held in February, May, August and November at 5pm in either Bathurst or Orange on the 2nd Tuesday of the month although it is noted that these times may change with the appointment of the new Board;

There are sub-committees for Governance, Finance and Fundraising and Projects;

It is expected that the new Board structure will also put in place an executive;

Board members are not paid but travelling costs are reimbursed;

Positions on the Board are for 2 years.

The new Board structure offers Council the opportunity to delegate a councillor or executive staff member as a delegate or seek expressions of interest from the community.

The Councillor or staff appointment is recommended as it is felt that either would be best placed to represent the Council and will have better knowledge of the financial position and objectives of the Council .

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The contribution for 2007/08 is \$10,926.30 (including GST).

LEGAL IMPLICATIONS

Nil

CONCLUSION

As Council contributes significantly to Arts OutWest annually through the contribution agreed in the memorandum of understanding, it is recommended to Council that a delegate be identified so that the interests of the artists in the local community and the Council can be managed effectively.

ATTACHMENTS

1. Annual Report summary and Board reorganisation correspondence.

RECOMMENDATION

THAT Council nominate a delegate for Board membership of Arts OutWest.

ITEM:16 COMM - 06/08/2007 - CONSTITUTIONAL REFERENDUM REQUIREMENTS

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

NIL

SUMMARY

To advise Council of the requirements should it wish to alter its constitutional structure which would require a constitutional referendum to be called.

COMMENTARY

Councils were advised via a circular from the Department of Local Government (07-30 – copy attached) of the need to review the constitutional structure of the Council if there is to be a change to the current position of no wards and as a consequence the way in which councillors are to be elected, or a change to the current number of councillors or the manner in which the mayor is elected as part of the next general Local Government election to be held in September 2008.

Wards:

Council currently does not have a wards system in place. A determination to create wards would not come into effect until the September 2012 election and would require the running of a constitutional election. If the constitutional election was in favour of a wards system, Council would have to implement it with a further constitutional referendum required to remove the ward structure. There are specific restrictions on wards, the most limiting of which is that wards must be structured equally. The largest ward must not exceed 10% above the number of electors in the smallest ward. While the ward system can assist in having specific councillors dealing with certain areas of a local government area, the benefits of this approach are more truly identified in larger areas. The current approach of this council with all councillors able to represent all ratepayers is an effective model.

Number of Councillors:

The Council must, in accordance with section 224 of the Local Government Act 1993, at least 12 months prior to a general election, determine the number of councillors it wishes to have. If Council wishes to seek an alteration to the current level of nine (9) Councillors, it must do so via a constitutional referendum. Alternatively, Council must specifically resolve to retain the 9 positions if that is its determination on the issue.

Councillors may recall that the Local Government Amendment Act 2005 provided an opportunity for the reduction in the number of councillors without the need of a constitutional referendum however this was a one-off opportunity for a specified period ending June 2006 and the need for a constitutional referendum is therefore once again required to alter the number of councillors to be elected.

Election of the Mayor:

Council has utilised the method of councillors voting to elect the Mayor rather than the alternative of a popularly elected Mayor. If Council wishes to have the Mayor popularly elected, it must resolve to hold a constitutional referendum on this issue also.

Resolution to undertake a constitutional referendum or poll:

If Council does wish to create wards or to alter the number of councillors or the method of electing the Mayor, Council is required to specifically resolve that it intends to seek approval to conduct a constitutional referendum.

The General Manager must, in accordance with Section 274(3) of the Local Government (General) Regulation 2005, advise the Electoral Commission within 21 days of such a resolution.

On any matter other than those referred to above that require a constitutional referendum, Council may undertake a Council poll.

The same format for Council polls or referenda is prescribed by the Local Government (General) Regulation 2005 in Schedule 11. The format must be a question to which a yes or no answer can be given.

A constitutional referendum concerning the number of Councillors can not be held within the last 12 months of a term of the council (section 228(2) of the Local Government Act 1993).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Electoral Commission recently advised Council that the likely cost of the General Election in September 2008 would be in the vicinity of \$100,000. This is detailed in another report to this round of committee meetings.

The approach Council has taken of placing funds in reserve for known areas of expenditure in the future and doing this over time so that it is affordable, means that Council will have in the election reserve by the end of the 2007/08 year an estimated \$130,000. This has been achieved through the Council's active forward financial planning strategies of placing monies in the reserve from surpluses achieved in the 2006/07 quarterly reviews to top up what had been in the reserves at the end of the previous financial year.

This amount will likely cover the costs of the election with a buffer for contingencies and thus illustrates this approach's advantages for the overall long term financial management of the Council's resources.

A council poll or referendum would increase the costs of the election. It is difficult to put an accurate estimate on the cost of holding a poll or referendum in conjunction with the next election. City of Sydney Council estimated that a council poll would cost

approximately \$100,000 if run in association with a general election or \$750,000 if held in isolation.

LEGAL IMPLICATIONS

The Local Government Act and its associated Regulation specify how constitutional referenda and polls must be conducted.

CONCLUSION

Given the requirement to advise twelve (12) months prior to an election, Council must determine if it intends to seek a change to implement wards or to alter the manner of election for the Mayor or the number of councillors on the council.

ATTACHMENTS

1. Department of Local Government Circular 07-30

RECOMMENDATION

THAT:

1. Council resolve its position on the need or not of a ward system;
2. Council resolve the number of councillors;
3. Council resolve the manner in which the Mayor will be elected;
4. If Council wishes to change any one or more of the items in parts 1,2 and 3 then Council resolve these as the basis for a constitutional referendum;
5. Should Council determine its intention to hold a constitutional referendum, the General Manager be authorised to enact the necessary procedures to conduct the constitutional referendum;
6. Council determine if it wishes to undertake a Council poll at the September 2008 election on any other matter other than those referred to in items 1,2 and 3 above.

ITEM:17 COMM - 06/08/2007 - LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTION

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. WOOLLEY

REFERENCE

07-284: Council Meeting 16 July 2007

SUMMARY

Motions for the Local Government Conference to be held on 20-24 October and notification of voting delegates are required to be resolved by Council and advice of the outcomes needs to be submitted to the Local Government Association.

COMMENTARY

The resolution by Council at the Ordinary Meeting of Council on 16 July 2007 was that:

- “1. *Council formulate any motion it feels warranted.*
2. *Staff investigate the ability of seeking support from the LGSA for the 2 extra units at Mt Piper Power Station to assist in NSW Base load power supply.”*
(Min07-284)

Reviewing the guidelines for motions to be raised for the consideration of the Association at their conference indicates the following:

- Motions must be received by 10 August 2007;
- Motions must have been adopted by Council;
- Motions should seek to alter existing policy positions of the Association through deletion or addition of elements or to introduce new policy;
- Motions seeking to vary existing Association policy or to address new or emerging policy are classed as Category One and are debated at the conference
- Motions reaffirming existing policy, or calling for action on existing policy positions will be classed as Category Two and will be included in the Business Paper for the conference and will be debated at the conference only if they are brought forward by agreement at the conference. If not brought forward, they will be referred to the Association’s Executive for consideration;
- Motions need to be submitted in the specified format (shown below).

In light of the above, the following is recommended to Council as a variation to an existing policy position of the Association for debate as a Category One item at the October Conference:

MOTION1:

From: LITHGOW CITY COUNCIL

Subject: EXPANSION TO MOUNT PIPER POWER STATION

Motion text: That the Association seek State Government confirmation and commitment to an extension of the Mount Piper Power Station to assist in the management of the NSW Base load power supply.

Note from council: Council notes the Association's policy positions opposing nuclear power and on the need to ensure public ownership of infrastructure for water, electricity and sewerage assets. It is contended that the Policy position be amended to acknowledge the need for the support from the State Government to preserve, maintain and extend, where appropriate, existing infrastructure to ensure energy provision to communities in NSW and the base power load is adequate.

Details supporting the case:

The call to offer a position of support for the upgrade of Mount Piper Power Station, located 25kms from Lithgow, echoes the principles in the Association's policy positions and strengthens them by showing support for energy suppliers who commit to sustainable operations and investigation of electricity generation options for the future.

As important to the creation of new jobs brought on by the potential expansion of the Mt Piper facility is that energy generation is done within a framework aiming to manage energy generation impacts from an environmental perspective.

Council also promotes the inclusion in the Association's policy as a pointer to State Government that the obligation to preserve and extend on existing infrastructure is for the benefit of the broader community as a cost control process as well as supportive of sound assets management approaches.

The philosophies and commitments to transitioning in generation technologies towards sustainable, transitional and combined technologies from the Mount Piper plant has prompted a call for the Association's support to endorse existing services that have applied new technological options to the ongoing provision of energy supply to NSW communities.

MOTION 2:

Council may also wish to consider the inclusion of a motion on the issues raised in the chamber on several occasions with regard to declarations of pecuniary interest.

From: LITHGOW CITY COUNCIL

Subject: REVIEW OF REQUIREMENTS FOR THE DECLARATION OF INTEREST

Motion text: That the Association seek that the Local Government Act 1993 be amended so that Councillors declare interests annually to enable better operation of the Council and participation of Councillors in matters of significance.

Note from council:

The current processes of declaring an interest in a matter before a Council needs to be reviewed as too frequently Councillors are required to declare an interest and in some cases not participate in the debate.

Details supporting the case:

The difficulties of the current approach is borne out in the recent correspondence from the Department of Local Government detailing the processes Councillors must undertake to seek exemptions in order to determine the Council's own Local Environmental Plan.

As the principle planning tool, and with such significance to the communities Councillors represent, the need to declare and nominate the Lot, DP and addresses of properties that are owned or in which a councillor has an interest, or properties in which those nominated under s443 of the Local Government Act as associates of councillors, exemplifies the need for review of this component of the Act. For Councillors with large rural holdings this is onerous.

The need for councillors to vacate the chamber on matters such as the determination of an LEP or in the process of debate if, for example their employer is named without warning, restricts the ability of Councillors to participate effectively.

VOTING DELEGATES NOMINATION

Council is also 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 delegates will be so that the appropriate arrangements can be made.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The draft motions for the 2007 Local Government Association Conference is provided to Council for its consideration as well as identification of the need to identify the councillors who will be offered voting rights at the Conference.

ATTACHMENTS

NIL

RECOMMENDATION

THAT;

1. Council resolve to provide the motions in the report to be considered by the Local Government Shires Association for the October 2007 Conference;
2. Council resolve the three voting delegates for the conference.

COMMITTEE MEETINGS

**ITEM:18 COMM - 06/08/2007 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES**

REPORT FROM: COMMUNITY AND CULTURE MANAGER- P.HALL

REFERENCE

Min 06-54 Policy and Strategy Meeting 6 March 2006
Min 07-183 Finance and Services Committee Meeting 7 May 2007

SUMMARY

Attached are the Environmental Advisory Committee meeting minutes held on 13 June 2007 provided for Council's information.

COMMENTARY

Item 4 refers to the development of the Environmental Advisory Committee as a Section 355 Committee of Council. The Committee's role will be one of providing expertise and guidance on larger issues such as carbon credits, climate change and other higher level needs as opposed to operational matters.

Staff suggestions:

Council staff will investigate the financial implications of purchasing and operating Indian myna traps with a view of including such in September Quarterly review.

That groundwater be listed as an area of interest for the committee and a Street Tree sub-committee meet and discuss a sustainable street tree policy.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of Indian myna traps to be investigated and determined as an item for Council to consider in the September Quarterly Review

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Environmental Advisory Committee Meeting held on 13 June 2007.

RECOMMENDATION

THAT the minutes of the Environmental Advisory Committee held on 13 June 2007 be noted with consideration of the staff comments in this report to be actioned.

QUESTIONS WITHOUT NOTICE / URGENT BUSINESS

ATTACHMENTS