



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

02 AUGUST 2010

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 12 JULY 2010

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS

NOTICES OF MOTION - NIL

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Regional Services Reports
Operation Services Reports
Internal Services Reports

COMMITTEE MEETINGS

Environmental Advisory Committee
Economic Development Advisory Committee
Tourism Advisory Committee
Lithgow Indoor Aquatic Centre Advisory Committee
Traffic Authority Local Committee
Crystal Theatre Management Committee

MAYORAL MINUTES - Confidential Report - General Managers Mid Term Performance Review

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM:1 GM - 02/08/10 - LOCAL GOVERNMENT ASSOCIATION OF NSW
ANNUAL CONFERENCE 2010

REFERENCE

NIL

SUMMARY

The Local Government Association is an association of councils representing metropolitan and large regional councils to provide leadership and advocacy for the benefit of the community. Over 600 delegates from member councils as well as representatives of County Councils meet to discuss and set policy for the coming year.

Albury City Council will host the 2010 LGA Conference from Sunday 24 to Wednesday 27 October 2010.

Councils are invited to submit motions to the Conference for consideration.

COMMENTARY

Together, the [Local Government Association of NSW \(LGA\)](#) and the [Shires Association of NSW](#) represent 152 general purpose councils as well as about 13 special purpose councils. Regions of NSW Aboriginal Land Council are also eligible to be members of the LGA. The Associations represent the views of these councils by:

- Presenting councils views to governments
- Promoting Local Government to the community
- Providing specialist advice and services.

Councils can choose to be members of either Association. Some Councils choose to be members of one association and an associate member of the other. Lithgow City Council is a member of the LGA and an associate member of the Shires Association.

Each Association has its own elected Executive headed by a President, which meets every two months and holds an annual conference where members are able to vote on issues affecting Local Government. The Annual Conference is the supreme policy making event for each Association.

Each Association holds an annual conference to consider policy position for the coming year. This years LGA Annual Conference will be hosted by Albury City Council from Sunday 24 to Wednesday 27 October 2010.

Councils are able to send delegates and observers to the Conference. Last year Council appointed three (maximum Lithgow allocation) voting delegates plus an observer. These included the Mayor plus Councillors Marshall and Hunter with the General Manager as an observer.

Councils are also invited to submit motions to the Conference for consideration.

Motions

Motions to be presented to this year's Conference must be received by the LGA by 5.00pm on Monday 9 August 2010 to meet business paper production deadlines. All motions submitted must be adopted by the respective council before submission to the Association.

Motion template

Each motion should be submitted using the template and named by Council and Motion Issue and should be emailed directly to the Local Government Association utilising the template available.

All motions are categorised either Category 1 or Category 2.

Councils may submit any motion, however, to be considered a Category 1 motion, and placed before the Conference for consideration, a motion:

- MUST relate to one of the identified conference issues/themes, and,
- MUST NOT attempt to enforce one council's position on other councils, and
- MUST NOT cause detriment to one council over another, and
- MUST deal with the issues/themes at a regional/state or national level (i.e.: the motion must not be a single council issue)
- MUST address the conference theme of "Modernising Local Government"

Themes for the 2010 Conference

1. Modernising the Financing of Local Government
2. Modern Approaches to Community Wellbeing, and,
3. Modern Approaches to the Natural & Built Environment

1. Modernising the Financing of Local Government

Motions should deal with the proper and adequate financing of local government into the future. Motions must aim to extend, enhance or replace current policy positions.

Note: motions should not deal the removal of rate pegging, a fairer share of national taxation revenue or banning cost shifting as these are already established LGA policy positions).

Topics could include:

- New revenue raising mechanisms (fees, charges, taxes);
- Rating reform (other than removing rate pegging);
- More effective mobilisation of local revenues;
- Land valuation methodology options;
- Alternative financing models;
- More cost effective ways of delivering infrastructure and services;
- Removal of fiscal impediments (other than rate pegging);
- Reform of intergovernmental fiscal relationships;
- Improvements to long term financial planning and asset management;
- Identifying future financial requirements;
- Funding structures to support a modernized local government sector.

2. Modern Approaches to Community Wellbeing

Motions under this theme should cover innovations to NSW Local Government's legislative, administrative or program settings that support local communities. They should relate to significant changes to:

- Social planning and cultural planning (integrating social justice with community strategic plans, social impact assessment);
- Community development and community cultural development (developing vibrant involved communities; sustaining a sense of neighbourhood in living suburbs);
- Community services (welfare or development services for various age or target groups like community halls and neighbourhood centres, ageing and disability services, women's services, youth services and children's care and education services; access for Aboriginal and Torres Strait Islander Peoples);
- Cultural services (contemporary public libraries, art galleries, performing arts centres, museums, public art, community arts, celebrations, new media and digital arts);
- Health protection and promotion (regulatory activities reducing public health risks; promoting healthy lifestyles; immunisation, early childhood health centres or rural medical services);
- Recreation facilities and services (open space; gardens, playgrounds, sports facilities);
- Safe and secure environments (crime prevention activities, crime prevention through environmental design in council plan making);
- Community economic development; and
- Social policies and programs of other spheres of government that impact Local Government.

3. Modern Approaches to the Natural & Built Environment:

Motions under this theme should cover environmental, natural resource management and land-use planning issues which come within the charter of Local Government. They include:

- Minimising the negative impacts of consumption and waste generation, and bringing about a more equitable allocation of responsibility for these impacts to organizations in the production chain;
- Pursuing more responsible, sustainable management of natural resources;

- Furthering the efforts of local councils to enhance the ecological, social and economic sustainability of their communities, and natural and built environments;
- Resourcing councils adequately to enable them to fulfill their charter under the Local Government Act (section 8.1) "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which (they are) responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development";
- Preparing and equipping councils to deal with the challenges posed by climate change;
- Improve the planning system so that it is better informed, transparent and more reflective of local and regional aspirations;
- Improve the planning system to achieve superior social, economic and environmental outcomes (i.e. including social justice; equitable access to housing, employment);
- Reform the relationships between Australian, NSW and Local Government in relation to local and regional planning (applying the principle of subsidiary); and
- Better integrate land use and infrastructure planning.

Motions which do not comply with the guidelines will be determined to be Category 2 and will be referred to the Executive for action prior to the Conference. This meeting is scheduled for Friday 15 October 2010.

Late Motions

Late motions will be received up to close of business **FRIDAY 8 OCTOBER 2010** and will be published in the LG Weekly on **FRIDAY 15 OCTOBER 2010**.

Late motions will be categorised using the same methodology as motions received prior to the cut off date.

Only Late Motions which are determined to be Category 1 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates.

No late motions will be accepted at the Conference

Draft Motion

A possible motion for the Conference from Lithgow could be in relation to the maintenance of unoccupied premises:

That the LGA lobby the NSW Government for increased and more streamlined powers to allow local councils to require owners and occupiers of commercial premises to improve the cleanliness and appearance of neglected shop fronts.

Supporting Details

From time to time Council receives complaints in relation to the cleanliness and appearance (e.g. boarded up windows) of various commercial premises, but typically vacant premises.

These complaints usually relate to the visual appearance of the premises and also often relate to rubbish being strewn throughout the premises or that windows are boarded up. In turn this leads to a perception that the general area is unkempt and is unpleasant.

Whilst local councils may have some powers pursuant to section 121B of the Environmental Planning and Assessment Act these are limited; unwieldy; and a property owner who is aware of the provisions can drag out any requirement to take action which is time consuming and frustrating for Council's and communities.

Section 121B of the EP& A Act only allows an Orders process to be initiated when "a building is or is likely to become a danger to the public or a building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood". Experience has shown that the test prove 'dilapidation' and subsequent 'prejudicial impact' are not always straight forward and the decision of the State Government to remove the provision to allow councils to pursue the owners of 'unsightly premises' has severely restricted the ability of local councils to take timely and meaningful action.

Local councils need greater powers to be able to deal with these types of situations and powers need to be streamlined to allow actions to occur in a timely manner. With this in mind the following motion is submitted:

1. The provision to allow councils to initiate an orders process against the owners of 'unsightly' premises be re-inserted into the legislation.
2. That a system be introduced whereby councils do not have to apply to the court for an Order to carry out the original order served by a council. This only adds another step in the process and creates costs and time delays. Therefore, if a council's order has not been complied with (and the owner has not appealed) then the Court should automatically be able to hold the owner in 'contempt' and impose a daily monetary penalty until the order is complied with.

POLICY IMPLICATIONS

An opportunity for Council to influence NSW Local Government Association Policy.

FINANCIAL IMPLICATIONS

Costs of attending the conference. No details are available at this point.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. LGA Motions Template.

RECOMMENDATION

THAT Council:

1. Note the report on the 2010 NSW Local Government Association Annual Conference;
2. Appoint three councillors, one of whom is the Mayor, as voting delegates to the Conference; and
3. Identify motions for submission to the Conference

**ITEM:2 GM - 02/08/2010 - REGIONAL AND LOCAL COMMUNITY
INFRASTRUCTURE PROGRAM (RLCIP)**

REFERENCE

Min No 008/246: Ordinary Meeting of Council 15 December 2008
Min No 11/09: Ordinary Meeting of Council 27 January 2009
Min No 09/80: Ordinary Meeting of Council 23 February 2009
Min No 10/61: Ordinary Meeting of Council 1 March 2010
Min No 10/247: Ordinary Meeting of Council 21 June 2010

SUMMARY

The Commonwealth Government has announced another round of the Regional and Local Community Infrastructure Program (RLCIP).

COMMENTARY

The Regional and Local Community Infrastructure Program was originally announced by the Prime Minister at the Australian Council of Local Government inaugural meeting on 18 November 2008 as part of the Nation Building Economic Stimulus Plan. Since its inception, the Regional and Local Community Infrastructure Program has made more than \$1 billion available to local government authorities to build and modernise community infrastructure.

The application period for Round Three RLCIP \$100 million opened on Monday 5 July 2010 and closed at 5pm Friday 30 July 2010. \$212,000 has been made available to Lithgow City Council under this latest funding round. Council previously received \$529,000 in Round 1 and then \$208,000 in Round 2 funding.

Council previously resolved (10-247):

THAT Council delegate the authority to the Mayor and Deputy Mayor to determine the uses for the latest funding round under the Regional and Local Community Infrastructure Program.

Following a meeting between the Mayor, Deputy Mayor and Council staff an application was submitted for the following projects:

| | |
|--------------------------------------------------------------------------------|----------|
| • Eskbank House heating | \$20,000 |
| • Lake Pillans upgrade, including walkways, signage and viewing areas | \$50,000 |
| • Blast Furnace Park upgrade, including fencing, walkways and viewing platform | \$50,000 |
| • School of Arts Building, access improvements | \$10,000 |
| • Skatepark Wallerawang, new equipment | \$10,000 |
| • Skatepark Portland, new equipment | \$10,000 |
| • Cricket Nets Wallerawang | \$27,000 |
| • South Littleton Hall, improvements including amenities | \$15,000 |
| • Lithgow Town Band Hall, new roof | \$20,000 |

The reserve list items included; playground equipment, picnic and BBQ facilities at Lake Wallace Wallerawang.

Eligible categories of infrastructure

Funding will be provided to councils for community infrastructure, including new construction and major renovations or refurbishments of assets such as:

- ✓ social and cultural infrastructure (e.g. art spaces, gardens);
- ✓ recreational facilities (e.g. swimming pools, sports stadiums);
- ✓ tourism infrastructure (e.g. walkways, tourism information centres);
- ✓ children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- ✓ access facilities (e.g. boat ramps, footbridges); and
- ✓ environmental initiatives (e.g. drain and sewerage upgrades, recycling plants);

Funding can be used for:

- ✓ construction for new or upgraded facilities; and
- ✓ refurbishment and fit out.

Fit out is defined by the Department as internal construction of a facility to enable its functional use, for example, the installation of electrical sockets and lighting, or the painting of walls. Projects must clearly demonstrate value for money.

Ineligible projects and activities

Projects must provide a clear and direct benefit to the local communities within a council’s jurisdiction. Examples of projects that are ineligible for this reason include those which support council operations (such as an upgrade of council offices), those which make a direct contribution to private businesses (other than those which provide a direct community service), or those which benefit specific individuals (such as the renovation of a caretaker’s residence).

Funding will not be approved to bolster funding for existing projects which have exceeded their original budget forecasts.

Funding cannot be used for:

- ✘ ongoing costs (e.g. operational costs and maintenance);
- ✘ roads or related infrastructure covered by the Roads to Recovery or Black Spots programs;
- ✘ artworks;
- ✘ information technology and communications hardware and software;
- ✘ non-fixed infrastructure [e.g. above ground irrigation systems]; or
- ✘ project management costs.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Grant funded.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council note the projects applied for under the Regional and Local Community Program (RLCIP) Round 3 through delegated authority by the Mayor and Deputy Mayor.

REGIONAL SERVICES REPORTS

ITEM:3 REG - 02/08/10 - DEVELOPMENT AND CONSTRUCTION
 APPROVALS - 01/01/10 TO 30/06/10

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To provide statistical information on Development Applications and Constructions Certificates processed.

COMMENTARY

In addition to the detailed report provided to Councillors every 3 weeks on development approvals and applications received, it would be useful to provide a report on a half yearly basis for an overview of development approvals.

Therefore, the following information is for development consents issued between 1 January 2010 and 30 June 2010.

| | |
|------------------------------------|--------------|
| Number of Consents Issued: | 161 |
| Average Approval Days: | 20 |
| Median: | 14 |
| Total Cost of Applications: | \$30,962,104 |

RECOMMENDATION

THAT the report on development application and construction certificate approvals be received.

**ITEM:4 REG - 02/08/10 - WALLERAWANG QUARRY REPLACEMENT CHAIR
- COMMUNITY CONSULTATIVE COMMITTEE**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Finance and Services Meeting – 3 March 2008
Extraordinary Meeting of Council – 16 November 2009
Council Meeting – 14 December 2009

SUMMARY

To advise Council of information received by the NSW Department of Planning seeking replacement of the chair for the Wallerawang Quarry Community Consultative Committee (CCC) and requesting Council take on the role. Further the correspondence asks Councils view on an additional member to the CCC.

COMMENTARY

Previously, the Department of Planning has advised Council that:

1. Condition 3.13 of the Minister's consent for Wallerawang Quarry requires that a Community Consultative Committee be established.
2. The positions of community representatives and independent chair are appointed by the Director-General, in consultation with Council.
3. Council had previously concurred with the nominations for the committee, being:
 - Mr Lance Gillespie;
 - Mr Les Bird;
 - Mr Bradley Boyling;
 - Mr Ron Vidler, and
 - Mr Paul Curran.

Mr Paul Curran was nominated by Sitegoal and the Department of Planning as the independent chair however in correspondence received (after his acceptance) Mr Curran has now declined the position however has sought to be considered as part of the CCC.

The Department, in its correspondence has now asked Councils opinion, (given its resolution on 14 December 2009), seeking Councillor Fisher's availability to Chair the CCC for the Wallerawang Quarry development.

It is considered that given previous Council resolution Council should indicate to the Department of Planning that Councillor Fisher is available to Chair the committee following the resignation of Mr Curran.

Further, it is considered that Mr Currans request to sit as a member of the CCC should be supported in this instance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The Community Consultative Committee is a requirement of the Development Consent.

ATTACHMENTS

1. Copy of the Department of Planning's correspondence

RECOMMENDATION

THAT:

1. Council indicate to the Department of Planning that it accepts the nomination of Councillor Fisher to Chair the Wallerawang Quarry Community Consultative Committee
2. Council indicate to the Department of Planning that it accepts the nomination of Mr Paul Curran to sit as a member of the Wallerawang Quarry Community Consultative Committee

ITEM:5 REG - 02/08/10 - FORTY BENDS ROADS - SOUTH BOWENFELS

REPORT FROM: ANDREW MUIR- GROUP MANAGER REGIONAL SERVICES

SUMMARY

To progress the road naming process for the road off Great Western Highway & connecting back to the Great Western Highway at South Bowenfels (map attached). This road is currently known as Forty Bends Road although it has not been officially named. Therefore it is appropriate to rectify the problem to minimise any confusion.

BACKGROUND

For the road to be officially named it requires the formal naming process to be undertaken as the road was constructed prior to the Roads Act 1993.

ISSUES/ PUBLIC PARTICIPATION

The road has been unofficially named 'Forty Bends Road' for a number of years and a change of name would be unrealistic. There is confusion along the road in regards to Councils records and residential addresses which needs to be rectified through the Council's Road Naming Policy.

POLICY IMPLICATIONS

These roads will be named in accordance with Council's Road Naming Policy.

FINANCIAL IMPLICATIONS

That Council pay all costs associated with advertising and gazettal of the road.

RECOMMENDATION

THAT in accordance with Council's Policy for the naming of roads, Council advertises the road name 'Forty Bends Road' as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

ITEM:6 REG - 02/08/10 - ADMINISTRATION BUILDING LIFT

REPORT BY: GROUP MANAGER REGIONAL SERVICES ANDREW MUIR

REFERENCE

Min No: 09-538 - Council Meeting 14/12/09.

SUMMARY

To update Council on investigations into replacement of the Administration Building Lift and consider funding options.

COMMENTARY

The possibility of upgrading or replacing the existing lift in the Administration Building has been investigated to determine feasibility. Two companies were requested to respond by providing options for replacement or upgrading. It is pointed out that the size of the lift is limited by the size of the existing shaft. Demolishing the existing lift shaft and installing a new lift would cost in excess of \$200,000.

Easy Living Home Elevators, who installed and service the Lithgow Library lift, provided an estimate for replacement of the lift within the existing lift shaft. This was for a Domus XL Lift with a car the same length but 200mm wider than the existing car for **\$54,500** exc GST.

Lift Services and Accessories, who do maintenance for all Otis lifts and service the majority of lifts in this region, quoted three options:

- Option 1** Installation of a complete new GLE Residlift lift within the existing lift shaft. The lift car is larger than the existing car and the capacity of the lift is greater and all existing components would be replaced **\$44,676** exc GST
- Option 2** Repositioning the existing lift and replacing the control unit. The car does not change but a new control unit is installed. **\$21,970**
- Option 3** Installation of a new GLE lift mechanism and controller. The existing lift car remains the same but a new control unit and electrical controls are installed. **\$26,442**

Due to the limitations of the existing lift shaft dimensions it is impossible to install a lift that is compliant for general purpose use. The lift can only be classified as a AS1735.15 Non Automatically Controlled Limited Mobility Lift for Commercial Use Only. This means that the controls require continuous pressure for their operation and the lift can only be used for accessibility by persons with disabilities.

There are advantages in considering the **Easy Living** Domus XL and the **Lift Services and Accessories** Option1 GLE Residlift as both involve complete replacement of the existing equipment, including the lift car with a larger car. This would eliminate any future problems with the existing equipment and increase the size of the car which is currently very restricted where it is necessary for a person to accompany someone in a wheelchair.

Should it be considered that the cost of the Easy Living Domus XL and the Lift Services and Accessories Option 1 are beyond budget constraints, then the Lift Services and Accessories Option 3 is preferred as it involves replacement of all controlling parts except for the lift car.

The **preferred option** is **Lift Services and Accessories Option 1** being **\$44,676** as it involves complete replacement and is substantially less than the Easy Living proposal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An amount of \$70,000 has been included in the 2010/2011 Management Plan to undertake the project.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Lift Services and Accessories Option 1, of \$44,676, be selected as the preferred option for the Administration Building Lift and an order be placed to allow the project to proceed.

**ITEM:7 REG - 02/08/10 - TENDER FOR THE ENGAGEMENT OF
CONSULTANTS FOR DESIGN AND ENVIRONMENTAL
ASSESSMENT FOR THE UPGRADE OF THE CLARENCE COLLIERY
WATER TRANSFER SYSTEM**

REPORT BY: Andrew Muir – Group Manager Regional Services

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the open tendering process persistent with s166 (a) of the Local Government (General) Regulation 2005, for the procurement of suitable consultants to undertake Design and Environmental Assessment for the Upgrade to the Clarence Colliery Water Transfer System.

COMMENTARY

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The preferred method of procurement for the Design and Environmental Assessment for the Upgrade of the Clarence Colliery Water transfer System is by Open Tender

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council use the Open Tender method for the Procurement of Consultants, persistent with section 166 of the Local Government (General) Regulation 2005

ITEM:8 REG - 02/08/10 - DROUGHT MANAGEMENT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

| | |
|------------------|-------------------------------------|
| Min No - 10-05: | Ordinary Meeting of 18 January 2010 |
| Min No - 10-33: | Ordinary Meeting of 8 February 2010 |
| Min No - 10-60: | Ordinary Meeting of 1 March 2010 |
| Min No - 10-131: | Ordinary Meeting of 12 April 2010 |
| Min No - 10-175: | Ordinary Meeting of 3 May 2010 |
| Min No - 10-239: | Ordinary Meeting of 21 June 2010 |
| Min No - 10-273: | Ordinary Meeting of 12 July 2010 |

SUMMARY

This report provides an update on various drought management issues as per Min No 10-03.

COMMENTARY

In relation to drought management issues the following information is provided.

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

As at 22 July 2010 Farmers Creek Dam was at 96.7% and Oberon Dam was at 12.19%.

CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer system for 2010 up to 30 June 2010.

| Month | Oakey Park Water Treatment Plant (ML) | Clarence Transfer (ML) |
|-------------------|---------------------------------------|------------------------|
| January | 109.99 | 80 |
| February | 100.07 | 20 |
| March | 120.5 | 0 |
| April | 113.01 | 73 |
| May | 125.15 | 7 |
| June | 126.42 | 0 |
| July* | 79.12 | 0 |
| Total 2010 | 774.21 | 180 |

Table 1 – Oakey Park Output and Clarence Transfer

* As at 22 July 2010

Table 2 below indicates consumption from customers of the Fish River Water Supply from 1 July 2009 to 30 June 2010. It also provides the Maximum Annual Quantity (MAQ) of each customer and their annual consumption since 2004/05.

Fish River Water Supply Consumption

| 2009/10 | Water Consumption (ML) | | Sydney Catchment Authority | Oberon Council | Minor Consumers | Total |
|--------------|------------------------|-----------------|----------------------------|----------------|-----------------|---------------|
| | Delta Electricity | Lithgow Council | | | | |
| Jul | 179 | 36 | 0 | 44 | 20 | 279 |
| Aug | 328 | 49 | 0 | 58 | 20 | 455 |
| Sep | 266 | 46 | 0 | 47 | 20 | 379 |
| Oct | 304 | 45 | 0 | 47 | 20 | 416 |
| Nov | 422 | 61 | 0 | 62 | 20 | 566 |
| Dec | 193 | 37 | 0 | 42 | 20 | 292 |
| Jan | 107 | 48 | 0 | 32 | 20 | 207 |
| Feb | 251 | 40 | 0 | 46 | 20 | 358 |
| Mar | 165 | 56 | 0 | 69 | 20 | 310 |
| Apr | 117 | 47 | 0 | 33 | 20 | 217 |
| May | 194 | 53 | 0 | 63 | 20 | 330 |
| Jun | 282 | 57 | 0 | 50 | 20 | 408 |
| Total | 2,805 | 576 | - | 594 | 240 | 4,215 |
| 2004/05 | 4,960 | 735 | 1,878 | 677 | 162 | 8,412 |
| 2005/06 | 6,367 | 959 | 2,098 | 725 | 228 | 10,378 |
| 2006/07 | 6,590 | 795 | 3,115 | 749 | 218 | 11,468 |
| 2007/08 | 4,367 | 747 | 1,077 | 601 | 150 | 6,942 |
| 2008/09 | 3,356 | 699 | 208 | 583 | 240 | 5,086 |
| MAQ | 8,184 | 2,092 | 3,650 | 750 | 200 | 14,876 |

Table 2 - Fish River Water Supply Consumption from 1 July 2009 to 30 June 2010

CURRENT WATER RESTRICTIONS UPDATE

Level 4 Water Restrictions are currently in place for residents of Lithgow and Marrangaroo. Level 5 restrictions apply to consumers on the Fish River Water Supply. With Oberon Dam exceeding 11%, Level 6 restrictions on allocation to customers only have been upgraded to Level 5.

WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate program provides the following rebates for residential premises:

Rainwater Tank - Option 1

- Minimum 5000 litre tank – connected to Garden Tap only - **\$200**

Rainwater Tank - Option 2

- Minimum 5000 litre tank – connected to Garden Tap & Toilet and Washing Machine - **\$800**

Household Appliances – Washing Machines and Dishwashers

- For water efficient Household appliances such as Dishwasher or Washing machine that have a four star WELS rating or AAAAAA rating a rebate of **\$150/appliance/Household**.

In July, as at 22/7/10, Council received 4 applications for a household appliance rebate and 8 applications for a water tank rebates.

ALTERNATE WATER SOURCES UPDATES

Drought Relief Project

During July the NSW Public Works provided a report titled *Lithgow Pipeline Review of Environmental Factors*. The report presents the investigations undertaken into the environmental impacts of the proposed new pipeline to supply water from Lithgow to villages which currently fed from the Fish River Water Supply. On the basis of this information it is concluded that by adopting the safeguards identified in the assessment it is unlikely that there would be significant environmental impacts associated with the proposed works.

The final design for the pipeline is still awaited on this project.

Clarence Transfer System

The Department of Environment Climate Change and Water have advised that they will not agree to the additional flow from the upgraded system being discharged into the swamp as there is evidence of damage caused by the existing system. This will necessitate the construction of a pipeline around the swamp. This will add significant cost to the project which has been estimated to be in the vicinity of \$1.25 million. Correspondence has been forwarded to the local State Member seeking investigations into additional sources of funding.

Oakey Park Bore

A bore water sample from the aquifer running under the water treatment plant has been collected and sent for analysis. Analysis results have not yet been provided to Council.

ANY OTHER MATTER RELATING TO THE ISSUE THAT SHOULD BE REPORTED TO COUNCIL

Oberon Dam – Deep Water Recovery

At the time of writing this report, this project was nearing completion. The final fit out is near completion, on Tuesday 27th the main power supply will be turned on and then commissioning will commence on Wednesday 28th.

Once commissioning is complete (1 to 2 days) State Water will coordinate a trial of the system.

Spilling Farmers Creek Dam

Agreement has been reached with Delta Electricity to pay for the operation of the Clarence Transfer system for a trial period of 3 months to 22 October 2010. The CWTS pumps were switched on Thursday, July 22.

THAT ALL ITEMS ABOVE BE REPORTED BACK TO THE MEDIA SO THAT LOCAL RESIDENTS ARE AWARE OF THE SITUATION

The media are expected in the gallery this evening.

POLICY IMPLICATIONS

12.2 WATER RESTRICTIONS - This Policy determines Council's response to non-compliance with water restrictions.

FINANCIAL IMPLICATIONS

No specific legal issues arise as a result of this report.

LEGAL IMPLICATIONS

No specific legal issues arise as a result of this report.

RECOMMENDATION

THAT the information in relation to drought management issues be noted.

OPERATION SERVICES REPORTS

ITEM:9 OPER - 02/08/10 - WOLGAN VALLEY ROAD CONDITION

REPORT FROM: IAIN STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 10-231: Ordinary Meeting of Council 21st June 2010

SUMMARY

To respond to questions raised by Councillor M F Ticehurst in his Notice of Motion concerning the temporary closure of Wolgan Valley Road and the ongoing condition of the unsealed section from Wolgan Gap to Emirates Resort.

COMMENTARY

Council will recall that the fourteen kilometres of unsealed road from the foot of Wolgan Gap to Emirates resort was upgraded in conjunction with the development of Emirates Resort. At the time the upgrading did not extend to sealing the road at Emirate's request. The improvement work carried out was gravel sheeting of the existing pavement and the installation of a number of drainage improvements. This work was carried out during the construction phase of the Resort and tenders were invited for the supply of gravel resheeting material. These tenders were reported to Council at the meeting held on 15 October 2007

In April 2010 maintenance regrading of this section of road was programmed following deterioration in the surface. During this process heavy rain was experienced which rendered the road pavement extremely slippery particularly for 2WD vehicles. Following a joint inspection of the works on Monday 31 May 2010 by Council staff and police officers it was agreed to temporarily close the road to traffic except locals and Emirates employees. This closure was duly advertised through local media and signs erected warning of the potential hazards. Due to the inability to carry out further works and ongoing rainfall the road remained temporarily closed until Thursday 10 June when the road was reopened to all vehicles in time for the Queens Birthday Weekend.

The temporary closure was caused by clay sub-base being disturbed and insufficient road base to minimise slippery conditions, a condition this section of road has been prone to, for many years. It has been contended that despite the material used to resheet this road in 2007, the very heavy traffic loads experienced during the construction period of Emirates has caused significant reduction in the quantity and quality of the road base applied. The attached report commissioned by an independent consultant by the Department of Planning gives a more detailed account of the issues. See attachment

Following discussion with Emirates agreement has been reached that the preferred option for the future is the bitumen sealing of this section of road. Council will continue under its normal maintenance programme to continue regular maintenance of the road

As indicated at a previous Council meeting that gravel resheeting is not a long-term solution for gravel roads and it has a finite life. Bearing in mind the traffic loads on this section of road the difficult sub base conditions and topography the life achieved by the gravel resheeting carried out in 2007 is reasonable

The minutes of the Council meeting held on 15 October 2007 have been reviewed and no reference recorded of expressed concerns as referred to in the Notice of Motion. Acceptance of the tenders for the road base was duly passed by Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Report into Wolgan Road by Dion Killiby RTA

RECOMMENDATION

THAT the report on the Wolgan Valley Road conditions be received.

INTERNAL SERVICE REPORTS

ITEM:10 INTS - 02/08/10 - COUNCIL INVESTMENTS HELD TO 30 JUNE 2010

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 (November 2009)
Min 10-20 18 January 2010 (December 2009)
Min 10-40 08 February 2010 (January 2010)
Min 10-116 22 March 2010 (February 2010)
Min 10-141 14 April 2010 (March 2010)
Min 10-203 24 May 2010 (April 2010)
Min 10-250 21 June 2010 (May 2010)

SUMMARY

To advise Council of investments held as at 30 June 2010 for the 2009/10 financial year.

COMMENTARY

Council's total investment portfolio, as at 30 June 2010 when compared to 31 May 2010, has increased by \$8,323,237.69 from \$12,348,861.39 to \$20,672,099.08

Investments have gradually increased over recent months from net total on 30 June 2009 of \$18,450,964.73 to \$20,672,099.08 at end of June 2010 as part of the normal process of investments fluctuating depending on a particular month and to the extent of expenditure on major works.

| INVESTMENT REGISTER 2009/10 | | | | | | | | |
|-----------------------------|------------|-------------|--------------|-------|------|----------------------|----------------------|-------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 31.05.10 | VALUE 30.06.10 | % OF TOTAL |
| ANZ | TD | 12.02.10 | 13.05.10 | 90 | | 0.00 | 3000000.00 | 15% |
| BANKWEST | TD | 10.05.10 | 17.06.10 | 45 | 5.55 | 519,950.25 | 2052299.57 | 10% |
| | TD | 10.05.10 | 17.06.10 | 45 | 5.55 | 526,303.97 | 00.00 | |
| CBA | On Call | | | | 4.45 | 1,505,838.84 | 2464408.98 | 12% |
| | Ethical Nt | 06.11.06 | 06.11.11 | 1,825 | ** | 56,500.00 | 00.00 | |
| CITIBANK | TD | 25.05.10 | 25.06.10 | 30 | 5.40 | 522,351.05 | 00.00 | |
| LGFS | On Call | | | | 4.45 | 7,159.79 | 7159.79 | |
| IMBS | TD | 31.05.10 | 31.08.10 | 92 | 6.00 | 1,000,000.00 | 2544900.19 | 12% |
| | On Call | | | | 4.50 | 544,900.19 | | |
| NAB | TD | 14.05.10 | 13.06.10 | 30 | 5.01 | 377,011.18 | 2378564.13 | 12% |
| WESTPAC | TD | 15.02.10 | 17.09.10 | 212 | 6.00 | 1,033,961.21 | 2575201.61 | 12% |
| | TD | 03.03.10 | 05.07.10 | 122 | 5.75 | 776,181.64 | | |
| | TD | 04.02.10 | 04.07.10 | 150 | 5.90 | 255,019.66 | | |
| | TD | 04.02.10 | 04.07.10 | 150 | 5.90 | 510,039.10 | | |
| MACQUARIE | On Call | | | | 3.75 | 2,093,916.73 | 1000000.00 | 5% |
| ST GEORGE | TD | 19.11.09 | 03.07.10 | 226 | 5.20 | 758,294.37 | 3596410.71 | 17% |
| | On Call | | | | 4.45 | 48,667.18 | | |
| | TD | 01.05.10 | 04.06.10 | 30 | 5.50 | 763,409.75 | | |
| SUNCORP | On Call | | | | 4.40 | 1,049,356.48 | 1053154.10 | 5% |
| | | | TOTAL | | | 12,348,861.39 | 20,672,099.08 | 100% |

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 June 2010 is \$644,993.24 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)

ATTACHMENTS

Nil

RECOMMENDATION

THAT Investments of \$20,672,099.08 for the period ending 30 June 2010 be noted.

COMMITTEE MEETINGS

ITEM:11 COMM - 02/08/2010 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

REPORT FROM: ENVIRONMENTAL HEALTH OFFICER - DAVID DURIE

REFERENCE

Min No 07-389 Policy & Strategy Committee Meeting of Council 3 September 2007
Min No F08-21 Finance & Services Committee of Council Meeting 3 March 2008
Min No 008-153 Extraordinary Meeting of Council 29 September 2008
Min No 008-198 Ordinary Meeting of Council 18 November 2008
Min 09-381 Ordinary Meeting of Council 14 September 2009
Min 10-137 Ordinary Meeting of Council 12 April 2010

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 21st April 2010.

COMMENTARY

At the Environmental Advisory Committee Meeting held on 21 April 2010, there were twelve (12) items discussed by the Committee.

1. Apologies
2. Confirmation of Minutes
3. Urban Sustainability Project Officer
4. Council update on STP and Clarence transfer (Andrew Muir)
5. Soil carbon seminar (Sarah Childs)
- 5a. Sensitive Land
6. Terms of Reference, and Council Minutes (David Durie)
7. Greencorps LOLA/Council Projects (Sue graves)
8. EAC ideas sharing with Centroc (Sarah Childs)
9. Members Update
10. General Business
11. Historic Items
12. Close of Meeting

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Environmental Advisory Committee Meeting Minutes 21st of April 2010

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Environmental Advisory Committee held on 21st April 2010.
2. Consults with the Environmental Advisory Committee in relation to the Land Use Strategy and Local Environment Plan.
3. Releases an Expression of Interest for the membership of the committee consistent with the Terms of Reference resolved on 12th April, 2010.

ITEM:12 COMM - 02/08/10 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Economic Development Advisory Committee Meeting held on 15 July 2010.

COMMENTARY

At the Economic Development Advisory Committee Meeting held on 15 July 2010, there were (7) seven items discussed by the Committee:

- ITEM 1: Attendance and apologies
- ITEM 2: Confirmation of minutes from previous meeting
- ITEM 3: Business arising from previous minutes
- ITEM 4: WORKSHOP: Implementation of the Economic Development Strategy
- ITEM 5: Development of an Investment Prospectus for Lithgow
- ITEM 6: Other Business
- ITEM 7: Next meeting

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Minutes of the Economic Development Advisory Committee Meeting held on 15 July 2010.
2. Economic Development Summary document

RECOMMENDATION

THAT Council

1. Notes the minutes of the Economic Development Advisory Committee held on 15 July 2010.
2. Writes a letter of thanks to Bob Debus for his generous support shown for the region.

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee held on 8 June 2010.

RECOMMENDATION

THAT Council notes the minutes of the Tourism Advisory Committee held on 8 June 2010.

**ITEM:14 COMM - 02/08/10 - LITHGOW INDOOR AQUATIC CENTRE
 ADVISORY COMMITTEE MEETING MINUTES - 8TH JULY 2010**

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee held on Thursday 8th July 2010 for Council's information.

COMMENTARY

At the Lithgow Indoor Aquatic Centre Advisory Committee held on Thursday 8th July 2010, there were two (2) items discussed and it is considered appropriate that the Committee's resolutions be noted Council.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee held on Thursday 8th July 2010

RECOMMENDATION

THAT:

1. Council note the minutes of the Lithgow Indoor Aquatic Centre Advisory Committee held on Thursday 8th July 2010
2. Council advertise the proposed adjusted hours to enable the community to provide comments.

ITEM:15 COMM - 02/08/10 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 1ST JULY 2010

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATIONS

SUMMARY

Details of the minutes of the Traffic Authority Local Committee held on Thursday 1st July 2010.

COMMENTARY

At the TALC Meeting held on 1st July 2010 there were 8 items discussed by the Committee and it is considered appropriate that the Committee's recommendations be noted by Council

1. Declarations of interest
2. Minutes of the previous meeting
3. Business arising from the minutes
4. Ongoing issues from the meeting held on 1 April 2010
5. Safety Concerns Main Street Lane between Cook Street and Burns Lane Lithgow
6. Speeding Drivers in Fullager Avenue Lithgow
7. Speed and Road Safety concerns at Hillcrest Estate, Lithgow
8. General Business

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the TALC meeting held on 1st July 2010

RECOMMENDATION

THAT Council:

1. Notes the minutes of the TALC held on 1st July 2010
2. Remove the existing vegetation be removed and the “watch for entering traffic” sign be relocated to address the site distance issue
3. Install a speed hump and a 10kmh speed sign on Main Street Lane, between Cook Street and Burns Lane Lithgow to slow and calm traffic in this area
4. Do further investigations into the issue of vehicles turning down the one way street to enter Woolworths is required in consultation with Woolworths
5. Write to the RTA asking for 50km/h speed zone signage to be installed on James O’Donnell Drive
6. Write to all residents of James O’Donnell Drive informing them that this area is a 50km/h speed zone
7. Investigate the median strips and vegetation re sight distance in the Hillcrest Estate
8. No stopping signs be installed on the Construction site in Barton Avenue

**ITEM:16 COMM - 02/08/10 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 29TH JUNE 2010**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

Details of the Minutes of the Crystal Theatre Management Committee Meeting held on Tuesday 29 June 2010 for Council adoption.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on Tuesday 29 June 2010, there were a number of items discussed.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on Tuesday 29 June 2010.

RECOMMENDATION

THAT Council note the Minutes of the Crystal Theatre Management Committee meeting held on 29 June 2010.

MAYORAL MINUTE

ITEM:17 MAYORAL MINUTE - 02/08/10 - CONFIDENTIAL REPORT -
GENERAL MANAGERS MID TERM PERFORMANCE REVIEW

REPORT FROM: THE MAYOR, NEVILLE CASTLE

Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

RECOMMENDATION

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

Double Click Here to insert the <ClosedCouncil>

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.*

Double Click Here to insert the <MeetingCloseTime>