



LITHGOW CITY COUNCIL

“A CENTRE OF REGIONAL EXCELLENCE”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

18 JANUARY 2010

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

QUESTIONS FROM THE PUBLIC FORUM

PRESENTATIONS

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 14 DECEMBER 2009

DECLARATION OF INTEREST

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Councillor G Danaher - Central Business District Lithgow
Councillor McAndrew - Water Supply for the Lithgow LGA

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Regional Services Reports
Operation Services Reports
Community and Corporate Services Reports
Internal Services Reports

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

as identified by Clause 241 of the Local Government (General) Regulations 2005

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NOTICES OF MOTION

ITEM:1 **NOTICE OF MOTION - 18/01/10 - CENTRAL BUSINESS DISTRICT - LITHGOW - COUNCILLOR G DANAHER**

COMMENTARY

Previously at our Council Meeting in December 2009, we resolved an Economic Development Plan with a focus on upgrading our CBD amongst other issues [attached].

As we are aware the “presence” of our CBD is a critical measure of our reputation and image of our area, in particular shops that are not maintained punish not only the image of the area but have detrimental affect on other shopkeepers.

Councillors have often raised the issue of shops and buildings that are left in disrepair. A recent report on progressing action with the “old TAFE building” was met with strong support by Councillors and I believe the general public.

The merit of Council becoming proactive with lessees and shop/building owners to bring responsibility to the community is long overdue.

RECOMMENDATION

THAT Council identify shops buildings in the Lithgow CBD that are in need of upgrading, then identifying the issues with the buildings and reporting recommended actions to Council.

Signed:



Councillor G Danaher

Date: 5th January, 2010.

ITEM:2 NOTICE OF MOTION - 18/01/10 - WATER SUPPLY FOR THE LITHGOW LGA - COUNCILLOR W MCANDREW

Listed by Councillor WAYNE MCANDREW

DATE 7th JANUARY 2010

COMMENTARY

Water supply to ratepayers and residents of Local Government Areas is a critical and important issue now and into the foreseeable future. The Lithgow LGA is not exempt from these challenges as can be seen from the current Level 5 Water restrictions across all of the LGA.

It is important that Councillors specifically and the public more generally are aware of all matters relating to the supply of water to the LGA including but not limited to Dam Levels, Water usage, Water Saving schemes, alternative water sources etc.

RECOMMENDATION

THAT a specific agenda item be added for all Council Meetings that reports on the following matters:

1. CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON
2. CURRENT WATER USAGE FROM EACH SUPPLY
3. CURRENT WATER RESTRICTIONS UPDATE
4. WATER SAVING SCHEMES OR PROCESSES UPDATE
5. ALTERNATE WATER SOURCES UPDATE
6. CLARENCE TRANSFER SYSTEM UPDATE
7. ANY OTHER MATTER RELATING TO THE ISSUE THAT SHOULD BE REPORTED TO COUNCIL

Signed:

Wayne McAndrew

GENERAL MANAGERS REPORTS

ITEM:3 GM - 18/01/2010 - REVIEW OF COUNCIL OCCUPATIONAL HEALTH AND SAFETY (OHS) POLICY

REFERENCE

Min No 06-297 – Ordinary Meeting of Council 18 September 2006

Min No 09-382 – Ordinary Meeting of Council 14 September 2009

SUMMARY

At the Ordinary Meeting of Council held on 14 September 2009, Council resolved (Minute 09-382) as follows:

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

1. 9.14 – Occupational Health and Safety Policy

COMMENTARY

The Occupational Health and Safety Policy forms part of Council's overall OHS Management System and is based on the requirements of the OHS Act 2000 and its subsequent Regulation 2001. The OHS Policy is the only document within the OHS Management System that requires formal approval by Council. All other documents contained within the OHS Management System take the form of Standard Working Procedures and are managed by the General Manager.

The OHS Policy has recently been reviewed in consultation with the OHS Committee and Council Management to ensure that it is reflective of Council's current workforce and procedures in relation to OHS. The Policy has been altered to better reflect the responsibilities of Managers, Supervisors and Employees in relation to OHS and outlines in more detail the activities undertaken by Council that support Council's overall OHS objective.

The Policy was advertised for public comment for a period of 28 days with no submissions being received.

POLICY IMPLICATIONS

The Policy will include amendments as outlined.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The document has been placed on Exhibition for a period of 28 days as per requirements under the Local Government Act.

ATTACHMENTS

1. 9.14 – Occupational Health and Safety Policy

RECOMMENDATION

THAT having placed Policy 9.14 – Occupational Health and Safety on exhibition for 28 days that Council now ADOPT the revised policy.

ITEM:4 GM - 18/01/10 - MITCHELL CONSERVATORIUM INC - 2010 SCHOLARSHIP

REFERENCE

NIL

SUMMARY

Correspondence has been received from the Mitchell Conservatorium Inc in relation to the 2010 Scholarship.

COMMENTARY

Each year the Mitchell Conservatorium allocates a number of Scholarships to many of the Lithgow musical talents to support them in the adventure of learning music. The Conservatorium is a non-profit organisation offering music education to the community.

The Mitchell Conservatorium 2010 Scholarship auditions were held in November 2009 with 12 students applying for the scholarship.

The Executive Director of the Conservatorium advised Council that **Veronica Milroy** was awarded the **Lithgow City Council Scholarship** for 2010.

The 2010 Scholarship concert will be held on Sunday 28th March 2010 at the Lithgow Division building in Wyld Street, and Council is invited to attend.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Thank you letter from Veronica Milroy

RECOMMENDATION

THAT Council note that the Mitchell Conservatorium 2010 Scholarship has been award to Veronica Milroy.

ITEM:5 GM - 18/01/10 - COOINDA AGED PEOPLES HOMES INC

REFERENCE

NIL

SUMMARY

This report is to seek a delegate to represent Council on the Management Committee of Cooinda Homes for the Aged.

COMMENTARY

Lithgow Council is in receipt of correspondence from Lithgow Council in relation to a delegate being elected for the Management Committee of Cooinda Homes.

At the recent meeting of Management Committee, the resolution was passed that Lithgow City Council be asked to appoint a delegate to represent Council on this Committee.

Meetings will be held on every 3rd Wednesday of each month at 5.00pm.

Council currently has the following delegates to Tanderra Homes:

- Councillor Ray Thompson
- General Manager

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Note the report on the Management Committee of Coinda Homes for the Aged; and
2. Appoint a delegate to represent Lithgow Council on the Coinda Homes for the Aged Management Committee.

ITEM:6 GM - 18/01/10 - LOCAL GOVERNMENT COMPLAINTS

REFERENCE

NIL

SUMMARY

In November 2009 the Minister for Local Government issued information in relation to complaints against local councils in NSW. This information showed that there were 22 complaints against Lithgow City Council.

COMMENTARY

In November 2009 the Minister for Local Government, the Hon. Barbara Perry, issued a media release in relation to complaints against NSW councils in the 2008-09 period. The Minister indicated that "Information obtained from complaints can assist both councils and the Division in identifying and addressing emerging trends or areas of concern that need improvement." A summary of the various issues complained of are included in the attached information

Pleasing though is that of the 22 complaints made against Lithgow City Council 17 were declined by the Division. According to the Division of Local Government of the remaining five complaints three complaints required review/preliminary enquiries with Council; one related to a misbehaviour allegation; and the fifth was a pecuniary interest allegation.

Further information was sought from the Division on these statistics however the Division of Local Government advised that it could not provide further details.

As there has been no significant follow-up from the Division, other than initial inquiry, it would seem that the remaining five complaints have not progressed further.

POLICY IMPLICATIONS

Council has not been advised of any breaches in relation to policies. Improvements have been made to Council's complaints handling systems.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Two letters from DLG.

RECOMMENDATION

THAT Council note the information in relation to Local Government complaints in NSW for 2008-09.

ITEM:7 GM - 18/01/10 - COUNCIL MINUTES

REFERENCE

NIL

SUMMARY

This report is proposing to vary the detail in which Council Minutes are reported.

COMMENTARY

Currently the minutes of the meetings of the Lithgow City Council not only include the proceedings of the Council meeting but they also include the reports that were presented to Council meeting. This is a departure from normal practice for the completion of minutes.

The more accepted practice for the completion of the Council Minutes is to show the proceedings of the Council meeting excluding the reports. Some councils do record the Summary of the report and the Recommendation as well but not the entire Council report. The reprinting of the entire council report is superfluous to the minutes and in some cases errors have been made during the reproduction.

The following extracts of the Department of Local Government Meeting Practice Note 16, August 2009 are provided as a guide to the content of council minutes.

11.1 Contents of Minutes

11.1.1 Why and how should minutes be kept?

Section 375 of the Act requires a council to keep full and accurate minutes of a council meeting. A verified copy of the minutes should be kept for public inspection purposes (s.12 of the Act); for use in any court proceedings; and as a historical record. Councils will also need to follow requirements under the *State Records Act 1998* in regard to the keeping of minutes.

Ideally minutes and agenda will be published on the council's website.

11.1.2 What matters must be included in the minutes of council meetings?

The Regulation provides that the following matters must be included in the minutes of council meetings —

- Details of each motion moved at a council meeting and of any amendments (cl.254(a)).
- The names of the mover and seconder of each motion and amendment (cl.254(b)).
- Whether each motion and amendment is passed or lost (cl.254(c)).
- The circumstances and reasons relating to the absence of a quorum together with the names of the councillors present (cl.233(3)).
- The dissenting vote of a councillor, if requested (cl.251(2)).
- The names of the councillors who voted for a motion in a division and those who voted against it (cl.251(4)). Note that a division is always required when a motion for a planning decision is put at a meeting of the council (Section 375A of the Act).
- A report of the proceedings of the committee of the whole, including any recommendations of the committee (cl.259(3)).

The Act provides that the following matters must be included in the minutes of council meetings:

- The grounds for closing part of a meeting to the public (s.10D).
- The report of a council committee leading to a rescission or alteration motion (s.372(6)).
- The disclosure to a meeting by a councillor of a pecuniary interest (s.453).

11.1.3 What matters should be shown in the minutes of the closed part of a meeting?

Minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost (cl. 254 of the Regulation)

These details are required for both the open and closed parts of council meetings. Further information regarding the content of minutes of closed meetings and their publication are contained in paragraph 7.6 of this Practice Note.

11.1.4 What matters must be included in the minutes of committee meetings made up of councillors only?

Clause 266 of the Regulation requires full and accurate minutes to be kept of committee meetings made up of councillors only. The minutes must include at least:

Details of each motion moved at a committee meeting and of any amendments (cl.266(1)(a) of the Regulation)

The names of the mover and seconder of each motion and amendment (cl.266(1)(b) of the Regulation)

Whether each motion and amendment is passed or lost (cl.266(1)(c) of the Regulation)

The names of the councillors who voted for a motion for a planning decision and those who voted against it. Such voting must be conducted by way of a division (Section 375A of the Act)

The grounds for closing part of a meeting to the public (s.10D of the Act)

The disclosure to a meeting by a councillor of a pecuniary interest (s.453 of the Act).

11.1.5 How much detail should be shown in minutes?

Section 375(1) of the Act requires a council to keep full and accurate minutes of council meeting proceedings. Subject to legislative provisions and any directions from the council, it is up to the general manager to decide how much detail is to be shown in the minutes.

Although the minutes should contain enough detail to make the council's decisions understood, they are not meant to be a detailed transcript of council proceedings nor a record of the behaviour of individual councillors. However, when a council makes a decision against the recommendations of their officers or council engaged experts, it is considered best practice to minute the reasons for this. Minuting the reasons for council's decisions is particularly important when determining development applications against the recommendation of council officers. This can reduce the cost to councils of Land and Environment Court litigation, as well as achieving transparency and accountability in decision-making.

POLICY IMPLICATIONS

Clause 15 of Council's Code of Meeting Practice outlines the Council requirements of its minutes. The current practice exceeds those requirements and therefore no amendment to the Code shall be required.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Section 375 of the NSW Local Government Act 1993 requires:

375 Minutes

(1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.

(2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council concur with the proposed change to the recording of the minutes of the meetings of the Lithgow City Council to exclude the reproduction of the Council reports in the minutes.

REGIONAL SERVICES REPORTS

ITEM:8 REG - 18/01/10 - DROUGHT MANAGEMENT RESPONSES

REPORT BY: WATER AND WASTE MANAGER – CHRIS LANE

REFERENCE

Min 09-543 – Ordinary Meeting of 14 December 2009.

SUMMARY

This report provides an update and response to drought management issues.

COMMENTARY

At it's ordinary meeting of 14 December 2009 Council resolved the following.

09-543 RESOLVED

THAT:

1. Council adopt water restriction level trigger points, for consumers on the Farmers Creek water supply, in accordance with the following table.

Water Restriction	Dam Capacity 450ML
Level 4	As per existing points
Level 4a	60%
Level 5	50%
Level 6	40%
Level 7	20%

2. Water Restrictions move immediately to Level 5 and a water saving plan begin in the local government area with water saving measurers to be implemented.
3. A water education campaign be initiated to educate the community on water saving methods including water restrictions and penalties for breaching water restrictions.
4. A double sided flyer be letterbox dropped that provides information on all seven levels and what the current restrictions are.
5. An Additional emergency meeting with Centennial Coal be held in relation to this issue.
6. The use of water from Angus Place Coal Mine be investigated and if possible transferred to Farmers Creek storage.

The following information is provided in response to this resolution

1. Identification of Water Restriction Trigger Points

Water restriction trigger points have now been included as part of Council's drought management strategy.

2. Adoption of Level 5 Water Restriction

Level 5 water restrictions were introduced to consumers accessing water from Oakey Park Water Treatment Plant on 15th December 2009 as approved by Council at their December meeting.

3. The Water Education Campaign

Public education on water saving and water efficiency has commenced. Council's website now includes a weekly update on the Farmers Creek #2 Dam capacity, water saving tips for the home and garden, and the current water restrictions and penalties. Several media releases regarding water restrictions, Council's drought responses and initiatives have been issued and consequentially a number of print, radio and television items have repeated the water message. Advertisements have been placed in print and on radio regarding water restrictions. A radio campaign has been booked for January and February to not only educate on restrictions and penalties but also provide water saving tips.

4. Letterbox Distribution of Information Flyer

Preparations are under way for distribution by letterbox drop of a flyer that describes in detail what is permitted at each water restriction level.

5. Centennial Coal

On Thursday, 24th December 2009 a meeting with management with regard to the Clarence transfer system established that the mine is currently not consistently producing as much water as usual due to underground relocation, however, there still appears to be enough water produced on a regular basis to cater for both mine use and the Clarence Transfer system. Both Council and Colliery management have been looking at their respective issues to ascertain what can be done to ensure a consistent supply is provided by the Colliery and pumped by Council. Furthermore, the entire route from the settling ponds at Clarence to the Oakey Park Water Treatment Plant has been visually inspected. The flow below the swamp (where water is discharged from the system) to the dam is visible and has not been compromised by drought and very good flow was observed. A check for leaks in the pipeline route between the dam and the treatment plant was accomplished with only one leak apparent. It is in a difficult to access location on a rock ledge and Council Plumbers have managed to complete a repair.

In relation to the Clarence Transfer System itself, a flow meter has been installed and calibrated to accurately measure the water coming through the system rather than relying on pump capacity and pump run times which may be prone to error. The normal mode of operation of the pumps is duty and standby. Each pump is connected to a manifold which has a single outlet to the 300mm diameter pipeline connecting to the dam. Unfortunately, if both pumps were to be run at the same time the resulting backpressure in the line would significantly reduce their efficiency to the point where approximately only an additional 1ML /day may be able to be pumped. More importantly with both pumps running against the backpressure there is an increase in power consumption above the normal, an increase in operating temperature and a much higher risk of failure of both. This puts at risk the principle of having redundancy in the system for a critical failure.

The two pumps have recently been inspected. Whilst both pumps appear to be in good order, the flow rate has provided data to compare the actual (46L/s) - (ie 4.0mg/24hrs) versus original manufactured capacity (64L/s) - (ie 5.5mg/24hrs) of the pumps. There is a discrepancy equivalent of 18L/s and the most likely cause would be a worn impeller and this can be then re-machined. A new pump has been ordered to enable a changeover to occur without risk to interruption of water delivery. The old pump will be examined and repaired in the workshop before being placed back in service. A refurbished pump will be kept in store in recognition of the criticality of a possible failure.

In relation to Colliery Operations, Centennial officers indicate that whilst there still is adequate water produced, it is not on a consistent basis, which is reflected in some inconsistent pumping times for the transfer system. They are working on keeping their dam at a lower level so when they receive high volumes from underground the dam fills but doesn't spill to the Wollongambe Catchment. This should mean a more consistent supply to the Clarence Transfer System.

6. Angus Place Colliery Water Transfer

While the possibility of water transferred from old mine workings from this area has been examined in the past, a review of the practicality of achieving this will be presented to Council at a future meeting.

7. Water Restriction Removal

The role of temporary restrictions is essentially a targeted drought response option, which acts to reduce demand for water as storage levels decrease. Temporary restrictions therefore have implications for planning long-term water security options, as well as drought response options. A restrictions regime is used to refer to the schedule or framework of restrictions, comprising rules at different levels or stages, possible triggers for the introduction of different stages (for example, linked to dam levels), and any levels of service or reliability criterion.

Table 1

Water Restriction	Dam Capacity Trigger
Level 4	As per existing FRWS rules
Level 4a	60%
Level 5	50%
Level 6	40%
Level 7	20%

In order to manage the effects on demand once restrictions are lifted it is proposed to have a series of trigger criteria when the dam level is rising. Simply put, where the dam capacity percentage is 10% higher than the corresponding trigger restriction level then water restrictions can be eased down to a lower level.

Table 2

Water Restriction	Dam Capacity Trigger for Applying Restriction	Dam Capacity Trigger for Removal of Restriction
Level 4	As per FRWS rules	As per FRWS rules
Level 4a	60%	70%
Level 5	50%	60%
Level 6	40%	50%
Level 7	20%	30%

It is proposed the restriction conditions for Level 4 to Level 4a 1 be modified to better reflect water use irrigation efficiency good practice. Level 4a would be a water restriction set so that there would be a degree of transition between four hours watering per day with hoses (Level 4) and buckets only (Level 5). Level 4a would reduce watering for odd numbered houses Sunday, Wednesday and Friday and even numbered houses on Monday, Thursday and Saturday for one 2 hour period in the afternoon rather than the previously approved two 1 hour periods morning and afternoon. A lay day on Tuesday was chosen because statistically it is the highest demand day of the week and should deliver the greatest water savings. It is proposed that level 4a commence when the dam capacity falls to 60% or rises to 70%. As Council will be bound by the drought management procedures for the Fish River Water Supply, Level 4a would only apply to Farmers Creek consumers.

Current Restriction Situation

Table 3

Dam Capacity	Date
62%	29/12/09
63%	31/12/09
67%	4/01/10
68%	6/01/10
70%	11/01/10

Table 3 demonstrates that the proposed conditions required for moving from Level 5 to Level 4a have now been met.

Since the 15th December when the Level 5 water restrictions came into effect, the average daily water demand has been 3.6ML compared to 4.8ML for the previous period. This represents a 25% reduction in demand. However, for part of this time supply to Marrangaroo was sourced from the Fish River Water Scheme. Marrangaroo and its connections has a current daily demand of approximately 0.4ML. Prior to this there was a 4% reduction in demand which may represent the underlying improvement in water saving due to the water restrictions because the holiday closure of many businesses and the concurrent rainfall events may have been responsible for the reduction of 20% in daily demand. Also, Centennial Coal reduced activity during the Christmas-New Year period which meant the Clarence Water Transfer Scheme was able to pump continuously to the dam. This transfer alone was almost double the daily water demand during that week and has added 31.4ML to the dam which equates to 7% of capacity.

Fish River Water Scheme

The FRWS is supplied from Oberon Dam. On Monday, 11 January 2010 the level in Oberon Dam was 10.57%. This continues the recent steady decline of approximately 0.3% in capacity per week. FRWS have confirmed that level 6 water restrictions will apply to their customers automatically as soon as the dam level drops below 10%. When this occurs they will immediately issue e-mail alerts to their major customers, including Lithgow City Council. Unless inflows are received into Oberon Dam in the near future then Level 6 could happen in the coming weeks.

The impact of level 6 on domestic customers will be the requirement that all outdoor uses of water be sourced from reused water, bore water or tank water only. For public and commercial users, potable water usage is prohibited except with Council approval. In order to gain Council approval a business will have to provide and demonstrate that they have implemented a Water Efficiency Management Plan. Water sourced from reused water, recycled water, bore water or tank water is encouraged.

POLICY IMPLICATIONS

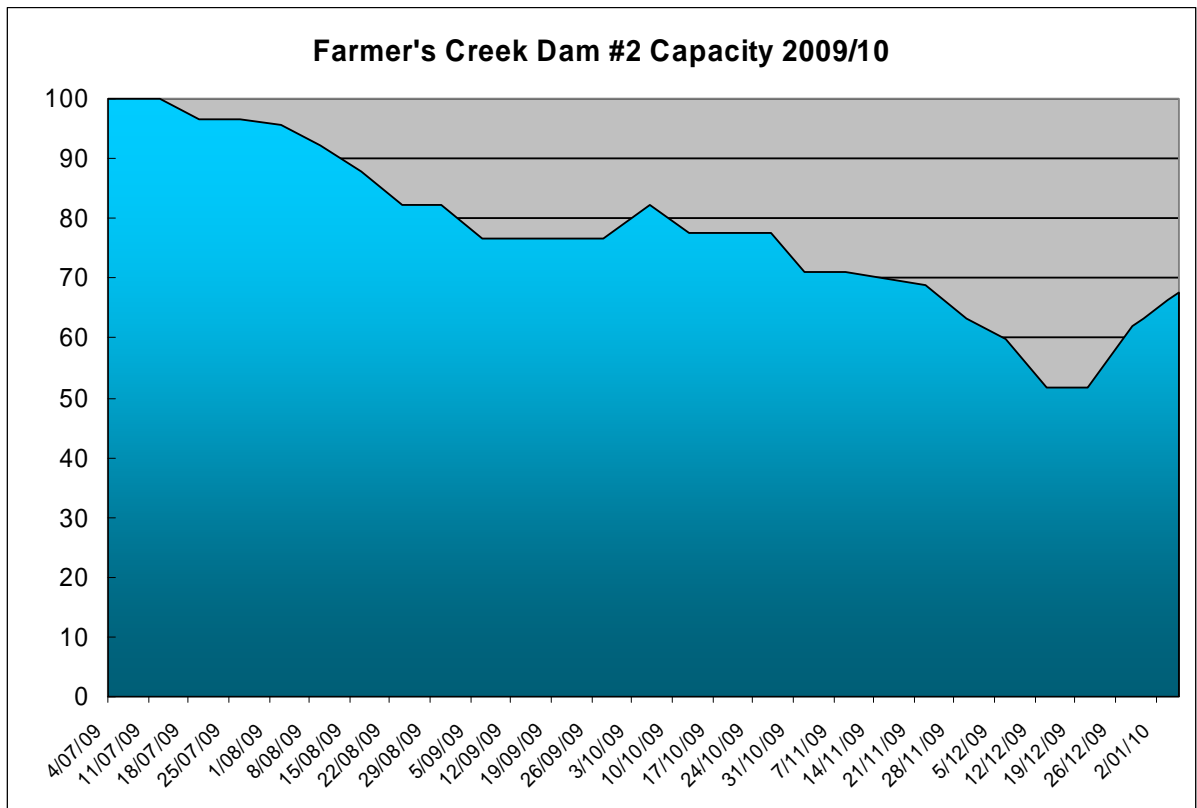
Sop 12.2 Water Restrictions - This Policy determines Council's response to non-compliance with water restrictions.

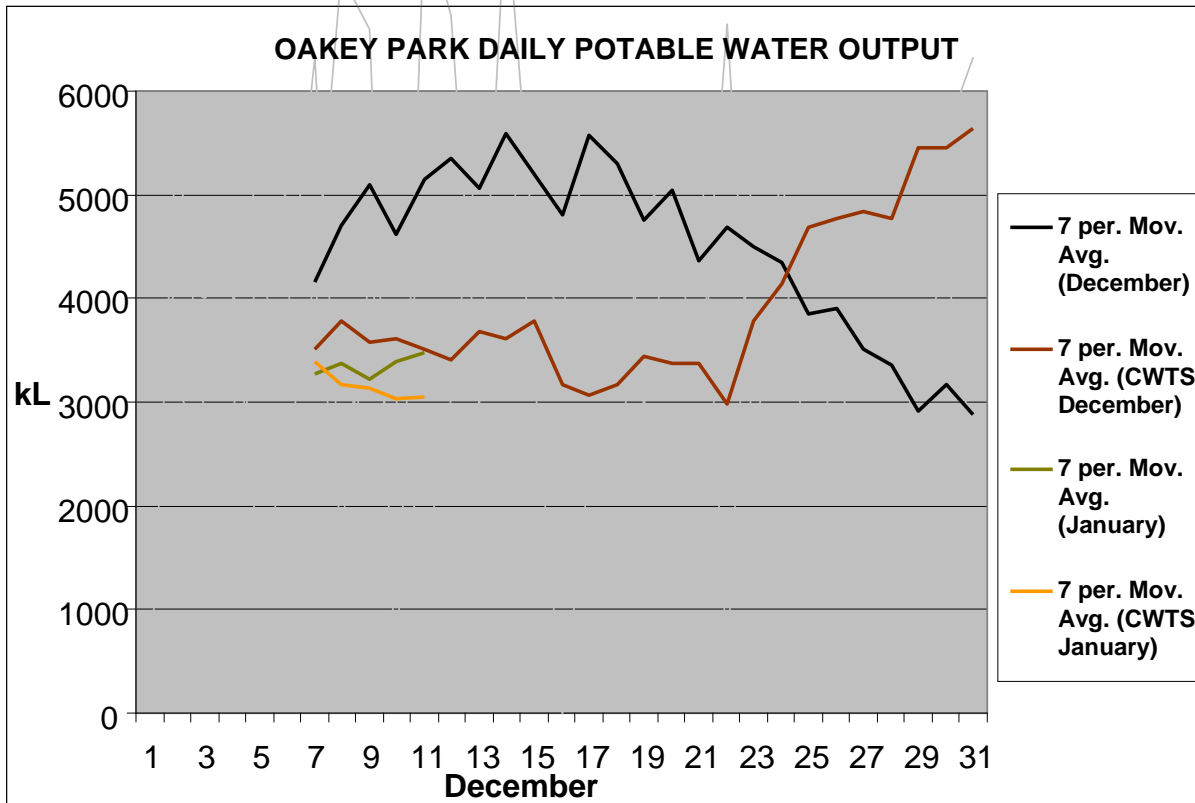
FINANCIAL IMPLICATIONS

There would be a financial impact to the 2009/10 water revenue budget estimate of \$1.02/kL due to variations in water consumption.

ATTACHMENTS

- 1.





**RECOMMENDATION
 THAT**

1. Council adopt water restriction level trigger points for consumers off the Farmers Creek water supply as contained in table 2.

Water Restriction	Dam Capacity Trigger for Applying Restriction	Dam Capacity Trigger for Removal of Restriction
Level 4	As per FRWS rules	As per FRWS rules
Level 4a	60%	70%
Level 5	50%	60%
Level 6	40%	50%
Level 7	20%	30%

2. Council adopt Level 4a water restriction conditions for consumers of the Farmers Creek water supply where Level 4a will permit garden watering with hand held hoses and microsystems for odd numbered houses Sunday, Wednesday and Friday and even numbered houses on Monday, Thursday and Saturday for one 2 hour period during the hours of 5 PM to 7 PM in summer and 4 PM to 6 PM in winter. All other consumer activity conditions that apply for Level 4 will apply for Level 4a.

ITEM:9 REG - 18/01/10 - CRYSTAL THEATRE MANAGEMENT COMMITTEE

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise on nominees to the Crystal Theatre Section 355 Committee, appoint members and adopt Terms of Reference.

COMMENTARY

Nominations have been called for the Crystal Theatre Management Committee in accordance with the draft Terms of Reference which provides the following representation:

Councillor membership:

- In September each year, the Council shall nominate 2 Councillor delegates for the Committee.
- Councillor Neville Castle and Councillor Col Hunter were appointed in September 2009.

Committee membership:

The Committee will be comprised of the following representation:

- 2 members from the Crystal Theatre Cinema Committee and 1 alternative
- 2 members from the Portland Art Purchase Society and 1 alternative
- 2 members of the community
- 2 Councillors as resolved by Council
- 1 member of Council staff and an alternate determined by the General Manager
- 1 member of the Portland Development Association and 1 alternative

Following advertising and notification of existing committee members, the following nominations were received.

Name	Representing a Group or Community a Community Representative
Cassandra Coleman	Art Purchase Society or Community
David Allen	Community
Maree Statham	Art Purchase Society
Jim Hudson	Not stated but Mr Hudson is known to be a member of the Cinema Committee

POLICY IMPLICATIONS

Applicable Policies are:

Policy 4.1 - COMMUNITY REPRESENTATIVES - APPOINTMENT TO COMMITTEES OR WORKING GROUPS

Policy 9.2 - APPOINTMENT OF MAYOR TO COMMITTEES

Policy 9.5 - COUNCIL MEETINGS – APPOINTMENT OF CHAIRPERSONS OF COUNCIL COMMITTEES / WORKING GROUPS

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Section 355 (b) & (c) of the Local Government Act provides that a function of a council may be exercised by a committee of the council, or partly or jointly by the council and another person or persons.

ATTACHMENTS

1. Draft Terms of Reference for the Crystal Theatre Management Committee.

RECOMMENDATION

THAT

1. Council formally adopt the Crystal Theatre Management Committee as a Section 355 Committee of Council and a Chairman be selected from the Councillor representatives.
2. The attached draft Terms of Reference be formally adopted.
3. Cassandra Coleman and Maree Statham be appointed as members representing the Portland Art Purchase Society.
4. David Allen be appointed as a Community representative.
5. Jim Hudson be appointed as a member representing the Crystal Theatre Cinema Committee.
6. The Portland Development Committee be advised that they may nominate a member to the Committee.
7. Further advertising take place seeking an additional Cinema Committee representative and Community representative.

**ITEM:10 REG - 18/01/10 - MAJOR PROJECT - RECYCLED EFFLUENT TO
LITHGOW GOLF COURSE**

REFERENCE

Nil

SUMMARY

To update Council on the project to provide recycled effluent to Lithgow Golf course and recommend a course of action.

COMMENTARY

A late report is to be provided in relation to this matter.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council receive a late report in relation to Major Project – Recycled Effluent to Lithgow Gold Course.

OPERATION SERVICES REPORTS

ITEM:11 OPER - 18/01/10 - TENDER PROCUREMENT FOR THE SUPPLY OF GOODS AND SERVICES

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

REFERENCE

NIL

SUMMARY

This report provides information regarding the tendering process pursuant to s167 of the Local Government (General) Regulation 2005, for the procurement of all goods and services.

COMMENTARY

Council is required by s55 of the Local Government Act to invite tenders by one of the following methods:

1. The Open Tendering method (s167) – Open to all suitably qualified contractors or suppliers to submit quotation for a specific good or service relating to the tender contract/s.
2. The Selective Tendering Method (s168) – Invitations to tender for a particular good or service are made through a formal public advertisement seeking expressions of interest filtering out the most suitable qualified contractor or supplier for the tender contract/s.
3. The Selective Tendering Method (s169) – Selection of recognised contractors or suppliers from a preferred criteria list adopted by Council are invited to tender a submission for the proposed contract/s.

The open tendering method (1) allows all interested parties to tender for a proposed contract following public advertising and the selective tendering process is a method by which invitations to tender for a proposed contract/s are made following public advertisement requesting for expressions of interest.

The recommendation is for Council to use the “Open Tendering Method” (1) pursuant to s167 of the Local Government (General) Regulation 2005. Tenders may be requested for the procurement of such items as:

- a. Road base construction materials
- b. Bitumen Sealing (Excluding the Centroc Contract existing with Boral)
- c. Reinforced concrete pipes and fittings
- d. Chemicals for treatment plants and pool
- e. Plant replacement

- f. External Plant Hire
- g. Legal Services
- h. Information Technology Replacement
- i. Stationary Supplies

Should it be considered more appropriate to use the selective tendering method for a specific purchase, a separate report will be presented to Council for consideration.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council adopt the “Open Tendering Method” (1) for future tendering procurements, pursuant to s167 of the Local Government (General) Regulation 2005, unless otherwise reported.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:12 COMM - 18/01/10 - DRAFT COMPANION ANIMALS POLICY

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

The draft Companion Animals Policy has been developed in response to the findings of a Promoting Better Practice Review undertaken by the Department of Local Government in 2007. The draft Companion Animals Policy, the first for Lithgow City Council, has been developed in accordance with the Companion Animals Act 1998 (NSW).

COMMENTARY

The objectives of the draft policy are to:

- Manage companion animals in partnership with the community and in accordance with the Companion Animals Act 1998 (NSW).
- Ensure a balanced approach to the effective management of domestic pets recognising the benefits, including improved health and quality of life, as well as the responsibilities of pet ownership.
- Use community education and behavioural change in preference to enforcement.
- Enforce the Companion Animals Act 1998 when necessary.
- Encourage microchipping, registration, picking up of litter and community safety.
- Take proactive measures to ensure that owners of Restricted Breeds and Dangerous Dogs comply with all relevant provisions of the Companion Animals Act and to strictly enforce sanctions when owners of Restricted Breeds and Dangerous Dogs allow dogs to enter prohibited areas such as playgrounds and childcare facilities or cause repeated damage to private property.
- Identify and promote suitable and sufficient off-leash parks and open space areas for dog exercise.
- Install and maintain clear signage and convenient dog-tidy stations in off-leash areas.
- Reduce the number of lost and wandering cats and dogs.
- Educate non-pet owners and children on animal behaviour and how to interact with other people's pets.

The draft policy will provide a policy framework for Council staff to consistently administer the provisions of the Companion Animals Act for the benefit of companion animals, their owners and the general public.

POLICY IMPLICATIONS

This Companion Animals Policy is a new policy for Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Draft Companion Animals Policy

RECOMMENDATION

THAT

1. Council endorses the attached Draft Companion Animals Policy and place it on public exhibition for a period of 28 days.
2. Following public exhibition, comments from the public be reported to the Council, including a recommendation for adoption of the policy.

ITEM:13 COMM - 18/01/10 - LEASE FOR LITHGOW GOLF CLUB

REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min 07-519: Policy and Strategy Committee, 3 December 2007
Min 05-09: Ordinary Meeting of Council, 27 January 2009
Min 09-162: Ordinary Meeting of Council, 20 April 2009
Min 09-301: Ordinary Meeting of Council, 13 July 2009
Min 09-351: Ordinary Meeting of Council, 24 August 2009
Min 09-399: Ordinary Meeting of Council, 14 September 2009

SUMMARY

This report recommends that public notice be given on the proposal to grant a lease over Lot 1 DP 840412, commonly known as the Lithgow Golf Course, for the purposes of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office. The report proposes that Council grants a lease to the Lithgow Golf Club Limited and that the proposal be advertised for public comment.

COMMENTARY

On the 27 January 2009 the Council resolved the following:

That a meeting be held as a matter of urgency with the Golf Club Management Committee to immediately put in place a long term lease agreement.

On the 24 August 2009, the Council adopted the Lithgow Golf Course Plan of Management which states:

This Plan of Management expressly authorises the provision of a lease and associated licenses over the golf course and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

On the 14 September the Council resolved:

- 1. a lease be put in place over Lot 1 DP 840412, commonly known as the Lithgow Golf Course and Club House.*
- 2. the Council identify the Lithgow Golf Club Limited as the preferred lessee.*
- 3. discussions be held with the Lithgow Golf Club Limited regarding possible conditions of a lease.*
- 4. a draft lease be put to the Council meeting at the next available date prior to the proposal being advertised for public comment.*

It is proposed that the lease be offered to the Lithgow Golf Club Limited.

It is proposed that the following conditions be included in the lease:

- The lease period be for five (5) years.
- The rent commences at \$5,000 and be subject to annual CPI increase.
- The golf club to undertake a minimum of \$5,000 maintenance on the golf club house each year.
- A service level agreement be negotiated annually.

It is proposed that a service level agreement be negotiated and reviewed each year between the Council and Golf Club outlining minimum works to be undertaken by both the Council and the Golf Club. The service level agreement will include provisions for works to be undertaken around the golf course on a volunteer basis by golf club members.

As per the Council Agenda Item 14 September 2009:

Sections 45 – 47A of the Local Government Act outlines the conditions and processes for granting of leases, licences or other estate in respect of community land.

It is permissible for Council to grant a 'lease, license or other estate' over community land, however, the Local Government Act 1993 (the Act) contains restrictions on the granting of such leases.

The Act states that community land cannot be leased or licensed for more than 21 years and must have a Plan of Management.

Sections 47A and 47 (1-4) of the Act apply to leases of five years or less. Section 47 (5-10) may apply at the Minister's request.

Section 47C of the Act allows subleases for the same purposes as the original lease.

Process

Sections 47 and 47A outline the processes to be undertaken should a lease be granted for five years or less.

Five years or less

s47A (1-3) and s47 (1-4) apply

- give public notice of the proposal
- exhibit notice of the proposal on the land to which the proposal relates
- notify owners/occupiers adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land 'is the primary focus of the persons enjoyment of community land'
- allow not less than 28 days for public submissions.

Any person may make a submission in writing to the council.

Council must consider all submissions made.

The proposal may be required to be referred to the Minister upon request.

Minister may determine if s47 (5-10) then applies.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Council provides an annual allocation for the on-going maintenance of the golf course in its Management Plan.

The lessee is currently required to pay rent which is \$2563.53 per annum. This is subject to CPI increase for the term of the lease.

Under the new agreement it is proposed that the following financial arrangements be put in place:

- The rent commences at \$5,000 and be subject to annual CPI increase.
- The golf club to undertake a minimum of \$5,000 maintenance on the golf club house each year; or provide \$5,000 towards maintenance. All works will be discussed with Council prior to being undertaken.

- A service level agreement be negotiated and reviewed each year between the Council and Golf Club outlining minimum works to be undertaken by both the Council and the Golf Club. The service level agreement will include provisions for works to be undertaken around the golf course on a volunteer basis by golf club members.

LEGAL IMPLICATIONS

Local Government Act 1993

ATTACHMENTS

1. Draft Lease between Lithgow City Council and Lithgow Golf Course

RECOMMENDATION

THAT:

1. The Council advertise the Draft Lease to the Lithgow Golf Club, for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47 A of the Local Government Act.
2. The lease period be for five (5) years.
3. The rent to commence at \$5,000 and be subject to annual CPI increases.
4. The Lithgow Golf Club be required to undertake a minimum of \$5,000 maintenance on the golf club house each year; or provide \$5,000 towards maintenance.
5. A service level agreement be negotiated and reviewed each year between the Council and the Lithgow Golf Club outlining minimum works to be undertaken by Council and the Lithgow Golf Club.
6. That the service level agreement includes provisions for works to be undertaken by members of the Lithgow Golf Club on a volunteer basis around the golf course and club house.

**ITEM:14 COMM - 18/01/10 - REVIEW OF LITHGOW LIBRARY BY STATE4
LIBRARY OF NSW**

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

This report is to inform Council of the outcomes of a review undertaken in 2009 by the State Library of NSW into the operations of the Lithgow Library and branch libraries.

COMMENTARY

Background

In early 2009, Council requested the State Library of NSW to undertake a review of the Lithgow and branch libraries to identify their strengths, any areas for improvement, how the Library services can continue to reflect community needs and to identify areas of potential for new and innovative services.

The context in which the review occurred was that the Lithgow Library had experienced significant change in recent years due to change of management staff, the establishment of the new Learning Centre, a reduction in funds available for collection replacement and changes in the general community and reading environment.

The State Library of NSW undertook the review, free of charge to Council. The review was undertaken through site visits, meetings with library staff and senior management and through analysis of library data.

The review was completed in August 2009 and a presentation of the major review findings was made by Mylee Joseph from the State Library of NSW at the Councillor Information session held on 7 December 2009.

Terms of the Review

The terms of reference for the review were:

- How the Library can best respond to the current limited funding environment, changing reading habits and tastes and the needs of its ageing and relatively low income community.
- Options for servicing communities remote from Branch Libraries including eg: housebound services, mobile services and deposit stations.
- Appropriateness of the current Library opening hours.
- A review of the library collection – particularly its age, relevance and ideas for future directions.
- Potential roles for volunteers in the Library.
- Library Internet / IT services offered by the Library. Use of the newer Web 2.0 technologies.
- The Library's Local History collections and possible local research archives.
- Learning City activities.

- Opportunities for developing partnerships with community, industry and educational groups.
- The staffing structure, roles and opportunities for staff development and training, including staff exchanges.

Findings of the Review

The review found that there were a number of positive and even exemplary features of the Lithgow Library and branch service as follows:

1. Buildings

Lithgow Library Learning Centre is used (by State Library and other libraries) as a case study of best practice - excellent site selection, creative reuse of the existing building, appropriate size of the facility etc.

Wallerawang has recently been refurbished, greatly improving the facility.

The review found that Portland Branch Library does not meet the standards. The premises are small and are located on two levels making the premises unsuitable for people with disabilities, frail older people and parents with prams.

Comment: Council staff have investigated alternative premises in Portland and it is possible that more suitable premises may be found in the first half of 2010.

2. Library Opening Hours

The total opening hours at the Lithgow Library and both branch libraries at Wallerawang and Portland meet the recommended standards.

Comment: It is proposed during 2010 that community consultation be undertaken on the current opening hours to assess demand for an alternative spread of hours.

3. Technology Centre

The review report congratulated Council on the provision of the Technology Centre facilities which clearly address needs in the community for access to the internet, word processing and other programs.

The provision of this service is clearly linked to the high visit numbers, drawing people to the Library.

The review report noted that the computers, including those at the branches, are included in Council's asset management program, ensuring that the technology remains current. This is an example of best practice.

4. Visits to Library Per Capita

The review found that visits to the Lithgow library and branches were 6.75 visits per capita per year as below.

- Lithgow 6.75
- Baseline 5.0
- Enhanced 5.6
- Exemplary 6.2

This demonstrates that the Library is highly valued by the community, Lithgow Library represents best practice in its building, has a highly used Technology Centre and good programming eg. storytime, exhibitions and displays.

This figure is above the exemplary standard which indicates an excellent return on Council's investment in the Library facilities.

The figures indicate that the community values the library and it is well used as both a community space and a technology access point.

The review also found that there are a number of areas of concern where Lithgow Library falls below, in some cases well below, the standard of other libraries.

1. Qualified Staff Members

The State Library standard is for libraries to have one qualified librarian for every 10,000 people, therefore Lithgow, with a population of about 20,000, should have two qualified Librarians. Lithgow has one.

2. Expenditure on Library Materials Per Capita

The review findings in relation to library materials are of most concern. Lithgow Council ranks lowest in NSW for expenditure on library materials per capita. Lithgow spends \$1.81 per capita on library materials which is well below the baseline per capita figure as follows. The baseline is the median across all NSW councils.

•	Lithgow	\$1.81
•	Baseline	\$4.14
•	Enhanced	\$4.66
•	Exemplary	\$5.47

The figure is extremely low and has a cumulative effect as books are worn quickly and the library cannot meet demand. Only 16.5% of the Lithgow collection has been purchased in the past 5 years. The baseline figure for the percentage purchased in the past 5 years is 51%.

Lithgow Council is spending less on library books for a population of approximately 20,000 than many smaller, drought ravaged communities like Bourke Shire Council are per annum.

The Review report makes the point that according to the Australian Bureau of Statistics *Index of Relative Socioeconomic Disadvantage*, Lithgow LGA is among the 10-20% most disadvantaged LGA's in NSW. Lithgow is characterised by:

- Low income households
- Youth unemployment
- Youth underemployment
- Low academic achievement

Library services are particularly important in communities with high levels of disadvantage where access to information and resources can assist the disadvantaged with education and employment pathways. Despite the growth in use by Library users of online services, demand for books remains high.

Further, Lithgow has an ageing population with the percentage of Lithgow residents aged 65 years and over to increase from 17% of the population to 26% by 2021 (9% increase)
Source: [LGSA Resource for Ageing Population Planning](#)

Older people read more and are more frequent visitors to public libraries, people over 65 visit libraries five times more a year than younger people.

Library materials' is defined as 'any book and non book material, including but not limited to videos, talking books, DVDs, computer games, toys, magazines, CDs, newspapers, CD-ROMs, maps, plans, manuscripts. Expenditure on licensed access to electronic resources is not included. This exclusion is made in line with the definition used in statistics collection for *Public Library Statistics*.

3. Library Expenditure Per Capita

The review found that actual library expenditure per capita for Lithgow is \$27.69 which is \$10.97 per capita below the baseline for library expenditure as compared across all local government areas in NSW. This level of funding is insufficient to meet the needs of the Lithgow community.

Library expenditure includes operating expenditure and library materials (print and non-print) expenditure by library service, and excludes all capital expenditure except library material.

'Eligible population' for per capita analysis is the population of the area/local government area served by the library service. Data is sourced from the *Public Library Statistics 2006–07* and the Australian Bureau of Statistics.

Conclusion

The review gives strong endorsement to some elements of the Lithgow Library service including the quality of the Lithgow and Wallerawang facilities, Library opening hours, the high usage of the facilities by the community and the quality of the Technology Centre. Council and Library staff are to be commended in these areas.

The review also found elements of the library that are well below acceptable standards, in particular the age of the library stock and low level of expenditure on library materials. The low level of expenditure on library materials dates back to 2004 when Council undertook the redevelopment of the Lithgow Library which involved taking out a large loan. Council applied for Minister for Local Government approval in 2009/10 to apply a portion of the Special Rate Levy towards the purchase of additional materials. This application was denied by the Minister for Local Government and unfortunately Council did not then allocate alternative funds for this purpose.

As a matter of priority, a substantial increase in funding for library materials will be sought in the 2010/11 budget.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

An additional budget allocation of at least \$48,000 will be required per year from 2010/11 to bring the library stock to a baseline standard of \$4.14 per capita. Due to the age of current library stock and the need to accelerate stock replacement, a further enhancement of \$5,000 (bringing the total additional budget allocation to \$53,000) will be required from 2010/11 for a period of 5 years.

Additional one-off funding of \$35,000 will be required in 2010/11 to upgrade the Portland Library to an acceptable standard, in line with Wallerawang library.

Additional recurrent funding for rental will be required from 2010/11 should alternative premises be located for the Portland Library.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Lithgow Library Learning centre Review 2009

RECOMMENDATION

THAT Council considers the allocation of the following funding in the 2010/2011 – 2014/2015 Management Plan:

1. An additional budget allocation of \$53,000 per annum for 5 years followed by an ongoing budget allocation of \$48,000 for the purchase of library stock to bring it up to a baseline standard.
2. One-off funding of \$35,000 for the upgrade of the Portland Library including replacement of shelving, furniture, counter and other possible maintenance.

**ITEM:15 COMM - 18/01/10 - MARKETING AND BRANDING COMMITTEE
MINUTES**

**REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE
LOLLBACK**

REFERENCE

NIL

SUMMARY

This report details the Minutes of the Marketing and Branding Committee Meeting held on 22 June 2009 and 3 August 2009 for Council adoption.

COMMENTARY

The Marketing and Branding Committee Meeting held on 22 June 2009 was the first meeting held. At the meeting the following items were discussed:

1. Terms of Reference
2. Project Brief

There were no recommendations to the Council from this meeting.

At the Marketing and Branding Committee Meeting held on 3 August 2009, the following items were discussed by the Committee.

1. Present and Apologies
2. Confirmation of Minutes from the Previous Meeting
3. Surveys
4. Action Plan
5. General Business

The minutes contain updates on the Marketing and Branding Committee with recommendations for Council.

Note a further meeting has been held on the 23 November but the minutes have yet to be adopted by the Committee.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Marketing and Branding Committee held on 22 June 2009
2. Minutes of the Marketing and Branding Committee held on 3 August 2009

RECOMMENDATION

THAT Council:

1. Notes the Minutes of the Marketing and Branding Committee held on 22 June 2009
2. Notes the Minutes of the Marketing and Branding Committee held on 3 August 2009 and that surveys for the market sectors of Councillors, Council staff, Community, Tourism and Economic Development as tabled were distributed
3. Adopts the information in the diagram outlining outcomes and methodology. (See attachment to Minutes 3rd August 2009)
4. Adopt the process as tabled at the Committee for the marketing components of Lithgow City Council Local Government Area, Lithgow City Council, Tourism and Economic Development. (see attachment to Minutes 3rd August 2009)

INTERNAL SERVICE REPORTS

ITEM:16 INTS - 18/01/10 - INTRODUCTION OF THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 FROM 1ST JULY 2010

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of the pending introduction of the Government Information (Public Access) Act 2009 (GIPA), from the 1 July 2010 including changes to various practices under the Freedom of Information legislation.

COMMENTARY

The Government Information (Public Access) Act 2009 (GIPA), will commence in early 2010. It will require government agencies to make information more freely available than they have in the past, as well as changes to current practices under Freedom of Information legislation.

The changes in the Act represent a significant shift in the direction of a more open, transparent and accountable government in NSW.

The GIPA Act creates new rights to information that are designed to meet community expectations of a more open government. It encourages the routine and proactive release of government information, including information held by providers of goods and services contracted by government agencies.

The GIPA Act applies to all NSW government agencies including State government departments, public offices and public authorities such as State owned corporations, courts, local and county councils, Ministers and their personal staff.

The Act defines four ways for the public to access government information:

- **Mandatory Disclosure**

Certain information must be published on an agency's website, free of charge and may include information such as:

- The agency's policy documents
- The agency's disclosure of formal access applications
- The agency's register of government contracts
- Current publications which describe the structure and function of the agency
- Documents of the agency that have been tabled in Parliament
- A record indicating the general nature of any open access information which has not been disclosed because of an overriding public interest.

- **Proactive Release**

Agencies are encouraged to take the initiative to release as much government information as possible, in an appropriate manner and free of charge (or at the lowest reasonable cost).

The program for the release of information will be reviewed at least every 12 months to identify information that should, in the public interest, be made publicly available (eg information regularly sought under access applications).

- **Informal Release**

Agencies are encouraged to release information without the need for a formal application, unless there are good reasons to require one.

- **Formal Access**

In limited circumstances, access to information will require formal access applications.

Division 5 of Part 3 of the GIPA Act sets out information on government contracts, worth in excess of \$150,000 that local councils must publish on their websites and in a government contracts register. This information includes the name of the contractor, the amount to be paid, details of the project, goods and / or services to be provided, or real property that will be leased or transferred.

A primary purpose of the GIPA Act is that staff, especially managers, need to understand that the Act creates a presumption in favour of disclosing information and it should only be withheld where there is an overriding public interest not to disclose it.

Training in relation to the requirements of the GIPA Act has been organised for staff in February and internal training will be progressively rolled out in April / May prior to the implementation of the Act on the 1 July 2010. Prior to this deadline Council will also review policies in relation to complaints handling, investigations, monitoring, auditing and reporting.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council note the report on the introduction of the Government Information (Public Access) Act 2009 from 1st July 2010.

ITEM:17 INTS - 18/01/10 - SUBMISSION TO THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL FOR COUNCILLORS AND MAYORAL FEES

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min 09-298 2009/10 Remuneration for Councillors and the Mayor

SUMMARY

To advise Council of correspondence received from the Local Government Remuneration Tribunal requesting submissions prior to the determination of fees payable to Councillors and Mayors for 2010/11.

COMMENTARY

Council has received advice from the Local Government Remuneration Tribunal that pursuant to Sec 243 of the Local Government Act 1993, the Tribunal will make its annual determination, no later than 30 April 2010 on fees payable to Councillors and Mayors, effective from 1 July 2010.

The Tribunal advise they will undertake a review of the minimum and maximum fees for each council category and consider submissions from individual councils in regard to the value and structure of fees. Submissions are to be returned to the Tribunal no later than 19 February 2010.

Council categories were last determined by the Tribunal in 2009 and in accordance with Section 239 of the Act, the Tribunal is required to review at least once every three years. It does not intend to undertake a review in 2010 but will do so during 2012.

The current council categories are as follows:

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

Lithgow falls within Category 4 and at the Ordinary meeting of 13 July 2009 Council adopted the Tribunals recommendation for an increase of 2.5% on fees paid in 2008/09.

Lithgow Council has historically adopted the annual recommended increase proposed by the Tribunal to ensure we maintain a level of remuneration which is in line with CPI.

Council may wish to continue this practice and consider the Tribunals recommendation each year but if this not the case a submission would be appropriate.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council note the Tribunals request for a submission to the remuneration payable to the Mayor and Councillors by 19 February 2010.

ITEM:18 INTS - 18/01/10 - COUNCIL INVESTMENTS HELD TO 31 DECEMBER 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min 09-299:	13 July 2009 (June 2009)
Min 09-354	24 August 2009 (July 2009)
Min 09-393	14 September 2009 (August 2009)
Min 09-459	02 November 2009 (September 2009)
Min 09-511	23 November 2009 (October 2009)
Min 09-548	14 December 2009 (November2009)

SUMMARY

To advise Council of investments held as at 31 December 2009 for the 2009/10 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 December 2009 when compared to 30 November 2009, has decreased by \$157,696.61.

INVESTMENT REGISTER 2009/10								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.09	VALUE 31.12.09	% OF TOTAL
ANZ	TD	17.08.09	12.02.10	179	4.00	513,587.03	513,587.03	3.06%
BANKWEST	TD	09.12.09	08.01.10	30	4.80	513,448.94	515,326.90	3.07%
	TD	23.11.09	07.01.10	45	4.70	508,099.23	508,099.23	3.03%
CBA	On Call				3.70	1,687,143.80	990,705.84	5.91%
	Ethical Nt	06.11.06	06.11.11	1,825	**	56,500.00	56,500.00	0.34%
	TD	03.12.09	04.01.10	33	4.62	0.00	500,000.00	2.98%
	TD	03.12.09	01.02.10	61	4.67	0.00	500,000.00	2.98%
CITIBANK	TD	24.11.09	24.02.10	90	4.93	509,259.46	509,259.46	3.04%
	TD	15.10.09	18.01.10	90	4.82	509,108.69	509,108.69	3.04%
	TD	23.09.09	23.12.09	90	4.50	505,547.95	0.00	0.00%
LGFS	On Call				2.90	7,159.79	7,159.79	0.04%
IMBS	TD	02.12.09	02.03.10	62	5.40	1,487,753.48	1,503,834.76	8.97%
	TD	03.11.09	01.02.10	90	4.09	930,226.32	930,226.32	5.55%
NAB	TD	10.12.09	10.03.10	90	5.07	1,020,645.04	1,024,000.59	6.11%
	TD	15.11.09	14.01.10	60	4.38	765,241.00	765,241.00	4.56%
WESTPAC	TD	15.09.09	15.02.10	150	4.81	1,013,526.03	1,013,526.03	6.04%
	TD	01.10.09	01.01.10	90	4.56	760,978.56	760,978.56	4.54%
	TD	04.09.09	04.02.10	150	4.79	750,000.00	750,000.00	4.47%
MACQUARIE	TD	19.11.09	15.02.10	88	4.90	2,040,663.01	2,040,663.01	12.17%
ST GEORGE	TD	19.11.09	19.06.10	200	5.20	758,294.37	758,294.37	4.52%
	On Call				3.20	47,589.17	47,723.14	0.28%
	TD	07.12.09	05.02.10	60	5.00	255,841.10	257,579.42	1.54%
	TD	02.12.09	01.02.10	61	4.75	750,000.00	757,397.26	4.52%
SUNCORP	TD	07.12.09	07.01.10	30	4.97	1,018,865.13	1,026,773.14	6.12%
	TD	17.12.09	17.03.10	90	5.28	516,699.85	522,496.80	3.12%
			TOTAL			16,926,177.95	16,768,481.34	100.00%

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 31 December 2009 is \$278,830.98 of an estimated \$525,000.00 which is shown in the 2009/10 Management Plan. Interest is paid on the maturity date of the investment.

** The interest on the CBA Ethical note is subject to the global financial markets and therefore interest is subject to change.

LEGAL IMPLICATIONS

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

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

RECOMMENDATION

THAT Investments of \$16,768,481.34 for the period ending 31 December 2009 be noted.

COMMITTEE MEETINGS

ITEM:19 COMM - 18/01/2010 - TOURISM ADVISORY COMMITTEE MINUTES

REPORT BY: ACTING TOURISM MANAGER – KELLIE BARROW

REFERENCE

Min No 09-234 – Ordinary Meeting 1 June 2009
Min No 09-338 – Ordinary Meeting 3 August 2009
Min No 09-381 – Ordinary Meeting 14 September 2009
Min No 09-338 – Ordinary Meeting 14 September 2009
Min No 09-463 – Ordinary Meeting 2 November 2009
Min No 09-464 – Ordinary Meeting 2 November 2009
Min No 09-515 – Ordinary Meeting 23 November 2009

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 1 December 2009 for Council adoption.

COMMENTARY

At the Tourism Advisory Committee Meeting held on 1 December 2009, there were (10) ten items discussed by the Committee.

1. Present and Apologies
2. Confirmation of Minutes from the Previous Meeting
3. Business Arising from Previous Minutes
4. Tourism Marketing and Branding Survey Results
5. World Heritage Wonder Pass and Lithgow Visitors
6. "Seeing the Gardens" Gardens of Stone Stage Two Park Proposal
7. Assessment of Attractions
8. Tourism Manager's Report
9. World Masters Games - Orienteering
10. General Business

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Tourism Advisory Committee held on 1 December 2009

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on 1 December 2009.
2. Supports the design concepts for the Lithgow Visitor Guide and supports an A4 sized publication.
3. Notes that the Committee recommended that Council receives a presentation from the Blue Mountains Conservation Society at a Council Meeting on the *Gardens of Stone Stage Two Park Proposal* and the *Seeing the Gardens ... the other Blue Mountains Report* regarding tourism in the Gardens of Stones Stage Two area and that a report was presented to the Ordinary Meeting of Council held on 14th December 2009 at which members of the Society were present.

ITEM:20 COMM - 18/01/10 - LITHGOW FLASH GIFT COMMITTEE MINUTES - 2ND DECEMBER 2009

REPORT BY: ACTING TOURISM MANAGER – KELLIE BARROW

REFERENCE

Min No 09-235 – Ordinary Meeting 1 June 2009.
Min No 09-305 – Ordinary Meeting 13 July 2009.
Min No 09-462 – Ordinary Meeting 2 November 2009.
Min No 09-514 – Ordinary Meeting 23 November 2009.

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee held on 2 December 2009 for Council adoption.

COMMENTARY

At the Lithgow Flash Gift Committee meeting held on 2 December 2009, there were (6) six items discussed by the Committee.

- 1.Sponsorship update
- 2.NSW Athletics League update
- 3.Little Athletics update
- 4.Regional Flagship Funding Update
- 5.Action list
- 6.General business

The minutes contain updates on the Lithgow Flash Gift Committee.

The minutes were electronically distributed and were electronically endorsed by three (3) committee members.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Lithgow Flash Gift Committee held on 2 December 2009

RECOMMENDATION

THAT Council notes the minutes of the Lithgow Flash Gift meeting held on 2 December 2009.

ITEM:21 OPER - 18/01/10 - LITHGOW AQUATIC CENTRE COMMITTEE MEETING

REPORT FROM: ACTING GROUP MANAGER OPERATIONS – IAIN STEWART

REFERENCE

Nil

SUMMARY

To advise Council of the outcome of the Aquatic Centre Committee Meeting held on Tuesday, 15 December 2009.

COMMENTARY

CURRENT PROPOSED AQUATIC CENTRE FACILITY.

Discussions regarding the proposed Aquatic Centre Facility.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of Aquatic Centre Meeting.

RECOMMENDATION

THAT:

1. Council note the minutes of the meeting of the Lithgow Aquatic Centre Committee held on 15 December 2009.
2. Council note that a grant application under RLCIP is to be submitted in relation to the proposed Lithgow Aquatic Centre.
3. In order to finalise the estimates of cost, a consultant be engaged to prepare concept plans and up-to-date estimates of cost to support Council's application under the RLCIP Programme for funding.

BUSINESS OF GREAT URGENCY

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

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

Late

Reports

**ITEM LATE REPORT - REG - 18/01/10 - DEVELOPMENT AND
CONSTRUCTION CERTIFICATE 216/09 - REPLACEMENT
OF SAND BASED HOCKEY TURF - ALBERT STREET
LITHGOW**

REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR

SUMMARY

To advise council of the submission of a Development/Construction Certificate Application No.216/09 for Lithgow City Council and recommend approval.

COMMENTARY

An application has been received on behalf of Lithgow City Council for the replacement of the sand based hockey turf with a water based installation at Glanmire Oval on Lot 45 DP 171939 No.33 Albert Street, Lithgow.

Site works commenced 18/1/10 involving excavation works only and can proceed prior to consent being issued.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is Lithgow City Council must be referred to council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

ATTACHMENTS

A detailed planning report prepared pursuant to the provisions of Section 79 of the Environmental planning and Assessment Act is attached.

RECOMMENDATION

A. THAT development application DACC 216/09 be approved subject to the following conditions.

Administrative Conditions

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

Sydney Catchment Authority

2. The site layout and works are to be as specified in the Statement of Environmental Effects and as shown on the Site Plans (DWG Nos 02 to 08; dated Nov 2009) both prepared by Lithgow City Council;

3. The existing synthetic turf and the sand is to be disposed off site as specified in the Statement of Environmental Effects by Lithgow City Council;
4. All wastewater from amenities must be connected to the reticulated sewerage system. There is to be no on-site wastewater management or effluent disposal on the site;
5. All stormwater management measures including rainwater tank/s and irrigation system are to be implemented as specified in the Statement of Environmental Effects and as shown on the site plans (DWG Nos 04 to 07; dated Nov 2009) both prepared by Lithgow City Council. Overflow from the rainwater tank/s is directed to the stormwater drainage system;
6. Effective erosion and sediment controls are to be installed prior to any construction activity. The controls must prevent sediment leaving the site and are to be regularly maintained and retained until works have been completed and groundcover established.

Traffic and Access

7. Existing security fencing must be utilised in order to restrict access to the site during hours of work.
8. Wherever possible, access will be gained through existing, established access points
9. Where access is required to cross open space, movement will be confined to one route to minimise impacts on surrounding land.
10. Access tracks will need to be designed to minimise erosion impacts, such that run-off is diverted to appropriate drainage paths, avoiding concentration of flow where possible.
11. Vehicle movements will be restricted to the designated access tracks only, unless preapproved.
12. If required, Sports Technology International will need to ensure that all deliveries to the site will be the subject of a suitable Traffic Management Plan, including traffic management controllers to ensure safe passage on and off the site. Once on site, all delivery vehicles will be subject to Sports Technology International Site Traffic Management Plan.

Waste Management

Solid Waste

13. All waste materials are to be collected and transported off-site for disposal at an appropriate licensed disposal facility, with no waste materials disposed on site.
14. Waste disposal containers will need to be provided for collection of all waste materials generated during construction.
15. All waste containers must be emptied at appropriate frequencies to avoid the bins becoming full and overflowing
16. Green waste from vegetation clearance must be stockpiled and either mulched for on-site rehabilitation where practical or disposed off-site
17. Any waste oils and/or hazardous substances must be collected and contained in a bunded area or container prior to off-site disposal or recycling. The collection area must be sized to store sufficient containers such that off-site transport and disposal is most efficient, i.e. minimising the number of trips required whilst also minimising the potential environmental and safety hazards associated with storing the waste materials.

18. Hardened paints and resins may be disposed at an off-site landfill once in solid form.

Liquid Wastes

19. All liquid wastes must be collected and transported off-site for disposal at an appropriately licensed disposal facility. There should be no on-site disposal of wastewater.
20. A licensed liquid waste transporter is required to transport effluent, chemicals and other liquid wastes.
21. Effluent from the construction office(s) ablutions must be collected in a tank and periodically pumped out by a licensed contractor for disposal off-site, or in an installed septic system. Effluent must be disposed off in accordance with requirements of the Department of Environment, Climate Change and Water.

Construction

22. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
23. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - Stating that unauthorised entry to the work site is prohibited and
 - Showing the name, address and telephone number of the principle certifying authority for the work.
24. The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
25. All work on site shall only occur between the following hours:
- | | |
|----------------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
| Sunday and public holidays | No work |
26. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

REASONS FOR CONDITIONS

To protect the environment.

To ensure construction and operation of development is undertaken with minimal impact to the locality.

To prevent, minimise, and/or offset adverse environmental impacts.

To provide for the on-going environmental management of the development.

To ensure orderly development to the site.

To facilitate the manoeuvring of vehicles.

To maintain the amenity of the local area.

To ensure there is no unacceptable impact on the water quality.

To ensure appropriate management of traffic.

To ensure adequate soil conservation and protect against movement of soil and sediments.

To ensure adequate provision of community and recreation facilities.

B. DIVISION

A Division be called in accordance with the provisions Sec 375A(3) of the Local Government Act, 1993.

ITEM LATE REPORT - REG – 18/01/10 – RECYCLED WATER MANAGEMENT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise Council on the project to provide recycled effluent within the Local Government Area through the initial development of a Recycled Water Management Plan.

COMMENTARY

Council has received an Australian Government commitment to provide funding of up to \$350,000 for the Lithgow Golf Course Recycled Water Project under the *Water for the Future – National Water Security Plan for Cities and Towns* and a further \$50,000 from the Australian Government *Community Water Grants Program* (CWG) to assist in the transfer of treated effluent from the Lithgow Sewage Treatment Plant to the Lithgow Golf Course for irrigation purposes on the course. This specific project is being developed further as the funding available is still not sufficient for completion at this stage.

However, one major outcome from the Recycled Effluent to the Lithgow Golf Course Project is the need for the development of a Recycled Water Management Plan (RWMP). A RWMP is required to be developed before the commencement/approval of any Recycled Water/Effluent Re-use System and is necessary for the golf course project to proceed. The development of this plan would then enable Council to extend the effluent re-use network to irrigate sporting fields and parks. If such a plan is adopted by Council as policy it would apply to the entire LGA and subsequent minor amendments to include these additional areas could then occur with minimal cost

Whilst the production of a RWMP is costly (estimated at \$240,000) it is both necessary for the Golf Club Project and can be easily adapted to develop further projects, for example to Council playing fields. The development of such projects would be expected to generate significant savings in potable water which would not longer need to be applied.

POLICY IMPLICATIONS

Policy 1.4 – Tendering would apply to the engagement of consultants to prepare the RWMP as the work would be in excess of \$150,000.

Also, if a RWMP is adopted by Council as policy it would apply to the entire LGA and subsequent minor amendments to include these additional areas could then occur with minimal cost. If Council proceeds, it would be proposed to present the final plan to Council for adoption as Policy.

FINANCIAL IMPLICATIONS

The development of a RWMP is expected to cost in the vicinity of \$240,000. This is not currently budgeted for nor contained within the current Management Plan. If Council chooses to proceed it would need to allocate funds. It should be noted that without the production of the RWMP, the treated effluent to Lithgow Golf Course project could not proceed and Federal Government funding up to \$400,000 would be foregone.

If significant capital expenditure is to occur on projects involving recycled effluent then it would be anticipated that some revenue through the 'sale' of recycled water would be achieved as well as savings in load based licence fees. However, it is difficult to quantify revenue and savings at this stage.

LEGAL IMPLICATIONS

A RWMP is required to be submitted with an application for approval under Section 60 of the *Local Government Act 1993* for the transfer and use of recycled effluent on any land within the Local Government Area.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council reallocate \$240,000 from Sewer Fund at the March Quarterly review toward the preparation of a Recycled Water Management Plan.