



LITHGOW CITY COUNCIL

*A CENTRE OF REGIONAL EXCELLENCE*

**AGENDA**

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

13 DECEMBER 2010

AT 7.00pm

# AGENDA

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## APOLOGIES

## PRESENT

## CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 22<sup>ND</sup> NOVEMBER 2010

## DECLARATION OF INTEREST

## PUBLIC FORUM

## PRESENTATIONS - NIL

**MAYORAL MINUTES -** NSW Tidy Towns Success Branding

**NOTICES OF MOTION -** Councillor M F Ticehurst - Lithgow Golf Course  
Councillor M F Ticehurst - South Littleton Hall  
Councillor M F Ticehurst - Access to Information  
Councillor M F Ticehurst - Access Industries  
Councillor M F Ticehurst - Lithgow railway Interchange  
Councillor M F Ticehurst - Hartley Valley Speed Limit  
Councillor M F Ticehurst - Land and Environment Court  
Councillor M F Ticehurst - Councils Plans of Management  
Councillor M F Ticehurst - Lithgow Council RLCIP Grants  
Councillor M F Ticehurst - Council Resolutions Outstanding  
Councillor M F Ticehurst - Hartley Rhyolite Quarry  
Councillor M F Ticehurst - Waste and Recycling Contract

## 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**

Youth Council Committee  
Ageing and Strategy Committee  
Lithgow Flash Gift Committee  
Traffic Authority Local Committee  
Crystal Theatre Management Committee

## **REPORTS FROM DELEGATES**

Local Area Command (LAC) Community Safety Precinct Committee  
Mining Related Councils  
Centroc

## **CLOSED REPORTS**

Tenders for the Engagement of Consultants for Environmental Assessment and Design of the  
Clarence Colliery Water Transfer System

## **BUSINESS OF GREAT URGENCY**

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

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## NOTICES OF MOTION

**ITEM:1            MAYOR MINUTE - 13/12/10 - NSW TIDY TOWNS SUCCESS**

**REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE**

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### REFERENCE

NIL

### SUMMARY

This report outlines correspondence received from Parkes Shire Council in relation to the recent NSW Tidy Town Success.

### COMMENTARY

Lithgow Council is in receipt of correspondence from Parkes Shire Council congratulating Lithgow on the announcement as NSW Tidy Town of the year.

The Mayor of Parkes Shire Council advised it was a wonderful accomplishment and testament to the spirit and vitality that has permeated our city during the past few years.

The Mayor went on to say that all associated with the award can reflect with pride on the recognition associated with the winning of such a coveted award.

Congratulations again and best wishes for ongoing success in this very competitive field.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### ATTACHMENTS

NIL

### RECOMMENDATION

**THAT** the report on the Tidy Town Success be noted.

**ITEM:2            MAYORAL MINUTE - 13/12/10 - BRANDING**

**REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE**

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**REFERENCE**

Min No O08-204:	Ordinary Meeting of Council 15 December 2008
Min No 09-199:	Ordinary Meeting of Council 14 May 2009
Min No 07-199:	Ordinary Meeting of Council 14 May 2009
Min No 09-234:	Ordinary Meeting of Council 1 June 2009
Min No 09-533:	Ordinary Meeting of Council 14 December 2009
Min No 09-530:	Ordinary Meeting of Council 14 December 2009
Min No 09-531:	Ordinary Meeting of Council 14 December 2009
Min No 09-533:	Ordinary Meeting of Council 14 December 2009
Min No 10-17:	Ordinary Meeting of Council 18 January 2010

**COMMENTARY**

Council has been looking for a new image for approximately 2 years. A number of motions have been resolved from as early as December 2008 looking for improved signage and improved tourism development and also a review of Council's current marketing and branding.

To this end the Marketing and Branding Committee met on a number of occasions. A new concept to fit the resolutions is now presented to the Council.

As Councillors will be aware, there has been a significant amount of work done on our Economic Development Strategy and also a major amount of work on our tourism image and new visitor guide – *Lithgow Surprisingly Diverse*. These two projects have been extremely well received and bring credit to our organisation. We believe that our marketing and branding strategy should “piggy back” on the success of those two programs.

To this end I believe the following basic philosophy should apply (this has been in consultation with Councillor Danaher). Lithgow is indeed a gateway centre. Our Visitor Information Centre was one of seven places funded by Tourism NSW as gateway centres. Lithgow is the gateway to the Central West and Western NSW when travelling from Sydney and alternatively is the gateway to Sydney when travelling from the west. As with all gateways they should become a place to stop or pause before moving through that gateway. As such as visitors stop and pause in our area we should make them aware of the surprising variety we have to offer. We need to project a new image for both our visitors and locals alike as we seek to compete with our neighbours to both the east and west to gain both a greater share of the tourism trade as well as to attract people to live, work and invest in our area.

It should be noted that the marketing and branding should not incur any additional costs to Council as we have already allocated more than \$30,000 per year over the last couple of years to move towards new signage. Additionally the printing of new paperwork, such as letterheads, business cards etc will only take place as office stationary is being renewed, as a normal expense.

The motif that appears on both the Economic Development Strategy and the Visitors Guide is very popular and acceptable to those who have seen it. After much discussion and a look at the number of alternatives it would seem variations on this particular motif is the logical way to continue. The general shape for the motifs can be taken to represent a number of things, from a bird in flight to the hills and valleys, to the shape of the Wollemi leaf, an open book/transparency, or even the viaducts of heritage railway lines such as the Zig Zag.

The colour themes come from a representation of the natural colours that exist in our area and can be seen to represent ideas from both the key themes that arose from our community consultation in looking at “Our Place Our Future” as well as from marketing and branding surveys carried out across the community and with business in 2009.

Further discussions have pointed to the fact that on larger documents the five adjoining motifs may be appropriate whereas on some of the smaller items, three such motifs may be more appropriate. A variety of these are shown as an attachment.

Some of the signs that may be required very early would be new signs for the welcome to our local government area, at the various entry points and also for our villages and of course Lithgow itself. Other areas that will require signage (at not very great expense) and which would be covered by the money allocated already would be for the Council vehicles. It is my understanding at this stage that a variety of motifs appear in different parts of the Council and this would show a consistency on all Council property.

This information is for your consideration and in expectation that a decision will be able to be made.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Council has allocated more than \$30,000 per year over the last couple of years to move towards new signage. Financial allocation for the further development of concepts for publications, advertising, signage etc can either be completed in-house or be funded from existing budgets.

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

1. Brand Concepts for Lithgow

#### **RECOMMENDATION**

##### **THAT:**

1. Council endorses the concept designs for branding for Lithgow as presented in Concept 3.
2. Council endorses the development of a logo for Lithgow based upon Concept 3B which depicts three ‘hill’ shapes.
3. Council endorses the use of the five colours for general use in the branding strategy as described in Concept 3.

## NOTICES OF MOTION

### ITEM:3 NOTICE OF MOTION - 13/12/10 - COUNCILLOR ACCESS TO INFORMATION - COUNCILLOR M F TICEHURST

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#### REFERENCE

Question with Notice – Councillor Access to Information.  
Listed by Councillor Martin Ticehurst - 4 December 2010

#### COMMENTARY

The Chief Executive of the Division of the DLG advised vides Circular 10 – 30 of the following information with respect to Councillors Access to Information.

“This Circular has been prepared with the assistance of the NSW Ombudsman, the Independent Commission Against Corruption and the NSW Office of the Information Commissioner.

The *Local Government Act 1993* (the LGA) requires that councillors as a group direct and control the council’s affairs, allocate resources, determine policy, and monitor its performance. As individuals, councillors also communicate council policy and decisions to the community, exercise community leadership and represent the views of residents and ratepayers to council. A councillor’s role extends beyond attendance at formal meetings of council.

The LGA also makes it clear that the general manager is responsible for the day to day operations of the council.

Councillors have a right to access council information that is reasonably necessary for exercising the functions of their civic office, including those roles outlined above which extend beyond decision making at formal meetings.

References in this Circular to information do not include questions, either with or without notice, at council meetings unless specified.

The entitlement of a councillor to information is expressly included in the Model Code of Conduct for Local Councils in NSW (section 440 LGA). Clause 10 of the Model Code provides guidance on the requirements for staff to provide information to councillors. It states that councillors must be provided with sufficient information to carry out their functions.

The Model Code of Conduct is reinforced in the draft *Guidelines for the Appointment and Oversight of General Managers* where they state that:

*“The general manager is also responsible for ensuring councillors are provided with information and the advice they require in order to make informed decisions and to carry out their civic duties.”*

The new *Government Information (Public Access) Act 2009* (GIPA Act) was recently enacted to promote openness, accountability and transparency. It is designed to make government agencies, including general purpose councils and county councils, more proactive in providing information to the public. This includes being proactive in providing information to councillors.

The GIPA Act replaced section 12 of the LGA and the *Freedom of Information Act 1989* from 1 July 2010. Schedule 1 to the Government Information (Public Access) Regulation 2009 incorporates the information that was previously contained under section 12 of the LGA. This information is open access information and is required to be provided by councils for public access on their websites.

A council is required to comply with the spirit and intent of the GIPA Act, and applicable common law and the Model Code of Conduct, so as to provide open access to the council's documents, other than where public interest considerations against disclosure outweigh the public interest considerations in favour of disclosure.

For example, there may be occasions where the release of personal information or information identifying a person would be contrary to the *Privacy and Personal Information Protection Act 1998*. It is expected that general managers will act in accordance with the relevant law when providing information to councillors.

When making a request for information, councillors should draft the request carefully and should precisely detail the information, or the nature of the information, sought. It is expected that councillors will act reasonably in making a request for information.

When dealing with a request by a councillor for information, the general manager must act reasonably. Given that a councillor may need information to perform their public duty, if a request is to be denied, reasons for the refusal must be provided.

Where it is believed that significant resources will be required to respond to a request for information, the general manager should advise the councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information.

Any information or service that is publicly available should also be available to councillors. In addition, general managers should, as routine, provide councillors with access to a range of material to enable them to perform their role properly. This includes relevant statutes, policy and procedure manuals, regular financial reports and updates on meeting performance indicators contained in council planning documents.

Any information that is given to a particular councillor in the pursuit of their civic duties should also be available to any other councillor who requests it.

It is suggested that councils have in place a policy and procedure for managing councillor requests for information. This should include how the councillors make such requests and to whom. For example, requiring that requests be verbal or in writing, specifying a timeframe for a response, and providing reasons in the case of a refusal to provide the information sought.

Councils should also amend their existing access to information policy or adopt a new policy providing a review mechanism and councillors should be informed of the right of review. Councils should indicate in their policy that the NSW Ombudsman and the Division have a complaint handling function, should issues arise.

The policy should also indicate that councillors who have been refused access to information are entitled to lodge a request under the GIPA Act. The GIPA Act provides three options to have a decision reviewed: an internal review by the agency (in this case, the council); an external review by the Information Commissioner; or external review by the Administrative Decisions Tribunal.

Similarly, when councillors ask questions with notice at council meetings, general managers should use their best endeavours to provide answers to those questions in a timely manner. It is not appropriate for general managers or councillors to ask the council to determine whether the questions asked by individual councillors should or should not be answered. It is also important that questions do not result in substantial new work or require the development of new policy as part of the answer.

Councillors are reminded of Circular to Councils 10-10 in relation to Questions Without Notice.

It is not always possible to draw a clear line between the leadership and policy roles of a councillor under section 232 of the LGA and undertaking operational activities, which are the responsibility of staff. Councillors need to have an understanding of operational issues and access to accurate and timely information to make decisions required of them. This understanding can often only be obtained with the assistance of advice provided by staff through the general manager.

The provision of sufficient, relevant and timely information is a critical aspect of the councillor decision making process. Councillor access to information is vitally important to achieve informed decision making. In this regard, general managers have an obligation to ensure that councillors are provided with the necessary information to undertake their civic duties effectively.”

## **RECOMMENDATION**

**THAT** the General Manager provides the Council, Councillors and ratepayers with a formal report in response to issues raised in Department of Local Government Circular 10 – 30.

**ITEM:4 NOTICE OF MOTION - 13/12/10 - DEVELOPMENT APPLICATION  
FOR ACCESS INDUSTRIES - COUNCILLOR M F TICEHURST**

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**COMMENTARY**

Q. Could the General Manager confirm:

1. If the DA for Access Industries in Mort Street, Lithgow has been called in under Lithgow City Council Policy 7.7 'Calling in of Development Applications by Councillors'?

If so, by whom and on what date was it called in?

2. If the Lithgow City Council will be holding a Citizens Access Meeting with both the Developer and the ratepayers and residents before their formal consideration of the DA?

If so, when will the Citizens Access Meeting be held?

3. When does the General Manager expect that the DA will be finalised so as to come before the Lithgow City Council for formal consideration?

**RECOMMENDATION**

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

**ITEM:5 NOTICE OF MOTION - 13/12/10 - SOUTH LITTLETON HALL -  
COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst

4 December 2010

**COMMENTARY**

Resolution 10 – 452 at the Ordinary Meeting of the Lithgow City Council on the 1 November 2010 – Lithgow Men’s Shed and the South Littleton Public Hall.

- Q. Following Lithgow City Council resolution 10 – 452 at the Ordinary Meeting of the Lithgow City Council on the 1 November 2010, could the Mayor or the General Manager confirm:
1. If it is correct that since the 1 November 2010, the Lithgow Men’s Shed group have recently found new and more suitable shed premises in Lithgow and in the future, will not be taking up to the Councils option of a Men’s Shed at the South Littleton Public Hall?

**RECOMMENDATION**

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

**ITEM:6 NOTICE OF MOTION - 13/12/10 - LITHGOW RAILWAY  
INTERCHANGE - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst

4 December 2010

**COMMENTARY**

- Q. Could the Lithgow City Council once again seek reassurances from both the State Labor Government and the current Coalition State Government that in the next four-year term of the State Government, the Western Passenger Railway Line will not end at Mount Victoria and will remain at the Lithgow Railway Station and Western Countrylink Interchange?

**RECOMMENDATION**

**THAT** That Council write to the current Premier and Opposition Leader, the State Members for Bathurst and the Blue Mountains and endorsed candidates to seek their commitment to retaining the Lithgow Railway Station and Western Countrylink Interchange as the end of the Western Passenger Railway Line?

**ITEM:7 NOTICE OF MOTION - 13/12/10 - HARTLEY VALLEY SPEED LIMIT -  
COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst

4 December 2010

Resolution 10 – 122 at the Ordinary Meeting of the Lithgow City Council on the 22 March 2010.

**COMMENTARY**

At the Ordinary Meeting of the Lithgow City Council on the 22 March 2010, the Council passed resolution 10 – 122 which at point 4. Indicated that:

4. Council refer back to TALC the issue of urban speed limits of 50km in Hartley Vale.
  
- Q. Could the General Manager provide the Council, Councillors and ratepayers with a response to where the Council and TALC is up to with respect to the request for the introduction of the urban speed limit of 50km/h in the village of Hartley Vale and when is it expected to legally commence?

**RECOMMENDATION**

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

**ITEM:8 NOTICE OF MOTION - 13/12/10 - WASTE AND RECYCLING  
CONTRACT - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Resolution 09 – 297 at the Ordinary Meeting of the Lithgow City Council on the 13 July 2009.

**COMMENTARY**

As the Council and Councillors would be aware, the Lithgow City Councils current waste and recycling contract is with JR Richards and Sons. The current seven year contract commenced in August 2002 and expired in July 2009.

At the Ordinary Meeting of the Lithgow City Council on the 13 July 2009, the Council passed resolution 09 297 which indicated:

**THAT:**

1. Council confirm the short term extension of the garbage and recycling contract with JR Richards to coincide with the commissioning of the Blackmans Flat Waste Facility or on one hundred and eighty (180) days notice of termination being given by either party.
2. Discussions take place with JR Richards in relation to any current issues with the recycling crate system and investigate options to introduce a 'wheelie bin' for recycling in the short term.
3. Council hold an onsite meeting at Lithgow City refuse site to explore the extension of this facility.

**MOVED:** Councillor H K Fisher **SECONDED:** Councillor R Thompson

- Q. Given that Lithgow City Councils current waste and recycling contract with JR Richards and Sons has already expired and has now over run by nearly 18 months; and with the current decision of the Lithgow City Council to extend the life of the Lithgow Waste Depot; and the likelihood that the proposed commissioning of the Blackmans Flat Waste Management Facility will now be substantially long-term, could the General Manager provide an updated report to the Council on a proposal for the re-tendering of the Lithgow City Councils waste and recycling contract under Section 55 of the Local Government Act?

**RECOMMENDATION**

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

**ITEM:9 NOTICE OF MOTION - 13/12/10 - LAND AND ENVIRONMENT COURT  
- COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Current litigation proceedings involving the Lithgow City Council in the Land and Environment Court.

**COMMENTARY**

- Q. Could the General Manager provide the Council, Councillors, ratepayers and residents with a response to the Councils involvement as a current defendant in legal proceedings in the Land and Environment Court involving a matter in the Capertee Valley?
- Q. Is it correct that the Council has pleaded guilty to the alleged serious offence and that the matter has been finalised subject to issue of a formal and final financial penalty?
- Q. Has this matter ever been formally reported to an Ordinary Meeting of the Council and if not, why not?
- Q. Was this matter, which has been ongoing for some years, formally reported in the Lithgow City Councils recent 09/10 Annual Report? If not, why not?
- Q. Given the Lithgow City Councils plea of guilty, is it correct that it is expected that the financial penalty handed down will be up to \$50,000?

**RECOMMENDATION**

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

**ITEM:10 NOTICE OF MOTION - 13/12/10 - LEASE FINANCIAL EXPENDITURE  
- COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst

4 December 2010

Formal application to the Lithgow City Council under the Government Information (Public Access) Act.

**COMMENTARY**

Recently a formal application was made to the Lithgow City Council under the Government Information (Public Access) Act for financial information regarding the 2004 Real Property Lease between the Lithgow City Council and the ASIC listed, liquor and gaming Registered Club, the Lithgow Golf Club Ltd.

The GIPA application to the Lithgow City Council requested: *“The final, full amounts of both the Income received and Expenditure incurred by the Lithgow City Council under all Clauses of the Lithgow City Council’s 2004 Property Lease with the Lithgow Golf Club Ltd. that was signed on the 16 June 2004; and was continued for the five year term after which it then continued on a month to month basis up until the (unknown) date (after 22 March 2010) of the new Lithgow City Council Property Lease which was subsequently made with the Lithgow Golf Club Ltd. as per Council Resolution 10-97 at the Ordinary Meeting of the Lithgow City Council on 22 March 2010. (i.e. 16 June 2004 to 22 March 2010 or new lease date).”*

The Lithgow City Council financial report is attached for the public information of the Council, Councillors, ratepayers and residents and indicates with respect to the nearly six-year term of the 2004 Lithgow City Council property lease with the ASIC listed, liquor and gaming Registered Club, the Lithgow Golf Club Ltd., that:

**The Lithgow City Council received from the Lithgow Golf Club Ltd. Total Income of only \$14,055 and incurred Total Expenditure of \$1,674,199.**

**ATTACHMENTS**

1. Lithgow City Council Financial Report obtained under the GIPA Act on the 2004 Real Property Lease between the Lithgow City Council and the ASIC listed, liquor and gaming Registered Club, the Lithgow Golf Club Ltd.

**RECOMMENDATION**

**THAT** the Council, Councillors, ratepayers and residents note the information

**ITEM:11 NOTICE OF MOTION - 13/12/10 - COUNCIL PLANS OF MANAGEMENT - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Chapter 6 Part 2 Division 2 'Use and management of Community Land' of the Local Government Act 1993. June 2007 Lithgow City Council - Local Government Reform Program – Promoting Better Practice Review.

**COMMENTARY**

As the Council and Councillors would be aware, under Chapter 6 Part 2 Division 2 'Use and management of Community Land' of the Local Government Act, all public '*community land*' owned by the Lithgow City Council is required to have in place Plans of Management.

The Lithgow City Councils website confirms that the Council has only currently two Plans of Management in place for all of its community land, they being for Hyde Park and the Lithgow Golf Course.

This legal requirement and position was previously supported by written legal advice to the Council from the Local Government and Shires Association and the Councils Solicitors, which was presented to the Ordinary Meeting of Lithgow City Council on 20 April 2009.

Additionally, the Council, Councillors and the General Manager would be aware that in the Department of Local Governments Promoting Better Practice (PBP) report on the Lithgow City Council in 2007, the Department at Recommendation 35 (Page 11) confirmed that, 'Plans of Management for all community land holdings should be completed as a matter of priority.' after noting during their Departmental investigations that, "*Council does not have any plans of management for its community land. The council recognises that this is a statutory requirement and has stated that it is looking to develop these.*"

Further, Councillors will recall that following the Department's PBP Report, the Lithgow City Council in their written response dated 22 March 2007 advised the Director-General in respect of Recommendation 35 (at Page 75) that, "*Council proposes in the 2007/2008 financial year to undertake the required works to re-classify lands which have been accidentally or inadvertently wrongly classified and to create plan of management (POM) for all community lands. Where appropriate specific users and groups will be utilised to ensure the POMs are accurately and meaningful.*"

Q. Since the initial introduction of Chapter 6 Part 2 Division 2 'Use and management of Community Land' of the Local Government Act legislation in 1999; and following some 3 full financial years and a half having passed since the Councils written advice as aforementioned to the Director-General in 2007;

and with only two of some expected 30 Plans of Management still outstanding and to be initiated and completed by the Lithgow City Council as legislated under the Local Government Act, could the General Manager provide a formal updated report to the Lithgow City Council, Councillors, ratepayers and residents on the matters

raised in this Question with Notice and why the Lithgow City Council continues to be substantially in breach of the stated legislative requirements under Chapter 6 Part 2 Division 2 'Use and management of Community Land' of the Local Government Act, 1993?

#### **ADDITIONAL INFORMATION**

1. The NSW Local Government Act 30/1993 confirms:

##### Section 35 – What governs the use and management of community land?

Community land is required to be used and managed in accordance with the following:

- the plan of management applying to the land .....

##### Section 36 – Preparation of draft plans of management for community land

(1) A council must prepare a draft plan of management for community land.

*and further at ....*

(3A) A plan of management that applies to just one area of community land:

(a) must include a description of:

- (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
- (ii) the use of the land and any such buildings or improvements as at that date, and

(b) must:

- (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
- (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
- (iii) describe the scale and intensity of any such permitted use or development.

##### Section 44 – Use of community land pending adoption of plan of management

Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.

2. The Minutes of the Ordinary Meeting of the Lithgow City Council on 20 April 2009 publicly confirmed that the following receipt of legal advice (at Item 16):

*“Legal advice has now been received from the Local Government and Shires Association which states:*

1. *“Section 36 of the Local Government Act 1993 requires that a council must prepare a draft Plan of Management for community land. .... The wording in Section 36 is that a Council “must” prepare a draft Plan of Management for community land. (my emphasis) It is my opinion that ..... to require council to prepare a Plan of Management ..... would only have served to highlight what was council’s legislative imperative by way of Section 36 of the Local Government Act 1993. Council have legislative requirement to prepare the Draft Plan of Management.*
3. Legislative Framework for Plan of Management  
It is a requirement under the Act that a Plan of Management be developed for ‘community’ land and that the Plan of Management specifies objectives for the management of the land.
4. The Department of Local Government **Public Land Management Practice Notes** provide the following:

*Classification as ‘community’ land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. Community land:*

- *Cannot be sold*
- *Cannot be leased, licenced or any other estate granted over the land for more than 21 years*
- *Must have a plan of management prepared for it...*

*The minimum requirements under the Act are that a plan of management must:*

- *categorise the land in accordance with s.36 (4) and (5)*
- *contain objectives for the management of the land*
- *contain performance targets*
- *specify the means of achieving the objectives and performance targets*
- *specify how achievement of the objectives and performance targets is to be assessed (s.36 (3))....*

*For plans that are specific to one area of land made after 1 January 1999, the plan must also:*

- *describe the condition of the land as at the adoption of the plan*
- *describe the buildings on the land as at adoption*
- *describe the use of the buildings and the land as at adoption*
- *state the purposes for which the land will be allowed to be used, and the scale and intensity of that use (s.36 (3A)).*

### **Categorisation of Community Land**

*Community land must be categorised according to the list in the Act, s.36 (4). The categories reflect land use and/or describe the physical characteristics of the land.*

*Categorisation is intended to focus council's attention on the essential nature of the land and how that may best be managed.*

### **Significance of categorisation**

*Categorisation of community land has always been an effective way in which to focus on the essential aspects of each area of land. ....*

*First, community land must be managed in accordance with the core objectives for the relevant category. They apply as a result of the legislation and are not optional. Other objectives may be nominated by council, but neither these nor any other part of a plan of management should be inconsistent with the core objectives. ...*

*Second, a council may only grant a lease, licence or other estate in community land if the purpose of the grant is consistent with the core objectives for the category. This applies regardless of the actual authorisation for leases etc contained in a plan of management.*

## **RECOMMENDATION**

**THAT** the General Manager provide a formal updated report to the Lithgow City Council, Councillors, ratepayers and residents on the matters raised in this Question with Notice and why the Lithgow City Council continues to be substantially in breach of the stated legislative requirements under Chapter 6 Part 2 Division 2 'Use and management of Community Land' of the Local Government Act, 1993?

**ITEM:12 NOTICE OF MOTION - 13/12/10 - LITHGOW COUNCIL RLCIP GRANTS - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Federal Government RLCIP Grants to the Lithgow City Council.

**COMMENTARY**

The Lithgow City Council received Federal Government Grant funding under the RLCIP Program for amongst other Council assets, the Civic Ballroom at the Tony Luchetti Showground and the Lithgow Croquet Club on the Glanmire Oval, Lithgow.

Following the completion of the replacement of the kitchen ceiling in the Civic Ballroom at \$23,834 in September 2010 there is still remaining some \$1,070,000 for the major improvements to the Civic Ballroom which includes the installation of disabled access, upgrades to the main entrance, installation of a heating/cooling system, lighting and sound system, inclusion of community rooms and upgrading of the bar/kiosk. Despite public advice in publications of the Council Connections community newsletter that this work was to be completed by the 31 December 2010, this work is yet to commence with the process of public tendering under Section 55 (Tendering) of the Local Government Act.

Additionally, a recent issue of the Council Connections community newsletter advised that the minor \$8,000 grant towards the Lithgow Croquet Club was due to be completed by October 2010 and Councillors were advised nearly two months ago that work was due to commence by the end of October 2010. Once again, this work is yet to commence and has remained outstanding for some time.

1. Could the General Manager provide the Council, Councillors and ratepayers with a response at this Ordinary Meeting of Council of when under Section 55 (Tendering) of the Local Government Act, the final tender documents will finally be available for Council approval and the calling of public tenders to be submitted by local and regional builders for the \$1.07m major upgrades of the Civic Ballroom to be completed?
2. Could the General Manager provide the Council, Councillors and ratepayers with a response at this Ordinary Meeting of Council of when the minor \$8,000 grant towards the Lithgow Croquet Club, which was due to be completed by the end of October 2010 will actually commence and finally be completed?

**RECOMMENDATION**

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

**ITEM:13 NOTICE OF MOTION - 13/12/10 - COUNCIL RESOLUTIONS  
OUTSTANDING - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Resolution P08 – 134 at the Policy and Strategy Meeting of the Lithgow City Council on the 4 November 2008.  
Resolution 10 – 419 at the Ordinary Meeting of the Lithgow City Council on the 11 October 2010.

**COMMENTARY**

At the Policy and Strategy Meeting of the Lithgow City Council on the 4 November 2008, the Council passed resolution P08 - 134 which at point 4. indicated:

**THAT** the General Manager and his Officers provide all Councillors and the Council with a detailed report on the resolutions that are outstanding prior to the 13th September 2008 election.

Further at the Ordinary Meeting of the Lithgow City Council on the 11 October 2010, the Council passed resolution 10 – 419 which indicated:

**THAT** at least quarterly, Council report to our Ordinary Meeting of Council of its outstanding motions from the commencement of the current Council term.

Q. Could the General Manager provide the Council, Councillors and ratepayers with a response at this Ordinary Meeting of Council of when the above two Council resolutions will be reported back to the Council as a whole?

**RECOMMENDATION**

**THAT** the General Manager provide the Council, Councillors and ratepayers with a response to the above Question with Notice at this Ordinary Meeting of Council of when the above two Council resolutions will be reported back to the Council as a whole.

**ITEM:14 NOTICE OF MOTION - 13/12/10 - HARTLEY RHYOLITE QUARRY -  
COUNCILLOR IM F TICEHURST**

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**REFERENCE**

Listed by Councillor Martin Ticehurst 4 December 2010  
Resolution 10 – 476 at the Ordinary Meeting of the Lithgow City Council on the 22  
November 2010 – Modification of DA 103/94 – Hartley Rhyolite Quarry.

**COMMENTARY**

At the Ordinary Meeting of the Lithgow City Council on the 22 November 2010, the  
Council passed resolution 10 – 476:

**THAT** this report be deferred until further discussions are held with Stakeholders.

Q. Could the General Manager confirm that a Community Meeting with various  
Stakeholders has been arranged to be held on Monday 20 December 2010  
commencing at 1pm.

If correct, the Council is asked to consider that the 1pm timeslot is seriously  
unsuitable to the majority of stakeholders involved and that the Council is  
requested to arrange for a more suitable timeslot, i.e. after working hours / 5pm?

**RECOMMENDATION**

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

## GENERAL MANAGERS REPORTS

### ITEM:15 GM - 13/12/10 - SUBMISSION TO THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL FOR COUNCILLORS AND MAYORAL FEES

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#### REFERENCE

Min No 10-19: Ordinary Meeting of Council held on 18<sup>th</sup> January 2010

#### SUMMARY

To advise Council of correspondence received from the Local Government Remuneration Tribunal requesting submissions prior to the determination of fees payable to Councillors and Mayors to take effect from 1 July 2011.

#### COMMENTARY

Council has received advice from the Local Government Remuneration Tribunal that pursuant to Sec 243 of the Local Government Act 1993, the Tribunal will make its annual determination, no later than 30 April 2011 on fees payable to Councillors and Mayors, effective from 1 July 2011.

The Tribunal advise they will undertake a review of the minimum and maximum fees for each council category and consider submissions from individual councils in regard to the value and structure of fees. Submissions are to be returned to the Tribunal no later than 18 February 2011.

Council categories were last determined by the Tribunal in 2009 and in accordance with Section 239 of the Act, the Tribunal is required to review at least once every three years. It does not intend to undertake a review in 2011 but will do so during 2012.

The current council categories are as follows:

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

Lithgow falls within Category 4.

#### POLICY IMPLICATIONS

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** Council note the Tribunal's request for a submission to the remuneration payable to the Mayor and Councillors by 18 February 2011.

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**ITEM:16            GM - 13/12/10 - INGLENOK EXPLORATION COMMUNITY LIAISON COMMITTEE**

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**REFERENCE**

NIL

**SUMMARY**

This report outlines correspondence received from the Association of Mining Related Councils Inc and the Inglenook Exploration Community Liaison Committee in relation to the appointment of Independent Chair.

**COMMENTARY**

The Association of Mining Related Councils has written to Council in relation to the position of Independent Chair for the Inglenook Exploration Community Liaison Committee.

Margaret McDonald Hill, the Executive Officer of Mining Related Councils has been appointed to the position of Independent Chair for the Committee. Margaret advised that she was appointed by the Minister for Primary Industries, Minister for Emergency Services and Minister for Rural Affairs, the Hon Steve Whan MP.

Council has been advised that Inglenook consists of exploration licences granted under the Mining Act 1992 between Capertee and Ilford, approximately sixty kilometres North West of Lithgow, held by Centennial Inglenook Pty Limited. Margaret has also advised Council that an invitation has been extended to Lithgow City Council to nominate a representative to participate in the Community Liaison Committee.

The purpose of this Committee is to provide a forum to address community concern and to facilitate open communication between the community and the company during the exploration phase of this project.

In addition to Lithgow City Council representation, other committee members will consist of up to four community representatives, Mid Western Regional Council, industry and Investment NSW, Mineral Resources Branch and Centennial Inglenook Pty Limited.

The Independent Chair advised that it is anticipated that the first meeting of the Inglenook Exploration Community Liaison Committee will be held at Running Stream Community hall, Running Stream in early 2011.

The Independent Chair would like to have the members of the Committee finalised by December 15<sup>th</sup> 2010.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT:**

1. The report on the Inglenook Exploration Community Liaison Committee be noted; and,
2. Council nominate a representative on the Inglenook Exploration Community Liaison Committee.

## REGIONAL SERVICES REPORTS

### ITEM:17            REG - 13/12/10 - ROAD NAMING PROBLEMS / SIMILARITIES / DUPLICATE NAMING - LITHGOW LOCAL GOVERNMENT AREA

#### REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

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### REFERENCE

To advise Council of road naming problems, similarities and duplicates within the Lithgow Government Area and advise of proposed actions.

### SUMMARY

It has become evident that there are numerous road names that are causing problems and inconsistencies within the Lithgow LGA. These problems are then affecting the efficiency of emergency services and Australia Post and must be addressed.

A list is attached detailing recommended actions in relation to the identified road naming issues.

### COMMENTARY

As part of the guidelines by the Geographical Names Board of NSW (Attachment 1) it states:

#### *Uniqueness*

*1.1 Name duplication within a local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided. Similarity in road names within these areas is also discouraged (eg. White Street and Whyte Street).*

Whilst this is the guideline, it is not considered unreasonable to have more than one name of a road in the LGA provided there is a differentiation in the locality, for example Barton Street in Lithgow and Barton Avenue in Wallerawang.

The following road naming issues have been identified:

#### **Duplicate Named Roads (Attachment 2)**

The duplicate named roads include destination roads (i.e. Hampton/Rydal Road), main roads (i.e. Chifley Road and Bells Line of Road) and Crown roads that may have been informally named. Roads with 'destination names', eg Wallerawang/Portland/Cullen Bullen Road should be addressed but given the potential disruption to many residents it is suggested that notification and feedback occur in the first instance. Similarly, notification and feedback should be sought from residents of Park Avenue and Park View Avenue, Portland prior to commencing any formal process.

It is recommended in the attached listing that the majority of these roads will require renaming in accordance with Council's Road Naming Policy with the exception of those named above.

Note: That Crown roads will not be under Council's control but it is not unreasonable to provide a signpost to assist residents and emergency services.

### **Similar Road Names (Attachment 3)**

The similar road names in Lithgow's LGA include roads in all localities with similar naming as another location. The recommended actions in relation to these roads are determined by the number of properties associated to each road. Also it is determined by the impacts on the amount of people affected by the potential name change, or the problems that may arise with if no action is taken.

### **Problem Roads (Attachment 4)**

This includes any roads that have had issues raised such as confusion in mail delivery. Some roads have been determined as problem roads and referral to emergency services for comment, as a result of this process will need to be included for action. NB – Commercial Services such as Google maps have been found on occasions to be inaccurate when compared to the correct name and location.

Problem roads include:

- Railway Street Rydal- resulting from Google Maps showing the area as Railway Street and Railway Road when there is currently only a Railway Street at Rydal. This is causing confusion and requires action to resolve.
- Guy Street Lithgow- Problems have become evident with this street as the road is split by Farmer Creek resulting in two disconnected roads, although the name is continued.

### **POLICY IMPLICATIONS**

Any re-naming of roads will be in accordance with Council's Road Naming Policy.

### **FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy.

### **LEGAL IMPLICATIONS**

That the roads be renamed in accordance with *The Roads Act 1993*.

### **ATTACHMENTS**

1. Guidelines for the Naming of Roads
2. Duplicate Named Roads
3. Similar Road Names
4. Problem Roads

### **RECOMMENDATION**

#### **THAT:**

1. The information in relation to road naming issues be received by Council.
2. Possible names for Edye Street, Lithgow; Hassan Street, South Bowenfels; and Reservoir Street, Portland be referred to Council's Recognition Committee for suggestions prior to commencing the formal process of intention to re-name the streets under Council's Road Naming Policy

3. Possible names for roads with 'destination names' be referred to Council's Recognition Committee for suggestions prior to seeking feedback from potentially affected residents.
4. Comments from residents of Park Avenue and Park View Avenue be sought prior to any further action being taken.
5. The known 'problem roads' as attached be referred to emergency services and Australia Post for comment with an invitation to provide comment on any other known problem roads. Feedback also be sought from potentially affected residents of the currently known 'problem roads'.

**ITEM:18            REG - 13/12/10 - BRIDGESTONE TYRE SERVICE - 307 MAIN STREET, LITHGOW**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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## **REFERENCE**

Question from Public Gallery – Councils meeting dated 22 November 2010.

## **SUMMARY**

To advise Council of actions being undertaken to concerns raised by the public relating to the operations of Bridgestone Tyre Service, Main St, Lithgow.

## **COMMENTARY**

Over recent months Council officers have been investigating concerns raised from landowners in the Academy Street locality relating to the Bridgestone Tyre Service currently operating on Main Street, Lithgow.

Issues of concern have mainly related to traffic issues within the lane linking Ordinance Ave and Academy Streets. Noise, concerns over the operation and state of the premises, hours of operation and minor landscaping requirements have also been raised.

Council has written to the landowner and operator of the operation indicating that there are concerns and sought written clarification over non compliances within the current development consent. A formal response is awaited. Further action is not ruled out but this cannot be pre-empted until a response is received.

The operation exists under an approved combined building/development application issued in 1997 and action could not be contemplated on any matters that are found to be acceptable having regard to the conditions of that consent.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Should further action be considered the appropriate statutory legal processes will be undertaken.

## **RECOMMENDATION**

**THAT** the report on actions being undertaken in relation to concerns with the operation of Bridgestone Tyre Service, Main St, Lithgow be noted.

**ITEM:19            REG - 13/12/10 - CLARENCE COAL - MINING FOR FIRST WORKINGS OF CLARENCE NO. 2 DAM - DAM SAFETY COMMITTEE APPROVAL**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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## **REFERENCE**

Nil

## **SUMMARY**

To formally advise Council of Clarence Colliery's intention to mine for First Workings in the vicinity of Farmers Creek No 2 Dam and the requirements of Dam Safety Committee in relation to such.

## **COMMENTARY**

Most councillors would be aware of the proposal by Clarence Colliery to mine for first workings in the vicinity of Farmers Creek No 2 Dam in accordance with the approved mine plan for Clarence Colliery. Mining will be for first workings only, with expected subsidence movements to be 2-5mm at the surface. It should be noted that mining is not proposed under the dam at this juncture nor in the vicinity of the dam wall which is located approximately 500m away at the closest point.. Whilst no negative impacts are expected, the Dam Safety Committee has required Clarence Colliery to undertake a number of monitoring activities and safety measures which will assist Lithgow Council in its obligations relating to the dam and the Dam Safety Committee requirements. Clause 15.1 of the approval issued by the Dam Safety Committee requires a formal agreement between Clarence Colliery and Council as the approval nominates Council, as the dam owner, undertake any works to the dam, if any unexpected impacts occur. Clarence Colliery has indicated it's intention to enter into an agreement whereby it undertakes any necessary works at its cost, should such an unlikely eventuality occur.

As such, a Draft Agreement is being prepared, requiring any damage to the Farmers Creek No. 2 Dam that may eventuate from mining activities to be rectified and paid for by Clarence Colliery.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Any agreement would ensure no financial burden is placed on Lithgow City Council.

**LEGAL IMPLICATIONS**

Any agreement would be a legally binding document between the parties.

**ATTACHMENTS**

1. Correspondence from Clarence Coal including a map indicating the extent of workings.

**RECOMMENDATION**

**THAT:**

1. The report on Proposal for Mining in the vicinity of Lithgow No. 2 Dam be noted.
2. An agreement be entered into that imposes an obligation on Clarence Colliery to undertake rectification works and pay for any potential damage caused by mining activities in the vicinity of the Lithgow No. 2 Dam
3. The affixing of the Common Seal be authorised for any documentation.

**ITEM:20 REG - 13/12/10 - DRAFT AGREEMENT WITH SYDNEY CATCHMENT AUTHORITY FOR ONGOING OPERATIONAL COSTS TO UV DISINFECTION PLANTS - LITHGOW AND WALLERAWANG SEWERAGE TREATMENT PLANTS**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**REFERENCE**

Min No 10-288 – Ordinary Meeting of 12 July 2010

**SUMMARY**

To provide Council with information on a proposed agreement with the Sydney Catchment Authority (SCA) in relation to ongoing operational costs of proposed UV Disinfection Units at Lithgow and Wallerawang Sewerage Treatment Plants.

**COMMENTARY**

Council will recall its resolution of the meeting of 12 July 2010 in relation to UV Disinfection at Lithgow and Wallerawang Sewerage Treatment Plants, whereby the following was resolved:

1. Council advise the Sydney Catchment Authority that it is willing to accept the offer of installation of a UV system at both Lithgow and Wallerawang Sewerage Treatment plants subject to 100% funding of the capital procurement and installation costs.
2. Council negotiate an appropriate contribution toward ongoing maintenance and operation of the UV systems.

Council has received correspondence from the SCA in relation to the construction and ongoing maintenance costs of the proposed UV Disinfection Units.

Negotiations have occurred with officers of the SCA and a copy of the Draft Agreement is attached for Councillors' information. While some minor rewording will be proposed in relation to the Draft Agreement, the main operative clauses are, Clause E of Background (with the exception of the first paragraph), and Clauses 1.2, 3.1, 3.2 and 3.5. Also, whilst implied, it would be advisable to ensure that that the term 'Capital Costs' specifically also includes associated costs such as design, project management and contract management.

The main thrust of the agreement in relation to operating costs is that the SCA will fully reimburse Council for all costs up until 31 December 2012 and thereafter (prior to it's expiration) a new agreement will be negotiated in relation to ongoing costs in the long term.

As indicated above, subject to some minor rewording, it is considered that the Draft Agreement in its current form is acceptable to Council, bearing in mind that for a defined period all operating costs will be reimbursed to Council and adequate scope then remains for negotiation of a new long term agreement.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Largely the subject of this report.

**LEGAL IMPLICATIONS**

Council will be required to execute and agreement with the SCA and will be bound by the terms of that agreement.

**ATTACHMENTS**

1. Draft Agreement

**RECOMMENDATION**

**THAT:**

1. Subject to minor rewording, Council enter into the agreement for the ongoing operating costs for the UV Disinfection Units at Lithgow and Wallerawang Sewerage Treatment Plants in accordance with the attached document.
2. The agreement also specifically reflects the SCA's commitment to reimburse all capital costs including design, project management and contract management.
3. Council authorise affixing the Common Seal to the agreement.

**ITEM:21            REG - 13/12/10 - ESKBANK STATION - CUSTODY AND  
MANAGEMENT RAILCORP**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**REFERENCE**

Min No 10-353 Ordinary Meeting of 23 August 2010

**SUMMARY**

This provides advice in relation to possibility of Council assuming care and control of the Eskbank Station and surrounds by entering into a Custody Management Agreement with Railcorp and the development of a partnership with Eskbank Rail Heritage Centre Group.

**COMMENTARY**

At Council's Ordinary Meeting of 23 August 2010, the following was resolved:

1. Council hold discussions with representatives of RailCorp and the Eskbank Rail Heritage Centre group to determine the resource and management implications of entering into a Custody and Management Agreement of the Eskbank Station precinct.
2. A further report be brought back to Council following these discussions.

Discussions were held on 18 November 2010, with representatives from Railcorp and the Eskbank Rail Heritage Group. These discussions centered on obligations that would be imposed on Council if it should it enter into such an arrangement with Railcorp and what the involvement of the Eskbank Rail Heritage Group partnership would contribute in undertaking works at the precinct.

In essence it appears that entering into such an agreement imposes no financial or resource obligations on the Council although whether the property would become rateable still requires investigation. The main advantage that can be gleaned from discussions is that the possibility of funding being allocated for restoration works at Eskbank is more likely if Council is involved.

In this regard, the Eskbank Rail Heritage Centre have prepared plans for staged restoration works to a level of detail that could be lodged to Railcorp in an application for funding. On this basis, it appears that entering into a Custody Management Agreement at the present time, would allow Council to take advantage of an opportunity to secure funding to be spent on the restoration of the facilities which is an outcome amenable to all parties.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Entering into a Custody Management Agreement appears that it will not impose any financial obligations on the Council and in fact by entering into such an arrangement, there appears to be a greater likelihood of funding to improve the site.

The possibility that entering into an agreement could result in the levy of rates is being investigated as a Custody and Management Agreement is a separate entity to a lease.

### **LEGAL IMPLICATIONS**

The Custody Management Agreement would be a legally binding document between Council and Railcorp. It would be proposed to enter into a separate agreement with the Eskbank Rail Heritage Centre Group.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

#### **THAT:**

1. Council enter into a Custody Management Agreement with Railcorp in relation to the Eskbank Station and surrounding precinct.
2. A separate partnership be entered into with the Eskbank Rail Heritage Centre so that the respective roles are defined so this group may be actively involved in planning and carrying out restoration works on the facilities.
3. In conjunction with the Management Agreement, an application be made to Railcorp for funding for the restoration the facilities.
4. The Common Seal be authorised to be attached to any documentation in relation to the Custody Management Agreement.

**ITEM:22            REG - 13/12/10 - APPROVAL TO CALL TENDERS FOR THE SUPPLY AND CONSTRUCTION OF PERMANENT STANDBY GENERATOR AT SPS NO 1 AND PORTABLE STANDBY GENERATOR AT LITHGOW STP**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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## **REFERENCE**

NIL

## **SUMMARY**

This report seeks a determination from Council to use the open tendering process consistent with s166 (a) of the Local Government (General) Regulation 2005, for the procurement of a suitable contractor to supply and install a permanent standby generator at Lithgow Sewage Pump Station No 1 and supply a portable standby generator at Lithgow Sewage Treatment Plant .

## **COMMENTARY**

As part of Council's Development Application (DA 010/07) for the Augmentation of the Lithgow Sewage Treatment Plant (STP), Sydney Catchment Authority placed a condition on the application requiring Council to install a permanent generator at pumping Station No 1 whilst an uninstalled generator is to be provided at the STP to minimise the risk of power failure caused the discharge of raw sewage into the catchment.

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

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

The preferred method of procurement of a suitable contractor for the supply and construction of permanent standby generator at SPS No1 and portable standby generator at Lithgow STP is by Open Tender

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

Provision of the generator facilities are eligible for funding at the rate of 39% from the Country Towns Water Supply and Sewerage Program. In addition, the Sydney Catchment Authority has agreed to provide additional funding of \$214,000 toward the generator facilities.

## **LEGAL IMPLICATIONS**

NIL

## **RECOMMENDATION**

**THAT** Council use the Open Tender method for the procurement of a suitable contractor for the supply and construction of permanent standby generator at SPS No1 and portable standby generator at Lithgow STP, consistent with section 166 of the Local Government (General) Regulation 2005

**ITEM:23            REG - 13/12/10 - MAIN STREET LITHGOW AWNING IMPROVEMENT PROGRAM**

**REPORT BY:    GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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## **REFERENCE**

Min No 09-194 – Ordinary Meeting of 11 May 2009

## **SUMMARY**

To provide Council with an update on progress in the Lithgow Main Street awning improvement program.

## **COMMENTARY**

As council is aware, a program has been instigated to encourage shop owners where necessary to repair shop awnings where they are considered to be unsightly, dilapidated, structurally unsound or generally in need of repair.

This program involved the following steps:

1. Inspection of all awnings in Main Street to determine the condition
2. Photographs of any awnings where repairs were considered necessary
3. Categorisation of the condition of these awnings
4. Notification in writing to the owners of all defective awnings requesting they carry out the necessary repairs
5. Follow up letters sent to the owners of awnings in the worst category.

As a result of this program the following statistical information is provided:

• Awnings inspected	110
• Awnings with defects sent letters	65
• Follow up letters issued high categories	32
• Repairs completed	56

**Outstanding repairs** **9**

Further inspections are currently being carried out to follow up with owners of those awnings still requiring repair and identifying any new problems. Notices and orders will be issued should it become clear that no effort has been made to carry out repairs to awnings considered to be in the worst category. Letters will be sent to other owners of other premises with less critical issues.

This program is ongoing and the approach has been to encourage cooperation with owners without resorting to enforcement legislation

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There may be legal costs if enforcement becomes necessary.

**LEGAL IMPLICATIONS**

Legislative provisions exist to allow enforcement.

**RECOMMENDATION**

**THAT** the information on progress with the Lithgow Main Street awning improvement program be noted.

**ITEM:24            REG - 13/12/10 - NEWNES KAOLIN SAND QUARRY COMMUNITY  
CONSULTATIVE COMMITTEE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**REFERENCE**

Nil.

**SUMMARY**

To advise Council of nominations received by the Department of Planning for the chair and community representatives on the Newnes Sand & Kaolin Project Community Consultative Committee.

**COMMENTARY**

The applicant has advised of Condition 8A in Schedule 5 of the Minister's consent for the Newnes Sand & Kaolin Project which states that a Community Consultative Committee be established.

The positions of community representatives and independent chair are appointed by the Director-General, in consultation with Council in accordance with Condition 9(a) of Schedule 5 which indicates, the CCC shall comprise of at least:

- 2 representatives from the applicant, including the person responsible for the environmental management of the quarry;
- 1 representative from Council (if available); and
- At least 2 representatives from the local community

The Applicant, Newnes Kaolin Pty Ltd has notified the Director General of nominations for members of the CCC at the instruction of the Department. In correspondence received from the NSW Department of Planning it has been indicated that the following two representatives have been endorsed by the Director General, being:

- Mr Sean Butler
- Mr David McConnell

Although Council has not been involved in the endorsement of these members it is considered that as they adjoin the development, Council can support their endorsement given (should concern arise), further representation can be considered by the Director General.

In relation to the second top dot point it is necessary for Council to elect its representative to the CCC.

Further, Condition 9(b) in Schedule 5 indicates that the CCC shall be chaired by an independent chairperson, whose appointment has been endorsed by the Director General.

Within the correspondence received by the NSW Department of Planning it has been advised that Ms Sue Graves has been accepted in the position of independent chair by the Director General.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

**THAT:**

1. Council indicate that it has no objections to the community nominees to the Newnes Sand & Kaolin Project Community Consultative Committee being Mr Sean Butler and Mr David McConnell.
2. Council nominate a Councillor to sit on the Newnes Sand & Kaolin Project Community Consultative Committee.
3. Council indicate to the Director General that whilst it does not object to the resident endorsement, it reserves the right to seek further community representation should it require.
4. Council indicate to the Director General that it will not support any meeting held prior to Council's endorsement of CCC representatives, as no prior consultation has been sought with Council.

**ITEM:25            REG - 13/12/10 - ROAD NAMING - 56/06DA - JOHN GRANT DRIVE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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**SUMMARY**

To advise Council of road naming proposal for a new road off Baaners Lane, Little Hartley.

**COMMENTARY**

Council has received a submission on the naming of an internal road within an approved 8 lot subdivision at Lot 265 DP 751644, Baaner's Lane, Little Hartley from Hartley Pastoral Pty Ltd. The applicant has requested that Council name this road 'John Grant Drive' which is a reference to Mr John Grant.

John Grant, also known as the 'Farther of Hartley' took up fifty acres at the foot of Mt Victoria granted to him by Governor Macquarie in 1821. He named the land 'Moyne Farm' and built the first house west of Penrith by private labour and it still stands today. He has been recorded as selling wheat to the Government store in Hartley as early as 1823. Over the years he acquired more land over 150 acres within the area while having significant holdings in Bathurst which employed convicts and ticket of leave men.

In 1852 John Grant gave Moyne Farm as a wedding present to his son John and wife Julia Finn. While the Grant family have since departed the Hartley Valley, Moyne Farm still operates as a grazing property. Much of the property including the original house and convict era cemetery that includes his first wife's grave is located on the property. The property and cemetery is included as a heritage item in the Lithgow Local Environmental Plan 1994.

**POLICY IMPLICATIONS**

This road will be named in accordance with Council's Road Naming Policy.

**FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Plan showing the subdivision.

**RECOMMENDATION**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertise the road name 'John Grant Drive' as shown on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**ITEM:26            REG - 13/12/10 - COOPER CLOSE - 362/01DA - OFF VALLEY VIEW DRIVE - CEEDIVE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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## **REFERENCE**

Update of report to Council meeting 21 June 2010- Item 10 REG - 21/06/10 - NEW ROAD NAMING - 362/01DA - OFF VALLEY VIEW DRIVE – CEEDIVE.

## **SUMMARY**

This report seeks to progress the road naming process for the new cul-de-sac off Valley View Drive as part of the Ceedive subdivision development 362/01DA.

## **COMMENTARY**

The road to be named is a new road within the Ceedive subdivision 362/01DA off Valley View Drive at Pottery Estate (attachment 1). The developer submitted a name of 'Evergreen Close' in which the Recognition Committee deemed unsatisfactory as it did not reflect the heritage of the area.

The name 'Cooper Close' was then chosen by the committee and information forwarded to Council's Ordinary Meeting of the 21 June 2010. It was recommended that Council notify the residents along this section of road and advertised the name for submissions in accordance with the Geographical Names Board guidelines.

## **ISSUES/ PUBLIC PARTICIPATION**

As a result of the notification Council received a number of suggestions as follows:

'Mantle Close'- The nominator believes it would be a great honour to name the road after William Mantle a previous resident of area for many years and worked in the pottery, brickworks, steelworks and mines. He is also known as one of the miners rescued from the Lithgow Colliery disaster April 1886. Furthermore, there is currently a fifth generation Mantle living within the area today.

'Daley Close'- the nominator believes it would be a great honour to name the road after the Daley family residing in the Pottery Estate since mid 1880's to 2008 when Mr Allan Daley passed away. The Daley family worked in the Pottery Works with four generations living within the area.

Although both of these names would be considered suitable for the naming of the road the name 'Cooper Close' is supported for the following reasons:

- Arch & Nell Cooper purchased the house in Pottery Estate (near the site) in 1942 where they reared 8 children.
- After Arch's death, Nell Cooper was involved with running the Senior Citizens Club and was President for more than 10 years. Nell was considered a valuable member of the community.
- Nell Cooper continued to live in the same house until she died in 1995.

- That 'Mantle' would be more suitable for the road behind Silcock Street in Pottery Estate as this is the area where the Mantle family resides. This name is to be advertised by Council calling for submissions for naming the existing un-named road. (attachment 2)
- That 'Daley' could be placed on the Pottery Estate naming list for a new roads in future developments of the area.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Plan of Subdivision for 'Cooper Close' road naming
2. Plan of un-named road behind Silcock Street for 'Mantle Street' road naming

### **RECOMMENDATION**

#### **THAT:**

1. Council support the name 'Cooper Close' for the road adjoining Valley Drive, Lithgow as indicated on the attached plan and proceed to notification of the proposed road naming including advice to Emergency Services and the Government Gazette.
2. In accordance with Council's Policy for the naming of roads, Council advertise the road name 'Mantle Street' as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**ITEM:27            REG - 13/12/10 - WATER REPORT**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

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**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  
Min No 10-478 – Ordinary Meeting of 22 November 2010

**SUMMARY**

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

**COMMENTARY**

In relation to current water management issues the following information is provided.

**CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON**

As at 2 December 2010 Farmers Creek Dam was at 100% and Oberon Dam was at 41.97%.

**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
<b>Total 2010</b>	<b>1175.37</b>	<b>370</b>

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)					
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consumers	Total
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
<b>Total 09/10</b>	<b>2,805</b>	<b>576</b>	<b>-</b>	<b>594</b>	<b>240</b>	<b>4,215</b>
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
<b>MAQ</b>	<b>8,184</b>	<b>2,092</b>	<b>3,650</b>	<b>750</b>	<b>200</b>	<b>14,876</b>

Table 2 - Fish River Water Supply Consumption from 1 July 2009 to 31 August 2010

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

In November Council received 7 applications for a household appliance rebate and 2 applications for a water tank rebate.

### **ALTERNATE WATER SOURCES UPDATE**

#### Drought Relief Project

The pipeline below Cook Street High Level Reservoir has been laid. At the time of writing this report fittings were awaited to complete the connection. The pipeline should be available for testing prior to Christmas, however given that this may result in temporary pressure losses in the system it is considered prudent to await commencing trials at least until the second week of the new year.

#### Clarence Transfer System

Tenders for environmental studies and design are reported in tonight's business paper.

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

#### Review into the Fish River System

The Office of Water have advised that the completion of the review of the Fish River Water Supply is imminent with a report to be provided to the Minister within the next week.

### **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 water management issues be noted.

## OPERATION SERVICES REPORTS

**ITEM:28            OPER - 13/12/10 - CREATION OF 40KM/PH PRECINCT CBD - MAIN STREET LITHGOW**

### **REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS**

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#### **SUMMARY**

Installation of a 40km/h high pedestrian precinct in Main Street and Gray Street Lithgow.

#### **COMMENTARY**

The RTA has approved a maximum contribution of \$12,048.00 + GST toward the cost of installation of the precinct including pavement marking, installation and signage. This contribution is dependant on Council accepting the following conditions:

- That R4-12 “End 40” signs with a black (not red) annulus are used instead of the discontinued R4-11 shown in the plan dated 29 October.
- That council conduct a post implementation speed survey in Main Street to gauge compliance with the 40km/ph speed limit. Should compliance with the 40km/ph limit be an issue, further traffic calming may need to be considered.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Letter from RTA

#### **RECOMMENDATION**

**THAT** Council accept the conditions associated with the grant for the installation of a 40km/ph precinct in the Main Street Lithgow from Bridge Street to Lithgow Street.

**ITEM:29            OPER - 13/12/10 - SPEED ZONE REVIEW NO. WSZ1011, JENOLAN  
CAVES ROAD, HARTLEY TO JENOLAN CAVES**

**REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS**

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**SUMMARY**

The RTA intends to conduct a speed zone review of Main Road 253 Jenolan Caves Road between Hartley and Jenolan Caves.

**COMMENTARY**

The RTA Western Region has committed to conducting ongoing speed zone reviews on the road network. A scan of regional roads has brought Main Road 253 to the RTA's attention and a preliminary crash analysis shows some sections of the route are well above the typical crash rate for rural undivided roads of 35 crashes per million vehicle kilometres with rates as high as 242 crashes per million vehicle kilometres. More information will be forthcoming as the review progresses.

Council has been invited to participate in this speed zone review, specifically in:

- taking part in a site inspection and review of field data collection
- Commenting on the draft speed zone review report.

The RTA have been advised that Council wishes to take part in the review, as RTA needed to know by 10 December 2010.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Letter from RTA advising Speed Zone review – Jenolan Caves Road
2. Map of Intended review

**RECOMMENDATION**

**THAT** Council support and be involved in the proposed speed zone review of the Jenolan Caves Road.

## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:30            COMM - 13/12/10 - 2010/11 NON-RECURRENT SECTION 356 FINANCIAL ASSISTANCE TO COMMUNITY ORGANISATIONS

#### REPORT BY: COMMUNITY DEVELOPMENT OFFICER - JASON HOPKINS

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#### REFERENCE

Min No 09-227 –	Ordinary meeting of Council dated 1 June 2009
Min No 09-331 –	Ordinary meeting of Council dated 3 August 2009
Min No 09-333 –	Ordinary meeting of Council dated 3 August 2009
Min No 09-425 –	Ordinary meeting of Council dated 6 October 2009
Min No 09-452 –	Ordinary meeting of Council dated 2 November 2009
Min No 09-551 –	Ordinary meeting of Council dated 14 December 2009
Min No 09-552 –	Ordinary meeting of Council dated 14 December 2009
Min No 10-30 –	Ordinary meeting of Council dated 8 February 2010
Min No 10-115 –	Ordinary meeting of Council dated 22 March 2010
Min No 10-200 –	Ordinary meeting of Council dated 24 May 2010
Min No 10-244-	Ordinary meeting of Council dated 21 June 2010

#### SUMMARY

Council has previously allocated \$46,683 in the 2010/11 Management Plan for Recurrent Financial Assistance to the following organisations:

Lithgow Business Association	\$10,712
Western Region Academy of Sport	\$1,607
Lithgow Show Society	\$5,356
White Ribbon Day	\$803
Solid Fuel Incentive	\$4,285
Portland Art Show	\$2,142
Arts Out West	\$11,066
Ironfest	\$10,712

Council has also allocated \$96,000 in the 2010/11 Management Plan for Non-Recurrent Financial Assistance of which \$50,812.57 was distributed in Round 1 in April 2010, leaving \$45,187.43 for distribution in Round 2 in December 2010.

Applications from the community for the Round 2 of 2010/11 Non-Recurrent Financial Assistance were open from 1 – 30 October 2010.

This report considers those requests for Round 2 Non-Recurrent Financial Assistance.

## COMMENTARY

The following requests have been received:

FINANCIAL ASSISTANCE REQUESTS	AMOUNT REQUESTED	AMOUNT RECOMMENDED	COMMENTS
<b>Lithgow Information &amp; Neighbourhood Centre</b>			
Lithgow Adolescent and Family Counselling Service	<b>\$2,800</b>	<b>\$2,585</b>	
Central West Families NSW Supported Playgroups	<b>\$4,700</b>	<b>\$2,700</b>	
<b>Galloping Gumnuts Mobile Children's Services</b>	<b>\$5,000</b>	<b>\$0</b>	
<b>Lithgow Community Projects, including YouthWorx</b>			
Community youth events including band nights etc.	<b>\$5,000</b>	<b>\$2,500</b>	
Cinema under the stars	<b>\$3,000</b>	<b>\$2,300</b>	
Art for youth Program	<b>\$1,800</b>	<b>\$1,000</b>	
<b>Portland Pool Community Mural</b>	<b>\$2,100</b>	<b>\$2,100</b>	
<b>Gumnut House</b> Outdoor Area Upgrade	<b>\$13,000</b>	<b>\$4,000</b>	
<b>Mingaan Aboriginal Corporation</b>	<b>\$3,000</b>	<b>\$3,000</b>	
<b>Lithgow District &amp; district Poultry Club</b> Display Pens	<b>\$2,500</b>	<b>\$1,000</b>	
<b>Glen Alice Community Assn Inc</b> Renovation of tennis Court	<b>\$10,000</b>	<b>\$5,000</b>	
<b>Portland Golf Club Ltd</b> Open Championships	<b>\$800</b>	<b>\$800</b>	
<b>Vale of Clwydd Landcare Group</b> Installing shades	<b>\$10,000</b>	<b>\$0</b>	Not supported due to the large amount requested.
<b>The Sail Program</b> skills about independent living	<b>\$3,000</b>	<b>\$2,000</b>	
<b>Lithgow Fencing Academy</b> Material Costs	<b>\$10,000</b>	<b>\$0</b>	Not supported due to the large amount requested.
<b>Hartley District Progress Association</b> Blue Mountain Crossing	<b>\$500</b>	<b>\$500</b>	

FINANCIAL ASSISTANCE REQUESTS	AMOUNT REQUESTED	AMOUNT RECOMMENDED	COMMENTS
Bicentenary			
<b>Vale Ladies Club</b> Hall floor refurbishment	<b>\$2,000</b>	<b>\$2,000</b>	
<b>Portland Men's Shed</b> <b>Building materials</b>	<b>\$5,000</b>	<b>\$0</b>	Council allocated \$10,000 at the Ordinary Meeting of Council dated 22 November 2010 (Min 10-482) to the Portland Mens Shed.
<b>First Australian Muzzle Loading Club</b> Rates reimbursement	<b>\$632.61</b>	<b>\$632.61</b>	
<b>Rydal H&amp;P Society</b> Show Society Sponsorship	<b>\$1,000</b>	<b>\$1,000</b>	
<b>Mitchell Conservatorium</b> Student Sponsorship	<b>\$1,150</b>	<b>\$1,150</b>	
<b>Lithgow Family Support Service</b> Support for disadvantaged families	<b>\$3,000</b>	<b>\$3,000</b>	
<b>Lithgow Men's Shed</b> Tool costs	<b>\$4,000</b>	<b>\$0</b>	Council allocated \$10,520 at the Ordinary Meeting of Council dated 22 November 2010 (Min 10-482) to the Lithgow Mens Shed and a further \$15,000 in RLCIP funding has been approved.
<b>Solid Fuel Rebate</b>	<b>\$4,715</b>	<b>\$4,715</b>	
<b>Zig Zag Railway</b> Building materials for carriage shed.	<b>\$3,200</b>	<b>\$3,200</b>	
<b>Total</b>	<b>\$101,897.61</b>	<b>\$45,182.61</b>	

### POLICY IMPLICATIONS

Financial Assistance is provided under Policy 4.4 Financial Assistance – Section 356 of the Local Government Act.

### FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups. The Council set aside \$96,000 in Non-Recurrent Financial Assistance for distribution throughout the 2010/11 Financial Year of which \$50,812.57 was allocated in Round 1 in July 2010.

This leaves a further \$45,187.43 in Non-Recurrent Financial Assistance for distribution in Round 2 in December 2010.

Council also set aside \$2,000 in round 1 Financial Assistance of which \$2,000 remains unspent, for hall hire and fee waiver requests throughout the year.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** Council provides Round 2 Non-Recurrent Financial Assistance to the following organisations.

<b>FINANCIAL ASSISTANCE REQUESTS</b>	<b>AMOUNT RECOMMENDED</b>
<b>Lithgow Information &amp; Neighbourhood Centre</b>	
Lithgow Adolescent and Family Counselling Service	<b>\$2,585</b>
Central West Families NSW Supported Playgroups	<b>\$2,700</b>
<b>Lithgow Community Projects, including YouthWorx</b>	
Community youth events including band nights etc.	<b>\$2,500</b>
Cinema under the stars	<b>\$2,300</b>
Art for youth Program	<b>\$1,000</b>
<b>Portland Pool Community Mural</b>	<b>\$2,100</b>
<b>Gumnut House</b> Outdoor Area Upgrade	<b>\$4,000</b>
<b>Mingaan Aboriginal Corporation</b>	<b>\$3,000</b>
<b>Lithgow District &amp; district Poultry Club</b> Display Pens	<b>\$1,000</b>
<b>Glen Alice Community Assn Inc</b> Renovation of tennis Court	<b>\$5,000</b>
<b>Portland Golf Club Ltd</b> <b>Open Championships</b>	<b>\$800</b>
<b>The Sail Program</b> skills about independent living	<b>\$2,000</b>
<b>Hartley District Progress Association</b> Blue Mountain Crossing Bicentenary	<b>\$500</b>
<b>Vale Ladies Club</b> Hall floor refurbishment	<b>\$2,000</b>
<b>First Australian Muzzle Loading</b>	<b>\$632.61</b>

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<b>FINANCIAL ASSISTANCE REQUESTS</b>	<b>AMOUNT RECOMMENDED</b>
<b>Club</b> Rates reimbursement	
<b>Rydal H&amp;P Society</b> Show Society Sponsorship	<b>\$1,000</b>
<b>Mitchell Conservatorium</b> Student Sponsorship	<b>\$1,150</b>
<b>Lithgow Family Support Service</b> Support for disadvantaged families	<b>\$3,000</b>
<b>Zig Zag Railway</b>	<b>\$3,200</b>
<b>Solid Fuel Rebate</b>	<b>\$4,715</b>
<b>Total</b>	<b>\$45,182.61</b>

**ITEM:31            COMM - 13/12/10 - PROMOTING OUR REGIONAL TOWNS AND SHIRES PROPOSAL**

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

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**REFERENCE**

NIL

**SUMMARY**

This report provides an overview of the “*Promoting Our Regional Towns and Shires*” (PORTS) proposal to be developed by Councils and Shires in regional NSW

**COMMENTARY**

An inaugural meeting was held at the Parkes Shire Council on Monday 29 November 2010 to discuss how regional Councils and Shires could promote living, working and investing in regional NSW. The proposal is being promoted as the “*Promoting Our Regional Towns and Shires*” (PORTS). The meeting was attended by the Group Manager Community and Corporate, Suzanne Lollback

The meeting was convened by the Mayor of Parkes Shire Council, Councillor Ken Keith.

The proposal echoes that of Evocities, which is a promotional campaign involving the seven regional cities of Albury, Armidale, Bathurst, Dubbo, Orange, Tamworth and Wagga Wagga.

To quote the website [www.evocities.com.au](http://www.evocities.com.au) :

*“The Evocity name was coined because the cities are centres of Energy, Vision and Opportunity*

*Each of the seven cities has dedicated resources and funding to the campaign (\$40,000 each for three years) and has in turn secured Australian Government funding, as well as support from the NSW State Government and corporate sponsors.*

*The main objective of the campaign is to encourage capital city residents to make the move to an Evocity and invest in the opportunities that the cities have to offer. The campaign showcases opportunities such as lower cost of living, strong career and business opportunities and enhanced lifestyle.”*

The PORTS meeting was addressed by Mr John Walkom chairman of Regional Development Australia – Orana who has been involved in the “*Growing Regional NSW*” program and its role within the State Plan.

It was also addressed by Mr Peter Bailey CEO of Foundation for Regional Development Limited who outlined a number of possible scenarios based upon his experience with “*Country Expo*” which showcases regional NSW to city populations.

A recommendation was made at the meeting to form a small working group to investigate the establishment of the PORTS project and to look at options for taking it forward.

To date some 50 Councils/Shires have expressed interest in the proposal.

The proposal, should Council resolve to participate, would assist in promoting Lithgow as a place to live, work and invest. This is in line with Council's Strategic Plan and Economic Development Strategy and would be well supported by Council's tourism promotions.

It is recommended that the Group Manager Community and Corporate be Council's representative on the working group to investigate the proposal. Once the proposal is further investigated, a report will be brought back to Council for its consideration concerning Council's level of involvement.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Should Council resolve to participate in the PORTS program a budget allocation will be required, yet to be determined.

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

##### **THAT:**

1. Council supports in principle the establishment of the "Promoting Our Regional Towns and Shires" project.
2. Council endorses the Group Manager Community and Corporate as Council's representative on the Promoting Our Regional Towns and Shires working party that will investigate the establishment of the PORTS project and look at options for taking the project forward.
3. A report be brought back to Council for its consideration on the proposal once further developed.

**ITEM:32            COMM - 13/12/10 - HERITAGE DEVELOPMENT CONTROL PLAN  
STUDY 2010**

**REPORT FROM: KAREN LUKA - POLICY AND PLANNING**

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**REFERENCE**

NIL

**SUMMARY**

A study was commissioned to review the list of heritage items proposed for inclusion within Council's new Local Environmental Plan and to formulate Development Control Plan (DCP) provisions to guide the management of Council's heritage inventory.

**COMMENTARY**

The study required the review of potential heritage items identified for listing within the Lithgow Heritage Study 2000. As a consequence of this review, the study further identified and developed potential heritage conservation areas and accompanying development control plan (DCP) provisions, together with provisions for the older area housing outside of suggested conservation precincts.

**Background**

The Lithgow Heritage Study 2000, and subsequent reviews, have identified approximately 650 places to be heritage listed within the new Local Environmental Plan (LEP). The logistics of management of such an extensive array of individual listing is quite onerous on Council and the development assessment process.

The LEP process is the mechanism that provides protection for Council's and the community's heritage inventory. This process allows for:

- Individual property listing for heritage items, or
- Identification of heritage conservation precincts together with the retention of some individual property listings for heritage items.

The major reasons for investigating the development of conservation areas in contrast to only having individual heritage items are:

- Many of the places included in the schedule of heritage items are more correctly places that should be within a conservation area with controls that are more focussed on streetscape and street presentation than on the specific value of the individual property.
- It allows for a large number of potential heritage items to be deleted from the schedule. This provides for a more manageable heritage schedule for council to administer and better reflects the range of heritage values found in Lithgow.
- Most places identified for their heritage values are identified because of their streetscape contribution to the council area; they should be within conservation areas rather than individual items. Where a place has clear individual heritage value it should remain a heritage item.

- Most of the controls that apply to places in conservation areas relate to retaining character and ensuring that new development generally fits into the existing context. While there is a heritage element to this it is also about good urban design and providing planning controls that reflect the character and value of precincts. These controls do not seek to limit new development, but do place constraints to ensure that new development does not adversely affect the character, value and amenity of an existing area.
- Conservation area controls (DCP provisions) are less onerous on owners than an individual listing. Where conservation area controls are adequate to conserve heritage values it is preferable to use those controls rather than create a specific property listing. Conservation area controls are aimed at ensuring that new development “fits” into the existing character of the area.

By adopting the dual management approach of individual listing of heritage items together with the development of conservation zones centred around the Lithgow commercial precinct, older Lithgow residential areas, and town centres elsewhere in the LGA, the proposed number of individual heritage listings will be reduced to approximately 525 sites. Of these, 170 sites are ruins, archaeology, cemeteries, artefacts, memorials or transport sites, with a further 78 being civic sites. These types of listings do not require regular input from Council in terms of ongoing management or applications.

## Study Outcomes

### Conservation Areas

The study recommends the creation of conservation areas as follows:

- Lithgow Commercial – Main St/ Railway Pde/Station St/ Mort St commercial precinct
- Lithgow Residential:
  - Inch St (heritage item group)
  - Whitton St (heritage item group)
  - Cook St (heritage item group)
  - Eskbank St (heritage item group)
  - Hassans Walls Rd (partial heritage item group)
  - Silcock St (heritage item group)
- Towns:
  - Wallerawang
  - Portland
  - Rydal
  - Capertee
  - Little Hartley
  - Hartley Vale

The study sets out recommended controls for each proposed conservation area. The aim of these controls is to protect the amenity of each precinct and maintain the characteristics that underpin the heritage significance of each area, particularly as viewed from the street. The controls also provide a degree of certainty for owners in regards to development expectations for places contained within the conservation area.

The controls provide greater flexibility than is found in general development controls that would apply to newer areas, and reflect the general character of a particular area. For example, in many early housing areas, side setbacks are minimal and the controls provide for retention of these reduced setbacks to assist in achieving reasonable development opportunities.

### **General DCP Provisions**

The study also provides a set of general DCP controls for the older housing areas in Lithgow, recognising that these areas vary dramatically from residential development in new subdivisions. Again, these controls provide flexibility in design solutions for owners, but also require that the essential character of the area is retained in rebuilds and alterations and additions.

### **Other Controls**

In relation to the broader heritage of the Lithgow LGA, the new LEP will contain standard provisions that must be considered in relation to heritage items. These provisions are standardised and applied across NSW to provide consistency of approach. The basis of these controls is to:

- Understand why the place is significant
- Provide to undertake works that retain the identified significance.

In making application for works to Council on listed items, owners will be required to submit a Heritage Impact Statement (HIS) that sets out how the heritage values of the place have been retained in the proposal. Council can assist applicants by producing a pro-forma or sample HIS as a guide to support the process.

### **POLICY IMPLICATIONS**

The information contained within this study will form the foundation of the heritage provisions to be contained within Council's comprehensive Development Control Plan.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

The listing of heritage items and heritage conservation areas within a Local Environmental Plan provides legislated protection for the identified places and items.

### **ATTACHMENTS**

1. Draft Lithgow Heritage Development Control Plan Study

### **RECOMMENDATION**

**THAT** Council:

1. Supports, as recommended in the Draft Heritage DCP Study, the fundamental approach to management of the Lithgow LGA heritage inventory, through:

- Identification of Heritage Conservation areas
  - Development Control Plan provisions
  - Local Environmental Plan standard heritage provisions.
2. Endorses the Draft Heritage Development Control Plan Study to allow it to be publicly exhibited at the same time as the Draft Land Use Strategy.

**ITEM:33            COMM - 13/12/10 - SOLID FUEL REBATE PROGRAM**

**REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

**REFERENCE**

Min No 10-454:            Ordinary Meeting of Council 01 November 2010

**SUMMARY**

This report provides a review of the Solid Fuel Rebate Program and recommends that the rebate be increased until the end of 2013 to encourage residents to shift from coal fired appliances to more environmental alternatives.

**COMMENTARY**

Councils Environmental Advisory Committee (EAC) recommended to Council on 13 October 2010 as follows:

1. *That Council's solid fuel rebate amounts be increased as follows:*
  - Standard rebate – up from \$500 to \$1,000*
  - Pensioner rebate – up from \$700 to \$1,400*
  - Commercial rebate – to remain unchanged at \$2,000*
2. *That Council establishes a sunset date of December 31 2013 after which no further rebates will be provided.*
3. *That the rebate program be extended to include properties within rural residential zonings.*
4. *That Council writes to coal companies asking them not to provide coal to their employees.*
5. *Council undertakes a media campaign to advise the community of the enhanced rebate program and of Council's intention to adopt a regulatory approach once the rebate program ends.*

6. *Where there are significant smoke impacts from coal heaters in the meantime, Council issues smoke abatement notices.*
7. *That Council reviews its approval processes in relation to the installation of new coal fired heaters in rural areas.*

Council resolved at the Ordinary Meeting of Council dated 01 November 2010 (Minute 10-454):

***THAT*** Council notes that a further report will be prepared for Council before the end of 2010 incorporating the EAC motion in relation to the Solid Fuel Rebate Program.

### **Solid Fuel Rebate Program**

The rebate program was started by Council several years ago in response to community concerns about the threat coal smoke poses to community health and the environment. While there has been a marked improvement in air quality in Lithgow, Portland and Wallerawang as more people replaced their coal fired heater with cleaner alternatives, a significant number of coal fire heaters remain. These have been the cause of complaints to Council, particularly in areas where there are concentrations of coal fires and boilers. Council has received approximately 85 recorded complaints about coal fires and coal smoke since January 2006.

Coal smoke, particularly in winter, is trapped by a cold air layer known as an inversion layer. This layer prevents the smoke from rising and dispersing and therefore traps and concentrates this particularly toxic smoke. Council is hoping that by offering the rebate, more householders and businesses will choose to adopt cleaner and more sustainable heating methods.

From January 2006 until the present, Council has provided only 33 rebates for coal fires and coal boilers (donkey boilers).

The rebate at present is:

- \$500 rebate (\$700 for pensioners)
- \$2,000 for Commercial Premises

To be eligible for a rebate a person must be a ratepayer in the urban areas of Lithgow, Portland, Wallerawang and Lidsdale and currently use a coal fire or boiler for heating.

The following replacement heating systems are eligible for the rebate:

- Fixed electric heaters with thermostatic controls
- Fixed flued gas heaters
- Reverse-cycle air conditioners
- Ducted gas central heating

Other sustainable heating systems may be considered by Council. The rebate is only provided where the existing system is replaced with a new appliance.

It is considered that the current level of rebate does not provide a sufficient incentive for ratepayers to convert to cleaner alternatives as the conversion cost is significantly higher than the rebate.

Accordingly, it is proposed that Council increases the amount of the rebate to \$1,000 and \$1,400 for pensioners. The commercial rebate will remain unchanged at \$2,000. This increase will be funded by increasing Council's Section 356 Financial Assistance Program allocation to the rebate from the current recurrent \$4,285 to \$9,000. The increase of \$4,715 will be funded from the second round of non-recurrent Financial Assistance which is being considered by Council at tonight's meeting.

It is further proposed that, in line with the EAC recommendation to Council, that Council establishes a sunset date of 31 December 2013 after which no further rebates will be provided and that Council then issues smoke abatement notices where there are community complaints and where an assessment establishes that there is excessive coal smoke being emitted. Where there are significant smoke impacts from coal heaters in the meantime, Council will also issue smoke abatement notices.

Council has powers under the *Protection of the Environment Operations Act 1997* to issue a Smoke Abatement Notice where it can be demonstrated that excessive smoke is emitting from a residential chimney. To date, Council has not issued a smoke abatement notices.

A media campaign will be undertaken to advise the community of the enhanced rebate program and of Council's intention to adopt a regulatory approach once the rebate program ends.

It is recommended that Council does not adopt the EAC's recommendation that the rebate program be extended to properties within rural residential zonings as this would reduce the number of rebates available in residential areas where the health and environmental impacts of coal smoke are greater. Smoke Abatement Notices can be issued as an alternative to rebates in rural residential zonings where there are community complaints although enforcement in rural areas will be difficult as a public nuisance will not generally be evident.

In relation to the EAC's recommendation that Council reviews its approval processes in relation to the installation of new coal fired heaters in rural areas, Council has an existing policy prohibiting the installation of coal fired appliances in residential areas and applicants in rural areas are required to go through a stringent approval process where the appliance must meet current standards. Council receives few applications for the installation of coal fired heaters in rural areas.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

It is recommended that the solid fuel rebate amount increase from \$500 to \$1,000 and from \$700 to \$1,400 for pensioners. The commercial rebate to remain unchanged at \$2,000.

It is proposed that the rebate financial assistance amount increase by an additional \$4,715 in the current financial year bringing the total allocation in 2010/11 to \$9,000. The increase can be funded from the second round of non-recurrent Financial Assistance.

Should Council support this proposal, the full cost in 2011/12 and 2012/13 will be \$9,000 per year and in the final 2013/14 financial part year will be \$4,500. These amounts include Council's existing recurrent allocation of \$4,285 per year.

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

##### **THAT:**

1. Council increases the amount of the solid fuel rebate to \$1,000 and \$1,400 for pensioners with the commercial rebate to remain unchanged at \$2,000.
2. Council establishes a sunset date of 31 December 2013 after which no further rebates will be provided.
3. Following the sunset date, Council to issue smoke abatement notices where there are community complaints about coal smoke.
4. Where there are significant smoke impacts from coal heaters in the meantime, Council also to issue smoke abatement notices.
5. The rebate be restricted to the urban areas of Lithgow, Wallerawang, Portland and Lidsdale.
6. Council writes to coal companies asking them not to provide coal to their employees.

## INTERNAL SERVICE REPORTS

**ITEM:34           INTS - 13/12/10 - COUNCIL INVESTMENTS HELD TO 30 NOVEMBER  
2010**

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

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#### **REFERENCE**

Min No 10-308: 02 August 2010 (June 2010)  
Min No 10-400: 20 September 2010 (July 2010)  
Min No 10-401: 20 September 2010 (August 2010)  
Min No 10-428: 13 October 2010 (September 2010)  
Min No 10-490: 22 November 2010 (October 2010)

#### **SUMMARY**

To advise Council of investments held as at 30 November 2010 for the 2010/11 financial year.

#### **COMMENTARY**

Council's total investment portfolio, as at 30 November 2010 when compared to 31 October 2010, has increased by \$806,901.07 from \$17,161,091.52 to \$17,967,992.59.

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

<b>INVESTMENT REGISTER 2010/11</b>								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.11.10	VALUE 31.10.10	% OF TOTAL
ANZ	TD	08.11.10	07.02.10	91	5.55	1,012,968.57	1,004,224.66	5.64%
	TD	15.11.10	14.02.11	91	5.58	2,044,504.21	2,026,432.87	11.38%
BANKWEST	TD	16.09.10	15.12.10	90	5.70	1,014,367.12	1,014,367.12	5.65%
CBA	On Call				4.70	1,217,361.93	461,436.18	6.78%
	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	5.57%
	TD	19.11.10	17.02.11	90	5.51	1,009,090.41	1,000,000.00	5.62%
LGFS	On Call				4.40	7,159.79	7,159.79	0.04%
IMBS	TD	29.11.10	28.02.11	91	6.00	1,029,640.94	1,015,123.29	5.73%
	TD	09.09.10	09.12.10	91	5.75	1,004,586.30	1,004,586.30	5.59%
	TD	01.12.10	01.03.11	90	6.00	1,000,000.00	0.00	5.57%
NAB	TD	07.10.10	07.01.11	90	5.53	250,000.00	250,000.00	1.39%
	TD	14.09.10	13.12.10	90	5.62	1,014,005.48	1,014,005.48	5.64%
WESTPAC	TD	06.10.10	06.12.10	60	5.20	264,488.47	264,488.47	1.47%
	TD	06.10.10	06.12.10	60	5.20	528,976.96	528,976.96	2.94%
	TD	17.09.10	17.04.11	212	6.00	1,069,994.05	1,069,994.05	5.96%
	TD	06.10.10	06.12.10	60	5.20	801,031.60	801,031.60	4.46%
ST GEORGE	TD	10.10.10	10.12.10	60	5.50	792,125.05	792,125.05	4.41%
	On Call				4.70	49,581.80	49,029.79	0.28%
	TD	10.10.10	10.12.10	60	5.50	1,018,480.72	1,018,480.72	5.67%
	TD	16.09.10	15.11.10	61	5.51	0.00	1,000,000.00	0.00%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	4.29%
SUNCORP	TD	09.09.10	08.12.10	90	5.79	1,069,081.25	1,069,081.25	5.95%
			<b>TOTAL</b>			<b>17,967,992.59</b>	<b>17,161,091.52</b>	<b>100.00%</b>

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 30 November 2010 is \$290,274.79 of an estimated \$553,375.00 shown in the 2010/11 Management Plan. Interest is paid on the maturity date of the investment.

### **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 \$17,967,992.59 for the period ending 30 November 2010 be noted.

## ITEM:35           INTS - 13/12/10 - REVIEW OF ELECTRICITY CHARGES

### REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

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## REFERENCE

Min No 10 - 232:           21 June 2010 Notice of Motion Clr M Ticehurst

## SUMMARY

To respond to the Notice of Motion put forward by Clr M Ticehurst at the meeting of 21 June 2010 which requested a review of the proposed increase in electricity charges for the next three years.

## COMMENTARY

At the meeting of 21 June 2010 Minute 10-232 resolved:

***THAT*** the General Manager provides the Council, Councillors and ratepayers with a written response to the Questions with Notice that:

- *Could the General Manager and Council Officers provide the Council, Councillors, ratepayers and residents with an urgent update on what are the recently announced new costs for electricity increases by the Councils contracted Electricity Supplier, Country Energy to the Lithgow City Council and it's ratepayers, specifically what will be:*

*i). The new additional financial cost per annum to the Lithgow City Council and it's ratepayers over the next three years?*

*And*

*ii). The new total financial cost per annum to the Lithgow City Council and it's ratepayers over the next three years?*

The Independent Pricing and Regulatory Tribunal (IPART) is responsible for regulating retail electricity prices for business and residential customers on standard contracts until at least 2013. IPART reviews prices on a regular basis and sets them to reflect the efficient cost of supplying electricity whilst determining the cost of purchasing electricity from generators and retail operations.

In March 2010 IPART set new prices for the next three years which started from 1 July 2010. The exact dollar increase for each customer depends on a number of factors such as locality, the quantity of electricity consumed and the type of tariff on the account.

In 2010, IPART has approved an average increase of 10% for Energy Australia customers, 7% for Integral Energy customers and 13% for Country Energy customers.

IPART has set the price increases to reflect the efficient cost of supplying electricity to customers and ensuring businesses spend money wisely by producing savings internally before passing costs onto consumers.

A major component of the proposed price increase related to the Commonwealth Governments proposed 'Carbon Pollution Reduction Scheme' (CPRS), and the costs associated with maintaining and upgrading the electricity networks to ensure a secure and reliable supply of electricity to all NSW consumers both now and in the future.

The Commonwealth Government has more recently announced that the proposed CPRS will no longer come into effect until at least 2013 and as a result electricity prices rises will not include any costs associated with the CPRS. Price increases approved by IPART from 1 July 2011 and 1 July 2012 will now be less than originally anticipated as a result of the CPRS not being introduced and will average 11% in 2011 and 8% in 2012.

Lithgow City Council has electricity accounts with two suppliers. The major sites are under contract with Country Energy and include:

- Council Administration Building
- Sewerage Pump Station No 1, Lithgow STP
- Clarence Reservoir
- Sewerage Treatment Plant, Geordie St, Lithgow
- Water Treatment Plant, Bells Rd, Lithgow
- Unmetered Street Lighting

The Contract was negotiated in June 2009 by Regional Services through Centroc, commenced 1 July 2009 and will expire on the 30 June 2012.

Contract pricing details are as follows and average an annual increase of approx 7% which will stand until 30 June 2012:

<b>Contract Pricing Details : Country Energy</b>				
<b>Start Date</b>	<b>End Date</b>	<b>Peak Rate c/k WH</b>	<b>Shoulder Rate c/kWh</b>	<b>Off Peak Rate c/k WH</b>
01.07.09	30.06.10	7.7757	7.7757	3.2410
01.07.10	30.06.11	8.3191	8.3191	3.5683
01.07.11	30.06.12	8.8842	8.8842	3.6263

Electricity accounts for our smaller sites are with Integral Energy and are all on a standard contract which will be affected by increases announced by IPART ie approx 7% to 8% per annum.

<b>ELECTRICITY SUPPLIERS:</b>					
	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10***</b>
Integral Energy	520,623	540,782	557,349	550,963	539,929
Country Energy	146,774	154,661	158,367	146,539	352,344
<b>TOTAL</b>	<b>667,397</b>	<b>695,443</b>	<b>715,716</b>	<b>697,502</b>	<b>892,273</b>

\*\*\* Please note: Street lighting charges changed from Integral to Country Energy

Should charges increase by an average 7% the following will apply:

2010/11: Electricity costs \$892,273 plus 7% increase will be an additional \$62,459.  
 Total electricity \$954,732

2011/12: Electricity costs \$954,732 plus 7% increase will be an additional \$66,831.  
 Total electricity \$1,021,563

\*\* Country Energy contract concludes 30.06.12 therefore increases on accounts predicted as 8% as per IPART recommendations

2012/13: Electricity costs \$1,021,563 plus 8% increase will be an additional \$71,509.  
 Total electricity \$1,093,072.

In an effort to produce electricity and cost savings, Council has formed an 'Energy Savings Working Party' which is looking at ways to save on the electricity being used at all Council sites. A number of avenues are being pursued such as replacing lighting, timed systems, after hours use, movement detectors etc and also we have installed software from Energy Plus, E21, with the assistance of Centroc which will allow Council to effectively monitor electricity usage and accounts.

Historical data has been entered for all sites, from both electricity suppliers, and the software will allow the Manager of the site to monitor the following areas and implement remedial action as required:

- Costs and emissions
- Costs and consumption
- Comparison of groups eg sports fields / park & gardens
- Power Factors and sites that should be addressed
- Current v's past bills

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Predicted increase in electricity costs of approx \$70,000 per annum.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** the information be received and electricity usage and accounts be monitored.

## COMMITTEE MEETINGS

### ITEM:36 COMM - 13/12/10 - YOUTH COUNCIL MINUTES OF MEETING HELD ON 3RD NOVEMBER 2010

**REPORT BY: COMMUNITY DEVELOPMENT OFFICER- JASON HOPKINS**

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## REFERENCE

Min No 18-09:	Ordinary Meeting 27 January 2009
Min No 09-273:	Ordinary Meeting 22 June 2009
Min No 10-279:	Ordinary Meeting 12 July 2010
Min No 10-413:	Ordinary Meeting 20 September 2010
Min No 10-457:	Ordinary Meeting 1 November 2010

## SUMMARY

This report details the minutes of the Youth Council meeting held 3 November 2010.

## COMMENTARY

At the Youth Council meeting held on 3 November 2010 there were seven (7) items discussed by the committee.

1. Welcome and Apologies
2. Confirmation of minutes from last meeting
3. Business Arising
4. Guest Spot- Renee Sharp, Matthew Sharp Scholarship Fund
5. Youth Worx update
6. Business Plan
7. General Business

The Youth Council made a recommendation to Council to accept a Youth Council nomination from Joshua Beale.

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Local Government Act NSW 1993

## ATTACHMENTS

1. Minutes of Youth Council meeting held 3 November 2010

## RECOMMENDATION

**THAT** Council:

1. Notes the minutes of the Youth Council meeting held 3 November 2010.
2. Accepts the Youth Council nomination from Joshua Beale.

**ITEM:37            COMM - 13/12/10 - AGEING STRATEGY ADVISORY COMMITTEE  
MINUTES - 21ST OCTOBER AND 18TH NOVEMBER 2010**

**REPORT FROM: MANAGER COMMUNITY & CULTURE - MATTHEW JOHNSON**

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**REFERENCE**

Min No 09-352:	Ordinary Meeting of Council 24 August 2009
Min No 10-80:	Ordinary Meeting of Council 1 March 2010
Min No 10-144:	Ordinary Meeting of Council 12 April 2010
Min No 10-252:	Ordinary Meeting of Council 21 June 2010
Min No 10-408:	Ordinary Meeting of Council 2 September 2010
Min No 10-456:	Ordinary Meeting of Council 1 November 2010

**SUMMARY**

This report details the minutes of the Ageing Strategy Committee meetings held 21 October and 18 November 2010.

**COMMENTARY**

At the Ageing Strategy Committee meeting held on 21 October 2010 there were nine (9) items discussed by the Committee:

1. Present and Apologies
2. Confirmation of Minutes from the previous meeting
3. Business Arising from Previous Minutes
4. Survey Results
5. Demographic Profile
6. Strategy Report Structure
7. Consultations
- 8 Housing Data
9. General Business

At the Ageing Strategy Committee meeting held on 18 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. Community Profile
5. Report Structure
6. Community Consultations
7. General Business

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993

**ATTACHMENTS**

1. Minutes of the Ageing Strategy Committee meetings held 21 October and 18 November 2010.

**RECOMMENDATION**

**THAT** Council notes the minutes of the Ageing Strategy Committee meetings held 21 October and 18 November 2010.

**ITEM:38            COMM - 13/12/10 - LITHGOW FLASH GIFT COMMITTEE MEETING  
MINUTES - 18TH NOVEMBER 2010**

**REPORT FROM: TOURISM MANAGER – KELLIE BARROW**

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**REFERENCE**

Min No 09-235:	Ordinary Meeting 1 June 2009.
Min No 09-305:	Ordinary Meeting 13 July 2009.
Min No 09-462:	Ordinary Meeting 2 November 2009.
Min No 09-514:	Ordinary Meeting 23 November 2009.
Min No 09-514:	Ordinary Meeting 23 November 2009.
Min No 10-22:	Ordinary Meeting 18 January 2010.
Min No 10-43:	Ordinary Meeting 8 February 2010.
Min No 10-75:	Ordinary Meeting 1 March 2010.
Min No 10-146:	Ordinary Meeting 12 April 2010.
Min No 10-147:	Ordinary Meeting 12 April 2010.
Min No 10-362:	Ordinary Meeting 23 August 2010
Min No 10-455:	Ordinary Meeting 1 November 2010

**SUMMARY**

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 18 November 2010.

**COMMENTARY**

At the Lithgow Flash Gift Committee held on 18 November 2010, there were nine (9) items discussed by the Committee.

1. Present and Apologies
2. Confirmation of Minutes from the Previous Meeting
3. Business Arising from Previous Minutes
4. Report from NSW Athletic League
5. Update on sponsorship
6. Marketing & expenditure plan
7. Lithgow Flash Gift Supper
8. Tourism NSW Flagship Funding
9. General Business

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**ATTACHMENTS**

1. Minutes from the Lithgow Flash Gift Committee meeting of 18 November 2010.

## **RECOMMENDATION**

**THAT** Council notes the minutes of the Lithgow Flash Gift Committee held on 18 November 2010.

**ITEM:39            OPER - 13/12/10 - TRAFFIC AUTHORITY LOCAL COMMITTEE  
MINUTES - 4TH NOVEMBER 2010**

**REPORT FROM: GROUP MANAGER OF OPERATIONS - IAIN STEWART**

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### **SUMMARY**

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 4 November 2010.

### **COMMENTARY**

At the Traffic Authority Local Committee Meeting held on 4 November 2010, there were Four (4) items discussed by the Committee.

1. Confirmation of Minutes from the previous meeting.
2. Ongoing Issues from the meeting held on 2 September 2010 – 14 items
3. New Business – 8 Items
4. General Business – 3 Items

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil.

### **ATTACHMENTS**

1. Minutes from the Traffic Authority Local Committee meeting of 4 November 2010.

## **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Traffic Authority Local Committee held on 4 November 2010.
2. Consult the community in regards to the possible removal of the pedestrian crossing in Methven Street Lithgow as concern has been expressed over the lack of people utilising this crossing.
3. Requests the RTA to consider a reduction in the speed limit on Thompsons Creek Road from the current 100km/h to 80km/h.
4. Install additional 5Tonne load limit signage on Thompson Creek Road.
5. Install a traffic mirror in the Ferro Street laneway between Hassans Walls Road and Ferro Street.
6. Install a traffic mirror directly opposite Bulkeley Lane to improve site distance for vehicles exiting Bulkeley Lane onto Wallerawang-Rydal Road.

**ITEM:40            REG - CRYSTAL THEATRE MANAGEMENT COMMITTEE MINUTES  
19TH OCTOBER 2010**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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### **SUMMARY**

This report seeks Council's ratification of the minutes of the Crystal Theatre Management Committee Meeting held on 19 October 2010.

### **COMMENTARY**

At the Crystal Theatre Management Committee Meeting held on 19 October 2010, there were a number of items discussed. The minutes are attached for formal ratification by Council.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Minutes of the Crystal Theatre Management Committee Meeting held on 19 October 2010.

## **RECOMMENDATION**

**THAT** Council note the minutes of the Crystal Theatre Management Committee Meeting held on 19 October 2010.

## DELEGATES REPORTS

### ITEM:41 DELEGATES REPORT - 13/12/10 - LOCAL AREA COMMAND (LAC) COMMUNITY SAFETY PRECINCT MEETING HELD ON 15TH NOVEMBER 2010

#### REPORT FROM: THE MAYOR, NEVILLE CASTLE

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### **SUMMARY**

This report outlines the discussions from the Local Area Command (LAC) Community Safety Precinct Committee Meeting held in Blayney on 15<sup>th</sup> November 2010.

### **COMMENTARY**

This meeting was attended by representatives of the four local Councils in the Chifley area, namely Bathurst, Blayney, Oberon and Lithgow.

One of the issues that was raised was the apparent shortage of Detectives that was reported recently. The Detective Sergeant for Lithgow has been on long term leave and another position required to be filled by a trained detective is being taken up in January after extensive recruitment action to fill the position. The two other detectives are not designated, requiring training and supervision that has not been available at Lithgow during the absence of the senior officers. Those two other Detectives will be returning to Lithgow when the new Detective takes up this position.

It should be pointed out that the Detectives have been working at Lithgow for part of every week to continue work in the Lithgow area. Criminal Investigation response by Detectives in the Lithgow area is not affected by the current temporary arrangements. Current arrangements are to ensure the quality of investigations is not affected. It was also noted that the Detectives have been working on two major cases in the Bathurst area and if there was to have been any major incident in the Lithgow area, that these Detectives, along with Bathurst Detectives, would have been deployed to cover that incident if it had occurred. Police advise that Detectives are a specialist resources for the whole command and area utilised across all 13 sectors of the Chifley LAC, not just the police station they work from.

Residents may have recalled that some years ago that Lithgow Council paid for two off road motorbikes for the local Police so that extra patrols could be done particularly in the Newnes Plateau area. For some significant time these bikes have not been used for a number of reasons. However this is about to change as five Officers in the Local Area Command will attend training starting on 13<sup>th</sup> December 2010, with two of these being from the Lithgow Patrol. It is hoped once Officers are through their training which should only take a few weeks that regular patrols from the motor bikes will be able to take place again.

The recent spate of significant anti social behaviour in Wallerawang was also raised at this meeting. Regardless of the outcome of those incidents Council has asked the Police to review the amount of policing that takes place in Wallerawang and the possible increase of numbers in Wallerawang. If it is not feasible for numbers to be increased the Superintendent has agreed that extra patrols will be tasked to the Wallerawang area.

## **RECOMMENDATION**

**THAT** Council note the report on the Local Area Command (LAC) Community Safety Precinct Meeting held on 15<sup>th</sup> November 2010.

## **ITEM:42 DELEGATES REPORT - 13/12/10 - MINING RELATED COUNCILS MEETINGS**

### **REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE**

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#### **SUMMARY**

This report outlines the discussions from the Mining Related Council Meeting held in Gunnedah on Friday 12<sup>th</sup> November 2010.

#### **COMMENTARY**

The most recent Mining Related Councils Meeting took place in Gunnedah on Friday 12<sup>th</sup> November 2010.

We were welcomed to the area by Councillor Adam Marshall, the Mayor of Gunnedah.

One of the early items was the election of Office Bearers for the upcoming year and the Chairman for the upcoming year will remain the same, being John Davis the Mayor of Orange. The two Deputy Chairs will also remain the same, being Ken Bates and Neville Castle.

There was a significant discussion on royalties and Councils are preparing information for the Executive Officer so that she can have the final formulation of a position that can be taken to both sides of Parliament prior to the upcoming State Election.

To this point Lithgow Council has already made its submission in regards to this, and I thank Council Officers for doing that work. It was decided at the meeting that the Mining related Council would also write to the major mining companies to seek support regarding the case for royalties to be able to be spend back in the regions from where the mining takes place.

It was also noted that the Leader of the Opposition, Barry O'Farrell that has publicly stated that he does not support royalties for regions. Regardless of this current position the Association of Mining Related Councils would continue to press both sides of Parliament for their position prior to the election.

The Maldon DomBarton Rail Line was again on the agenda, this time for an update. A Project Reference Group has been set up to move toward hopefully getting this project completed. A meeting of this group was held in early November and believe that they are progressing well. It has already been noted that the tunnel that exists will not require exhaust fans and that the structural soundness of the work, including the part of the bridge that has already be constructed, is still structurally sound. It is hoped that once this work on this project is complete that it will be in a position to seek funding from either or both the State and Federal Governments so that this very important piece of infrastructure can take place.

Also on the agenda was a media release from the NSW Farmers Association dated 26<sup>th</sup> October 2010. This media release called for a moratorium on any new mining or coal steam gas development across NSW. It also implied that these industries are being allowed to flourish without the possible concern for the threat they pose to farmland and water sources. This particular comment was made by Mrs Fiona Simpson who is a Councillor on Liverpool Plains Council and also a member of the Mining Related Councils. Her family also has lands subject to such mining. Most people at the meeting believed that Mrs Simpson had an vested interest in making such comments and then speaking to them at the meeting. However that being said Mrs Simpson believed that the Farmers Association media release was taken out of context. However to this point in time no retraction or clarification has been made by the group.

The position of a possible moratorium was seen as being ridiculous to most of the members present at the Mining Related Council meeting. Whilst careful consideration should be given to all aspects, including farmland, water resources environment etc, in any application for mining to have a complete moratorium of all mining would seem to be economic suicide. At this point in time the Mining Related Council simply noted the media release.

## **RECOMMENDATION**

**THAT** Council note the report on the Mining Related Council Meeting held on 12<sup>th</sup> November 2010.

**ITEM:43            DELEGATES REPORT - 13/12/10 - CENTROC MEETING HELD ON  
25TH NOVEMBER 2010**

**REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE**

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**COMMENTARY**

The most recent meeting of Centroc had to have its venue changed from Harden to Orange in order to facilitate the unfortunate funeral of Kath Knowles, previous Centroc member, Mayor of Bathurst and the Administrator of Bathurst Regional Council during amalgamations. Kath's unfortunate passing at the age of 39 and funeral in her original home town of Wellington, was indeed a sad day for all of the Central West.

However, the meeting took place in Orange and one of the first items was a talk from Diana Logues from the Bells Line of Road Steering Committee. She gave a short presentation of where the consultation process was up to and how she believes that more input is needed, particularly from the Central West in regard to the short, medium and long term goals for the Bells Line of Road. This report also followed community meetings in Orange and Lithgow on the previous two days.

Centroc is looking to arrange a meeting with Alby Schultz to find out what his position is in regard to the Bells Line Expressway. Centroc will also be approaching both sides of State politics to find how to progress with the Bells Line Expressway.

The Centroc application to Statewide Mutual for \$10,500 to aide the Incorporation of Climate Risk Programming of the LGSA and Statewide into the Centroc program has been successful. This program will be used as an environmental risk management program and available to all Centroc councils.

The issue of the current nurse shortages was raised at Centroc and as such, Centroc is to write to the Nurses Midwives Registration Board of NSW seeking written clarification as to why the changes to training delivery were required at the proposed benefits of the changes. It is still a concern that shortage of nurses, doctors and allied health professionals is continuing to be a problem in the Central West.

There was a table presented in the annual report providing information regarding the savings that has been made for this current year with the overall savings being close to a \$1million. Lithgow Councils savings by being a member of Centroc have totalled just over \$50,000.

In general business Lithgow raised the issue of the Maldon DomBarton Railway Line and its importance of having a submission regarding this matter as submissions close in December. The benefits of the completion of the line were briefly outlined to delegates who unanimously supported that Centroc would make a submission, as well as encouragement for all Councils to make an individual submission.

The last part of the meeting was the Annual General Meeting and the election of officers for upcoming year took place. As there had been a “gentleman’s agreement” that the Chair stays in the position no more than two to three years and having already had the position for that amount of time, it was my decision to step down from the position of Chair. The new Chair is now Councillor Phyllis Miller, Mayor of Forbes Council. The new Deputy Chair is Councillor John Davis from Orange City Council and as immediate past President, Lithgow will stay on the Centroc Board and will be joined by Cowra, Bathurst and Parkes.

**RECOMMENDATION**

**THAT** the report on the Centroc Meeting held on 25<sup>th</sup> November 2010 be noted.

## CLOSED REPORTS

**ITEM:44 REG - 13/12/10 - CONFIDENTIAL REPORT - TENDERS FOR THE ENGAGEMENT OF CONSULTANTS FOR ENVIRONMENTAL ASSESSMENT AND DESIGN OF THE CLARENCE COLLIERY WATER TRANSFER SYSTEM**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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### **Reason for Confidentiality**

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

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

### **SUMMARY**

This report provides an outline of the tender process undertaken and results for the engagement of Consultants to undertake Environmental Assessment and Design for the Clarence Colliery Water Transfer System. It makes a recommendation that a contract be entered into with a preferred tenderer subject to final approval by the Department of Sustainability, Environment, Water, Population and Communities.

### **RECOMMENDATION**

**THAT** Council consider this report in closed Council pursuant to Section 10A(2)(D)(1) 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.*

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