



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

20 SEPTEMBER 2010

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 AUGUST 2010

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION - NIL

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

Ageing Strategy Advisory Committee
Crime Prevention Committee
Sports Advisory Committee
Traffic Authority Local Committee
Youth Council Committee

REPORTS FROM DELEGATES - NIL

CLOSED COUNCIL

Confidential Report - proposed purchase of land Bells Road, Lithgow

BUSINESS OF GREAT URGENCY

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

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>GENERAL MANAGERS REPORTS</u>		<u>6</u>
<u>ITEM:1</u>	<u>GM - 20/09/10 - NOMINATIONS FOR AND ELECTIONS FOR THE POSITION OF MAYOR 2010/11</u>	<u>6</u>
<u>ITEM:2</u>	<u>GM - 20/09/10 - NOMINATION FOR THE ELECTION OF DEPUTY MAYOR</u>	<u>10</u>
<u>ITEM:3</u>	<u>GM - 20/09/10 - COUNCIL COMMITTEES AND EXTERNAL BODIES</u>	<u>12</u>
<u>ITEM:4</u>	<u>GM - 20/09/10 - CODE OF CONDUCT COMPLAINTS RECEIVED 1 JULY 2009 TO 30 JUNE 2010</u>	<u>17</u>
<u>ITEM:5</u>	<u>GM - 20/09/10 - CULLEN BULLEN HALL</u>	<u>19</u>
<u>REGIONAL SERVICES REPORTS</u>		<u>21</u>
<u>ITEM:6</u>	<u>REG - 20/09/10 - UPDATE ON INSTALLATION OF FLUORIDATION EQUIPMENT AND TENDERING FOR DESIGN, SUPPLY AND DELIVERY OF FLUORIDATION EQUIPMENT</u>	<u>21</u>
<u>ITEM:7</u>	<u>REG - 20/09/10 - MODIFICATION OF CONSENT REPORT DA66/05 - D CORNEY - 47 LOT SUBDIVISION, GREAT WESTERN HIGHWAY, SOUTH BOWENFELS</u>	<u>23</u>
<u>ITEM:8</u>	<u>REG - 20/09/10 - DROUGHT MANAGEMENT</u>	<u>25</u>
<u>ITEM:9</u>	<u>REG - 20/09/10 - LITHGOW ANTI-AIRCRAFT DUMMY GUN BATTERY B - NOMINATION TO STATE HERITAGE REGISTER</u>	<u>29</u>
<u>ITEM:10</u>	<u>REG - 20/09/10 - NEW METERED STANDPIPE</u>	<u>31</u>
<u>ITEM:11</u>	<u>REG - 20/09/10 - NATIVE TITLE DETERMINATION APPLICATION - WELLINGTON VALLEY WIRADJURI PEOPLE</u>	<u>33</u>
<u>ITEM:12</u>	<u>REG - 20/09/10 - OLD RSL CLUB HOSKINS AVENUE LITHGOW</u>	<u>34</u>
<u>OPERATION SERVICES REPORTS</u>		<u>36</u>
<u>ITEM:13</u>	<u>OPER - 20/09/10 - FARMERS CREEK FLOOD MITIGATION WORKS</u>	<u>36</u>
<u>ITEM:14</u>	<u>OPER - 20/09/10 - RTA - FLASHING LIGHTS AT LITHGOW SCHOOLS</u>	<u>37</u>
<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>		<u>39</u>
<u>ITEM:15</u>	<u>COMM - 20/9/10 - ESKBANK HOUSE HIGHLY COMMENDED IN RADIO NATIONAL'S REGIONAL MUSEUMS AWARD 2010</u>	<u>39</u>
<u>ITEM:16</u>	<u>COMM - 20/9/10 - FUNDING SUBMISSION TO XSTRATA COAL</u>	<u>40</u>

<u>ITEM:17</u>	<u>COMM - 20/9/10 - REPORT ON LIVE WELL LITHGOW 2009 PROGRAM</u>	<u>43</u>
<u>ITEM:18</u>	<u>COMM - 20/09/10 - SEPTIC SAFE STRATEGY REVIEW</u>	<u>45</u>
	<u>INTERNAL SERVICE REPORTS</u>	<u>51</u>
<u>ITEM:19</u>	<u>INTS - 20/09/10 - COUNCIL INVESTMENTS HELD TO 31 JULY 2010</u>	<u>51</u>
<u>ITEM:20</u>	<u>INTS - 20/09/10 - COUNCIL INVESTMENTS HELD TO 31 AUGUST 2010</u>	<u>53</u>
<u>ITEM:21</u>	<u>INTS - 20/09/10 - REVISED DLG INTERNAL AUDIT GUIDELINES & CONSIDERATION OF THE DRAFT AUDIT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER</u>	<u>55</u>
<u>ITEM:22</u>	<u>INTS - 20/09/10 - RECEIPT OF NSW LOCAL INFRASTRUCTURE FUND \$4,897,000 INTEREST FREE LOAN FOR WALLERAWANG STP</u>	<u>58</u>
<u>ITEM:23</u>	<u>INTS - 20/09/10 - PROPERTY 105161: RAILCORP LEASE WITH LITHGOW STATE MINE RAILWAY LTD FOR BOWENFELS STATION</u>	<u>60</u>
<u>ITEM:24</u>	<u>INTS - 20/09/10 - 2008/09 DLG COMPARATIVE INFORMATION ON NSW COUNCILS</u>	<u>62</u>
<u>ITEM:25</u>	<u>INTS - 20/09/10 - GOODS & SERVICES TAX CERTIFICATE 1 MAY 2009 TO 30 APRIL 2010</u>	<u>65</u>
<u>ITEM:26</u>	<u>INTS - 20/09/10 - DRAWDOWN OF 2009/10 LOAN BORROWING PROGRAM CBA \$5,450,000</u>	<u>68</u>
	<u>COMMITTEE MEETINGS</u>	<u>70</u>
<u>ITEM:27</u>	<u>COMM - 20/09/10 - AGEING STRATEGY ADVISORY COMMITTEE - MINUTES - 17 AUGUST 2010 AND 19 AUGUST 2010</u>	<u>70</u>
<u>ITEM:28</u>	<u>COMM - 20/09/10 - CRIME PREVENTION COMMITTEE - MINUTES 23 AUGUST 2010</u>	<u>72</u>
<u>ITEM:29</u>	<u>OPER - 20/09/10 - SPORTS ADVISORY COMMITTEE - MINUTES 26 JULY 2010</u>	<u>74</u>
<u>ITEM:30</u>	<u>OPER - 20/09/10 - MINUTES FROM SPORTS ADVISORY COMMITTEE - 30 AUGUST 2010</u>	<u>75</u>
<u>ITEM:31</u>	<u>OPER - 23/08/10 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 5TH AUGUST 2010</u>	<u>76</u>
<u>ITEM:32</u>	<u>COMM - 20/09/10 YOUTH COUNCIL -MINUTES 4/8/10 AND NEW NOMINATIONS</u>	<u>77</u>
	<u>CLOSED REPORTS</u>	<u>80</u>
<u>ITEM:33</u>	<u>REG - 20/09/10 - CONFIDENTIAL REPORT - PROPOSED PURCHASE OF LAND - BELLS ROAD, LITHGOW</u>	<u>80</u>

RECOMMENDATION

80

BUSINESS OF GREAT URGENCY

81

GENERAL MANAGERS REPORTS

ITEM:1 GM - 20/09/10 - NOMINATIONS FOR AND ELECTIONS FOR THE
 POSITION OF MAYOR 2010/11

REFERENCE

NIL

SUMMARY

Council is, each year, to elect a Mayor. This report provides the procedure for the election of Mayor for the coming 12 month period.

COMMENTARY

Where the Mayor is elected by the councillors the Council is required each year to elect a Mayor to preside over the Council for the coming 12 month term.

As described by Section 230(1) a mayor elected by councillors holds office for one year, subject to the Act.

Section 290(1)(b) of the Act requires the election of the mayor to be conducted at a meeting held during the month of September.

290 When is an election of a mayor by the councillors to be held?

- (1) *The election of the mayor by the councillors is to be held:*
 - (a) *if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
 - (b) if it is not that first election or an election to fill a casual vacancy-during the month of September, or**
 - (c) *if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
 - (d) *if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*

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

The Mayoral Fee presently paid by Lithgow City Council is \$18,450pa plus private use of a motor vehicle with a lease fee of \$2,050pa. This is paid in addition to the fees paid to a councillor.

Nominations

Nominations are now invited for the Office of Mayor for the 2010/11 term (until September 2011). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
2.
 - a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
 - b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
3.
 - a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

- b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- d. A further vote is to be taken of the 2 remaining candidates.
- e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal unexhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Ordinary Council Meeting scheduled for Monday September 20 **OR** at this Ordinary Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee (s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(b) of the Local Government Act requires Council to hold the election for the position of Mayor by the Councillors during the month of September. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Local Government Act.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Councillor Martin Ticehurst has been suspended by the Pecuniary Interest and Disciplinary Tribunal for a period of two months expiring on October 11th, 2010. A person suspended under Sec 482A(2)(c) of the Act is not entitled to be nominated to be Mayor or Deputy Mayor or nominate a Councillor to be Mayor or Deputy Mayor.

ATTACHMENTS

1. Nomination Forms

RECOMMENDATION

THAT Council:

1. Proceeds with the election of the Mayor; and
2. Determines whether the vote is to proceed by ordinary ballot, preferential ballot or by open voting.

**ITEM:2 GM - 20/09/10 - NOMINATION FOR THE ELECTION OF DEPUTY
 MAYOR**

REFERENCE

NIL

SUMMARY

Council may, each year, elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor for the coming 12 month period.

COMMENTARY

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for a term of 12 months, i.e. September to September.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are **deducted** from payments to the Mayor. No fees are presently paid by Council for the holder of the position of Deputy Mayor.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

Section 231 of the Local Government Act 1993 provides that the Councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Lithgow City Council for the position of Deputy Mayor to be exactly the same length of time as the position of Mayor as determined in Section 231 (2) of the Local Government Act 1993.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Councillor Martin Ticehurst has been suspended by the Pecuniary Interest and Disciplinary Tribunal for a period of two months expiring on October 11th, 2010. A person suspended under Sec 482A(2)(c) of the At is not entitled to be nominated to by Mayor or Deputy Mayor or nominate a Councillor to be Mayor Deputy Mayor.

ATTACHMENTS

1. Nomination Forms

RECOMMENDATION

THAT Council:

1. Notes the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolves that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Holds an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor.

ITEM:3 GM - 20/09/10 - COUNCIL COMMITTEES AND EXTERNAL BODIES

REFERENCE

Min 05-531	Policy, Planning and Development Committee Meeting 17th October 2005
Min 07-254	Ordinary Meeting of Council 18 June 2007 (Review of Committees)
Min 07-389	Policy and Strategy Committee 3 September 2007
Min 07-500	Ordinary Meeting of Council 19 November 2007 (Meadow Flat)
Min 07-543	Ordinary Meeting of Council 17 December 2007 (Health)
Min O08-71	Extraordinary Meeting of Council 10 June 2008 (Indoor Aquatic Centre)
Min 07-254	Ordinary Meeting of Council 18 June 2008
Min O08-133	Ordinary Meeting of Council 19 August 2008 (Economic Development)
Min P08-105	Policy and Strategy Committee 2 September 2008 (Bracey Family)
Min O08-153	Extraordinary Meeting of Council 29 September 2008
Min F08-117	Finance and Services Committee Meeting 7 October 2008 (Health)
Min O08-196	Ordinary Meeting of Council 18 November 2008 (Economic Development)
Min O08-242	Ordinary Meeting of Council 15 December 2008 (Lithgow Flash Gift)
Min O08-246	Ordinary Meeting of Council 15 December 2008 (Civic Ballroom)
Min O08-215	Ordinary Meeting of Council 15 December 2008 (extended Bracey Family)
Min O08-204	Ordinary Meeting of Council 15 December 2008 (Street Tree Subcommittee)
Min O08-238/9	Ordinary Meeting of Council 15 December (Indoor Aquatic Centre)
Min O18-09	Ordinary Meeting of Council 27 January 2009 (Committees of Council)
Min 09-49	Ordinary Meeting of Council 16 February 2009 (Economic Development Shop Front Committee)
Min 09-50	Ordinary Meeting of Council 16 February 2009 (Economic Development Shop Front Committee)
Min 09-72	Ordinary Meeting of Council 16 February 2009 (Health Committee)
Min 09-272	Ordinary Meeting of Council 22 June 2009 (Health Committee)
Min 09-274	Ordinary Meeting of Council 22 June 2009 (Youth Advisory Committee)
Min 09-337	Ordinary Meeting of Council 3 August 2009 (Hassans Walls Committee)
Min 09-353	Ordinary Meeting of Council 24 August 2009 (Ageing Strategy Advisory Group)
Min 09-377	Ordinary Meeting of Council 14 September 2009
Min 09-396	Ordinary Meeting of Council 14 September 2009 (Crime Prevention Committee)
Min 09-528	Ordinary Meeting of Council 14 December 2010 (Service Committee)
Min 09-530	Ordinary Meeting of Council 14 December 2010 (Business Enquiry Committee)
Min 09-531	Ordinary Meeting of Council 14 December 2010 (Business Enquiry Committee)
Min 10-17 Committee)	Ordinary Meeting of Council 18 January 2010 (Marketing & Branding Committee)
Min 10-37	Ordinary Meeting of Council 8 February 2010 (Companion Animals Committee)

- Min 10-137 Ordinary Meeting of Council 12 April 2010 (Environmental Advisory Committee)
- Min 10-207 Ordinary Meeting of Council 24 May 2010 (Companion Animals Committee)

SUMMARY

The purpose of this report is for Council to consider the appointment of delegates to s355 committees of Council and external (Non Principle) Committees, organisations and other working groups.

COMMENTARY

Councillor Representation – s355 Committees

Currently the following Councillors represent Council on s355 Committees.

Committees	2009/10 Representative
<i>Citizens Access Committee</i>	<i>All Councillors</i>
<i>Environmental Advisory Committee</i>	<i>Councillor H K Fisher Councillor N L Castle</i>
<i>Lithgow Tourism Advisory Committee</i>	<i>Councillor H K Fisher Councillor W Marshall</i>
<i>Sister Cities Committee</i>	<i>Councillor N L Castle Councillor R Thompson</i>
<i>Sports Advisory Committee</i>	<i>Councillor N L Castle Councillor R Thompson</i>
<i>Union Theatre Management Committee</i>	<i>Councillor J J McGinnes</i>
<i>Crystal Theatre Committee</i>	<i>Councillor N L Castle Councillor C Hunter</i>
<i>Meadow Flat Hall Committee</i>	<i>Councillor N L Castle Councillor C Hunter</i>
<i>Community Recognition Committee</i>	<i>Councillor H K Fisher Councillor R Thompson Councillor J J McGinnes</i>
<i>Economic Development Advisory Committee</i>	<i>Councillor N L Castle Councillor G Danaher</i>
<i>Economic Development Shopfront Committee</i>	<i>Councillor N L Castle Councillor G Danaher</i>
<i>Lithgow Flash Gift</i>	<i>Councillor R Thompson Councillor W McAndrew</i>
<i>Service Committee</i>	<i>Councillor G Danaher Councillor H K Fisher</i>
<i>Business Enquiry Committee</i>	<i>Councillor N L Castle Council G Danaher Councillor HK Fisher General Manager</i>
<i>Indoor Aquatic Centre</i>	<i>Councillor W Marshall Councillor R Thompson</i>

<i>Youth Advisory Committee</i>	<i>Councillor G Danaher Councillor W Marshall</i>
<i>Ageing Strategy Advisory Group</i>	<i>Councillor G Danaher Councillor H K Fisher</i>
<i>Lithgow Crime Prevention Committee</i>	<i>Councillor W McAndrew Councillor G Danaher</i>
<i>Companion Animals Committee</i>	<i>To be confirmed</i>

Councillor Representation - External Committees and Organisations

Currently the following Councillors represent Council on external Committees and Organisations.

Committees	2009/10 Representative
Arts Out West Committee	Group Manager Community & Corporate
Bells Line of Road Motoring Tri-Partite Working Party	Mayor Neville Castle General Manager (alternate)
Blue Mountains Tourism Limited	Ms Kate Faithorn
Bush Fire Advisory Committee	Councillor C Hunter General Manager
District Liaison Bush Fire Committee	Mayor Neville Castle
Lithgow Business Association	Councillor G Danaher The Mayor The General Manager
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor G Danaher
Upper Macquarie County Council	Councillor H K Fisher Councillor C Hunter
Tanderra Nursing Home Management Committee	Councillor R Thompson General Manager
Coleman House Portland	Councillor N L Castle
Centroc	Councillor N L Castle General Manager
Tabulam Management Committee	Councillor N L Castle
Pine Dale Coal Mine Community Committee	Councillor H K Fisher General Manager
Cullen Valley coal Mine Community Committee	Councillor H K Fisher General Manager
Lamberts Gully Coal Mine Community Committee	Councillor H K fisher General Manager
Invincible Coal Mine Community Committee	Councillor H K Fisher General Manager
Clarence Coal Mine Community Committee	Councillor W Marshall General Manager
Baal Bone Coal Mine Community Committee	Councillor H K Fisher General Manager
Angus Place Coal Mine Community Committee	Councillor H K Fisher General Manager
Mining Related Councils	Councillor N L Castle Councillor W McAndrew

Traffic Authority Local Committee	Councillor G Danaher General Manager
Lithgow Correctional Centre Committee	Councillor N L Castle General Manager
Kirk Connell Correctional Centre Committee	Councillor R Thompson General Manager
Internal Audit Committee	Councillor G Danaher Councillor W Marshall (Alternate)

POLICY IMPLICATIONS

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

Code of Meeting Practice

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulations 2005

ATTACHMENTS

NIL

RECOMMENDATION**THAT:**

1. Council determines the appointments to be made to the s355 Committees of Council.

Committees	2010/11 Representative
Citizens Access Committee	
Environmental Advisory Committee	
Lithgow Tourism Advisory Committee	
Sister Cities Committee	
Sports Advisory Committee	
Union Theatre Management Committee	
Crystal Theatre Committee	
Meadow Flat Hall Committee	
Community Recognition Committee	
Economic Development Advisory Committee	
Economic Development Shopfront Committee	
Lithgow Flash Gift	
Service Committee	
Business Enquiry Committee	
Indoor Aquatic Centre	

Youth Advisory Committee	
Ageing Strategy Advisory Group	
Lithgow Crime Prevention Committee	
Companion Animals Committee	

2. Council determines the appointments to Committees external to the Council.

Committees	2010/11 Representative
Arts Out West Committee	
Bells Line of Road Motoring Tri-Partite Working Party	
Blue Mountains Tourism Limited	
Bush Fire Advisory Committee	
District Liaison Bush Fire Committee	
Lithgow Business Association	
Lithgow Information & Neighbourhood Centre Inc (LINC)	
Upper Macquarie County Council	
Tanderra Nursing Home Management Committee	
Coleman House Portland	
Centroc	
Tabulam Management Committee	
Pine Dale Coal Mine Community Committee	
Cullen Valley coal Mine Community Committee	
Lamberts Gully Coal Mine Community Committee	
Invincible Coal Mine Community Committee	
Clarence Coal Mine Community Committee	
Baal Bone Coal Mine Community Committee	
Angus Place Coal Mine Community Committee	
Mining Related Councils	
Traffic Authority Local Committee	
Lithgow Correctional Centre Committee	
Kirk Connell Correctional Centre Committee	
Internal Audit Committee	

ITEM:4 GM - 20/09/10 - CODE OF CONDUCT COMPLAINTS RECEIVED 1 JULY 2009 TO 30 JUNE 2010

REPORT FROM: GENERAL MANAGER - ROGER BAILEY

REFERENCE

Nil.

SUMMARY

The General Manager is to report annually on Code of Conduct complaints.

COMMENTARY

Council has in place an adopted Code of Conduct which includes the following at Clause 12.33:

“The General Manager must report annually to Council on Code of Conduct Complaints. This report should include, as a minimum, a summary of the:

- number of complaints received;
- nature of the issues raised by complainants, and
- outcomes of complaints.”

With regards to the above, the following is noted:

Number of complaints received: 4

Nature of the issues raised by complainant:

- Councillor behaviour
- Conflicts of interest/Pecuniary Interests

Outcomes of Complaints – In accordance with clause 12.4 and 12.9 of the Code of Conduct the general manager must determine either to:

- take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or*
- resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or*
- discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or*

d) *refer the matter to the conduct review committee/reviewer.*

Complaints, when they are assessed by the General Manager and Mayor, have regard to the following grounds in accordance with Clause 13.1 of the Code of Conduct:

“The General Manager or Mayor, in the case of a complaint about the General Manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the General Manager and Mayor will have regard to the following grounds:

- (a) whether there is any prima facie evidence of a breach of the code of conduct;*
- (b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as General Manager;*
- (c) whether the complaint is trivial, frivolous, vexatious or not made in good faith;*
- (d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct;*
- (e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police;*
- (f) whether there is an alternative and satisfactory means of redress;*
- (g) how much time has elapsed since the events the subject of the complaint took place;*
- (h) how serious the complaint is and the significance it has for Council;*
- (i) whether the complaint is one of a series indicating a pattern of conduct.”*

In accordance with the above criteria the complaints were dealt with in accordance with; one complaint in accordance with in the following manner:

- 1/2010 - lacked sufficient detail to be properly assessed
- 2/2010 - clause 12.9(c)
- 3/2010 - clause 12.4 in reference to 13.1(c)
- 4/2010 - 13.1(c) and (d);

It is noted that the complaint received was NOT referred to Council’s Conduct Committee. The complaints were handled by the General Manager or Mayor, as appropriate.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT the report on the Code of Conduct complaints received for 2009/10 be noted.

ITEM:5 GM - 20/09/10 - CULLEN BULLEN HALL

REPORT FROM: GENERAL MANAGER, ROGER BAILEY

REFERENCE

Nil.

SUMMARY

The Cullen Bullen Progress Association has expressed concern about their ability to continue to function financially and have request that Council consider taking over the Hall.

COMMENTARY

Earlier this year the Mayor, Group Manager Regional Services and General Manager met with representatives of the Cullen Bullen Progress Association in relation to the operations of the Cullen Bullen Hall. The Committee indicated that it was having difficulty in meeting its financial commitments and request that Council consider the possibility of Council taking over the hall itself.

The Association have indicated that it incurs annually a number of cost including:

- Rates - \$709
- Liability Insurance - \$1,455
- Fire Insurance - \$1,940

The Cullen Bullen Hall provides a very good facility to the local community and the loss of this facility would likely to be detrimental.

However there will be several other halls in the local government area that will likely be in the same position as this one and there may be a call for Council to take control of other halls.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council provides donations to various community groups for activities. The amount of rates for the 2010/11 year is \$709.47.

A further financial commitment may be required if Council were to take control of the Hall.

LEGAL IMPLICATIONS

Council would likely appoint a Council Committee for the running of the Hall if it were taken over by Council.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council:

1. In principle agree to taking over the control of the Cullen Bullen Hall subject to a building assessment being completed and further discussions occurring between Council and the Cullen Bullen Progress Association; and
2. Provide a donation to the Cullen Bullen Progress Association of \$709.47 for 2010/11.

REGIONAL SERVICES REPORTS

ITEM:6 REG - 20/09/10 - UPDATE ON INSTALLATION OF FLUORIDATION EQUIPMENT AND TENDERING FOR DESIGN, SUPPLY AND DELIVERY OF FLUORIDATION EQUIPMENT

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Policy and Strategy Committee meeting of 3 April 2006
Policy and Strategy Committee meeting of 6 August 2007
Ordinary meeting of 17 September 2007
Min: 07-489 Ordinary Meeting of Council of 19 November 2007
Ordinary meeting of 1 July 2008

SUMMARY

This report provides an update on the Fluoridation of Lithgow's potable water supply and seeks a determination from Council to use the open tendering process consistent with s166 (a) of the Local Government (General) Regulation 2005, for the procurement of a suitable contractor for the design, supply and delivery of the Fluoridation equipment.

COMMENTARY

Consistent with the Protocol for Water Supply Authorities Seeking Approval to Fluoridate under the Code of Practice for the Fluoridation of Public Water Supplies, an application has been submitted to the Director General of NSW Health. The application (known as a Form 1) has been referred to/and reviewed by the Fluoridation of Public Water Supplies Advisory Committee and the approval to add fluorine to the Farmers Creek Dam water supply granted under Fluoridation of Public Water Supplies Act 1957. The notification of approval was issued and placed in the New South Wales Government Gazette No 111 on 3 September 2010.

Council is currently working with NSW Office of Water preparing plans and specifications for approval by NSW Office of Water prior to proceeding to call tenders. 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 of a suitable contractor for the design, supply and delivery of the Fluoridation equipment is by Open Tender.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

NSW Health provides 100% subsidy under Fluoridation Capital Works Program for approved works. The 100% subsidy for a new plant is limited to the least capital cost option meeting the requirements of the Code of Practice. The subsidy will be provided in the form of a fixed grant based on an approved estimate of the least cost option.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Attached copy of Gazetted Notification of Approval

RECOMMENDATION

THAT

1. The report on the Fluoridation of the Lithgow Water Supply from Farmers Creek Dam via the Oakey Park Water Filtration Plant be received
2. Council use the Open Tender method for a suitable contractor for the design, supply and delivery of the Fluoridation equipment, consistent with section 166 of the Local Government (General) Regulation 2005

ITEM:7 REG - 20/09/10 - MODIFICATION OF CONSENT REPORT DA66/05 - D CORNEY - 47 LOT SUBDIVISION, GREAT WESTERN HIGHWAY, SOUTH BOWENFELS

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Development Application No.66/05.
Councils Meeting 21/6/10

SUMMARY

Council is in receipt of a modification of development consent application from Mr Margus Ratsep for Mr D Corney, who is seeking a modified layout for the existing approval to subdivide his land into 47 residential allotments.

The modification seeks to remove an additional access approved as part of the original consent and concentrate development off the existing Robinia Drive access. In lieu of the additional access and through negotiation with the RTA and Council the modification requests the removal of the secondary access off the Great Western Highway and upgrading of the existing Robinia Drive/Great Western Highway intersection, to include traffic lights and appropriate pedestrian links.

The subdivision has been previously approved by Council and as such, any modification is required to be determined by Council. Given that the allotment design and all other aspects of the approved subdivision do not change, the proposed access/egress consideration will be assessed independently as part of this modification.

COMMENTARY

As a resolution from Council's meeting dated 21 June 2010 a public meeting was held to outline some concerns raised from the current development. Those issues are substantially addressed in the attached 79(c) report.

The land is described Lot 21 DP 1117668 (Previously Lot 11 DP 1074721). The property to be subdivided has a total area of 65.4ha. It is located on the eastern side of the Great Western Highway at South Bowenfels, and slopes toward the west.

The application has been assessed in consultation with the appropriate roads authority (RTA) with the recommendations of the modification being for approval subject to the modified conditions.

Council has had concerns over the existing access point for some time. Some of those concerns include but are not limited to:

- Sight distances for vehicles exiting the estate, especially in inclement weather.
- The location of an existing park adjacent to the access location.

- The number of vehicles utilising the 'single' access location to new release areas.
- This access is the sole access point to Lithgow's new release areas.

The original approval sought to minimise the amount of 'additional traffic' that would utilise this intersection.

As part of the modification the applicant has indicated that they seek to delete the proposed new access location and utilise the existing Robinia Drive/Great Western Highway access. Additionally, as part of that modification the applicant has proposed a substantial upgrade in access treatment for the Robinia Drive/Great Western Highway by way of the installation of traffic lights and a formalised pedestrian link between the Strathlone and Bowen Vista estates.

Further, Council is in receipt of a petition relating to the original modification specifically detailing the unsafe nature of the intersection in its current form and given the additional traffic proposed as part of this application it is perceived that these concerns will only intensify.

As a result of the public meeting, residents within the subdivision indicated that the need for the second access is paramount and issues such as noise were of major concern should traffic lights be installed at the current intersection. Counter views related to traffic and pedestrian safety. The attached 79C report substantially addresses the concerns raised from that public meeting.

Issues of traffic noise should be addressed due to the prioritised nature of the signals, ie during the night the likelihood is that traffic flow on the Great Western Highway will be constant as the signals are only triggered by traffic from Robinia Drive and Kirkley Street.

The current approved access to the South is likely to be mostly used by traffic turning left in the Sydney direction. The deletion of the proposed access at this point is likely to have little impact on the area in a strategic sense. The long term pursuit of a second access to the North is of course another matter. It is a valid issue but it should not be allowed to impact on this modification application.

Finally, the installation of traffic signals at the corner of Robinia Drive, Kirkley Street and Great Western Highway, to be entirely funded by the developer, is a rare opportunity to improve traffic and pedestrian safety that should not be lost. Under these circumstances the only professional recommendation that can be made is for approval.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

ATTACHMENTS

A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979

RECOMMENDATION

THAT

1. The application to modify Development Application DA66/05 be approved subject to conditions highlighted in Council's Section 79C assessment, attached.
2. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

ITEM:8 REG - 20/09/10 - 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
Min No - 10-305:	Ordinary Meeting of 3 August 2010
Min No 10 – 349	Ordinary Meeting of 23 August 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 9 September 2010 Farmers Creek Dam was at 100% and spilling and Oberon Dam was at 31%.

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	127.18	35
August	121.26	71
September*	29.18	11
Total 2010	972.76	297

Table 1 – Oakey Park Output and Clarence Transfer
 * To 6 September 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)					Total
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consumers	
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
NB – July and August figures not available at time of writing

CURRENT WATER RESTRICTIONS UPDATE

Level 2 Water Restrictions are now in place for residents of Lithgow and Marrangaroo. Level 2 restrictions now also apply to consumers on the Fish River Water Supply due to the rapid improvement at Oberon Dam.

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 AAAAA rating a rebate of **\$150/appliance/household**.

In August Council received 6 applications for a household appliance rebate and 13 applications for a water tank rebate.

ALTERNATE WATER SOURCES UPDATE

Drought Relief Project

The pipeline design has been received. Materials and contractor are now being arranged.

Clarence Transfer System

Tenders have been called for environmental and design works.

Oakey Park Bore

An initial investigation into the possibility of using underground water as a supplement to the local water supply at Oakey Park Water Treatment Plant was been undertaken by the Water and Waste Manager. A water sample was collected from a bore in Bells Road, Oakey Park and analysed with the following results in the following table.

Sample Id			L10054752
Client Sample Id		ADWG	BORE WATER
Description			
Date Sampled			21/06/2010
Sampling Point			
Sp Location			
Date Received			28/07/2010
Rep			1
Test Comment			
pH	pH units	11<->4	5.8
Conductivity (mS/m)	mS/m	520*	65.5
Sulphate	mg/L	500	296
Chloride	mg/L	250	6.4
Nitrate Nitrogen NO3-N	mg/L	50	<0.01
Total Sodium	mg/L	180	10.9
Total Calcium	mg/L	-	60
Total Magnesium	mg/L	-	30.4
Total Potassium	mg/L	-	18.8
Total Digestion	DONE		D (Done)
Alkalinity (Carbonate)	mg CaCO3/L	200	<5
Alkalinity (Bicarbonate)	mg CaCO3/L	200	21

*Suitable for most crops on most soils, with little chance of developing a salinity problem.

These results demonstrate that they water requires minimal treatment as the raw water supplement at Oakey Park Water Treatment Plant. However, Delta Electricity has kindly provided a report that it has commissioned on the assessment of preliminary mine subsidence risk resulting from the dewatering of mine workings in the Lithgow area. This report concluded that the resultant mine subsidence risk associated with mine deatering to individual residential areas and the industrial areas ranges from tolerable to extreme. Failure within one area is expected to result in failure propagating into the adjacent areas. The combined risk in such co-dependent areas was extreme for the Oakey Park area. Given the assessed risk levels it is unlikely that approval could be obtained for the proposed water extraction without the adoption of control measures, such as the provision of cut-off barriers to prevent dewatering beneath the residential, industrial and critical railway areas or infill grouting beneath these areas.

In conclusion, using underground water from the vicinity of Oakey Park Water Treatment Plant is not considered to be feasible because of risks associated with extraction depressurisation and instability.

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

Oberon Dam – Deep Water Recovery
This project has been completed.

Spilling Farmers Creek Dam

Farmers Creek Dam has continued to spill in accordance with the trial being conducted on behalf of Delta Electricity. The trial will be suspended for a week to install some dam safety measures that cannot be installed when the dam is spilling but will continue until late October.

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. A media release has also been arranged for the change in water restrictions.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

No specific financial 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.

**ITEM:9 REG - 20/09/10 - LITHGOW ANTI-AIRCRAFT DUMMY GUN BATTERY
B - NOMINATION TO STATE HERITAGE REGISTER**

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Nil

SUMMARY

To notify Council of a proposal by the Heritage Branch of the Department of Planning to place Lithgow Anti-Aircraft Gun Battery B, located off Hassans Walls Road Lithgow, on the State Heritage Register.

COMMENTARY

The Heritage Branch of the Department of Planning have written to Council requesting its support to include the Hassans Walls Road dummy gun emplacements on the State Heritage Register.

They advise that the Heritage Council of NSW has endorsed the State Heritage Register Thematic Listings Program. This is a strategic initiative to maintain a balanced and credible State Heritage Register which reflects the heritage diversity of the State of NSW. Four themes are being focused on in 2009-2011. The four themes are:

- Aboriginal heritage – to ensure this important aspect of the State's history continues to be recognised;
- Convict sites – to acknowledge work associated with the Australian Convict Sites World Heritage nomination;
- Governor Macquarie sites – to mark the bicentenary of Macquarie's tenure as Governor (1810-1821); and
- World War 1 & 11 sites – to acknowledge important anniversaries including the 70th anniversary of the beginning of WW11.

The Heritage Branch of the Department of Planning wishes to nominate Lithgow Anti-Aircraft Dummy Gun Battery B to the State Heritage Register under the World War 1 & 11 theme. The Battery is located in open space owned by Council. The Dummy Gun Battery B is an important element in the World War 11 network of defence sites and, in particular anti-aircraft gun batteries, which protected important Lithgow mining and manufacturing industries and the transport hub during the war. Together with Clwydd Battery on Scenic Hill and the South Bowenfels battery A is believed to be the only anti-aircraft batteries of their type in NSW (and possibly Australia). Inclusion in the register would celebrate the sites role in this history.

Should the site be included in the register, day to day activities do not require approval under the Heritage Act (1977).

It is requested that Council provide its support for listing the Lithgow-Anti Aircraft Dummy Gun Battery B located off Hassans Walls Road, Lithgow on the State Heritage Register under the World War 1 & 11 theme.

This proposal has been discussed with Council's Heritage Advisor, Mr Christo Aitken. It is considered that this is a positive proposal that may lead to an increase in potential funding for the site as placement on the State Heritage list is one of the important criteria for priority funding requests.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from the Department of Planning Heritage Branch.

RECOMMENDATION

THAT Council support the nomination of the Lithgow Anti-Aircraft Dummy Gun Battery B located off Hassans Walls Road, Lithgow for placement on the State Heritage Register under the World War 1 & 11 theme.

ITEM:10 REG - 20/09/10 - NEW METERED STANDPIPE

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise Council of the installation of a new metered standpipe.

COMMENTARY

A new metered standpipe has been installed at Hughes Street, near the existing standpipe. The new metered standpipe has been installed to improve efficiency and accounting of water services.

The new metered standpipe has been provided to replace the existing standpipe situated on the edge of the Barton Street which does have backflow prevention devices and thus has a potential to contaminate drinking water network. In order to minimise risks associated with the water quality, a new metered standpipe has been selected and provided in the vicinity of the existing systems.

The new metered standpipe is supplied by the Tyco Flow Control and has been installed to meet water demand by tank operators. The system uses card technology for dispensing water accurately and keeping records for accounting purposes. New electronic-cards will be issued to customers and proper data will be recorded for future uses.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is proposed that a lump sum fee of \$50 will be charged from customers for a card. In the event of loss of card, additional cost for a new card will be charged from the tank operator. The old card will be deactivated to restrict access to the standpipe. This new fee will have to be advertised for a period of 28 days.

Water charges will remain same.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Photograph of new Standpipe

RECOMMENDATION

1. The report on the new metered standpipe be received.
2. That a proposed additional cost for issuing an electronic card and replacement cost of \$50 be advertised in the Lithgow Mercury for a period of 28 days.
3. The fee not be charged to Bush Fire Brigades.
4. A report be provided back following the 28 day notification period.

**ITEM:11 REG - 20/09/10 - NATIVE TITLE DETERMINATION APPLICATION -
WELLINGTON VALLEY WIRADJURI PEOPLE**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil

SUMMARY

To inform Council of notification from the National Native Title Tribunal of the submission of a Native Title Determination Application by the Wellington Valley Wiradjuri people.

COMMENTARY

Council has received advice from the National Native Title Tribunal of the lodgement of a Native Title Determination Application by the Wellington Valley Wiradjuri people. The external boundary of the application covers the towns of Orange, Wellington and Mudgee and is located north of Bathurst, south of Dubbo and east of Parkes. However not all land within the external boundary is claimed, e.g. freehole land is excluded.

The tribunal has written to Council as a small part of the claim area is within the Lithgow Local Government Area and records indicate that this includes Capertee General Cemetery. A copy of this motion in relation to the claim is attached to the business paper and at this stage; Council is asked if it wants to become a party to the application. Orange City Council has become a party to the application and has invited any other councils in the area, should they wish to become a party, to share in any legal costs that follow. However, given the likelihood of no impact being created should the application be successful, it appears as though there is little need to become a party application which involves a process through the federal court which could take years to resolve. It is noted for example that from the information provided that the law protects anyone who has existing valid leases, licences or permits over the area and in this particular case, Capertee General Cemetery is covered by dedication R1015328.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil if Council decides not to become a party to the application.

LEGAL IMPLICATIONS

The Native Title Application has been lodged pursuant to the Native Title Act 1993 (Commonwealth).

ATTACHMENTS

1. Package from National Native Title Tribunal providing information on the application and native title generally.

RECOMMENDATION

THAT the report on the Native Title Determination Application – Wellington Valley Wiradjuri people be received and Council not become a party to the application.

ITEM:12 REG - 20/09/10 - OLD RSL CLUB HOSKINS AVENUE LITHGOW

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Minute No.10-300.

SUMMARY

Council at its meeting of 2 August 2010 resolved that Council:

1. Be provided an update on the proposed development at the old RSL site located at Hoskins Avenue and Hayley Street Lithgow; and
2. Seek advice on action taken to clean up the site.

This report provides an update on these issues.

COMMENTARY

Development Application No.35/08 was approved by Council on 28 October 2008 for the construction of twenty four (24) medium density units on Lot 1 DP 868379 Hoskins Avenue Lithgow, being the land adjacent to the old RSL Club. A Construction Certificate was subsequently approved for these units by Council on 28 April 2009.

No work has commenced on the project and the site has become unsightly and overgrown and subject to complaint through Council. The owner, Jonathan Investment Holdings P/L has been contacted and made aware of Council's concern with the condition of the premises. They advised that it is their intention to commence work on construction of the twenty four units before the end of the year, and that they have engaged a contractor to clean up the site as has occurred on the site owned by an associated company at Lot 201 DP 1045422 and Lot 2 DP 868379 Hoskins Avenue.

This work is programmed to occur when plant is available. The owner has also been requested to repair the fence. An Infringement Notice was previously issued for overgrown vegetation to the owner of Lot 2 and Lot 201 by Council with penalties totalling \$438 imposed by the court. Work to remove vegetation on these allotments has now been completed.

Should the owner of Lot 1 Hoskins Avenue fail to honour his undertaking to clean up that property within a reasonable timeframe, appropriate notices and orders will be issued.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

May be financial implications if the matter proceeds to court.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Plan of the subject allotment and associated properties.

RECOMMENDATION

THAT should the owner of Lot 1 DP 868379 fail to carry out the cleanup of the premises then appropriate notices and orders be issued by Council's enforcement officers.

OPERATION SERVICES REPORTS

ITEM:13 OPER - 20/09/10 - FARMERS CREEK FLOOD MITIGATION WORKS

REPORT FROM: GROUP MANAGER OPERATIONS - IAIN STEWART

SUMMARY

Proposed Flood Plain Risk Management Program for the 2010/11 financial year.

COMMENTARY

A letter has been received from the Office of the Hon Frank Sartor AO MP – Minister for Climate Change and Environment regarding Lithgow Council's proposed floodplain risk management programme for the 2010/11 financial year, and earlier correspondence from the Department of Environment, Climate Change and Water regarding projects placed on the priority list for funding.

Frank Sartor AO MP has advised that he will be giving a grant up to \$150,000 from the State Floodplain Management Program based on a 2:1 (State:Council) funding ratio for the Farmers Creek Flood Mitigation Works, subject to certain conditions.

This additional funding boost from State Government of \$150,000 and Council's contribution of \$75,000 will allow Council to complete channel widening work on the last 155 meters of the southern side (Stage1b) by the end of October 2010.

Work on this project has already commenced and involves the excavation and widening of the existing channel alignment, allowing for the installation of new concrete channel wall and floor. The work will also include the erection of new galvanised fencing along the top of the wall upon completion.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council's contribution toward this project will be \$75,000 which has been allocated in the 2010/11 Management Plan.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from the Hon Frank Sartor AO MP

RECOMMENDATION

THAT Council formally accept the grant of \$150,000 from the Department Environment, Climate Change and Water for the completion of Stage1b Farmers Creek Flood Mitigation Works.

ITEM:14 OPER - 20/09/10 - RTA - FLASHING LIGHTS AT LITHGOW SCHOOLS

REPORT FROM: GROUP MANAGER OPERATIONS IAIN STEWART

REFERENCE

Min No. 10-274 – Ordinary Council Meeting 12 July 2010

SUMMARY

Correspondence has been received from the Roads and Traffic Authority regarding the Installation of flashing Lights in all school zones within the Lithgow Council Region.

COMMENTARY

The Roads and Traffic Authority has stated that the selection of new school zone sites for flashing lights is based on stringent criteria including crash history and risk, traffic and pedestrian volumes, speed limits, road environment and visibility. This is to ensure that the flashing lights are installed at those schools that need them most.

Given the lower crash and traffic volumes in Western Region, only 19 sites have been approved for flashing lights, most of these on major highways.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Roads and Traffic Authority response from Jacqueline Anderson regarding Flashing lights at Lithgow Schools.

RECOMMENDATION

THAT Council note the correspondence that has been received from the Roads and Traffic Authority regarding the installation of flashing lights in all school zones within the Lithgow Council Region.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:15 COMM - 20/9/10 - ESKBANK HOUSE HIGHLY COMMENDED IN RADIO NATIONAL'S REGIONAL MUSEUMS AWARD 2010

REPORT BY: CULTURAL DEVELOPMENT OFFICER - NAOMI PARRY

SUMMARY

Eskbank House has been Highly Commended in Radio National's 2010 Regional Museums Award.

COMMENTARY

Now in its third year, the 2010 Regional Museums Award attracted just over 100 entries from museums in every Australian state and territory, mainland and off-shore.

This Highly Commended Award recognises the value of Eskbank House as a site that speaks about the industrial and social history and heritage of the Lithgow community.

The Award submission, prepared by the Cultural Development Officer, highlighted Eskbank House's outstanding 1893 Leake-Sutton Crazy Quilt, which was brought home from America by Vale of Clwydd man David Leake as a present for his granddaughter, the late Mrs Jean Hutchinson, in 1923. The Quilt, cherished by Jean's family for many years, tells many stories about women, Lithgow's migration history and the strength of family bonds. This quilt was recently assessed by textiles expert Kylie Winkworth as being nationally significant, in a Significance Assessment funded by the National Library of Australia's Community Heritage Grants Programme.

The submission also described how Eskbank House is unique in the region for its strong associations with the local coal and steel industries and the ways the creation of the Museum by Mr Eric Bracey and the Lithgow District Historical Society expresses the strengths and heritage of the town. Judges were informed that Eskbank House is a significant community asset, highly valued by Council, embedded in Council's Plans of Management and Cultural Plan and supported by the Bracey Trust and the Lithgow Visitors' Centre.

The submission detailed the work Council staff have done since assuming control of the property in 2004 to professionalise the Museum and ensure local stories are told and the value of the collections is recognised. Initiatives such as the recent conversion of the Courtyard into gallery space, which have made the house a venue for community art displays and activities, and Australia Day celebrations in the grounds, have increased community engagement with the museum. The submission also credited the work of Eskbank's volunteers, who keep the museum open at weekends and support the Cultural Development Officer in her curatorial role.

The winner of the Regional Museums Award in 2010 was Richmond River Historical Society, which also won the Best Volunteer-Run category. Narryna Heritage Museum in Tasmania was judged Best Small Museum and Patakajiyali Museum on Bathurst Island was awarded Best Indigenous Cultural Centre/Keeping Place.

Eskbank House will receive a certificate confirming its Highly Commended Award from Radio National in coming weeks.

ATTACHMENTS

1. Eskbank House's entry into the Regional Museums Award can be viewed at <http://www.abc.net.au/rn/museums/2010/museums/EskbankHouse/>

RECOMMENDATION

THAT Councillors note the High Commendation for Eskbank House in Radio National's Regional Museums Awards 2010.

ITEM:16 COMM - 20/9/10 - FUNDING SUBMISSION TO XSTRATA COAL

REPORT BY: CULTURAL DEVELOPMENT OFFICER - NAOMI PARRY

REFERENCE

Min No 10-178 - Ordinary Meeting of Council dated 3 May 2010.

SUMMARY

Lithgow City Council's Cultural Development Officer has recently submitted a funding application to Xstrata Coal's Corporate Social Involvement Programme. This application seeks seed funding for a community art project called "Lithgow History Avenue" that is intended to fulfil some of the recommendations of the 2010 Cultural Precinct Study, funded by Xstrata and adopted by Council.

COMMENTARY

Xstrata Coal run a Corporate Social Involvement Program in areas where they conduct active mining operations. Following discussions with Xstrata, an application for further funding has been submitted that builds upon the well-received Cultural Precinct Study, which was conducted with support from Xstrata Coal and completed in 2010.

The project, to renew the Cultural Precinct as an important place, has been developed in consultation with other staff and key community members. The goal is to develop a public art project that will help revive the spirit of a thriving town and of industry and endeavour. Xstrata have been asked for seed money to develop a major piece of public art that sets a benchmark and revives and revitalises this key area, in a manner that is sympathetic to the setting, and celebrates the innovations and industry of the past and the creativity of its current residents.

The goal of the project is to improve the visual amenity of what is currently a degraded area along Inch Street between Tank and Bennett Streets and to develop wayfinding and pathmaking, as recommended in the Cultural Precinct Study. The aim is to convert available land on the railway and Eskbank Station side and along the Inch Street frontage of the grounds of Eskbank House and Museum to an outdoor art gallery that displays high quality public art which references the historical and cultural elements of an area that is the cradle of industry in Lithgow.

The concept is to create a series of rectangular laser cut Corten steel panels - placemarkers - similar in style to Simeon Nelson's Chifley sculpture in Chifley Square or Michael Snape's Yellow House cutouts (similar works have been installed by local artist Phil Spark at the State Mine in Lithgow). The cutouts within each panel will enable the inclusion of a wide range of imagery, but the repeated rectangular forms will provide a strong structural element to tie the extensive streetscape together. The colour of rusting steel is sympathetic to the environment and references the coal and steel heritage of the area.

It is intended that placemarkers will be installed at intervals along both sides of Inch Street. Each one will honour a person or movement in Lithgow (for instance, Charles Hoskins, Thomas and Mary Brown of Eskbank, potter James Silcock, the trade union movement, the Co-op). The space left between the placemarkers references the design of large contemporary war memorial avenues in Canberra and Washington. However, in Lithgow, these spaces can be filled with more temporary artworks, such as installations, audio-visual works, community artworks and gardening projects. Temporary installations could celebrate significant local milestones, such as the crossing of the Blue Mountains in 2013. There is scope for community involvement in suggesting panel themes. Effectively, the project will work as an outdoor art gallery, intended to be moved through and enjoyed by the public.

Lithgow History Avenue will be complete from the outset, but will easily accommodate additional placemarkers - it should be noted that Corten panels are relatively inexpensive. With sponsorship and community involvement, the placemarkers could be extended along Inch Street to form a pathway to the Blast Furnace, thus picking up many of the themes developed in the highly successful Fire, Furnace and Forge heritage pathway and fulfilling one of the key recommendations of the Cultural Precinct Study. They could also be placed on Main Street and provide a lead-in to the heritage parts of the city.

The project would require a designer with professional experience in public art, due to technical requirements and in order to produce a high quality product. Each placemaker could be done by a different artist, enabling input from other commissioned artists, including local arts workers. This would provide a variety of styles within the forms of the placemarkers. The concept of temporary installations between the placemarkers provides more scope to tap into the strong arts community identified in the Cultural Precinct Study and Lithgow's Cultural Plan.

This would be a significant art project for Lithgow, which will increase arts activity in the area, enhance business engagement with the arts and attract broad interest from outside of Lithgow. It will also increase community involvement with an area that is currently neglected, but which contains the key heritage sites of Eskbank House, Eskbank Station and the Blast Furnace ruins, as well as the recreational area of Lake Pillans. The placemarkers will be durable and resistant to vandalism and graffiti, so will greatly improve the appearance of the area.

The project is planned to take place over two years and be completed by mid 2012. Funding is being sought from Xstrata for:

1. Development of a research and design brief (\$30,000)
2. Employment of a project designer to design the panels, recruit other artists and commence construction (\$70,000).

It should be noted that Council has submitted an application for funding for the upgrade of the Blast Furnace Park (\$50,000) and Lake Pillans (\$50,000) through the Regional Local Community Infrastructure Fund (Federal). This funding is subject to Federal Government determination. The Lithgow History Avenue would complement the upgrade of these areas. Council's Cultural Development Officer will oversee the project and Council may consider support for the installation of the Lithgow History Avenue in future budget deliberations as well as actively seeking sponsorship from the business community and grants from other government sources.

The project is intended to be completed by mid 2012.

ATTACHMENTS

1. Funding Submission to Xstrata Coal DWS 627104

RECOMMENDATION

THAT Council note the application to Xstrata's Corporate Social Involvement Programme.

ITEM:17 COMM - 20/9/10 - REPORT ON LIVE WELL LITHGOW 2009 PROGRAM

REPORT BY: LIVE LIFE WELL PROJECT OFFICER - ANGELA MILLS

REFERENCE

NIL

SUMMARY

This report highlights the results of the Live Well Lithgow program in 2009 and presents to Council the Live Well Lithgow Program Report.

COMMENTARY

The Live Well Lithgow Healthy Lifestyle Challenge and Festival was held over 12 weeks from September to November 2009.

This was a joint initiative of Sydney West Area Health Service and Lithgow City Council. The program was funded by SWAHS in response to the relatively high rates of obesity and lifestyle related illnesses such as cardiac disease, diabetes and cancer within the LGA.

The key objective of Live Well Lithgow was to raise awareness and encourage behavioural change in the general community of the importance of developing healthy habits. The Live Well Lithgow initiative addressed this by firstly aiming to educate people on what a 'healthy lifestyle' means (i.e. eating vegetables and fruit and incorporating physical activity into each day) and secondly by engaging the community, in order to gain support for the program and to maximise reach to as many people as possible.

There were three key aspects to Live Well Lithgow 2009.

- **The 12-week Live Well Lithgow Healthy Lifestyle Challenge**

This was the key initiative targeted at all adults in the Lithgow area. Everyone that signed up for the challenge received a special kit which included a pedometer and challenge diary. Participants were encouraged to practice healthy lifestyle habits over this period and points were awarded for being active and eating fruit and vegetables. By sending their fortnightly score cards, participants could go into the draw to win a range of prizes.

- **The Live Well Lithgow Festival**

A comprehensive calendar of over 50 events supported the Live Well Lithgow Challenge. This was considered an integral addition to the program as it provided opportunities and incentives to people to practice healthier lifestyles and helped to maintain a high public profile for the Challenge. The launch event, a healthy lifestyle Expo was attended by over 1000 people and was followed by a series of events such as fresh produce markets, walking groups, seminars and open days during the 12-week challenge period.

- **Eat Well Lithgow Retail program**

This retail program was launched during the Challenge period with over 30 participating food outlets such as cafes, restaurants, clubs and pubs in the greater Lithgow area. SWAHS undertook an audit of these outlets' menus earlier in the year, and provided them with personalised feedback and a resource kit to help them highlight the healthy foods on their menus and/or add new menu items.

Live Well Lithgow was underpinned by a strong and multifaceted communication strategy, as well as distinctive and upbeat branding. Lithgow City Council was awarded a Highly Commended for Excellence in Communications for the program at the Local Government and Shires Associations of NSW RH Dougherty Awards 2010.

A teaser campaign with green paw prints around Lithgow lead to the unveiling of the Lithgow Panther, as the mascot for the program. The fun and distinctive imagery of the panther and green paw prints identified the program and appeared on all associated materials. Local newspaper and radio advertising campaigns were supplemented with news stories, letterbox drops, banners, posters, email newsletters, presentations to community groups and public appearances by the panther.

Over 1300 people participated in the Live Well Lithgow Challenge, representing over 8% of the total adult population of the Lithgow LGA. This was viewed as a significant achievement that surpassed expectations. Many more also participated in the various events such as the Expo, fresh produce markets, Lithgow Pool Open Day and various organised walks.

Feedback from participants at events throughout the Live Well Lithgow period was very positive. 88% of respondents in the final post-Live Well Lithgow questionnaire claimed to know more about living a healthier lifestyle after the Challenge and 98% of respondents intended to continue to practice a healthier lifestyle in the future.

The strong community response and participation in Live Well Lithgow strongly supports the continuation of programs in the future to promote population health.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

Live Well Lithgow Challenge 2009 Program Report

RECOMMENDATION

THAT based on the positive outcomes of Live Well Lithgow in 2009, Council supports the continuation of Live Well Lithgow and the partnership with SWAHS to promote population health.

ITEM:18 COMM - 20/09/10 - SEPTIC SAFE STRATEGY REVIEW

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 08-51: Policy and Strategy Meeting 6 May 2008
Min No 09-433: Ordinary Council Meeting 14 September 2009
Min No 09-453: Ordinary Council Meeting 2 November 2009
Min No 10-50: Ordinary Meeting of Council 1 March 2010
Min No 10-202: Ordinary Meeting of Council 24 May 2010

SUMMARY

This report summarises the submissions put by the community in relation to the Septic safe program and proposes a new approach to the operation of the program.

COMMENTARY

Background

Following public meetings held at Hartley in November 2009 and Hampton in February 2010, Council resolved at the Ordinary Meeting of Council dated 1 March 2010 (Min10-50):

THAT

1. Council immediately review the program and report back to Council.
2. Council identifies in a report the requirements of the “On-Site Sewerage Information Management System” provided by the Department of Local Government into a plan for a new Septic Safe Program (attached).
3. The report from Mr Litchfield Junior, submitted at Council tonight, be considered during this review.

The review was undertaken with advice received from the Local Government and Shires Association and the Sydney Catchment Authority and with information from the Department of Local Government and other councils. This was reported to Council at the Ordinary Meeting of Council held 24 May 2010 (Min10-202) where Council resolved:

THAT COUNCIL:

1. *Places the Onsite Sewage Management Strategy on public exhibition for 28 days and calls for public submissions.*
2. *Seeks grant funding from the Sydney Catchment Authority to support the Onsite Sewage Management Strategy.*
3. *Considers the introduction of an annual approval to operate charge to be included in the rate notice from 2011/12.*
4. *Defers any inspections to the Onsite Sewage Management Strategy across the Local Government Area unless considered urgent.*
5. *Holds public consultation meetings.*
6. *Include the following process when contacting property owners regarding carrying out of inspections:*
 - *A letter will be sent to property owners advising that Council will be undertaking inspections within the area during a specified time frame (eg the month of) and inviting the owner to contact Council within 2 weeks to establish an inspection time and date.*
 - *Where the property owners does not contact Council within 2 weeks, Council will write to property owners nominating a date and time and again inviting the property owner to contact Council if this is not a suitable time.*
 - *Where there is no contact from the property owner the inspection will proceed on the identified day.*
 - *A telephone call will be placed to the property owner confirming that Council will be inspecting the subject property.*

Further public meetings were then held at Hartley and Portland in late June 2010 and at Hampton in August 2010. Written submissions have been received up until the end of August 2010. A grant submission has been lodged with the Sydney Catchment Authority to support the Onsite Sewage Management Strategy.

Submissions

11 written submissions have been received in relation to the Septic Safe Program. These submissions generally oppose the program and the approval to operate charges. In summary, the issues raised include the following. A full list of issues raised is attached.

- Object to approval to operate and inspection charges as they are already paying maintenance charges for their systems.
- Question the need for inspections and consider risk levels to be small, especially on farms.
- Owners are already maintaining their systems so why does Council need to inspect?
- Why did Council wait 10 years until commencing inspections?
- Council is only running the program to suit the Sydney catchment Authority.
- Council has not provided appropriate notice of entry before undertaking inspections.

- Large costs of undertaking remediation work eg replacement of trenches and Council does not provide assistance.
- Lack of consultation with the community in the development of the program.
- Need for improved communication by Council with homeowners including providing information on how to maintain their systems.
- Concerns about a State Forest Rest Area at Hampton.

Summary of Advice Received

The advice received from both the LGSA and Sydney Catchment Authority, as reported to Council on 24 May 2010, is that Council has legislative obligations to administer an Onsite Sewage Management Strategy and a duty of care to the owners of those systems and the general public to ensure that these systems meet the performance standards.

These obligations on councils extend to the inspection of all onsite wastewater systems, not only to properties that fall within the Sydney Drinking Water Catchment.

Other councils contacted, including surrounding councils and those outside the Sydney Drinking Water Catchment are all undertaking inspections and applying approval to operate and inspection charges.

New proposal

Further consideration has been given to a means of addressing community concerns while ensuring that the environmental and health objectives of the program are met. The following proposed risk classification allocates a low risk to AWTS systems and septic systems on large rural properties, other than those close to boundaries or permanent waterways. Medium risk systems are those on small rural allotments. High risk systems are those close to boundaries and permanent watercourses as well as commercial properties.

Risk Classification	Property types	Inspection Frequency	Approval to Operate and Inspection Charges based on 2010/11 charges*
High	Septic systems located within 100 metres of a permanent watercourse or within 12 metres of a property boundary or neighbour’s home. All commercial properties eg cabins, B&B’s etc. Properties in and around villages are likely to fall into this category.	Every 2 years (currently every year although classification has been expanded to include commercial and residential properties that may currently be on 5 year cycle.)	\$53 for a 5 year Approval. (high risk systems are currently given a \$12 One (1) year Approval to Operate) \$74 per inspection (every 2 years – currently every year)

Medium Risk	Septic systems on land 5Ha and less.	Every 5 years (unchanged) Most septic systems are currently on a 5 year inspection cycle.	\$53 for a 5 year Approval (unchanged) \$74 per inspection (every 5 years – currently every 3 years)
Low Risk	Septic systems located on rural land and land greater than 5Ha and not located within 100 metres of a permanent water course or within 12 metres of another property boundary or neighbour's home. Most larger rural properties, other than those close to waterways or boundaries will fall into this risk category.	Every 10 years Note: a "Low Risk" system found to have serious failures may be inspected more frequently.	\$53 for a 5 year Approval (unchanged) \$74 per inspection - every 10 years.
	All AWTS systems.	Every 10 Years Currently random inspections of AWTS systems	\$158 for a 10 year Approval (currently \$158 for a 5 year Approval) Inspection at no cost a minimum every 10 years. There is currently no charge for AWTS inspections.
Change of Risk Classification	Should septic systems, for whatever reason, move from one classification to another, (eg from low risk to high risk, or vice versa) then the regime of the new risk classification and associated charges will apply.		
Multiple inspections required	Should a septic system in any risk classification be deemed to require a follow up inspection, an inspection fee will apply.		\$74 per inspection
AWTS additional inspection	Should an AWTS be deemed not to comply and require a further inspection, an inspection fee will apply		\$74 per inspection

*Note: Charges are subject to Council's annual budgetary decisions.

Proposed Inspection Charges

\$74 per inspection and each re-inspection (unchanged).

Notice of Inspection

Improved notice of inspections will be given in accordance with Council's resolution of 24 May 2010.

Hardship

Homeowners will be provided with information on the various options for achieving compliance and additional time will be provided, subject to negotiation and to the severity of the failure, where homeowners claim financial hardship.

Collection of Approval to Operate Charge

As per Min 10-50 it is recommended that from 2011/10, Approval to Operate charges be collected through the Council rates with the charges for the Approval to Operate being annualised. Officers will continue to investigate this option.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

- Estimated income from Approvals to Operate is \$39,000 per year.
- Estimated income from inspections is \$30,000 or up to \$52,000 per year if SCA funding is received enabling more inspections to be undertaken.
- Charges are subject to Council's annual budgetary decisions.
- High Risk Systems will be charged \$53 for a 5 Year Approval to Operate (currently \$12 for a 1 year Approval to Operate) plus \$74 per inspection (every 2 years).
- Medium Risk Systems will be charged \$53 for a 5 Year Approval to Operate (unchanged from current charge) plus \$74 per inspection (every 5 years).
- Low risk septic Systems will be charged \$53 for a 5 Year Approval to operate (unchanged) plus \$74 per inspection (every 10 years).
- AWTs systems will be charged \$158 for a 10 year Approval to Operate (currently \$158 for a 5 year Approval) and will be inspected a minimum every 10 years at no cost.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Summary of Septic Safe Submissions

RECOMMENDATION

THAT Council

1. Continue with the Septic Safe Program and adopt the following risk categories, inspection frequencies and Approval to Operate charges:

Risk Classification	Property types	Inspection Frequency	Approval to Operate and Inspection Charges – subject to annual financial plan.
High	Septic systems located within 100 metres of a permanent watercourse or within 12 metres of a property boundary or neighbour's home. All commercial properties eg cabins, B&B's etc.	Every 2 years	\$53 for a 5 year Approval. \$74 per inspection (every 2 years)
Medium Risk	Septic systems on land 5Ha and less.	Every 5 years	\$53 for a 5 year Approval \$74 per inspection (every 5 years)
Low Risk	Septic systems located on rural land and land greater than 5Ha and not located within 100 metres of a permanent water course or within 12 metres of another property boundary or neighbour's home.	A minimum every 10 years	\$53 for a 5 year Approval \$74 per inspection (a minimum every 10 years)
	All AWTS systems.	A minimum every 10 years	\$158 for a 10 year Approval Inspection a minimum every 10 years at no cost.
Change of Risk Classification	Should septic systems, for whatever reason, move from one classification to another, (eg from low risk to high risk, or vice versa) then the regime of the new risk classification and associated charges will apply.		
Multiple inspections required	Should a septic system in any risk classification be deemed to require a follow up inspection, an inspection fee will apply.		\$74 per inspection
AWTS additional inspection	Should an AWTS be deemed not to comply and require a further inspection, an inspection fee will apply		\$74 per inspection

INTERNAL SERVICE REPORTS

ITEM:19 INTS - 20/09/10 - COUNCIL INVESTMENTS HELD TO 31 JULY 2010

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 10-308: 02 August 2010 (June 2010)

SUMMARY

To advise Council of investments held as at 31 July 2010 for the 2010/11 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 July 2010 when compared to 30 June 2010, has decreased by \$3,349,927.43 from \$20,672,099.08 to \$17,322,171.65.

Investments fluctuate as part of the normal process depending on the particular month and the extent of expenditure on major works.

INVESTMENT REGISTER 2010/11								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.10	VALUE 30.06.10	% OF TOTAL
ANZ	TD	09.06.10	09.08.10	61	5.28	1,000,000.00	1,000,000.00	5.77%
	TD	16.06.10	14.09.10	90	5.36	2,000,000.00	2,000,000.00	11.55%
BANKWEST	TD	16.06.10	16.09.10	92	5.70	1,000,000.00	1,000,000.00	5.77%
	TD	17.06.10	16.08.10	60	5.60	522,954.57	522,954.57	3.02%
	TD	17.06.10	16.08.10	60	5.60	529,345.00	529,345.00	3.06%
CBA	On Call					0.00	907,908.98	0.00%
	TD					0.00	1,000,000.00	0.00%
	Ethical Nt	06.11.06	06.11.11	1,825	**	0.00	0.00	0.00%
LGFS	On Call				4.40	7,159.79	7,159.79	0.04%
IMBS	TD	31.05.10	31.08.10	92	6.00	1,000,000.00	1,000,000.00	5.77%
	TD	09.06.10	09.08.10	61	5.65	1,000,000.00	1,000,000.00	5.77%
	TD					0.00	544,967.37	0.00%
NAB	TD	09.07.10	07.10.10	90	5.54	1,004,282.20	1,000,000.00	5.80%
	TD	16.06.10	14.09.10	90	5.68	1,000,000.00	1,000,000.00	5.77%
	TD					0.00	378,564.13	0.00%
WESTPAC	TD	04.07.10	04.08.10	30	4.65	261,208.95	255,019.66	1.51%
	TD	04.07.10	04.08.10	30	4.65	522,417.91	510,039.32	3.02%
	TD	17.02.10	17.09.10	212	6.00	1,033,961.21	1,033,961.21	5.97%
	TD	05.07.10	04.08.10	30	4.65	791,099.21	776,181.64	4.57%
MACQUARIE	TD	16.06.10	17.09.10	90	5.50	1,000,000.00	1,000,000.00	5.77%
ST GEORGE	TD	04.06.10	10.08.10	67	5.52	777,195.59	777,195.59	4.49%
	On Call				4.45	48,845.18	48,667.18	0.28%
	TD	09.06.10	10.08.10	62	5.54	1,000,000.00	1,000,000.00	5.77%
	TD	16.06.10	16.09.10	92	5.65	1,000,000.00	1,000,000.00	5.77%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	4.45%
SUNCORP	TD	09.06.10	09.09.10	92	6.00	1,053,154.10	1,053,154.10	6.08%
			TOTAL			17,322,171.65	20,115,666.48	100.00%

I, Carol Farnsworth, Lithgow City Council's 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 July 2010 is \$59,707.24 of an estimated \$553,375.00 shown in the 2010/11 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 market and therefore is subject to change. As at 30 June 2010 the resale value has been reviewed by the CBA to a nil and as such the book value of the investment which was \$56,500, has been written down. This will be reported in the 2009/10 General Purpose Financial Reports and as indicated by the Ministers Investment Order of 31 July 2008 the investment will be held until maturity and adjusted annually as the future economic climate dictates.

It should be noted that since 20 November 2006 interest has been consistently paid by the CBA each quarter and \$127,933 total interest has been received. At this stage Council expects quarterly interest to continue.

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 \$17,322,171.65 for the period ending 31 July 2010 be noted.

ITEM:20 INTS - 20/09/10 - COUNCIL INVESTMENTS HELD TO 31 AUGUST 2010

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 10-308: 02 August 2010 (June 2010)

SUMMARY

To advise Council of investments held as at 31 August 2010 for the 2010/11 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 August 2010 when compared to 31 July 2010, has increased by \$86,312.23 from \$17,322,171.65 to \$17,408,483.88.

Investments fluctuate as part of the normal process depending on the particular month and the extent of expenditure on major works.

INVESTMENT REGISTER 2010/11								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.10	VALUE 31.08.10	% OF TOTAL
ANZ	TD	09.08.10	08.09.10	30	5.14	1,000,000.00	1,000,000.00	5.74%
	TD	16.06.10	14.09.10	90	5.36	2,000,000.00	2,000,000.00	11.49%
BANKWEST	TD	16.06.10	16.09.10	92	5.70	1,000,000.00	1,000,000.00	5.74%
	TD					522,954.57	0.00	0.00%
	TD					529,345.00	0.00	0.00%
CBA	On Call				4.45	0.00	1,100,000.00	6.32%
	Ethical Nt	06.11.06	06.11.11	1,825	**	0.00	0.00	0.00%
LGFS	On Call				4.40	7,159.79	7,159.79	0.04%
IMBS	TD	31.08.10	29.11.10	90	5.80	1,000,000.00	1,015,123.29	5.83%
	TD	09.08.10	09.09.10	31	5.40	1,000,000.00	1,000,000.00	5.74%
NAB	TD	09.07.10	07.10.10	90	5.54	1,004,282.20	1,004,282.20	5.77%
	TD	16.06.10	14.09.10	90	5.68	1,000,000.00	1,000,000.00	5.74%
WESTPAC	TD	04.08.10	03.10.10	60	5.25	261,208.95	262,207.27	1.51%
	TD	04.08.10	03.10.10	60	5.25	522,417.91	524,414.55	3.01%
	TD	17.02.10	17.09.10	212	6.00	1,033,961.21	1,033,961.21	5.94%
	TD	04.08.10	03.10.10	60	5.25	791,099.21	794,122.73	4.56%
MACQUARIE	TD	16.06.10	17.09.10	90	5.50	1,000,000.00	1,000,000.00	5.74%
ST GEORGE	TD	10.08.10	11.10.10	62	5.29	777,195.59	785,070.60	4.51%
	On Call				4.45	48,845.18	49,029.79	0.28%
	TD	10.08.10	11.10.10	62	5.29	1,000,000.00	1,009,410.41	5.80%
	TD	16.06.10	16.09.10	92	5.65	1,000,000.00	1,000,000.00	5.74%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	4.43%
SUNCORP	TD	09.06.10	09.09.10	92	6.00	1,053,154.10	1,053,154.10	6.05%
			TOTAL			17,322,171.65	17,408,483.88	100.00%

I, Carol Farnsworth, Lithgow City Council's 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 August 2010 is \$129,016.15 of an estimated \$553,375.00 shown in the 2010/11 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 market and therefore is subject to change. As at 30 June 2010 the resale value has been reviewed by the CBA to a nil and as such the book value of the investment which was \$56,500, has been written down. This will be reported in the 2009/10 General Purpose Financial Reports and as indicated by the Ministers Investment Order of 31 July 2008 the investment will be held until maturity and adjusted annually as the future economic climate dictates.

It should be noted that since 20 November 2006 interest has been consistently paid by the CBA each quarter and \$127,933 total interest has been received. At this stage Council expects quarterly interest to continue.

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 \$17,408,483.88 for the period ending 31 August 2010 be noted.

ITEM:21 INTS - 20/09/10 - REVISED DLG INTERNAL AUDIT GUIDELINES & CONSIDERATION OF THE DRAFT AUDIT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 09-253: Ordinary Meeting held on 22 June 2009
Min No 09-254: Ordinary Meeting held on 22 June 2009
Min No 10-102: Ordinary Meeting held on 22 March 2010

SUMMARY

This report provides advice on revised internal audit guidelines issued by the Division of Local Government on 3 September 2010 with a recommendation that the guidelines be noted.

The report also provides a copy of the Draft 'Audit Committee Charter' and 'Internal Audit Charter' for the Central Tablelands Alliance (CTA) Audit Committee, for Council to consider prior to adoption by the Committee.

COMMENTARY

The Division of Local Government, via Circular 10-22, has announced the release of revised Internal Audit Guidelines for the purpose of Section 23A of the Local Government Act 1993.

In 2009 the Division of Local Government conducted a survey of councils to ascertain the progress made towards the implementation of the Internal Audit Guidelines issued in October 2008.

The results of the survey revealed that while considerable progress had been made towards the implementation of the Internal Audit Guidelines, there were some areas where further benefit could be achieved to strengthen and clarify the document.

These included:

- Providing more guidance on the requirements for an independent audit committee – such as characteristics of an independent member; ensuring that staff are not members of the committee; recommending that the Mayor is not a member of the committee
- Expanding the conflict of interests provisions of the guidelines; and
- Clarifying the role of the general manager in the internal audit function.

Revised Internal Audit Guidelines have now been prepared that take into account the findings of the survey and comments from the Local Government Internal Auditors Network (LGIAN) and the Institute of Internal Auditors (NSW Chapter) (IIA).

Council may recall the development of a regional internal audit initiative to collectively procure services through Centroc (Central NSW Councils) as a way of assisting in the development of the internal audit function in each council.

Lithgow Council subsequently resolved on the 22 June 2009 and 22 March 2010:

22 June 2009
09-253 RESOLVED

THAT Council:

1. Note the report on Internal Audit;
2. Take part in the three year internal audit tender through CENTROC;
3. Request CENTROC seek a tender that provides advice on costings for a 'buy-in' approach, a service that provides up to four audits per year and the cost of 'extra services';
4. Establish the Lithgow City Council Internal Audit Committee as part of the Central Tablelands Alliance with each council (Mid Western Regional, Oberon and Lithgow) appointing one delegate to the Committee; and
5. Appoint a delegate and alternate to the Committee

It was subsequently resolved:

09-254 RESOLVED

THAT Councillor G Danaher be the delegate member, with Councillor W Marshall as the alternate member for the Lithgow City Council Internal Audit Committee.

The Council meeting of the 22 March 2010 accepted the Centroc tender from the Internal Audit Bureau (IAB) for the internal audit service.

22 March 2010
10-102 RESOLVED

THAT Council:

1. Note the report in relation to Internal Audit tenders;
2. Accept the tender from IAB Services for Council's internal audit services;
3. Authorise the affixing of the Council seal to any documentation necessary for the arrangement; and
4. Advise Centroc of its decision.

Current Structure of the Central Tableland Alliance (STA) Audit Committee:

The current adopted structure of the Central Tablelands Alliance (STA) Audit Committee meets with the requirements of the revised DLG Guidelines by ensuring that staff and the Mayor are not members of the committee and it is totally independent of the operational side of Council.

The committee consists of:

- A Councillor from Lithgow City Council
- A Councillor from Mid Western Regional Council

- A Councillor from Oberon Council

The internal auditor, General Managers from each Council, or their nominees, and external auditors may attend meetings as independent advisors but they are not members of the Committee.

The revised Internal Audit Guidelines can be found on the DLG website at <http://www.dlg.nsw.gov.au> under Recent Publications.

Draft ‘Audit Committee Charter’ and ‘Internal Audit Charter’

Draft copies of the proposed ‘Audit Committee Charter’ and ‘Internal Audit Charter,’ for the Central Tableland Alliance (CTA) Audit Committee, are provided as attachments to this report and will allow Council to consider prior to adoption by the Committee.

They have been prepared as recommended by the DLG guidelines which states:

“The audit committee should also have its own charter that sets out the roles and responsibilities of the audit committee and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter.”

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. DLG Circular 10-22 3 September 2010: Revised Internal Audit Guidelines
2. Draft ‘Audit Committee Charter’ for the Central Tableland Alliance (CTA) Audit Committee
3. Draft ‘Internal Audit Charter’ for the Central Tableland Alliance (CTA) Audit Committee

RECOMMENDATION

THAT:

1. Council note the release of revised Internal Audit Guidelines, by the Division of Local Government, for the purpose of Section 23A of the Local Government Act 1993 in Circular 10-22, 3 September 2010
2. Advise the Internal Audit Bureau and Central Tableland Alliance (STA) Audit Committee that Council accept the 'Draft Audit Committee Charter' and the 'Draft Internal Audit Charter'

ITEM:22 INTS - 20/09/10 - RECEIPT OF NSW LOCAL INFRASTRUCTURE FUND \$4,897,000 INTEREST FREE LOAN FOR WALLERAWANG STP

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 10-38: NSW Local Infrastructure Fund Interest Free Loan \$4,897,000 Wallerawang STP

SUMMARY

This report is to advise Council of the receipt of \$4,897,000, from the NSW Local Infrastructure Fund, as an interest free loan for the upgrade of the Wallerawang STP.

COMMENTARY

As reported to the meeting of 8 February 2010 Council was successful in our application to NSW Planning for an interest free loan from the 'NSW Local Infrastructure Fund' which at the time was allocating \$200 million from an 'interest free' loan scheme. The scheme allowed councils to bring forward infrastructure projects which may have been delayed due to a lack of funding.

Council was officially notified by the Executive Director, Strategy and Infrastructure Planning, NSW Planning, on the 25 January 2010 that our application had been successful and according the funds were received on 11 June 2010 as follows:

- Principal: \$4,897,000
- Deposit: 11 June 2010
- Term: 10 years
- Interest: Free
- Repayments: Annual Repayments on 15 December
- Instalments: \$489,700 Principal only

The loan was raised for the following purposes:

PURPOSE	2010/11
WASTEWATER FUND:	
STP Wallerawang	4,897,000
TOTAL	4,897,000

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Interest free loan of \$4,897,000 to be repaid over 10 years in 10 equal, principal only, instalments of \$489,700.

LEGAL IMPLICATIONS

Local Infrastructure Fund Loan Agreement with Crown in right of the State of NSW

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council note the drawdown of \$4,897,000 from the NSW State Government.

**ITEM:23 INTS - 20/09/10 - PROPERTY 105161: RAILCORP LEASE WITH
LITHGOW STATE MINE RAILWAY LTD FOR BOWENFELS STATION**

**REPORT FROM: REPORT FROM - INTERNAL SERVICES MANAGER C
FARNSWORTH**

REFERENCE

Nil.

SUMMARY

To advise Council of a lease dated 1 July 2007 between the Lithgow State Mine Railway Ltd (LSMR) and Railcorp for the Bowenfels Station which is to be surrendered from 1 September 2008. A recommendation is included for Council to consider the write off of rates, water and applicable interest charges for the period 1 September 2008 to 30 June 2011.

COMMENTARY

In 2009 Railcorp advised Council of a lease on the Bowenfels Railway Station with the Lithgow State Mine Railway Ltd, effective from 1 July 2007. Council was not involved in the lease other than to levy rates and charges as per Clause 4.1 (c) which states:

“The licensee must ensure that it pays all charges for services to the licensed area which are used by the Licensee during the term, including but not limited to water, gas, electricity, telephone and all rates, taxes and other charges in relation to the Licenced area.”

The licence period was for 5 years and would terminate on 31 May 2012.

The Valuer General provided Council with a new valuation for the property which covered the rating base dates of 1 July 2007 and 1 July 2003 and resulted in rate notices being issued for the 2007/08, 2008/09, 2009/10 and 2010/11 rating periods. Water usage on the property was also charged.

On numerous occasions representatives of the Lithgow State Mine Railway have met with Council employees, Railcorp and Gerard Martin MP concerned that rates and water charges were being levied on the property, advising that they only wished to occupy the premises on a ‘custodial lease’ which would allow them to maintain the property to an acceptable community standard. Railcorp advised that while LSMR have control over the property they must charge a commercial lease which is a requirement on any State Government owned public asset.

Lithgow State Mine Railway Ltd correspondence of 22 June 2010 states:

“We have now followed the paper trail and have agreement from Railcorp and Chesterton’s, (Railcorp Property Manager), that our licence over Bowenfels was terminated and is effective from 1 September, 2008.

Our organisation has been issued with 3 consecutive years of rates notices. However technically we are only responsible for the period from 1 June 2007 to 1 September 2008 and are currently waiting for the Deed of Surrender.

We are a not for profit community based organisation and took Bowenfels on to protect it from the vandal element and facilitate a community use for the buildings. Unfortunately we never banked on being levied rates for which we have no means of being able to pay. We seek Councils assistance in perhaps forgoing the rates for the period already outlined in lieu of Councils use of the car park area and our organisations good will in maintaining the area in a picturesque manor considering it is a major focal point for tourists coming to the Visitor Information Centre.”

On 10 May 2010 Chesterton’s acknowledged that they have received approval from Rail Corp for the surrender of the lease and will instruct their legal representatives to prepare a Deed of Surrender.

In light of Chesterton’s acknowledgment it would be appropriate for Council to consider waiving rates, water and interest charges for the period from 1 September 2008 to 30 June 2011.

Property No: Rates & Water

Property balance: 10.09.10	8,736.09
Less water as at 10.09.10	-261.19
Less rates 1.9.08 to 30.6.09	-1,335.56
Less rates 1.7.09 to 30.6.10	-2,018.12
Less rates 1.7.10 to 30.6.11	-2,050.81
Due 1.7.07 to 1.9.08	<u>3,070.41</u>

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council waive rates, water and applicable interest charges for the period from 1 September 2008 to 30 June 2011 on property 105161, Bowenfels Station, due to the surrender of a lease between Railcorp and the Lithgow State Mine Railway Ltd from 1 September 2008.

**ITEM:24 INTS - 20/09/10 - 2008/09 DLG COMPARATIVE INFORMATION ON
NSW COUNCILS**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

REFERENCE

Nil.

SUMMARY

To advise Council of the release of the 2008/09 Comparative Information on NSW Councils by the Division of Local Government with a recommendation that the report be received.

COMMENTARY

The Division of Local Government has recently released the 2008/09 Comparative Information on NSW Councils.

The publication provides comparative information on the performance of all local councils in NSW and is designed to help both the community and councils assess a broad range of activities across a diverse range of local government areas.

The Australian classification of local government groups classifies each council into one of 22 categories according to their socioeconomic characteristics and their capacity to deliver a range of services to the community.

Councils are firstly classified as either urban or rural. Urban councils are then divided into four categories, capital city, metropolitan developed, regional town / city or fringe and rural councils into three categories, significant growth, agricultural or remote. The final classification for both urban and rural councils is based upon population.

In the publication the DLG have combined all NSW Councils into 11 groups instead of 22 because some of the categories contained only one or two councils making it difficult to compare performance in a meaningful way. It should be noted that the groupings are based on broad demographic variables and as a result there are often large differences between councils in the same group. It is recommended that the information should not be relied upon by a Council in isolation to argue for policy change.

Lithgow City Council is classified in 'Group 4,' defined as a medium, urban, regional town or city with a population density of less than 30 persons per square kilometre, or a total population of up to 30,000.

There are 33 councils in Group 4 and include areas such as Orange, Bathurst, Mid Western Regional, Dubbo, Ballina, Eurobodalla, Kempsey, Goulbourn, Lismore, Tamworth and Singleton.

The following summary compares the neighbouring Councils of Lithgow, Bathurst, Orange, and Mid Western Regional as well as the average for Group 4 councils and the average for all NSW councils.

**DIVISION OF LOCAL GOVERNMENT
 COMPARATIVE INFORMATION ON NSW COUNCILS 2008/09**

CATEGORY	LITHGOW	BATHURST	ORANGE	MID WESTERN	GROUP 4 AVG	NSW AVG
Population	20,620	38,326	37,991	22,359		
Area	4,507	3,818	285	8,764		
Rate: Residential	509.72	733.45	990.08	669.26	751.59	760.00
Rate: Farmland	924.13	1,197.16	1,483.70	2,096.51	1,371.01	1,775.00
Rate: Business	2,771.59	3,157.85	4,609.90	1,653.20	2,797.45	3,988.00
Rates & Charge Outstanding	6.63%	6.87%	8.11%	4.35%	6.00%	5.40%
Revenue: % Rates	48.88%	41.04%	28.27%	35.40%	42.11%	47.20%
Revenue: % User Fees	7.77%	21.94%	20.26%	19.59%	20.16%	16.40%
Revenue: % Interest	2.36%	3.10%	4.31%	3.89%	1.03%	2.10%

Revenue: Per Capita	971.58	1,210.12	1,526.15	1,749.45	1,129.91	998.00
Expenditure: % Employee	38.14%	36.90%	32.70%	39.29%	33.76%	38.40%
Expenditure: % Materials	30.11%	32.96%	37.95%	27.13%	28.43%	26.70%
Expenditure: % Loans	2.34%	1.18%	1.67%	1.24%	2.88%	2.00%
Expenditure: % Dep'n	18.16%	17.87%	19.69%	22.62%	22.88%	19.50%
Expenditure: % Other Exp	11.25%	11.08%	7.99%	9.72%	12.02%	13.30%
Expenditure: Per Capita	1,167.85	1,352.89	1,339.92	1,602.71	1,272.27	1,033.00
Unrestricted Current Ratio	2.48%	1.80%	3.41%	3.38%	2.25%	
Debt Service Ratio	3.30%	6.04%	5.51%	2.52%	7.10%	
Number full time staff	182	357	328	253	309	292
Environment & health: Per Capita	10.72	67.11	9.90	31.67	44.14	30.00
Recreation & leisure: Per Capita	83.75	117.75	119.79	101.66	103.25	83.00
Community: Per Capita	24.78	75.04	150.96	111.63	77.97	65.00

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council acknowledge the 2008/09 Comparative Information on NSW Councils recently released by the Division of Local Government.

**ITEM:25 INTS - 20/09/10 - GOODS & SERVICES TAX CERTIFICATE 1 MAY
2009 TO 30 APRIL 2010**

REPORT FROM: INTERNAL SERVICES MANAGER, CAROL FARNSWORTH

REFERENCE

Nil.

SUMMARY

To seek Council authorisation for the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the 'Goods and Services Tax Certificate' required by the Division of Local Government for the period 1 May 2009 to 30 April 2010.

COMMENTARY

The Division of Local Government (DLG), requires Council to report on GST compliance for the period 1 May 2009 to 30 April 2010 by the way of an authorised certificate which eliminates the requirement for external auditors to undertake a review of the GST system. The certificate in turn provides advice to the NSW Treasury and the Commonwealth Commissioner of Taxation.

The Goods and Service Tax Certificate must be signed with a resolution of Council which states:

“To assist compliance with Section 114 of the Commonwealth Constitution, we specify that:

- *Voluntary GST has been paid by Lithgow City Council for the period 1 July 2009 to 30 April 2010*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office”*

The following GST refunds have been claimed from 1 May 2009 to 30 April 2010:

MONTH	GST REFUND
2009	
May	38,302.00
June	237,075.65
July	184,200.00
August	71,548.00
September	139,745.00
October	117,700.00
November	174,231.00
December	172,072.05
2010	
January	104,876.00
February	153,652.48
March	179,030.00
April	322,300.00

In previous financial years the Australian Taxation Office have satisfactorily audited Council records in relation to the following areas of GST:

- Implementation activities
- Management of transitional issues
- Risk identification & mitigation
- Internal control relating to computer system (including QA activities)
- Decision making - Supplies (eg sales, Division 81 Fees & Charges)
- Contract Management
- BAS preparation
- Training & succession planning
- Grant providers
- Grants received
- Recipient Created Tax Invoices (RCTI)
- Acquisitions
- Tax Invoice integrity - Supplier & recipient
- Disposal & acquisition of assets
- Related party transactions
- Record keeping & tax invoice management

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Goods and Services Tax Certificate 1 May 2009 to 30 April 2010

RECOMMENDATION

THAT Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the Goods and Services Tax Certificate for the period 1 May 2009 to 30 April 2010 which states:

“To assist compliance with Section 114 of the Commonwealth Constitution, we specify that:

- *Voluntary GST has been paid by Lithgow City Council for the period 1 July 2009 to 30 April 2010*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office”*

ITEM:26 INTS - 20/09/10 - DRAWDOWN OF 2009/10 LOAN BORROWING PROGRAM CBA \$5,450,000

REPORT FROM: INTERNAL SERVICES MANAGER, CAROL FARNSWORTH

REFERENCE

Min 09-229: Adoption of the 2009-10 Management Plan
Min 09-309: Tender Acceptance Lithgow STP Stage 2 Upgrade
Min 09-268: 2009/10 Loan Borrowing Program and Ministers Order of 13 May 2009
Min 09-457: Negotiation of Loan funds of \$5,450,000 for the 09/10 Loan Program

SUMMARY

To advise Council of the drawdown of \$5,450,000 as approved in the 2009/10 Management Plan, loan borrowing program.

COMMENTARY

As proposed in the 2009/10 Management Plan, which included the loan borrowing program, Council has drawdown the following loan from the Commonwealth Bank:

- Principal: \$5,450,000
- Deposit: 8 June 2010
- Term: 30 years with the first 5 years fixed and renegotiate the remaining term
- Interest: 7.31% Fixed
- Repayments: Quarterly Internals on 8 June, 8 Sept, 8 March and 8 December
- Instalments: \$119,507.44 Principal and Interest

The loan was raised for the following purpose:

PURPOSE	2010/11
WASTEWATER FUND:	
STP Lithgow	5,450,000
TOTAL	5,450,000

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

CBA loan of \$5,450,000 to be repaid over 30 years, with the first 5 years interest fixed at 7.31% and the remaining term to be renegotiated. Repayments will be equal instalments of \$119,507.44, principal and interest.

LEGAL IMPLICATIONS

Loan contract with the Commonwealth Bank of Australia

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council note the drawdown of \$5,450,000 of the 2009/10 loan borrowing program from the Commonwealth Bank of Australia.

COMMITTEE MEETINGS

**ITEM:27 COMM - 20/09/10 - AGEING STRATEGY ADVISORY COMMITTEE -
MINUTES - 17 AUGUST 2010 AND 19 AUGUST 2010**

REFERENCE

Minute 09-352 of the Ordinary Meeting of Council held 24 August 2009
Minute 10-80 of the Ordinary Meeting of Council held 1 March 2010
Minute 10-144 of the Ordinary Meeting of Council held 12 April 2010
Minute 10-252 of the Ordinary Meeting of Council held 21 June 2010

SUMMARY

This report details the minutes of the Ageing Strategy Committee meetings held 17 June 2010 and 19 August 2010.

COMMENTARY

1. At the Ageing Strategy Committee meeting held on 17 June 2010 there were eight (8) items discussed by the Committee:

1. Welcome
2. Apologies
3. Minutes of previous meeting
4. Data
5. Survey
6. Consultation Strategy
7. Service Audit
8. General Business

2. At the Ageing Strategy Committee meeting held on 19 August 2010 there were eight (8) items discussed by the Committee:

1. Welcome
2. Apologies
3. Minutes of previous meeting

4. Data
5. Survey
6. Consultation Strategy
7. Service Audit
8. General Business

The 19 August meeting passed a motion that:
The Local Government Association lobbies the NSW Government to:

- match the financial support that local government provides to the community to assist with the conversion from coal and wood heating to cleaner and more sustainable forms of heating.
- provide assistance with the cost of heating to pensioners and other low income people, particularly those living in cold climate areas.

The rationale for this motion is that Council's current subsidies to assist homeowners convert to cleaner forms of heating only meet a small portion of the conversion cost and that quarterly heating costs can be very onerous on pensioners living in Lithgow and other cold climate areas.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of Ageing Strategy Committee meetings held on 17 June 2010 and 19 August 2010.

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Ageing Strategy Committee meetings held on 17 June 2010 and 19 August 2010.
2. Requests the Local Government Association to lobby the NSW Government to:
 - match the financial support that local government provides to the community to assist with the conversion from coal and wood heating to cleaner and more sustainable forms of heating.
 - provide assistance with the cost of heating to pensioners and other low income people, particularly those living in cold climate areas.

ITEM:28 COMM - 20/09/10 - CRIME PREVENTION COMMITTEE - MINUTES 23 AUGUST 2010

REPORT BY: MANAGER COMMUNITY AND CULTURE - MATTHEW JOHNSON

REFERENCE

Minute 09-396 of the Ordinary Meeting of Council held 14 September 2009
Minute 09-397 of the Ordinary Meeting of Council held 14 September 2009
Minute 10-76 of the Ordinary Meeting of Council held 01 March 2010
Minute 10 – 145 of the Ordinary Meeting of Council held 12 April 2010
Minute 10-208 of the Ordinary Meeting of Council held 10 May 2010
Minute 10-254 of the Ordinary Meeting of Council held 21 June 2010
Minute 10-360 of the Ordinary Meeting of Council held 23 August 2010

SUMMARY

This report details the minutes of the Crime Prevention Committee meetings held 23 August 2010

COMMENTARY

1. At the Crime Prevention Committee meeting held on 23 August 2010 there were nine (9) items discussed by the Committee.

1. Welcome
2. Apologies
3. Minutes of last Meeting
4. Business Arising from Minutes
5. Domestic Violence Initiatives
6. Crime Plan Review
7. Crime Audit
8. PCYC
9. General Business

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of Crime Prevention Committee meeting held on 23 August 2010

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting held on 23 August 2010.

ITEM:30 OPER - 20/09/10 - MINUTES FROM SPORTS ADVISORY COMMITTEE - 30 AUGUST 2010

REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 30 August 2010 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 30 August 2010, there were nineteen (19) items discussed by the Committee, with all items except agenda Items 9 and 17 being actioned under the Committee's delegated authority, and requiring Council to note the items.

Item 9 and 17 relate to requests for Council to consider providing a donation equivalent of the hire fees for approved bookings, which the Committee supports.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Item 9 relates to a request from WIRES Central West for Council to consider providing a donation equivalent of the hire fees for Lake Wallace, Wallerawang for their approved booking, and will require \$194.00 to be expended from the 2010 / 2011 current allocation for community donations.

Item 17 relates to a request from the Portland Development Association for Council to consider providing a donation equivalent of the hire fees for Saville Park, Portland for their approved booking, and will require \$194.00 to be expended from the 2010 / 2011 current allocation for community donations.

Both of the above items have been referred to the appropriate Council staff for action

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

- 1.Minutes of the Sports Advisory Committee Meeting held on Monday, 30 August 2010.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 30 August 2010.

ITEM:31 OPER - 23/08/10 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 5TH AUGUST 2010

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATIONS

SUMMARY

Details of the minutes of the Traffic Authority Local Committee held on Thursday 5th August 2010.

COMMENTARY

At the TALC Meeting held on 2nd September 2010 there were 12 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 5th August 2010
5. Traffic Issues on Corner of Main Street Lane and Bridge Street Lithgow
6. Sunny Corner / Portland Road Speed Statistics
7. La Salle Parking
8. Subdivision Proposal into 60 lots using Marrangaroo Fields. One Lane Bridge onto Great Western Highway
9. Montague Street/Tank Street intersection – Sight distance issues
10. Possible Future Invitation to address TALC by Bill Schute, Portland.
- 11, Road Closure, Wolgan Street Portland, Annual Spring Fair.
12. General Business

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. The Traffic Authority Local Committee Meeting Minutes 2nd September 2010

RECOMMENDATION

THAT Council note the minutes of the Traffic Authority Local Committee Meeting Minutes of 2nd September 2010.

ITEM:32 COMM - 20/09/10 YOUTH COUNCIL -MINUTES 4/8/10 AND NEW NOMINATIONS

REPORT BY: COMMUNITY DEVELOPMENT OFFICER – JASON HOPKINS

REFERENCE

Min – 18-09 Ordinary meeting of Council 27 January 2009

Min – 09-273 Ordinary meeting of Council 22 June 2009

Min – 10-279 Ordinary meeting of Council 12 July 2010

SUMMARY

This report details the minutes of the Youth Council meeting held 4 August 2010.

COMMENTARY

1. At the Youth Council meeting held on 4 August there were seven (7) items discussed by the Committee.

1. Welcome
2. Apologies
3. Introductions
4. Youth Council Overview
5. Discussion on future directions for Youth Council
6. Future Meeting Schedule

7. Terms of Reference

2. Committee Resolution

2.1 The Committee passed a resolution to Council that the Terms of Reference be amended to enable the Chairperson to be appointed by the Committee. This would enable the Chairperson to be appointed from the young people's representatives.

3. Staff Recommendation

It is further recommended by staff that the Terms of Reference be amended as follows:

3.1 Frequency of meetings

Amend

Meetings shall be held monthly at a time and date agreed by the Committee.

to

Meetings shall be held at least nine (9) times every year at a time and date agreed by the Committee.

This will give the Committee greater flexibility for setting meeting times including over the Christmas/January period.

3.2 Committee Membership

The committee is currently comprised of the following membership:

- 2 Councillors
- Lithgow City Council General Manager or his nominee
- 2 youth work professionals
- 10 people aged between 11 and 24 years who reside, work or attend school in the Lithgow local government area.

It is recommended that the committee membership be amended as follows. This amendment will increase the likelihood of there being a quorum at each meeting while still allowing for additional young people's representatives:

- 2 Councillors
- Lithgow City Council General Manager or his nominee
- 2 youth work professionals
- A minimum of 6 people aged between 11 and 24 years who reside, work or attend school in the Lithgow local government area.

POLICY IMPLICATIONS

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

NOTE: Policy 9.5 Council Meetings – Appointment of Chairpersons of Council Committees/Working Parties states: A Councillor will be elected as the Chairperson of the respective Committee/Working Group.

The recommendation of this report is that the Chairperson be appointed by the Committee in order to allow young members of the committee to chair the meeting on a rotational basis.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

- 1.Minutes of Lithgow Youth Council meeting held 4 August 2010 (Dataworks No: 620274)
- 2.Revised Terms of Reference

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Youth Council meetings held 4 August 2010.
2. Amends the Committee Terms of Reference to allow for the Chairperson to be appointed by the Committee.
3. Amends the Committee Terms of Reference to enable meetings to be held at least nine (9) times every year at a time and date agreed by the Committee.
4. Amends the Committee Terms of Reference to provide for a minimum of 6 young people to be represented on the Committee.
5. That Council investigates funding options for Youth Scholarship programs.

CLOSED REPORTS

**ITEM:33 REG - 20/09/10 - CONFIDENTIAL REPORT - PROPOSED PURCHASE
 OF LAND - BELLS ROAD, LITHGOW**

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

SUMMARY

To advise Council of an offer to purchase land in the vicinity of the Lithgow Oaky Park Water Treatment Plant and recommend that Council purchase the land.

RECOMMENDATION

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

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.*