



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

22 NOVEMBER 2010

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1ST NOVEMBER 2010

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - Public Libraries
LGA Conference
Confidential Report - Annual Review General Manager

NOTICES OF MOTION - Councillor M F Ticehurst - Lithgow Golf Course
Councillor M F Ticehurst - Dog Collars
Councillor M F Ticehurst - Portland District Olympic Pool
Councillor M F Ticehurst - General Purpose Financial Reports
Councillor C Hunter - Lithgow Golf Course

NOTICE OF RESCISSIONS - NIL

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

Sports Advisory Committee
Sister City Committee
Tourism Advisory Committee
Lithgow Indoor Aquatic Committee

REPORTS FROM DELEGATES - NIL

CLOSED REPORTS

Confidential Report - Annual Review General Manager
Confidential Report - Plant Replacement

BUSINESS OF GREAT URGENCY

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

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REPLACEMENT

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MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 22/11/10 - PUBLIC LIBRARIES - FUNDING SITUATION

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

REFERENCE

NIL

SUMMARY

Correspondence has been received from the Public Libraries, NSW in relation to the current funding situation for public libraries within the state.

COMMENTARY

The Chairman of Public Libraries NSW Country has written to Council to alert Council to the current funding situation for public libraries within the state and to seek the continued support from Council in attempts to improve the situation.

As Council may be aware the NSW government contributes the lowest per capita funding to public libraries of any state government, and that the per capita subsidy amount has remained unchanged for many years. The only change has been the time-limited Country Libraries Fund, which has a further two years to run.

Lithgow Council would have received recently notification of the 2010-11 funding allocation for Library services. 55 country councils will receive less funding than they did in 2009/10. This situation is forced upon the public library network by the lack of indexed increases in funding over many years, a circumstance which has forced those committed to effective public libraries to make some very unpalatable decisions.

Public Libraries Consultative Committee and the Library Council of NSW both met on August 30, to consider a submission on public library funding drafted by a working party composed of representatives from this association, Public Libraries NSW - Metropolitan and the State Library of NSW. This submission was endorsed by Library Council for forwarding to the Minister for the Arts which has now been done.

This submission, if adopted by the NSW government, would substantially increase funding to NSW public libraries, placing the per capita spend from government between those of Queensland and Victoria, the two most comparative states in terms of funding models.

The Chairman of Public Libraries NSW Country urges Council to take the opportunity of this pre-election period to make sitting state parliamentarians and endorsed candidates aware of this issue.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. The report on funding for public Libraries be noted.
2. Council write to the sitting state parliamentarians and endorsed candidates to make them aware of this issue.

ITEM:2 MAYORAL MINUTE - 22/11/10 - 2010 LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

REFERENCE

NIL

SUMMARY

This minute is provided as a report of the Local Government Association Conference held in Albury from 24 to 27 October 2010.

COMMENTARY

The 2010 NSW Local Government Association Annual Conference was held in Albury with representatives from Lithgow being Councillors Castle, Marshall and Hunter as delegates and the General Manager as an observer.

Lithgow Council provided one motion to the Conference being:

Motion:

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

Note from Council:

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

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

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

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

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

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

This motion was classified as a Category 2 Motion and hence was a motion that was referred to the Executive of the Association.

During the conference some approx 150 motions were debated, including the proposal for one association.

There has been some negative press about the LGA Conference in Albury particularly to the non attendance of large number of people who were supposedly in Albury as part of the conference. It was indeed disappointing that a number of late motions were never voted upon as a quorum was not present on a number of occasions (a quorum being 50% of those eligible to vote).

I can assure ratepayers that of the approx 400 votes that would have been done by the three councillors who represented Lithgow City Council, only two votes were missed (due to voting on LGA Executive at the same time of the Conference). The Lithgow delegates certainly took their attendance at the Conference very seriously but it was unfortunate that when some motions were not able to be debated, as well as in fact, in some councils who had motions before the Conference having no one there to either move the motions or organise for another council to do this on their behalf.

It was also disappointing to see a number of motions that were put there by mostly Sydney Councils that had absolutely had nothing to do with local government. What the press did not say of course, was that the majority of reasonable minded councils voted against such proposals so that they would then not become policy of the Local Government Association.

Also held at the Conference were the elections for the positions on the Executive of the Association. The LGA Executive Committee for the coming year is now comprised as follows:

Officer Bearers

1. Cr Keith Rhodes AFSM, President
2. Cr Genia McCaffery, Immediate past President
3. Cr Allan Ezzy APM, Vice President metropolitan (re-elected)
4. Cr Allan Smith, Vice President Country
5. Cr Kevin Schreiber, Treasurer (re-elected)

Executive Members - Metropolitan	Executive Members - Country
Cr Fiona Byrne, Marrickville	Cr Bohdan Brumerskyj, Shoalhaven
Cr Mark Coure, Kogarah (re-elected)	Cr Tracey Carpenter, Bathurst (re-elected)
Cr Julie Griffiths, Blacktown	Cr Alice Glachan, Albury (re-elected)
Cr Paul Hawker, Campbelltown (re-elected)	Cr Greg Matthews, Dubbo (re-elected)
Cr Julie Hegarty, Pittwater (re-elected)	Cr James Ryan, Cessnock (re-elected)
Cr Con Hindi, Hurstville	Cr Ben Shields, Dubbo (re-elected)
Cr Kate Lamb, Willoughby (re-elected)	Cr Rod Towney, Dubbo (re-elected)
Cr Leo Kelly (Blacktown (re-elected)	Cr Darriea Turley, Broken Hill
Cr John McInerney, City of Sydney (re-elected)	Cr Leigh Vaughan, Great Lakes (re-elected)
Cr Karen McKeown, Penrith	Cr Gareth Ward, Shoalhaven (re-elected)

The term of office for the executive Committee is one year

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council note the Mayoral Minute on the 2010 Local Government Association Annual Conference held in Albury
2. Council write to the LGA requesting that electronic voting be used in such a way to register the number of votes particular delegates take so that a monitoring of attendance by various councils can be done so that ratepayers can have an accurate indication of the sort of representation they have by the councillors who represent them at such a conference.

NOTICES OF MOTION

ITEM:3 NOTICE OF MOTION - 22/11/10 - GENERAL PURPOSE FINANCIAL REPORTS - COUNCILLOR M F TICEHURST

MOTION

Listed by Councillor Martin Ticehurst

14 November 2010

BACKGROUND

Following Councillors resolving Council Resolution 10 – 453 (Item 13: 2009 – 2010 General Purpose Financial Reports) at the Ordinary Meeting of the Lithgow City Council Meeting on 1 November 2010, the General Manager verbally 'Cautioned' the seven Councillors present on the financial contents of the 2009 – 2010 General Purpose Financial Reports of the Lithgow City Council.

- Q. Could the General Manager please confirm once again to the Council and Councillors, what the contents of his previous verbal 'Caution' was on the financial contents of the 2009 – 2010 General Purpose Financial Reports of the Lithgow City Council and if this advice will also be provided in writing to the Council and Councillors?

RECOMMENDATION

THAT the General Manager provide the Council, Councillors and ratepayers with a response to the above Question with Notice at this Council Meeting.

**ITEM:4 NOTICE OF MOTION - 22/11/10 - DRAFT LITHGOW GOLF COURSE
PLAN OF MANAGEMENT - COUNCILLOR M F TICEHURST**

MOTION

Listed by Councillor Martin Ticehurst

14 November 2010

REFERENCE

Item 16: Comm – 20/04/09 – Draft Lithgow Golf Course Plan of Management Lot 1/840412 at the Ordinary Meeting of the Lithgow City Council Meeting on 20 April 2009.

QUESTION WITH NOTICE

Further to the public legal advice that was provided by the Councils Solicitors, (Le Fevre & Co. Solicitors Lithgow) at the Ordinary Meeting of the Lithgow City Council Meeting on 20 April 2009, at 'Item 16: Comm – 20/04/09 – Draft Lithgow Golf Course Plan of Management Lot 1/840412'; could the General Manager advise the Council, Councillors, ratepayers and residents if Councils Solicitors, prior to or anytime thereafter to date of the official signing on the 16 June 2004 and subsequent legal registering of the subject-mentioned Property Lease under the Real Property Act, as made between the Lithgow City Council and the Lithgow Golf Club Ltd, were advised or provided with any confirmation by Lithgow City Council, of:

1. Lithgow City Council's due diligence and compliance with respect to Department of Local Government Circular 96/67 and Section 48 of the Local Government (Meetings) Regulation 1999?
2. That Lithgow City Council had not previously pursuant to a resolution, formally resolved to authorise a five-year Property Lease with the Lithgow Golf Club Ltd. as prescribed under Chapter 6 Part 2 of the Local Government Act 1993?
3. That Lithgow City Council had not previously pursuant to a resolution, formally resolved under Section 356 of the Local Government Act 1993, to have included into the five-year Property Lease with the Lithgow Golf Club Ltd, '*Clause 20 Council to maintain Golf Course and Grounds*'?
4. That Lithgow City Council had not previously pursuant to a resolution, formally resolved, after public advertising prior to its Ordinary Meeting on the 15 June 2004, to legally authorise the affixing of the Council's Seal to the five-year Property Lease with the Lithgow Golf Club Ltd. as prescribed under Sub-Section (4) of Section 48 of the Local Government (Meetings) Regulation 1999?

RECOMMENDATION

THAT the General Manager provide the Council, Councillors and ratepayers with a written response to the above Question with Notice.

ITEM:5 NOTICE OF MOTION - 22/11/10 - DOG COLLARS - COUNCILLOR M F TICEHURST

MOTION

Listed by Councillor Martin Ticehurst

14 November 2010

BACKGROUND

- Q. Could the General Manager please confirm if it is correct that the Council has over past years, not held any 'Citronella Dog Collars' for barking dogs, which are advertised annually for public hire use in the Councils Annual Management Plan and if so, when will the Council have new such dog collars available for public use?
- Q. Could the General Manager advise if Councils Rangers have available to them, 'Citronella Dog Collars' for the ongoing community prevention of barking dog complaints in the Lithgow LGA?

RECOMMENDATION

THAT the General Manager provide the Council, Councillors and ratepayers with a response to the above Question with Notice at this Council Meeting.

ITEM:6 NOTICE OF MOTION - 22/11/10 - PORTLAND DISTRICT OLYMPIC POOL - COUNCILLOR M F TICEHURST

MOTION

Listed by Councillor Martin Ticehurst

14 November 2010

REFERENCES

Resolution 09-437 at the Ordinary Meeting of the Lithgow City Council on the 2 November 2009.

QUESTION WITH NOTICE

With respect to Council Resolution 09-437, as made at the Ordinary Meeting of the Lithgow City Council on 2 November 2009; THAT Council:

1. Publically advertise under Section 356 of the NSW Local Government Act 1993, provide funding from the current year's Council allocation of \$30,000 to the Portland District Olympic Pool Committee;
2. Publically advertise under Section 356 of the NSW Local Government Act 1993 that it is Council's intention to provide a further \$20,000 to the Portland District Olympic Pool Committee in the 2009/10 financial year;
3. Continue to make available \$5,500 for capital improvements from the loan funds taken out for improvement at the facility;
4. Write off the outstanding sum of \$25,538.21 in water / sewer usage charges currently owed; and
5. Provide advice and minor in-kind assistance to the Portland District Olympic Pool Committee to open the pool for the 2009/10 season.
6. Council seek an audit every six months and copy of their bank statements every 3 months on the new pool committee in future years.

MOVED: Cr H K Fisher **SECONDED:** Cr W McAndrew.

CARRIED

- Q. As some 12 months have now passed, could the General Manager please provide the Council, Councillors, ratepayers and residents with an updated report on the above Council resolution with respect to No. 6 that ***"Council seek an audit every six months and copy of their bank statements every 3 months on the new pool committee in future years."***

RECOMMENDATION

THAT the General Manager provide the Council, Councillors and ratepayers with a written response to the above Question with Notice.

ITEM:7 NOTICE OF MOTION - 22/11/10 - CLASSIFICATION OF LITHGOW GOLF COURSE AND CLUB HOUSE - COUNCILLOR C HUNTER

MOTION

Listed by Councillor Col Hunter on 19.2.10

BACKGROUND

There has been much discussion on land classification of Lithgow Golf Course and Club House. For the present lease it will be community. I do not believe this is appropriate for premises operated as a licensed club with a liquor license and gaming facilities.

RECOMMENDATION

THAT a subdivision of lot 1 DP 840412 into two lots. Comprising of one portion being the actual golf course, which would remain community land. The other portion being the club house, car park and surrounds which could then be re classified operational.

GENERAL MANAGERS REPORTS

ITEM:8 GM - 22/11/10 - QUARTERLY PERFORMANCE REPORT ON THE 2010/11 TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1 JULY 2010 TO 30 SEPTEMBER 2010

REPORT FROM: CAROL FARNSWORTH, INTERNAL SERVICES MANAGER

REFERENCE

Min No 10-245: Ordinary Meeting of Council 21 June 2010
Min No 10-359: Ordinary Meeting of Council 23 August 2009

SUMMARY

This report provides the Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan for the period of 1 July 2010 to 30 September 2010 with a recommendation that the adjusted surplus of \$12,667 be noted.

COMMENTARY

The September Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan has been prepared and details are provided with the attachment to the Business Paper.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities and provides information on variations to activities.

2010/11 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	73,277	73,269	8
September Quarter	78,356	78,343	13

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are reported in the September Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan provided with the Agenda.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2010/11 to 2013/14 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

ATTACHMENTS

1. Quarterly Report 1 July 2010 – 30 September 2010

RECOMMENDATION

THAT:

1. The surplus of \$12,667 for the 2009/10 to 2013/14 Management Plan as detailed in the Quarterly Performance Report for the period 1 July 2010 to 30 September 2010 be noted.
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2013/14 Management Plan has been reviewed and the financial position of Council is satisfactory.

REGIONAL SERVICES REPORTS

ITEM:9 REG - 22/11/10 - MODIFICATION OF DEVELOPMENT REPORT - 192/08 DACC CONSTRUCT AND UPGRADE WALLERAWANG SEWERAGE TREATMENT PLANT LITHGOW CITY COUNCIL - 107 BRAYS LANE WALLERAWANG NSW 2845

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Development Application/Construction Certificate No.192/08.

SUMMARY

Council is in receipt of a modification of development consent application from Council's Water and Waste Division for a proposed upgrade of the Sewerage Treatment Plant (STP) at 107 Brays Lane, Wallerawang. The proposed modification seeks to add a UV disinfection system to the already approved upgrade works that will additionally treat waste water as part of the process.

The UV disinfection system will improve the pathogen quality of effluent discharged to Pipers Creek.

The modification seeks to add this process into the already approved STP upgrade.

COMMENTARY

The site is known as Lot 1 DP 230599. It accesses via a constructed crown road off Brays Lane, Wallerawang, and is adjacent to rural style properties. The access-way is 650 metres and is of dirt formation. The existing treatment plant is at the most northern part of the block. The property is undulating, mostly cleared and is bordered by Pipers Flat Creek; however the site is not affected by a dedicated flood zone.

The STP was constructed in the mid 1960s and the reticulation system extended in the late 1970s and consists of a conventional trickling filter plant where sewage undergoes biological secondary treatment. Polishing and disinfection takes place within a tertiary effluent (maturation) pond. Treated effluent is discharged into Pipers Flat Creek.

Previously Council delegated its authority to the General Manager to approve the initial development however the modification is forwarded for Council determination.

The modified project has been designed by the Department of Commerce and Council in consultation with the Department of Environment and Conservation (DEC), Sydney Catchment Authority (SCA) and the NSW Office of Water (NOW). It is considered to be a nominated integrated development under the Environmental Planning and Assessment Regulation 2000 and accordingly was notified as required.

The modification was forwarded to all integrated agencies (in accordance with appropriate legislation) as part of the modification who have endorsed the proposed modification.

POLICY IMPLICATIONS

Council Policy 7.6 for Development Applications by Councilors and Staff and Relatives or on Council Owned Land is applicable to this application as the development is proposed for Council owned land

The policy states:

"...where the development application is on Council owned land, that such application be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority."

The modification is therefore referred to Council for determination.

There are no other specific policy implications relating to the development.

FINANCIAL IMPLICATIONS

The project will be Council funded and subsidised with funding from the NOW & the SCA. Council funds for the development have been allocated in Council's Management Plan.

LEGAL IMPLICATIONS

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

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. The application to modify Development Application DA192/08 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:10 REG - 22/11/10 - HARTLEY RHYOLITE QUARRY MODIFICATION APPLICATION

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Min No 10-173 – Ordinary Meeting of 3 May 2010

Min No 10-351 – Ordinary Meeting of 23 August 2010

SUMMARY

To assess and determine the modification of consent application submitted pursuant to Section 96(1) of the Environmental Planning and Assessment Act 1979 for DA 103/94 for variation to operating hours of the existing Hartley Rhyolite Quarry and the replacement of Condition 5(b) within the original consent condition. At Councils previous meeting held on the 23 August 2010, it was resolved that the information provided concerning an audit of the development consent, visual impacts and rehabilitation be noted.

It is recommended that the DA 103/94 modification be approved subject to conditions.

COMMENTARY

In 1995 the original Development Application 103/94 for establishment of the quarry was approved with the operating hours being 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm on Saturdays. The proposal is to vary the normal span of hours for the loading of trucks at the quarry and transport movements of materials from the quarry to the Sydney markets. The proposed operating hours are from 5.00am to 10.00pm Monday to Friday and 5.00am to 3.00pm on Saturdays.

The change of hours represents a minor variation to the existing development consent (DA 103/94) and will not involve the expansion of the scale of activities. It is intended that the number of transport movements will also not be affected.

The expected outcome may result in lower truck operating hours on less congested roads, with a consequence of improving the scheduling time into the Sydney markets, including greater flexibility in situations during peak demand or recovery from maintenance downtimes.

It is emphasised that the modification for the variation of operating hours does not involve increasing the number of transport movements but to expand the existing truck movements over a longer period of time.

Two notification and advertising periods were undertaken as part of the assessment process. During this time period, two submissions were received; one from a neighbouring landowner and one from Blue Mountains City Council (BMCC). The main resident concern involved the noise on the Glenroy Bridge during the early hours of the morning and late at night. The concerns from BMCC related to early and late truck movements through their area.

The modified DA was sent to the RTA for comments relating to the noise impacts and potential impacts on the road. The RTA inspected the site and recommended the erection of noise warning signs on the Glenroy Bridge. The approach to the bridge from the east and the north is a downhill slope and trucks can be heard on both sides of the bridge. The need for trucks to slow down within the vicinity of the bridge is due to the width restrictions and the lack of widening on tight curves on the approach. This will also result in further use of exhaust brakes unless signs are installed.

The RTA recommended that 'Reduce Noise' signs (G9-191) size A, be placed on the east and the west of the bridge, as suggested below:

1. On the eastern approach approximately 55m east of the eastern abutment of Glenroy Bridge.
2. On the western approach approximately 1.44km west of the eastern abutment of Glenroy Bridge.

The supply and installation of the required signs can be carried out by RTA at full cost to the Developer.

Over the current life of the quarry, neither Council nor the quarry management have received a complaint from residents within the locality regarding the operations of the quarry.

The replacement of Condition 5(b) was sought within the original DA 103/94 as the condition was found to be unreasonable in regards to the quarry operations.

Condition 5(b) states:

5(b) Imposition of a 40km/h speed restriction on trucks and buses on the section of Jenolan Caves Road, from its intersection with the Great Western Highway to the haul road intersection.

The RTA has agreed that it no longer requires this condition as the quarry driver work plan includes a requirement that haul trucks do not exceed 40km/h when travelling on the Jenolan Caves Road between the quarry access and the Great Western Highway.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

1. A complete Section 79C report for the Modification of Operating Hours for DA 103/94. The report involves consent conditions which have resulted from documentation that was submitted through the audit process for the original consent conditions of DA 103/94.

RECOMMENDATION

THAT:

1. Council approve the modification to Development Application 103/94 in accordance with the conditions outlined in the attached Section 79C report.
2. A division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM:11 REG - 22/11/10 - ALTERATIONS TO EXISTING SHED TO
CONSTRUCT A RAISED WALKWAY / PLATFORM AT 59 INCH
STREET, LITHGOW**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Development Application/Construction Certificate No. 168/10.

SUMMARY

Purpose of Report

As required by the following policy, suitable written notice has been received by the General Manager in respect to the 'calling in' of the above application. The application is duly reported to Council for determination:

7.7 Calling In Of Development Applications or Development Application/Construction Certificates by Councillors

Objective:

To provide a consistent approach that allows Councillors to "call in" certain development applications or development application/construction certificates that may otherwise be determined under delegated authority.

Policy:

1. Councillors will be provided with a list of all development applications and development application/construction certificates received by Council within the reporting period in their Business Paper Packages for Ordinary Meetings of Council.
2. Should Council resolve to "call in" a development application or development application/construction certificate by a method which complies with Clause 241 of the Local Government (General) Regulation 2005 and Council's Code of Meeting Practice* the application shall not be determined under delegated authority but referred to an Ordinary Meeting of Council for determination.

3. Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:
- Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and
 - Reported to an Ordinary Meeting of Council for determination.

COMMENTARY

Council issued a Notice of Determination dated 23rd November 2007 vide 226/07 DACC for the erection of a steel framed colourbond clad free-standing shed within the rear yard area of the subject land. The subject shed has external dimensions of 15m x 7m and is sited approximately 1.5m from the rear lane boundary, 2m from the northern side boundary and 3.3m from the southern side boundary.

A final occupation certificate dated 9.1.09 was issued by Council attesting that the shed had been erected in accordance with the terms of approval.

Subsequent to the issue of the final occupation certificate the owners of the land have partly constructed a raised walkway / platform having approximate dimensions of 18.5m x 2-4.5m with a height of up to 1.0m above existing ground level adjacent to the northern, southern and western elevations of the shed. The owner has indicated that they were under the impression that the construction of the walkway was 'exempt development' and as such did not require prior approval from Council.

An investigation of works associated with the raised walkway was carried out by Council following receipt of a complaint.

It has been determined that the subject raised walkway / platform does not fit within the meaning of 'exempt development' under the State Environmental Planning Policy (Exempt & Complying Codes) 2008 in that:

- The retaining wall extends up to the southern side boundary;
- The elevated walkway / platform has an area greater than 20 m²;
- The height (approximately 1.0m above existing ground level) and configuration of the walkway / platform is such as to potentially impact on the privacy and enjoyment of adjoining properties.

The land owner has ceased any further associated works and, at the request of Council, has lodged a combined development / construction certificate application for determination and to facilitate appropriate completion of this structure incorporating appropriate measures to address any adverse impacts on adjoining properties.

Zoning

The land is zoned 2(a) Residential under Council's Local Environment Plan 1994.

Matters for Consideration under Section 79c of the Environmental Planning and Assessment Act 1979

Any Environmental Planning Instrument

The application is assessed under the provisions of Lithgow LEP 1994.

The Likely Impacts of That Development, Including Environmental Impacts on Both the Natural and Built Environments, And Social and Economic Impacts in the Locality

Privacy / Overlooking

The height of the subject raised walkway / platform has been determined by the door threshold level associated with the approved shed. The width of this walkway / platform (ranging from 2.0m to 4.5m) does provide a usable levelled area which would facilitate recreational, storage or parking use. The overlooking potential from this structure is exacerbated by the moderately sloping site.

The existing dwelling at No 65 Inch Street enjoys a generous side boundary setback of approximately 11.5m and is not materially affected by the use of this structure in relation to loss of privacy.

The use of this structure, particularly the northern-western part, for pedestrian or recreational purposes will however impact adversely on the enjoyment of land for persons within the open garden / yard area associated with No 65 Inch Street due to its height and line-of-sight vantage point.

Appropriate use of privacy screening would negate the overlooking potential in this regard.

The adjoining property to the south (No 57 Inch Street) will not be similarly affected in relation to loss of privacy due to existing vegetation and building layout.

The proposal provides for the following works to be undertaken so as to:

- improve safety (balustrading),
- address actual and potential overlooking concerns in respect to both neighbouring properties (erection of 1.7m high privacy screens to both NW & SW corners, part demolition of the retaining wall to achieve a southern side boundary setback of 600mm and complimentary slatting to the remainder of balustrading),
- improve the appearance (garden boxes) and to complete construction of the walkway slabs; and
- complete pedestrian link to the existing dwelling (centrally located ramp proposed due to limited mobility issues)

Structural Adequacy

The structural adequacy of the retaining wall component of this structure is to be verified by way of certification prepared by a practising structural engineer.

Visual Impact

The subject structure will not be visually intrusive within the streetscape given that:

- It has a relatively low height in relation to existing ground level of 1m (platform) + 1.7m (privacy screen);
- It is located within the rear yard area; and
- Landscaping treatment is proposed.

The Suitability of the Site for the Development

The site is suitable for residential development.

Any Submissions Made in Accordance with this Act or the Regulations

Adjoining land owners were notified of this proposal in accordance with Council's Policy. One (1) written objection dated 6 October 2010 has been received from the owner of No 65 Inch Street on the grounds that the structure will adversely impact on privacy and enjoyment of land in relation to the use of the open garden / yard area and the existing residence.

The submission is valid in respect to loss of privacy associated with the use of the open yard / garden area only. It is not valid in respect to loss of privacy associated with the use of dwelling given the generous 11.5m side boundary setback between the complainant's dwelling and the common side boundary.

LEGAL IMPLICATIONS

Council is obliged to determine this application in accordance with the provisions of the Environmental Planning & Assessment Act 1979. Should the application be refused the applicant has the right to lodge an appeal against Council's decision with the NSW Land & Environment Court and to have this matter determined by the Court.

Conclusion

The proposal represents a reasonable development outcome particularly given the proposed strategic use of privacy screens to protect privacy of persons within the open yard / garden area of No 65 Inch Street. The use of privacy screens is an accepted standard measure commonly employed throughout local government to protect the privacy of individuals however does not overcome behavioural issues associated with neighbour conflicts.

The proposal has negligible impact on the privacy of the occupants within the dwelling.

Landscaping treatment is proposed to enhance the appearance of the raised platform.

The overlooking impact to the yard area could be further reduced by the lowering of the walkway / platform height. This would require removal of the existing concrete walkway capping at the northern end, modification to perimeter retaining wall components (steel uprights and pre-fabricated concrete infill panels) by way of cutting, reinstatement of concrete capping and construction of new steps / landings to access rear door openings (personnel and roller doors). Such modifications are considered unwarranted in the particular circumstances.

The owner has indicated a reluctance to adopt such approach citing financial hardship and the necessity to provide a wheelchair accessible link between the dwelling and shed due to limited mobility of family members.

The placement of suitably constructed privacy screens and / or extension to existing side boundary fencing is considered to be an effective measure and is commensurate with the perceived impact.

ATTACHMENTS

1. Plan of the raised walkway / platform and photographs.

RECOMMENDATION

THAT Development Application/Construction Certificate No 160/10DACC be approved subject to compliance with the following special conditions:

1. The erection of privacy screens having a minimum height above existing platform level of 1.7m to both northern and southern corners returning 2.4m towards the rear lane and 3.0m along the front elevation in accordance with approved plans.
2. Suitable landscaping is to be provided along the front elevation to the satisfaction of Council prior to the issue of an Occupation Certificate.
3. The retaining wall / raised platform shall observe a minimum southern side boundary setback of 600mm.
4. A certificate prepared by a practising structural engineer shall be submitted to Council prior to commencement of further works in respect to the structural adequacy of the existing retaining wall / walkway / platform to withstand any loads likely to be superimposed thereon.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. The structure shall not be used, fitted or occupied for industrial, commercial or recreational purposes under any circumstances.
7. That the structure is not to be further enclosed without the prior approval of Council
8. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.

9. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - Stating that unauthorised entry to the work site is prohibited and
 - Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times
10. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

11. That stairways and balustrades comply with the following requirements:
- That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
12. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

ITEM:12 REG - 22/11/10 - 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
Min No 10-390 - Ordinary Meeting of 20 September 2010
Min No 10-425 - Ordinary Meeting of 11 October 2010
Min No 10-466 - Ordinary Meeting of 1 November 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 8 November 2010 Farmers Creek Dam was at 100% and Oberon Dam was at 39.35%.

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 31 October.

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	122.72	34
October	109.07	50
Total 2010	1175.37	370

Table 1 – Oakey Park Output and Clarence Transfer

Table 2 below indicates consumption from customers of the Fish River Water Supply from 1 July 2009 to 31 August 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 09/10	2,805	576	-	594	240	4,215
Jul	425	54	0	55	20	555
Aug	768	51	0	66	20	904
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 – Delta’s recent figures include ‘supplementary water’ from Duckmaloi Weir which has no impact on Oberon Dam

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 October Council received 13 applications for a household appliance rebate and 0 applications for a water tank rebate.

ALTERNATE WATER SOURCES UPDATE

Drought Relief Project

Materials have been purchased and a contractor engaged.

Clarence Transfer System

Tenders for environmental studies and design are in the final phase of assessment.

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

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

The media are expected in the gallery this evening.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

RECOMMENDATION

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

ITEM:13 REG - 22/11/10 - FINANCIAL ASSISTANCE - CONSTRUCTION OF WALLERAWANG SEWERAGE TREATMENT PLANT

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Min No 10-368 – Ordinary Meeting of 23 August 2010

SUMMARY

To advise of the formal offer of financial assistance for the upgrade of Wallerawang Sewerage Treatment Plant.

COMMENTARY

Council has received correspondence from the Hon Phillip Costa MP, Minister for Water, formally advising of the offer of financial assistance of \$3,215,135 (excluding GST) towards the tender prices and associated costs of \$7,233,337 (excluding GST) for the upgrade of the Wallerawang Sewerage Treatment Plant. The Minister has advised that this offer is made up of 32.2% of the eligible costs from the Country Towns Water Supply and Sewerage Program plus a contribution of \$886,000 from the Sydney Catchment Authority's Accelerated Sewerage Program. This advice has allowed the formal engagement of contractor, Gongues Construction Pty Ltd, who have now commenced work on the project.

The Minister has advised that standard conditions will apply to financial assistance, including substantial compliance with Best Practice Management of Water Supply and Sewerage Guidelines, as follows:

1. Update Water Supply and Sewerage Strategic Plans and Financial Plans by June 2011.

2. Implement 2nd stage of the suitable residential water supply best practice tariff for 2011/12 towards achieving at least 75% residential revenue generated through usage charges for its 2012/13 tariff in accordance with the Minister's letter of 17 August 2010.
3. Adopt by council and submit to New South Wales Office of Water (NOW) for registration of Water Supply and Sewerage Development Servicing Plans (DSPs) by June 2011.
4. Complete demand management plan before seeking final subsidy payment.
5. Complete drought management plan by June 2011.
6. Achieve full compliance with Integrated Water Cycle Management before seeking final subsidy payment.

Council should be aware in relation to items 1 and 3 that such works are proposed to be undertaken in line with an initiative of Centroc to enable certain requirements of best practice management be completed through a bulk contractor engagement process. In regard to number 6, consultants are currently working on the Integrated Water Cycle Management Evaluation Plan which should be ready by the end of December 2010 and from this a Demand Management Plan will be able to be extrapolated. In relation to number 5 a draft Drought Management Plan has been prepared for review by NOW.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council currently has budgeted in 2010/11 and 2011/12 financial years \$12,000,000 for the completion of this project. Due to the better than expected tender price for construction this budget is to be reviewed and this will be reported at the March 2011 Quarterly Budget Review.

LEGAL IMPLICATIONS

The works at Wallerawang have been approved through the normal development application process under the Environmental Planning and Assessment Act, also the work when completed will ensure a better quality of environmental discharge into the environment which is managed by an environment protection licence under the protection of the Environment Operations Act.

ATTACHMENTS

1. Letter from Minister

RECOMMENDATION

THAT Council:

1. Formally accept funding for the upgrade of the Wallerawang Sewerage Treatment Plant be received.
2. Authorise the affixing of the common seal to the relevant agreement.

ITEM:14 REG - 22/11/10 - LITHGOW WATER QUALITY

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Min No 10-437 – Ordinary Meeting of 11 October 2010

SUMMARY

On Monday afternoon of 2 August 2010, a water main break to Council's distribution network occurred in the trunk line from Oakey Park Water Treatment Plant to Cook Street Low Reservoir. Due to turbulence within the network, various levels of dirty water were received by some consumers between Tuesday, August 3 and Sunday, August 8. Extensive testing was undertaken and the results confirm that dissolved metals in the drinking water supply remained within Australian Drinking Water Guidelines. The dirty water was caused by a suspension of material that may have contained some total metal values that were above Australian Drinking Water Guidelines. Specifically, aluminium, manganese, iron, nickel and thallium were reportedly high in samples **not** collected by Council. The results confirm that the residents of Lithgow and Marrangaroo were not exposed to a significant health risk. An emergency response review was undertaken involving Council's officers. As a result, improvements in the reporting protocols were adopted. This was ratified at a meeting with representatives from the Sydney West Area Health Service.

COMMENTARY

On Monday afternoon of 2 August, 2010 a water main break to Council's distribution network occurred in the trunk line from Oakey Park Water Treatment Plant to Cook Street Low Reservoir close to the intersection of Railway Parade and Sandford Avenue. Upon identification and exposure of the leak it was revealed as problem with a 450mm 90° elbow in the pipework. At the time of the break most of the major reservoirs in the distribution network had just been filled. A replacement would not be readily available which could lead to a repair not being completed on Tuesday, August 3. The consequence of that was the anticipation that some time during the day there may be water pressure supply problems within the city distribution network. At the time the reservoirs were at the following heights

- Cook High 94% (2.8 megalitres)
- Cook Low 52% (2.4 megalitres)
- Shaft Street 55% (11.1 megalitres)

While the city is able to use most of the water that is in these reservoirs in an emergency, what may happen is that there will not be enough water pressure to supply all areas of the city when some reservoir heights fall. Based on past experience the critical reservoir is Cook High Reservoir dropping down to 80%.

Therefore the following actions were proposed:

1. FRWS to be contacted and advised that Lithgow City Council wish to take supply to the whole of Lithgow city as soon as possible. This was intended to provide adequate water pressure and supply no matter how long it took to source a replacement elbow.
2. The Water Treatment Plant Operators were to monitor the water level in the 3 reservoirs mentioned above.
3. The Reticulation Supervisor was to complete a repair as expeditiously as possible.
4. Once repairs have been completed to the appropriate standard FRWS be contacted to resume standard supply to the villages and Oakey Park Water Treatment Plant would be brought back on-line to supply Lithgow and Marrangaroo.

On Tuesday, August 3, Council plumbers engaged in emergency repairs to a section of 450mm pipeline that feeds Council reservoirs in Lithgow. This required taking the main off-line and, to ensure Council's reservoirs remain at an appropriate level, sourcing water from the Fish River Water Supply. This was expected only to be necessary for a few days at most so temporary repairs can be completed. However, because of the size of the main and fittings it was difficult to source replacement parts 'off the shelf'. New fittings were required to be manufactured and the final repairs may take several weeks. The need for Fish River Water was expected to only be in the very short term as a temporary repair was able to be made. Switching the direction of flow caused some localised discoloured water on Wednesday, August 4, and a media campaign was conducted to alert residents, particularly in the Marrangaroo area. This included briefing the Customer Service Staff, radio announcements during the day on Wednesday and on Thursday morning and posting on Council's website information page.

A time and location log was kept of telephone complaints regarding dirty water. On Wednesday evening the Virtual Office after hours service was advised that Council experienced a major break in one of the city water mains, that Drinking Water had to be sourced from the Fish River Water Scheme and customers may experience dirty water. It was advertised on the local radio stations and the problem expected to be all fixed by Thursday afternoon. Council was scouring the mains to try and improve the quality of water.

The repair to the broken trunk main from Oakey Park Water Treatment Plant to Cook Street Low Reservoir was completed and at 12:50PM on Friday 6th August 2010 the reconnection to Oakey Park Water Treatment Plant supply was begun. During the afternoon it was expected there may be a continuation of disturbed sediment in the Lithgow distribution network but all Council's water crews were going to be busy in the field scouring the lines to minimise this effect. By Saturday it was anticipated the water quality would have returned to the clarity experienced prior to the break. In conjunction with these activities an additional media public advice for our website and some new radio announcements were ordered for Friday afternoon until 5pm.

The announcement on Friday for the Customer Service Staff and the radio advertisements was that Council advises that the water trunk main repair being carried out in Lithgow has now been completed and water supply has returned to normal. There had been reduced water quality experienced in western areas of Lithgow due to the refilling of a reservoir but this should clear up during the evening of Friday, August 6, 2010 and that Council appreciated the patience and understanding of water consumers during the period.

About 4pm on Friday afternoon it was evident that not all areas of the city were experiencing a return to clear water conditions. Scouring of the trunk mains and major hydrants occurred during the afternoon after connection in an effort to speed up the distribution of water coming from Oakey Park Water Treatment Plant. Based on the complaints received and from observations by the water crews performing the scouring it was believed that Shaft Street Reservoir, which had been only about 35% full when Oakey Park WTP was reconnected, had been filled rapidly enough to cause disturbance to sediment on the bottom of the reservoir and that this had entered the distribution system to the western part of Lithgow. A further radio announcement identifying a continuation of dirty water to Western Lithgow was ordered to continue until 7pm on Friday night.

From Friday afternoon until Monday morning a response team consisting of the Group Manager, Water and Waste Manager, the Reticulation Supervisor, Plant and Pumping Station Supervisor and the Water Treatment Plant Operators were kept fully informed of the degree of dirty water being reported and its impact on residual chlorine levels in the Lithgow distribution system. In addition the Water and Waste Manager was in daily contact with the Sydney West Area Health Service who had also received some complaints about the water quality.

On Friday evening additional dirty water reports continued to come in to Council and the response team decided that while scouring the lines was achieving some temporary localised improvement in dirty water, it also may have been contributing to some of the dirty water incidences by dislodging sediment and biofilm from the pipelines and reservoirs. As a result it was decided to greatly reduce scouring after 10pm to give time for any disturbed sediment in the reservoirs to settle.

On Saturday morning it was reported that there was some improvement over Friday night in the amount and severity of dirty water. Reservoir levels were checked early in the morning to ensure they had refilled during the night. During the day the Water Treatment Plant Operators measured free residual chlorine levels at 20 locations throughout Lithgow. The results of this testing were passed on to Sydney West Area Health Service. There appeared to be a steady improvement to water quality during the day so further major scouring was stopped.

On Sunday free residual chlorine testing was undertaken at the same 20 locations and compared with the previous day. There was a much more uniform distribution of disinfection throughout the system which was interpreted as a settling down from the high flows of the previous day. It was reported that visually the water quality continued to improve.

On Monday the bacterial samples and chlorine measurements were arranged to be taken from the 20 locations sampled on the weekend in order to determine if any pathogens had circulated in the system as a result of the disturbance to this sediment. Sydney West Area Health Service were informed of actions taken and were provided with a copy of the chlorine residual results from the weekend.

On Thursday, August 12, an emergency response review was undertaken involving the response team, the Customer Service Supervisor and Council's Environmental Officer. As a result, improvements in the reporting protocols were adopted. This was ratified at a meeting with representatives from the Sydney West Area Health Service on August 24.

Test Results

	DRINKING WATER CHLORINE LEVELS	22-Jun-10	30-Jun-10	13-Jul-10	11-Aug-10	17-Aug-10	07-Sep-10
	SITE						
						0.8	
Cook Street	01 111		0.39				
Hill Range Crescent	01 112	0.12		0.4	1.1		0.91
OPWTP	01 113				0.49		0.4
19 Rabaul Street	01 115		0.4	0.3			
88 Cupro Street	01 116						
5 Christina Street	01 117				0.92		0.4

Distribution System				
	Chlorine Residual (milligrams per litre)			
Location	6-Aug-10	7-Aug-10	8-Aug-10	9-Aug-10
Oakey Park WTP	1.32	0.70	1.02	1.45
1 Bells Road		0.01	0.08	0.07
120 Bells Road		0.58	0.05	0.34
126 Inch Street		0.08	0.59	0.71
31 Chifley Road		0.01	0.07	0.82
63 Hartley Valley Road		0.01	0.11	0.15
72 Mort Street		0.11	0.20	0.83
19 Maple Crescent		0.41	0.58	0.29
Cooinda Homes		0.01	0.06	0.25
Pioneer Park		0.39	0.58	0.66
Queen Elizabeth Park		1.13	0.59	0.90
88 Calero Street		0.95	0.79	0.83
31 Rifle Parade		0.01	0.93	0.17
19 Lone Pine Ave		0.10	0.85	0.24
Rabaul Street		0.01	0.75	0.23
Claret Ash Avenue		0.01	0.44	0.10
1022 Great Western Highway		0.21	0.35	0.41
KFC Great Western Highway		0.11		0.33
Quota Park		0.20	0.65	1.42
34 Haley St		1.17	0.64	0.78
36 Willes Street		0.24	0.63	0.68
Samples below ADWG 0.2		11	5	4

Routine testing of the reticulation system in Lithgow continued as normal throughout August and September. These results are attached and do not confirm any exceptions except for aluminium and one total coliform.

A resident provided Council with some test results collected on August 8 from 24 Spooner Street and 25 Spooner Street. The samples were not analysed until September 22 which is significant because acidified samples for metals analysis should be analysed within 28 days as per the Australian Drinking Water Guidelines. When Council became aware of anomalous results from the street it undertook confirmatory testing from the nearest possible point for a comparison. The results from 31 Spooner Street are summarised in the table below and do not confirm the earlier results.

31 Spooner St			
Sampled		22/09/2010	22/09/2010
Analyte	Units	Dissolved Metals	Total Metals
Aluminium	mg/L	0.1	0.16
Manganese	mg/L	0.002	0.002
Nickel	mg/L	0.005	0.007
Thallium	mg/L	<0.001	<0.001
Iron	mg/L	<0.05	<0.05

Result Discussion

These results confirm that dissolved metals in the drinking water supply remained within Australian Drinking Water Guidelines. The dirty water was caused by a suspension of material that may have contained some total metal values that were above Australian Drinking Water Guidelines. Specifically, aluminium, manganese, iron, nickel and thallium were reportedly high in samples not collected by Council.

There is no health-based guideline established currently for aluminium and the guideline value is based on post-flocculation problems.

Iron is an aesthetic guideline value primarily to do with taste. There is no health-based guideline.

Based on aesthetic considerations, the concentration of manganese in drinking water should not exceed 0.1 mg/L. Manganese would not be a health consideration unless the concentration exceeded 0.5 mg/L.

Nickel ingestion is health related as in humans, long-term exposure may result in toxic effects to the kidney. Increased beta-microglobulin concentrations were reported among electroplating workers exposed to high amounts of nickel. Nickel is known to be a common skin allergen and can cause dermatitis, particularly in younger women. While skin is sensitised, oral intake of low doses (0.0083 mg/kg body weight per day) may provoke contact dermatitis in sensitised individuals. The ongoing monitoring results do not identify a repeated exposure to nickel from the drinking water.

The Australian Drinking Water Guidelines do not list a value for thallium.

Due to the lack of direct health significance, no guideline value is proposed for total coliforms.

The results confirm that the residents of Lithgow and Marrangaroo were not exposed to a significant health risk. The advice issued by Council to run a tap until it was clear or to let the water settle is confirmed as being appropriate.

Quality of the Fish River Supply

Dirty water would normally be classified as water that contains suspended material and the standard test for measuring suspended material in water would be turbidity (measured by a nephelometer using Nephelometric Turbidity Units-NTU).

Parameter	Guideline Value	Mean	Media	Standard Deviation	Min.	Max.	Numbers of	Numbers of	95 th Percentile	5 th percentile	% meeting
Turbidity FRWS	5.0000 NTU	1.7	1.1	1.6383	0.3	4.9	11	0	4.3868	0.53	100
Turbidity Lithgow	5.0000 NTU	0.4538	0.2	0.7287	0.1	2.8	13	0	1.6489	0.235	100

The table shows the annual results for FRWS and Lithgow for 2009/2010. All samples met the Australian Drinking Water Guidelines. FRWS Water was slightly more turbid than Lithgow water that this is relatively meaningless given that both complied with ADWG.

Reservoir Flushing

Reservoirs are not flushed per se as that simply wastes too much water. What is done is that the reservoirs are taken off-line and divers clean the floor of any sediment build-up. The Water and Waste Department keeps a record of all maintenance of this nature undertaken on each reservoir. The following table illustrates the frequency of cleaning.

RESERVOIR	Diameter m	Depth of Water	STORAGE CAPACITY ML	LAST CLEANING DATE
Cook Street High Reservoir	28	5.25	3	February 2009
Cook Street LL	35	7	4.5	January 2010
Cullen Bullen*	8.44	7.45	0.4	March 2003
Glen Davis*	33.4	5.3	4.6	March 2005
Lidsdale	19	4.5	1.26	January 2010
Oakey Park WTP	17.8	5	0.62	January 2010
Portland HL - Falnash St/Bridge Street	18	4	1	February 2009
Portland LL-Purcell St	16	5.5	1.10	February 2009
Macaulay St	5.8	11.5	0.30	
Shaft Street No.1**	30	8	6.8	April 2002
Shaft Street No.2	61	7.4	20	January 2010
South Littleton Reservoir	15	5.5	1	January 2010
Marrangaroo Reservoir	10	3.2	0.23	February 2009
Mort's Estate - Macauley Street	5.8	11.5	0.3	February 2008
Vickers St	7.4	2.5	0.1	February 2009
Magpie Hollow Road			1	Under construction
Rydal*	5.3	9	0.2	March 2003
Tarana (non-potable storage)				January 2009
Wallerawang	20	8.5	2.67	January 2010
Total Storage Volume			2.67	

* These reservoirs are maintained by the Fish River Water Scheme. A schedule of cleaning has been requested from their office.

** This Reservoir is not in service

Causes of Dirty Water

While many particles will gradually settle out from water over time, (a process called sedimentation), some will not. To cause slow or non-settling particles to settle out more readily in raw water, a soluble chemical or mixture of chemicals is added to the water. Such chemicals are called coagulants and the process is called coagulation.

Coagulants react with the particles in the water, forming larger particles called flocs, which settle rapidly and can be removed as sludge. Flocs can also be effectively removed by passing the water through a filter; either directly or after sedimentation. The process is controlled so that the coagulant chemicals are removed along with the contaminants. This is the treatment process applied at Oakey Park Water Treatment Plant.

These processes remove some of the natural organic matter that is washed from soil and vegetation as water travels across the landscape. Natural organic matter is usually the cause of brown discolouration in water and can also cause foul tastes and odours. However, not all of this natural organic matter is removed by coagulation and it may react with disinfectants applied to the water, to form disinfection by-products.

A combination of circumstances can create dirty water after it leaves the water treatment plant and enters the distribution system, but the most common is when sediment is dislodged from our water supply mains. Sediments accumulate in pipelines due to unavoidable changes in the chemistry of the water as it passes through the reticulation network. Trace elements, such as iron and manganese, come out of solution and accumulate in the distribution pipes over long periods of time until they are dislodged by a sudden increase in the rate of flow. These trace elements occur naturally in all water sources because most substances are soluble in water.

The most recent problem affecting Lithgow residents in particular arose when Council was forced to supply from FRWS into town while the trunk main from the Oakey Park Water Treatment Plant was being repaired. The increased pumping rate dislodged some sediment in the water supply mains and reservoirs, causing discolouration in the water being delivered at the tap. Council normally tries to keep the mains flushed regularly to avoid this happening, but in this case mains had not been flushed so regularly or vigorously because of the prolonged dry period. During this period Council's response was to flush the mains so much that the replenishment of the reservoirs were so rapid that it caused some disturbance of the sediment that had settled on the bottom.

Discolouration is generally an aesthetic issue, with a slight taste making the water unpleasant to drink. The best advice is that if an individual has any concerns; don't drink the water until it clears. Although contamination of the water supply with substances that could have an adverse impact on health is very unlikely, Council has emergency procedures to deal with such potential events. These are based on regular monitoring of the supplies and could involve shutting down Council's water treatment plant to prevent contaminated water being distributed, draining of service reservoirs to remove contaminated water from the system and alerting the public by a variety of means.

Farmers Creek Dam #2 Water Quality

Council does not routinely test the water at Farmers Creek Dam #2 because frequent tests are taken at the intake to the water treatment plant at Oakey Park as this represents the quality of the water that needs to be treated to ADWG standards. Raw water and treated water is tested on the same day for the same parameters using the resources of the Oakey Park Water Treatment Plant Laboratory and Water Treatment Plant Operators to enable direct comparison of water treatment effectiveness on that day and an immediate response should any process change be warranted. Additional testing of the water as it is distributed is undertaken by an independent NATA certified laboratory.

Testing of the water in the dam and at the outlet of the Clarence Water Transfer Scheme is possible but will it require additional funds as this has not been budgeted for this financial year.

	RAW WATER	TURBIDITY	pH	IRON	ALUMINIUM	MANGANESE
	COLOUR HzU	NTU		RAW	RAW	RAW
				mg/L	mg/L	mg/L
AVERAGE	46	2.0	6.2	0.25	0.06	0.28
MAX	277	11.2	7.1	0.88	0.29	0.80
MIN	3	0.2	5.1	0.05	0.00	0.01

ATTACHMENTS

1. Results Reporting for Analysis Type All for July 2010
2. Results Reporting for Analysis Type All for August 2010
3. Results Reporting for Analysis Type All for September 2010
4. ALS Analysis and Testing Report
5. Water Quality Summary Information 2009-10 Raw Water

RECOMMENDATION

THAT the information in relation to Lithgow water quality issues be noted.

OPERATION SERVICES REPORTS

ITEM:15 OPER - 22/11/10 - NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATIONS

SUMMARY

Emergency Management NSW and NSW Treasury have improved the coordinating of information which Local Government provides the NSW Government with information about damage to public infrastructure following significant natural disasters.

COMMENTARY

Advice has been received from the Hon Steve Whan MP in relation to the Emergency Management NSW and NSW Treasury improving the arrangements for coordinating damage to public infrastructure. Better reporting processes mean quicker decisions on natural disaster declarations.

The Australian Government's Natural Disaster Relief and Recovery Arrangements Determination 2007 sets out when Council's can seek reimbursement for the cost of repairing damaged public infrastructure. The small disaster criterion threshold for declaring an event a Natural Disaster has been set at \$240,000. This threshold includes the cost of repairs to damaged public infrastructure such as roads, bridges and parks as a result of storms, floods, bush fires and other natural disasters.

To assist in determining whether the threshold has been met, local councils are asked to provide as soon as possible after an event an initial assessment of damage to public infrastructure and the estimated damage bill.

Emergency Management NSW should be the first point of contact for local councils in providing this information to the NSW Government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from the Hon Steve Whan MP

RECOMMENDATION

THAT Council note the correspondence that has been received from the NSW Government, The Hon Steve Whan MP in relation to information about damage to public infrastructure following significant natural disasters.

**ITEM:16 OPER - 22/11/10 - INFRASTRUCTURE LEVY PROGRAM 2010/2011 -
 POSSIBLE AMENDMENTS**

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

The Infrastructure Levy Program adopted in the Annual Management Plan for 2010/2011 allocates \$20,520 to an item identified as a Civic Ballroom Repoint Brickwork.

COMMENTARY

Council previously sought and approved a special rate variation to carry out a range of building improvements. Amongst those improvements was \$20,520 for the rejoining of brickwork at the Civic Ballroom.

This item was completed in the previous year with funds from the RLCIP and therefore the funds allocated to this program are available for reallocation during the 2010/2011 Financial Year.

It is considered appropriate that some funds should be allocated to the Portland Mens Shed at Kremer Park in Portland and the balance could be allocated to further improvements to the Mens Shed at the South Littleton Hall.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council reallocate funding of \$20,520 from the Infrastructure Levy Program Civic Ballroom.
2. \$10,000 be allocated to the Men's Shed at Portland for expenditure on upgrade of the Men's Shed building at Kremer Park;
3. \$10,520 be allocated to the upgrade of the South Littleton hall, for renovations.

ITEM:17 OPER - 22/11/10 - BROWNS GAP ROAD STABILITY

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

A number of questions have been raised concerning the face of the embankment adjacent to Browns Gap Road.

COMMENTARY

Following a detailed inspection of the bank, arborists were engaged to remove a number of hazardous trees and this was carried out over a three day period and approximately 30 mature trees were removed and substantial suckers and regrowth were also removed to prevent regrowth.

The tree stumps were left in there existing locations to ensure ongoing stability of the bank. There does not appear to be any geological movement in the bank and whilst there are a number of small rocks that are displaced during periods of wet weather, the recent heavy rain has not done any serious damage or increased the instability of the existing face.

With removal of the hazardous trees it is considered that all steps of reasonableness have been taken in regard to the stability of this bank and it will of course be monitored on a regular basis. However no 'cast iron' guarantees can be given with regard to a rock face of this nature and Council can only carry out its duty of care with regard to regular inspections of the bank to ensure there are no obvious hazards to motorists.

Of some concern is the evidence of slippage cracking on the up lane on the filled embankment and there have been instability issues on this embankment in the past. Council staff will be closely monitoring any potential movement in the embankment on the up lane and any extension of slippage cracks showing in the road pavement at specific locations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the report on the Browns Gap Road Stability be noted and that ongoing inspections will be carried out on a routine basis.

ITEM:18 OPER - 22/11/10 - RLCIP - ROUND THREE FUNDING

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATION

SUMMARY

Advice has been received from the Department of Regional Australia, Regional Development and Local Government, that Council's application for RLCIP funding under Round 3 has been approved.

COMMENTARY

Council will call that the projects submitted included the following:

- Eskbank House Heating - \$20,000
- Lake Pillans Upgrade including walkways, signage and Viewing areas - \$50,000
- Blast Furnace park Upgrade including Fencing, Walkways and Viewing Platform - \$50,000
- School of Arts Building, Portland Access Improvements - \$10,000
- Skate Park Wallerawang, New Equipment - \$10,000
- Skate Park Portland, New Equipment - \$10,000
- New Cricket Nets, Wallerawang - \$27,000
- South Littleton Hall Improvements, including Amenities - \$15,000
- Lithgow Town Band Hall, New Roof - \$20,000

Following the execution of the Funding Agreement with the Department, a payment will be made to Council covering the funds required for the project.

It is proposed that the works included in this program, will be completed by the 30th June 2011.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No funds required from Council except Supervision.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council accept the Funding Agreement from the Department of Regional Australia and proceed with the following projects:

- Eskbank House Heating - \$20,000
- Lake Pillans Upgrade including walkways, signage and Viewing areas - \$50,000
- Blast Furnace park Upgrade including Fencing, Walkways and Viewing Platform - \$50,000
- School of Arts Building, Portland Access Improvements - \$10,000
- Skate Park Wallerawang, New Equipment - \$10,000
- Skate Park Portland, New Equipment - \$10,000
- New Cricket Nets, Wallerawang - \$27,000
- South Littleton Hall Improvements, including Amenities, Men's Shed - \$15,000
- Lithgow Town Band Hall, New Roof - \$20,000

ITEM:19 OPER - 22/11/10 - ACCESS, LOT 2, DP912181 QUARRY STREET RYDAL

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

A complex issue has arisen regarding access to a property identified as Lot2 DP912181 which is shown on the attached survey diagram. The issue has arisen from the fact that a non formalised but physical access has been provided to Lot 2 across Lots 1 & 2. It would appear that this situation has been in existence for a number of years. Lots 1, 2, 11 and 12 were sold by Council for unpaid rates and a new owner is proposing to fence off a property thus denying this informal access to Lot 2 DP912181.

COMMENTARY

Council officers have been involved in discussions with the owner of Lot 2 DP912181 with regard to rationalising or legalising a formal access to her property. The laneway which is shown on the attached diagram, whilst providing legal access to Lot2 DP912181 does not provide physical access and cannot be constructed to a standard which would provide physical access to the property.

Following negotiations with both owners, there are a number of options available. One of them being the closure of the unformed lane and swapping this with a new laneway to be constructed off Quarry Street, providing access to Lot 2. This is shaded on the attached diagram. The owner of Lots 1, 2, 11 and 12 has advised that he is open to discussing the idea of the lane swap however given that the new lane would run over the flattest and most valuable part of his land, he would only be interested under the following conditions:

- “In addition to the title of the unformed lane being transferred to myself I would also require two dwelling entitlements between my four lots. It is my intention to consolidate Lots 1 and 12 and the unformed Laneway that split those Lots with one dwelling entitlement and Lot 2 and 11 and the unformed laneway that splits those Lots with one dwelling entitlement. If the Council cannot provide two dwelling entitlements as outlined above, in addition to the unformed lane I would require \$27,000 in exchange for a new lane off Quarry Street along the Eastern Border of my Lot 2 to give our neighbour access to their garage and property and no further. The new laneway would be of similar width to the existing unformed lane. “i.e 6.235 metres and all legal survey and any other additional costs involved with consolidating my lots and forming the new laneway are to be met by Council.”

The owner has also advised that he is proposing to fence his entire property to secure the boundaries within the next two weeks which will therefore deny physical access to the owner of Lot 2.

Whilst the owner of Lot 2 DP912181 contends that Council may have contributed to this issue indirectly by selling Lots 1, 2, 11 and 12 for unpaid rates, the issue of access to Lot 2 should have been resolved at the time of purchase by the current owner. It is not considered appropriate that Council should be involved in the lane swap to the extent of having to make a capital contribution of \$27,000.

Discussions with Council planners have indicated that the four lots listed as Lots 1, 2, 11 and 12, are not entitled to two dwelling entitlements but are only entitled to the one dwelling entitlement.

It is also noted that the adjacent lot being Lot 1 DP912181 which has legal and physical access to a public road is currently owned by a family member of the owner of Lot 2 This would appear to provide a reasonable solution to the access for Lot 2

In trying to provide a solution to this problem it is considered that a right of carriageway in favour of lot2 could be created on either Lo1 DP 912181 or lot2. It would appear that the most appropriate solution will be for the two owners to negotiate a Right of Carriageway over Lot 2 providing limited access but legal access to Lot2 DP912181.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Quarry Street Map

RECOMMENDATION

THAT Council advise both owners that it is no longer prepared to facilitate this matter but is suggested that the two owners negotiate the construction of a Right of Carriageway over Lot 2 in the location of the proposed laneway which will provide Legal Access to Lot 2 or investigate other options.

ITEM:20 OPER - 22/11/10 - 2010/2011 MANAGEMENT PLAN

REPORT FROM: IAIN STEWART, GROUP MANAGER OPERATIONS

REFERENCE

2010/2011 Management Plan

SUMMARY

To submit detailed Works Programs for undefined Projects contained in the 2010/2011 Management Plan.

COMMENTARY

The following items in the Capital Works section of the 2010/2011 Management Plan were adopted with undefined works.

Following detailed works and inspections and consultation with Councillors and the Public, the works listed below are proposed for construction in the 2010/2011 Management Program.

Infrastructure Levy Program, Reseals and Lithgow/Portland Laneways.

Available Budget - \$197,000

Proposed Works

1. Bitumen Resealing of Pimpala Street - Northern end at Marrangaroo Fields - \$25,000
2. Bitumen Resealing of Green Street Portland – Southern End - \$20,000
3. Bitumen Resealing of Vale Street Portland – Southern Shoulder - \$15,000
4. Bitumen Resealing of Railway Avenue Portland – Fail Sections - \$10,000
5. Bitumen Resealing of Saywell Street Lithgow - \$12,000
6. Bitumen Resealing of Guy Street Lithgow - \$10,000
7. Bitumen Resealing of Inch Street Lane – Eastern Side - \$15,000
8. Bitumen Resealing of Waratah Lane/Wray Lane - \$5000
9. Bitumen Resealing of Jim Muir Drive off Sandford Avenue - \$12,000
10. Bitumen Resealing of Brays Lane Lidsdale - \$30,000
11. Bitumen Resealing of Methven Street, between Cupro Street and ADI, heavy hot mix patching – \$43,000

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Nil

RECOMMENDATION

THAT Council allocate the funds from the Infrastructure Levy funding for reseals and Lithgow / Portland lanes to the following projects:

1. Bitumen Resealing of Pimpala Street - Northern end at Marrangaroo Fields - \$25,000
2. Bitumen Resealing of Green Street Portland – Southern End - \$20,000
3. Bitumen Resealing of Vale Street Portland – Southern Shoulder - \$15,000
4. Bitumen Resealing of Railway Avenue Portland – Fail Sections - \$10,000
5. Bitumen Resealing of Saywell Street Lithgow - \$12,000
6. Bitumen Resealing of Guy Street Lithgow - \$10,000
7. Bitumen Resealing of Inch Street Lane – Eastern Side - \$15,000
8. Bitumen Resealing of Waratah Lane/Wray Lane - \$5000
9. Bitumen Resealing of Jim Muir Drive off Sandford Avenue - \$12,000
10. Bitumen Resealing of Brays Lane Lidsdale - \$30,000
11. Bitumen Resealing of Methven Street, between Cupro Street and ADI, heavy hot mix patching – \$43,000

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:21 **COMM - 22/11/10 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS**

REPORT FROM: CORPORATE STRATEGY AND COMMUNICATIONS OFFICER – DEBORAH MCGRATH

REFERENCE

Min No 07-541: Ordinary Meeting of Council 17 December 2007.
Min No 008-194: Ordinary Meeting of Council 18 November 2008
Min No 09-505: Ordinary Meeting of Council 23 November 2009

SUMMARY

This report provides copies of the Annual and State of the Environment Reports to Council for its information.

COMMENTARY

The Local Government Act 1993 states:

Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.

It goes on to also state:

*A report must contain the following:
(c) a report as to the state of the environment in the area*

The Annual and State of the Environment Reports for the year 2009/10 have been prepared and will be forwarded to the Department of Local Government. A copy of both Reports has been provided to Councillors within their Business Paper Packages. In addition, the Reports will be placed on Council's website and a hard copy will be available for viewing at the Council's Administration Centre and the Lithgow Library and Learning Centre.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Annual and State of Environment Reports were produced internally and funded from the Policy and Planning recurrent budget.

LEGAL IMPLICATIONS

The Annual and State of the Environment Reports were prepared in accordance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Freedom of Information Protection Act 1998, Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

ATTACHMENTS

1. Annual Report 2009/10
2. State of the Environment Report 2009/10

RECOMMENDATION

THAT the Council:

1. Receives the Lithgow City Council Annual Report 2009/10.
2. Receives the Lithgow City Council State of the Environment Report 2009/10.

ITEM:22 COMM - 22/11/10 - SEPTIC SAFE STRATEGY

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 08-51:	Policy and Strategy Meeting dated 6 May 2008
Min No 09-433:	Ordinary Council Meeting dated 14 September 2009
Min No 09-453:	Ordinary Council Meeting dated 2 November 2009
Min No 10-50:	Ordinary Meeting of Council dated 1 March 2010
Min No 10-202:	Ordinary Meeting of Council dated 24 May 2010
Min No 10-384:	Ordinary Meeting of Council dated 20 September 2010
Min No 10-385:	Ordinary Meeting of Council dated 20 September 2010
Min No 10-386:	Ordinary Meeting of Council dated 20 September 2010

SUMMARY

Council resolved at the Ordinary Meeting of Council dated 20 September 2010 as follows:

Min 10-384

THAT:

1. The proposal be placed on public exhibition for a period of 28 days for public submissions.
2. The low risk systems noted in the proposal be changed to be inspected to 10 years.

Min 10-385

THAT a report be brought back to Council showing the actual cost of the septic inspections.

Min 10-386

THAT Council investigate the forming of a committee to engage and consult with about issues that may arise with rural residents.

COMMENTARY

1. Summary of Revised Septic Safe Strategy

In summary, the revised Septic Safe Strategy that was placed on public exhibition for 28 days includes the following provisions:

1.1 Risk Classifications

High Risk Systems

- Septic Systems located within 100 meters of a permanent watercourse or within 12 metres of a property boundary or another residential dwelling.
- Septic Systems located on commercial properties including cabins, caravan parks, B&Bs, hotels, mines etc.

Medium Risk Systems

- Septic Systems on land 5 Hectares and less in size.

Low Risk Systems

- Septic systems located on rural land greater than 5 Hectares provided they are not located within 100 meters of a permanent watercourse or within 12 metres of a property boundary or another residential dwelling.
- All Aerated Wastewater Systems (AWTS)

The revised strategy also provides for, where upon inspection, additional environmental risk assessment factors are identified such as those contained in Attachments 1 and 2 of the Strategy, Council will use the parameters identified in the Attachments to determine if the system should be placed in a different risk category.

1.2 Inspection Frequency

- **High Risk** systems will be inspected every two (2) years and given a five (5) year Approval to Operate.
- **Medium Risk** systems will be inspected every five (5) years and given a five (5) year Approval to Operate.
- **Low Risk** (including all AWTS) Systems will be inspected every ten (10) years and given a ten (10) year Approval to Operate.

2. Public Exhibition

The revised Septic Safe Strategy was placed on public exhibition for 28 days to 22 October 2010. Eight (8) submissions were received from members of the public and a further submission has been received from the Sydney Catchment Authority as follows:

Respondent	Comment	Officer Comment
Respondent 1	Sees some improvement from earlier versions of the Strategy in relation to the revised risk categories, notice of inspection and community consultation procedures. Is concerned however that the revised strategy may in some cases be more onerous on landholders.	
	Opposes the automatic application of medium risk to properties under 5 hectares and considers that risk categories should be determined on a case by case basis taking into account factors such as soil type and location.	Section 6.2.2 of the Strategy provides for, upon inspection, additional environmental risk assessment factors to be used to determine if the system should be moved to a higher or lower risk category.
	Points out that the Strategy states that medium and low risk systems must not be within 12 meters of a property boundary or a neighbouring home and that by definition, if it is not within 12 meters of a property boundary, it cannot be within 12 meters of a neighbouring home.	Strategy has been amended to clarify that high risk systems are: "Septic Systems located within 100 meters of a permanent watercourse or within 12 metres of a property boundary or another residential dwelling." This is to provide for situations where there may be another residential dwelling on the same property.
	Points out that the Strategy (clause 6.2.1) identifies the minimum distance to downhill boundaries for low risk systems as 12m whereas the Risk Matrix and Risk Factors (Attachments 1 and 2) specify 100m.	The Risk Matrix and Risk Factors attachments have been amended to 12m.
	Further that the strategy does not differentiate between up and downslope proximity to neighbouring properties or a neighbour's home whereas the Risk Matrix and Risk Factors specify downslope proximity.	Strategy has been amended to clarify that the risk factor is proximity (both up and down slope) to a neighbouring property or another residential dwelling.
	Considers that systems older than 15 years should not be automatically considered high risk.	Where upon inspection, a system is found to be older than 15 years it will be given high risk points

Respondent	Comment	Officer Comment
		for that risk factor but its overall risk rating will be determined by an assessment of other risk factors. A well functioning older system will not necessarily be given a high risk rating.
	Considers that initial letter to property owners advising of inspections, should emphasise the advantage of the owner being home doing the inspection.	Supported
	Concerned about the expense of compliance with the strategy and that there will be few health and environmental benefits from the Strategy.	
Respondents 2, 3, 4 and 5	Septic safe program is a revenue raiser for Council as they have paid a license to Council when systems were first installed.	
	Why pay Council when they already maintain and repair their systems?	
	Live on properties less than 5 hectares but have no close neighbours or waterways. Why pay Council to inspect every 5 years?	
	Why did it take Council 10 years to commence inspections?	
	Concerned that Council is taking direction from the SCA.	
	Where is the evidence that failing systems cause disease or illness?	
	Concerned about rising approval to operate charges.	
	Live outside Sydney Drinking Water Catchment. Why are they being told what to do by the SCA?	
Respondent 6	<p>There should be guaranteed enforcement by Council where:</p> <ul style="list-style-type: none"> • Septic systems were not approved by Council • Do not meet Council or SCA conditions 	

Respondent	Comment	Officer Comment
	of consent <ul style="list-style-type: none"> Are built within the boundaries of a neighbouring property 	
	There should be an appeals process against Council determinations.	
	An anti-corruption measure is needed to ensure that all ratepayers are treated equally and fairly.	
	There should be compensation for damages caused by Council's actions or failure to act.	
	Lithgow's strategy should be in accordance with those of other Councils.	Attachment 11 provides detail on information received from other Councils in early 2010.
Respondent 7	Objects to Council's previous approval of a neighbour's septic system close to his boundary and house.	
	Council is now requiring him to empty his own septic tank even though it is not full and is working well.	
	His system is a long way from any waterway and poses no health risk.	
Respondent 8	Objects to Council imposing a license fee on septic systems.	
	Has paid for installation and maintenance of system so why is Council imposing a charge on a full self maintained system?	

3. Sydney Catchment Authority

The Sydney Catchment Authority has provided comment on Council's revised draft strategy as follows:

Issue	Comment	Officer Comment
Risk Classification	The SCA would prefer that in addition to the risk factors of proximity to watercourses, neighbouring properties and allotment size that have been identified in the strategy, additional risk classifications including landfall / slope and soil type be determined after an assessment of the individual site characteristics.	Council's Strategy (Section 6.2.1) provides for all on-site sewage management systems to be allocated a risk rating according to their system type; land area; location, and; proximity to waterways and property boundaries.

Issue	Comment	Officer Comment
	The SCA supports Council's proposal to allocate a risk classification according to allotment size provided this is done in combination with other key site characteristics e.g. soil type, slope, proximity to watercourses.	Section 6.2.2 provides for, upon inspection, additional environmental risk assessment factors to be used to determine if the system should be moved to a higher or lower risk category.
	The strategy needs to be clear about when Council will use the higher level desk assessment of risk factors or the additional site specific risk factors in Appendix 1 of the strategy as this is likely to cause some issues within the community.	The primary means of determining risk will be section 6.2.1 although section 6.2.2 will be used on occasion when significant other risks are found.
Risk Assessment Factors	The SCA recommends that Council use the Risk Assessment Matrix (Attachments 1 and 2 of Strategy) for AWTS as well as septic systems and that additional risk factors of allotment area, size of trench, irrigation area/mound and condition of effluent disposal areas be included.	
AWTS Systems	The SCA would not support applying a low risk to an AWTS simply because it is an AWTS. In the SCA's experience, if an AWTS is not operated and managed appropriately it is also susceptible to failure which can have water quality impacts.	Council currently allocates a low risk to all AWTS systems and undertakes random inspections. Under the revised Strategy, Council will inspect all AWTS systems once every 10 years.
Inspection Frequency	The SCA prefers that low risk systems be inspected every 5 years, medium risk systems every 3 years and high risk systems every year. This inspection frequency is currently consistent with a number of Council's within the drinking water catchment. An inspection frequency of 10 years for low risk systems is not considered desirable to achieve positive water quality outcomes and would not be supported by the SCA. The SCA is happy to support Council's proposed inspection frequency provided this is reviewed after 12 months once more accurate site and soil data is collected.	The SCA's comments are noted and a review will be undertaken of the inspection frequency and risk factors after 12 months.

The SCA also made a number of suggestions in relation to the wording of the Strategy as highlighted in the attached Strategy.

4. Multiple Systems

Where there are multiple systems on the one property, including those servicing residential dwellings and ancillary buildings which are used intermittently such as sheds and shearing sheds, an Approval to Operate will be issued for each system however a single Approval to Operate charge will apply. A single inspection charge (currently \$74) will apply for multiple systems however where the time to inspect multiple systems exceeds 1 hour, an additional charge (currently \$80 per hour) will apply

5. Rural Residents

A report will be prepared for a future Council meeting on investigations undertaken to engage and consult with rural residents.

6. Conclusion

Inspections have been suspended since March 2010 while a review of the strategy and public consultation process were undertaken. Funding has recently been received from the Sydney Catchment Authority for 2.5 years to assist Council to undertake inspections within the Sydney Drinking Water Catchment.

The revised strategy addresses many of the community concerns about the strategy while ensuring that the environmental and health objectives of the program are met.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The proposed charging regime, as reported to Council on 20 September 2010 is as follows:

Risk Classification	Inspection Frequency	Approval to Operate and Inspection Charges – subject to annual financial plan.
High	Every 2 years	\$53 for a 5 year Approval. \$74 per inspection (every 2 years)
Medium Risk	Every 5 years	\$53 for a 5 year Approval \$74 per inspection (every 5 years)
Low Risk	Septic Every 10 years	\$53 for a 10 year Approval \$74 per inspection (every 10 years)
	AWTS Every 10 years	\$158 for a 10 year Approval No inspection fee. (Inspection every 10 years.)
Multiple Systems		An Approval to operate for each system with one charge at the single system rate. \$74 per combined inspection plus \$80 per hour after first hour.
AWTS additional inspection		\$74 per inspection

Septic Safe Program Expenditure

Current Expenditure

Budgeted expenditure on the Septic Safe Program in the current year is \$74,720 including Onsite Wastewater Officer salaries 2.5 days per week; Administration Officer salaries 1 day per week; employee and organisation on-costs, and; vehicle costs.

Council income in the 2009/10 financial year from inspections and approvals to operate was \$16,000 although as the program was suspended in March 2010, income could have been expected to be approximately \$21,000 in a full year.

Proposed Expenditure

Proposed annual income and expenditure for the continuation of the Septic Safe Program with a full-time Onsite Wastewater Officer and additional administration assistance are:

Income

\$127,940 (including a grant of \$58,400 pa from Sydney Catchment Authority; inspection and approval to operate income).

Expenditure

\$183,080 (Including Onsite Wastewater Officer, part-time Administration Officer; organisational oncosts, equipment and vehicle costs.)

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Revised Onsite Sewage Management Strategy
2. Submission 1 Dataworks Document Number 639309
3. Submission 2 Dataworks Document Number 638879
4. Submission 3 Dataworks Document Number 638880
5. Submission 4 Dataworks Document Number 638878
6. Submission 5 Dataworks Document Number 638877
7. Submission 6 Dataworks Document Number 637950
8. Submission 7 Dataworks Document Number 630823
9. Submission 8 Dataworks Document Number 627540
10. Comments from Sydney Catchment Authority Dataworks Document Number 643378

RECOMMENDATION

THAT:

1. Council adopts the attached revised Onsite Sewage Management Strategy.
2. Inspections of onsite wastewater systems recommence in accordance with the strategy.
3. Council adopt the following fee schedule.

Risk Classification	Inspection Frequency	Approval to Operate and Inspection Charges – subject to annual financial plan.
High	Every 2 years	\$53 for a 5 year Approval. \$74 per inspection (every 2 years)
Medium Risk	Every 5 years	\$53 for a 5 year Approval \$74 per inspection (every 5 years)
Low Risk	Septic Every 10 years	\$53 for a 10 year Approval \$74 per inspection (every 10 years)
	AWTS Every 10 years	\$158 for a 10 year Approval No inspection fee. (Inspection every 10 years.)
Multiple Systems		An Approval to operate for each system with one charge at the single system rate. \$74 per combined inspection plus \$80 per hour after first hour.
AWTS additional inspection		\$74 per inspection

**ITEM:23 COMM - 22/11/10 - VACANT SHOP NUMBERS IN MAIN STREET,
LITHGOW**

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Min No 10-282: Ordinary Meeting of Council, 12 July 2010.

SUMMARY

This report provides a response to a request raised at the ordinary meeting of Council held on 12 July 2010 in relation to providing the number of vacant shop premises on Main Street, Lithgow, bi-annually.

COMMENTARY

As at 11 November 2010 there were 22 vacant shop premises on Main Street, Lithgow between Bridge Street and Lithgow Street. This is a decrease of 19% on figures taken back in September 2009 (27 vacant shops) and a 54% decrease on 2008 figures (48 vacant shops). It should be noted that 15 of the 22 vacant premises are located at the top end of Main Street, that is 68% of the total number of vacant shops.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council notes the information regarding the number of vacant shop premises on Main Street, Lithgow between Bridge Street and Lithgow Street.

INTERNAL SERVICE REPORTS

**ITEM:24 INTS - 22/11/10 - AUDIT PRESENTATION OF THE FINAL 2009/10
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 10-453: Ordinary Meeting of Council - 01 November 2010

SUMMARY

To advise that Council is in receipt of the 2009/10 General Purpose Financial Reports and Special Purpose Finance Reports audit certificates and further advise that Councils' Auditors, The Morse Group, will be available to make a presentation at the meeting of 22 November 2010.

COMMENTARY

Council is in receipt of the 2009/10 General Purpose Financial Reports and Special Purpose Finance Reports audit certificates for the financial year ending 30 June 2010.

Due notice has been provided in the local media and on Council's website that Auditors, The Morse Group, will present the Audited reports at the meeting of the 22 November 2010. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions in writing within seven days following the audit address.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2009/10 General Purpose Financial reports and Special Purpose Schedules represent Council's position as at 30 June 2010.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Tabled: Final 2009/10 General Purpose Financial Reports & Special Purpose Schedules which includes the relevant Audit Certificates. It should be noted a copy of the reports is also attached to the 2009/10 Annual Report which is also an item in this agenda.

RECOMMENDATION

THAT Council accept the 2009/10 General Purpose Financial Reports & Special Purpose Financial Reports and thank Ms Leanne Smith of the Morse Group for her presentation.

ITEM:25 INTS - 22/11/10 - COUNCIL INVESTMENTS HELD TO 31 OCTOBER 2010

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 10-308: Ordinary Meeting of Council 02 August 2010 (June 2010)
Min No 10-400: Ordinary Meeting of Council 20 September 2010 (July 2010)
Min No 10-401: Ordinary Meeting of Council 20 September 2010 (August 2010)
Min No 10-428: Ordinary Meeting of Council 13 October 2010 (September 2010)

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 31 October 2010 when compared to 30 September 2010, has decreased by \$1,866,382.48 from \$19,027,474.00 to \$17,161,091.52.

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 30.09.10	VALUE 31.10.10	% OF TOTAL
ANZ	TD	08.09.10	08.11.10	61	5.21	1,004,224.66	1,004,224.66	5.85%
	TD	14.09.10	15.11.10	61	5.25	2,026,432.87	2,026,432.87	11.81%
BANKWEST	TD	16.09.10	15.12.10	90	5.70	1,014,367.12	1,014,367.12	5.91%
CBA	On Call				4.45	1,603,413.70	461,436.18	2.69%
	Ethical Nt	06.11.06	06.11.11	1,825	**	0.00	0.00	0.00%
	TD	02.09.10	02.12.10	90	5.52	1,000,000.00	1,000,000.00	5.83%
	TD	20.09.10	19.11.10	60	5.53	1,000,000.00	1,000,000.00	5.83%
LGFS	On Call				4.40	7,159.79	7,159.79	0.04%
IMBS	TD	31.08.10	29.11.10	90	5.80	1,015,123.29	1,015,123.29	5.92%
	TD	09.09.10	09.12.10	91	5.75	1,004,586.30	1,004,586.30	5.85%
NAB	TD	07.10.10	07.01.11	90	5.53	1,004,282.20	250,000.00	1.46%
	TD	14.09.10	13.12.10	90	5.62	1,014,005.48	1,014,005.48	5.91%
WESTPAC	TD	06.10.10	06.12.10	60	5.52	262,207.27	264,488.47	1.54%
	TD	06.10.10	06.12.10	60	5.52	524,414.55	528,976.96	3.08%
	TD	17.09.10	17.04.11	212	6.00	1,069,994.05	1,069,994.05	6.23%
	TD	06.10.10	06.12.10	60	5.52	794,122.73	801,031.60	4.67%
ST GEORGE	TD	10.10.10	10.12.10	60	5.50	785,070.60	792,125.05	4.62%
	On Call				4.45	49,029.79	49,029.79	0.29%
	TD	10.10.10	10.12.10	60	5.50	1,009,410.41	1,018,480.72	5.93%
	TD	16.09.10	15.11.10	61	5.51	1,000,000.00	1,000,000.00	5.83%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	4.49%
SUNCORP	TD	09.09.10	08.12.10	90	5.79	1,069,081.25	1,069,081.25	6.23%
			TOTAL			19,027,474.00	17,161,091.52	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 October 2010 is \$210,563.71 of an estimated \$553,375.00 shown in the 2010/11 Management Plan. Interest is paid on the maturity date of the investment.

**As at 30 June 2010 the CBA Ethical Note, Prue Managed CDO previously rated AAA, was written down to Nil. On the 9 November 2010 email confirmation was issued from the CBA advising that due to the number of company defaults, ie bankruptcy, total loss of principal and future interest has occurred. Correspondence has been sent to the Local Government Client Manager of the CBA advising of Councils disappointment at the loss and requesting our exact position . Further information will be provided upon receipt.

It should be noted that since 20 November 2006 quarterly interest of \$127,933 has been received.

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 \$17,161,091.52 for the period ending 31 October 2010 be noted.

ITEM:26 INTS - 22/11/10 - UNEXPECTED GRANT WORKS AND WORKS IN PROGRESS TO 2010/11 MANAGEMENT PLAN

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min 10-245: Ordinary Meeting of Council 21 June 2010 Adoption of the 2010/11 to 2013/14 Management Plan

SUMMARY

To advise Council of unexpended grant funds and works in progress from the 2009/10 Management Plan to be brought forward to the 2010/11 Management Plan in the 2010/11 September Review.

COMMENTARY

The following unexpended grant funds and works in progress are requested to be brought forward from the 2009/10 Management Plan to the 2010/11 Management Plan in the 2010/11 September Review.

2009/10 UNEXPENDED GRANTS RESTRICTED			
RTA Pedestrian Access Mobility Plan	From 09/10	C/Fwd Reserve	10,000
RTA Lithgow CBD 40km	From 09/10	C/Fwd Reserve	10,129
RTA Bridge over Railway Line	From 09/10	C/Fwd Reserve	5,914
DIPNR Bio Div Wolgan Valley	From 09/10	C/Fwd Reserve	18,177
DPNR Community Partner	From 09/10	C/Fwd Reserve	16,211
Rylstone Grants	From 09/10	C/Fwd Reserve	33,447
Eskbank Archival Records	From 09/10	C/Fwd Reserve	4,241
SWAH Live Life Well	From 09/10	C/Fwd Reserve	6,386
Xstrata Precinct Study	From 09/10	C/Fwd Reserve	8,357
Urban Sustainability	From 09/10	C/Fwd Reserve	120,229
Arts Adv Interpretive Signage	From 09/10	C/Fwd Reserve	7,070
EPA State Mine Old Power Site	From 09/10	C/Fwd Reserve	5,111
Environment Trust Gas Site	From 09/10	C/Fwd Reserve	70,931
NSW Industry & Dev Creative	From 09/10	C/Fwd Reserve	5,000
NSW Industry & Dev Business	From 09/10	C/Fwd Reserve	4,125
Country Passenger Infrastructure Program	From 09/10	C/Fwd Reserve	39,159
RLCIP Round 2 \$4.1M	From 09/10	C/Fwd Reserve	1,237,581
RLCIP Round 3 \$208k	From 09/10	C/Fwd Reserve	208,000
Total General Fund			1,810,068
Dept Env Clarence Options	From 09/10	C/Fwd Reserve	246,032
Total Water Fund			246,032
Dept Env Reuse of Effluent on Golf Course	From 09/10	C/Fwd Reserve	45,454
Total Wastewater Fund			45,454
TOTAL 2009/10 UNEXPENDED GRANTS			<u>2,101,554</u>

2009/10 INTERNAL RESTRICTED WORKS IN PROGRESS			
Meadow Flat Hall	From 09/10	C/Fwd Reserve	10,000
Wallerawang Stadium	From 09/10	C/Fwd Reserve	10,000
Hassans Walls Improvements	From 09/10	C/Fwd Reserve	86,609
Hassans Walls Improvements	From 09/10	C/Fwd Reserve	40,000
Eskbank House	From 09/10	C/Fwd Reserve	3,991
Centroc Climate Control	From 09/10	C/Fwd Reserve	15,264
Employees ID Cards	From 09/10	C/Fwd Reserve	5,000
Training	From 09/10	C/Fwd Reserve	38,735
Mines Roundabout	From 09/10	C/Fwd Reserve	97,992
Golf Drainage	From 09/10	C/Fwd Reserve	21,500
Swimming Pool Improve	From 09/10	C/Fwd Reserve	12,130
TL Top Dressing	From 09/10	C/Fwd Reserve	7,000
Pearsons Lookout	From 09/10	C/Fwd Reserve	15,000
Maple Cres Drainage	From 09/10	C/Fwd Reserve	10,000
Cricket Wickets	From 09/10	C/Fwd Reserve	46,000
Develop Sec 94 plans	From 09/10	C/Fwd Reserve	12,686
Land Use Strategy	From 09/10	C/Fwd Reserve	48,435
DCP Code	From 09/10	C/Fwd Reserve	7,500
DCP Heritage Strategy	From 09/10	C/Fwd Reserve	20,000
Community Plans of Manage	From 09/10	C/Fwd Reserve	15,000
Open Space & Rec Study	From 09/10	C/Fwd Reserve	40,000
Land Use & Property	From 09/10	C/Fwd Reserve	17,000
Signage Plans	From 09/10	C/Fwd Reserve	35,695
Signage Plans	From 09/10	C/Fwd Reserve	36,050
Wonderpass / Visitors Book	From 09/10	C/Fwd Reserve	42,524
Tourism Promotion	From 09/10	C/Fwd Reserve	20,000
Waste: Tarana Transfer	From 09/10	C/Fwd Reserve	60,000
Total General Fund			774,111
Water: Pump St Upgrade	From 09/10	C/Fwd Reserve	11,500
Water: Lith 1 & 2 Dam	From 09/10	C/Fwd Reserve	140,000
Water: Lith Mains	From 09/10	C/Fwd Reserve	50,000
Water: Lith Established Mains	From 09/10	C/Fwd Reserve	200,000
Water: Wang Mains	From 09/10	C/Fwd Reserve	30,000
Water: Portland Mains	From 09/10	C/Fwd Reserve	20,000
Water: Shared Mains Renew	From 09/10	C/Fwd Reserve	177,400
Water: Environ Enhancements	From 09/10	C/Fwd Reserve	120,000
Water: Sth Bowen Reservoir (From Ln)	From 09/10	C/Fwd Reserve	991,136
Water: Water Saving Scheme	From 09/10	C/Fwd Reserve	5,600
Total Water Fund			1,745,636
Sew: Gantry Renewals	From 09/10	C/Fwd Reserve	30,000
Total Wastewater Fund			30,000
TOTAL 2009/10 INTERNAL RESTRICTED WORKS IN PROGRESS			2,549,747

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

2009/10 Unexpended Grant Works of \$2,101,554 and Works in Progress of \$2,549,747 be brought forward in the 2010/11 September Review

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council revoke the 2009/10 Unexpended Grant Works of \$2,101,554 and Works in Progress of \$2,549,747 to the new financial year in the 2010/11 September Review of the 2010/11 to 2013/14 Management Plan.

COMMITTEE MEETINGS

ITEM:27 COMM - 22/11/10 - TOURISM ADVISORY COMMITTEE MEETING - MINUTES 2 NOVEMBER 2010

REPORT FROM: TOURISM MANAGER, KELLIE BARROW

REFERENCE

Min No 09-234 - Ordinary Meeting of Council 1 June 2009
Min No 09-338 - Ordinary Meeting of Council 3 August 2009
Min No 09-381 - Ordinary Meeting of Council 14 September 2009
Min No 09-338 - Ordinary Meeting of Council 14 September 2009
Min No 09-463 - Ordinary Meeting of Council 2 November 2009
Min No 09-464 - Ordinary Meeting of Council 2 November 2009
Min No 09-515 - Ordinary Meeting of Council 23 November 2009
Min No 10-21 - Ordinary Meeting of Council 18 January 2010-06-30
Min No 10-74 - Ordinary Meeting of Council 1 March 2010
Min No 10-210 - Ordinary Meeting of Council 24 May 2010
Min No 10-311 - Ordinary Meeting of Council 2 August 2010
Min No 10-363 - Ordinary Meeting of Council 23 August 2010
Min No 10-458 - Ordinary Meeting of Council 1 November 2010

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 2 November 2010.

COMMENTARY

At the Tourism Advisory Committee held on 2 November 2010, there were seven (7) items discussed by the Committee.

1. Present and Apologies.
2. Confirmation of Minutes from the Previous Meeting.
3. Business Arising from Previous Minutes.
4. 100 Year Anniversary of Ten Tunnels.
5. Marketing Initiatives for Lithgow Tourism.
6. Tourism Manager's Report.
7. General Business.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 2 November 2010.

RECOMMENDATION

THAT Council notes the minutes of the Tourism Advisory Committee held on 2 November 2010.

ITEM:28 COMM - 22/11/10 - SISTER CITY ADVISORY COMMITTEE MEETING

REPORT FROM: Economic Development Officer – ARABELLA PERUGINI-SHEERE

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Sister City Advisory Committee meeting held on 04 November 2010.

COMMENTARY

At the Sister City Advisory Committee meeting held on 04 November 2010, there were five items discussed by the Committee:

- ITEM 1: Attendance and apologies
- ITEM 2: Incoming correspondence
- ITEM 3: Business arising from previous minutes
- ITEM 4: Update on various sister cities
- ITEM 5: Next meeting

The minutes contain full details on the Sister City Advisory Committee meeting with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Minutes of the Sister City Advisory Committee meeting held on 04 November 2010.

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Sister City Advisory Committee meeting held on 04 November 2010.
2. Drafts a new agreement for cordial relations between Linlithgow and Huainan City
3. Welcomes overseas delegations as and when appropriate.

ITEM:29 OPER - 22/11/10 - SPORTS ADVISORY COMMITTEE MEETING - 1ST NOVEMBER 2010

REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 1 November 2010 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 1 November 2010, there were ten (10) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 1 November 2010.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 1 November 2010.

ITEM:30 OPER - 22/11/10 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES 14TH OCTOBER 2010

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee Meeting held on 14 October 2010.

COMMENTARY

At the Lithgow Indoor Aquatic Centre Advisory Committee meeting held on 14 October 2010, there were (2) two, items discussed by the Committee.

1. Minutes Arising from the Previous Minutes
2. General Business

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Lithgow Indoor Aquatic Centre Advisory Committee meeting of 14 October 2010.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Lithgow Indoor Aquatic Centre Advisory Committee held on 14th October 2010.
2. Engage Facility Design Group to revise the master plan, to enable the amenities, carpark and entry to be relocated, plus the installation of a splash park, whilst still keeping the existing learner's pool and Olympic pool operational as part of stage1.
3. Proceed with the detailed design and documentation of the Stage 1 components
4. Proceed with selective tenders for the construction of Stage 1 using the expressions of interest publicly invited .with a view to being in a position to accept tenders for the construction work prior to closure of the Pool in April 2011
5. Council commence a visitors survey for the purpose of collecting patron data (age, sex, period of visitation, purpose of visit etc) to gauge the demographics of the current patrons.
6. To invite Mr Stephen Johansson from Facility Design Group to the next meeting, this will be scheduled after the next Council meeting.

CLOSED REPORTS

ITEM:31 CONFIDENTIAL REPORT - OPER - 22/11/10 - PLANT REPLACEMENT

REPORT FROM: IAIN STEWART - GROUP MANAGER OPERATIONS

Reason for Confidentiality

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

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

SUMMARY

To advise on the assessment of tenders received for the purchase of one Backhoe/Loader.

RECOMMENDATION

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

ITEM:32 MAYORAL MINUTE - 22/11/10 - CONFIDENTIAL REPORT - ANNUAL REVIEW OF THE GENERAL MANAGER

REPORT FROM: - THE MAYOR, COUNCILLOR NEVILLE CASTLE

Reason for Confidentiality

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

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

RECOMMENDATION

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

BUSINESS OF GREAT URGENCY

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

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

Double Click Here to insert the <MeetingCloseTime>