



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

14 FEBRUARY 2011
AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 24TH JANUARY 2011

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION -

- Councillor W McAndrew - Parental Support for Water Fluoridation in Lithgow
- Councillor M F Ticehurst - Upgrade of Pearson's Lookout Castlereagh Highway, Capertee

NOTICE OF RESCISSIONS - NIL

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

Shopfront Committee
Tourism Advisory

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>NOTICES OF MOTION</u>		<u>6</u>
<u>ITEM: 1</u>	<u>NOTICE OF MOTION - 14/02/11 - COUNCILLOR W MCANDREW - PARENTAL SUPPORT FOR WATER FLUORIDATION IN LITHGOW</u>	<u>6</u>
<u>ITEM: 2</u>	<u>NOTICE OF MOTION - 14/02/11 - QUESTION WITH NOTICE - UPGRADE OF PEARSON'S LOOKOUT CASTLEREAGH HIGHWAY, CAPERTEE</u>	<u>8</u>
<u>GENERAL MANAGERS REPORTS</u>		<u>9</u>
<u>ITEM: 3</u>	<u>GM - 14/02/10 - CANDIDATES FORUM - SEAT OF BATHURST</u>	<u>9</u>
<u>ITEM: 4</u>	<u>GM - 14/02/11 - QUARTERLY PERFORMANCE REPORT ON 2010/11 TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1 OCTOBER 2010 TO 31 DECEMBER 2010</u>	<u>10</u>
<u>ITEM: 5</u>	<u>GM - 14/02/11 - NSW RURAL DOCTORS NETWORK - 2011 BUSH BURSARY / COUNTRY WOMEN'S ASSOCIATION SCHOLARSHIP SCHEME</u>	<u>11</u>
<u>REGIONAL SERVICES REPORTS</u>		<u>13</u>
<u>ITEM: 6</u>	<u>REG - 14/02/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 193/10, PROPOSED DUPLEX - IVATT STREET LITHGOW</u>	<u>13</u>
<u>ITEM: 7</u>	<u>REG - 14/02/11 - WATER REPORT</u>	<u>15</u>
<u>ITEM: 8</u>	<u>REG - 14/02/11 - LOCALITY NAMING - ROUND SWAMP TO RUNNING STREAM</u>	<u>18</u>
<u>ITEM: 9</u>	<u>REG - 14/02/10 - DEVELOPMENT APPLICATION 010/07 - SECTION 96 MODIFICATION OF STAFE 2 AUGMENTATION OF LITHGOW SEWERAGE TREATMENT PLANT - GEORDIE STREET, LITHGOW</u>	<u>20</u>
<u>ITEM: 10</u>	<u>REG - 14/02/11 - DEVELOPMENT AND CONSTRUCTION APPROVALS - 01/07/10 - 31/12/10</u>	<u>22</u>
<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>		<u>24</u>
<u>ITEM: 11</u>	<u>COMM - 14/02/2011 - LITHGOW CITY COUNCIL'S AUSTRALIA DAY EVENTS 2011</u>	<u>24</u>
<u>ITEM: 12</u>	<u>COMM - 14/02/11 - CONSULTING WITH RURAL RESIDENTS</u>	<u>27</u>
<u>INTERNAL SERVICE REPORTS</u>		<u>30</u>
<u>ITEM: 13</u>	<u>INTS - 14/02/11 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2011</u>	<u>30</u>

<u>ITEM: 14</u>	<u>INTS - 14/02/11 - ADDITIONAL REPORTING FOR FUTURE SALE OF LAND FOR UNPAID RATES</u>	<u>32</u>
	<u>COMMITTEE MEETINGS</u>	<u>37</u>
<u>ITEM: 15</u>	<u>INTS - 14/02/11 - ECONOMIC SHOPFRONT COMMITTEE</u>	<u>37</u>
<u>ITEM: 16</u>	<u>COMM - 14/02/2011 - YOUTH COUNCIL - MINUTES 03/11/10</u>	<u>38</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>39</u>

NOTICES OF MOTION

ITEM: 1 NOTICE OF MOTION - 14/02/11 - COUNCILLOR W MCANDREW - PARENTAL SUPPORT FOR WATER FLUORIDATION IN LITHGOW

REFERENCE

Parental support for water fluoridation in Lithgow
Article of support from the Australian Dental Association

COMMENTARY

Councillors would recall the at times emotional and heated debate regarding the fluoridation of the Lithgow water supply.

I attach for the information of Council and the wider public a copy of an article that appeared in the Australian Dental Association Journal in December 2010 reporting on and supporting a recent survey of the level of support for water fluoridation among parents of primary school children in Lithgow.

The article makes a number of interesting points:

- In 2005, the Lithgow Local Government Area (LGA) was the only area within the boundary of the Sydney West Area Health Service that remained unfluoridated.
- All school principals in the Lithgow LGA were approached by a letter of invitation to take part in the survey and all agreed to do so.
- The parents of all primary school children were then invited to take part in the dental survey via a take-home information pack.
- Of the 1592 parents contacted, 703 (44%) gave parental consent for their children to be examined and completed a questionnaire at home. 70% (495) of the responding parents supported water fluoridation, 9% (63) were against fluoridation and 21% (145) were unsure.
- 705 of the responding parents supported water fluoridation in Lithgow and most understood correctly that fluoridation reduces risk of decay in **both** children and adults.
- Following this study, council commissioned an independent body (Western Research Institute, Bathurst) to conduct another survey of households in Lithgow. It is heartening to note that following intensive community consultation by Lithgow City Council, 72% of households voted in favour of fluoridation.
- Conclusions: Lithgow parents strongly supported the introduction of water fluoridation but suggested that governments and health authorities should adopt a more proactive role in relation to fluoridation implementation.

ATTACHMENTS

1. Australian Dental Journal 2010: Parental support for water fluoridation in Lithgow, NSW

RECOMMENDATION

THAT Council note the information in relation to the report in the Australian Dental Association Journal

Signed: Councillor Wayne McAndrew

**ITEM: 2 NOTICE OF MOTION - 14/02/11 - QUESTION WITH NOTICE -
UPGRADE OF PEARSON'S LOOKOUT CASTLEREAGH HIGHWAY,
CAPERTEE**

REFERENCE

Listed by Councillor Martin Ticehurst 31 January 2011
Letter from Mr David Borger MP, the State Minister for Roads to the Capertee Valley Alliance.
Lithgow Mercury report on 18 December 2007 'Bid to close Pearson's Lookout'.

COMMENTARY

Q. Could the General Manager provide to Councillors and Council, an updated report on the outstanding upgrading of the Pearson's Lookout off the Castlereagh Highway near Capertee; particularly following the written response from Mr David Borger MP, the State Minister for Roads which was recently published on the Capertee Valley Alliance website?

A copy of the abovementioned letter from Mr Borger MP to the Capertee Valley Alliance Inc. has been downloaded and is attached.

The Minister in his letter advises that:

"I am advised that the access road and the lookout are the responsibility of the City of Lithgow Council. As such, sealing of the access track, landscaping of the lookout area, provision of garbage bins, shelters and interpretive signs, are matters for the council's consideration.

I am advised that in November 2007, the Roads and Traffic Authority (RTA) met on site with the council's officers. In March 2008, the RTA provided the council with a survey of the area to assist the council in developing options for improvements to the site. However, to date, no proposal has been received from the council."

ATTACHMENTS

A copy of the abovementioned letter from Mr Borger MP to the Capertee Valley Alliance Inc. has been downloaded and is attached.

RECOMMENDATION

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

GENERAL MANAGERS REPORTS

ITEM: 3 GM - 14/02/10 - CANDIDATES FORUM - SEAT OF BATHURST

SUMMARY

At its last meeting Council resolved to hold a Candidate's Forum in Lithgow for those standing for the NSW State seat of Bathurst. The appointment of a Chairman / moderator needs to be made.

COMMENTARY

Council resolved (Min 11-05) to:

THAT Lithgow City Council stage and chair a public candidate's forum for the attendance of proposed candidates for the Seat of Bathurst at the upcoming NSW State Election in March of this year. Topics should include and not be limited to:

- Council Amalgamations and planning powers
- Future privatisation of State assets
- Future power generation needs / proposals to Mount Piper
- Coal Mining and Mining Royalties / Resources Rent Tax
- Water
- Tourism
- Health
- Public Sector Employment levels
- Road and Rail Infrastructure

In addition to the above Council also resolved (Min 11-28) that:

2. Council seek the position of other political parties prior to the next State Election regarding the continuation of rate pegging.

Advice is that nominations are likely to close on Thursday 10 March 2011 hence any Forum would be best held after this date. The NSW State Election is to be held on Saturday 26 March 2011.

Two of the proposed candidates have been contacted and advised of the proposed event and positive responses have been received, though a suitable date needs to be identified.

The Lithgow Business Association has also been contacted and advised of the event.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Costs will be incurred in the holding of the event.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Appoint a Chairman / moderator for the Candidates Forum; and
2. Authorise the Chairman / moderator to make the necessary arrangements for the Forum.

ITEM: 4 GM - 14/02/11 - QUARTERLY PERFORMANCE REPORT ON 2010/11 TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1 OCTOBER 2010 TO 31 DECEMBER 2010

REPORT FROM: CAROL FARNSWORTH, INTERNAL SERVICES MANAGER

REFERENCE

Min No 10-245: Ordinary Meeting of Council 21 June 2010

Min No 10-474: Ordinary Meeting of Council 22 November 2010

SUMMARY

This report provides the Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan for the period of 1 October 2010 to 31 December 2010 with a recommendation that the adjusted surplus of \$1,700 be noted.

COMMENTARY

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

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

2010/11 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	73,277	73,269	8
September Quarter	78,356	78,343	13
December Quarter	78,377	78,376	1

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the December Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan.

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Quarterly Report 1 October 2010 – 31 December 2010

RECOMMENDATION

THAT:

1. The surplus of \$1,700 for the 2009/10 to 2011/12 Management Plan as detailed in the Quarterly Performance Report for the period 1 December 2010 to 31 December 2010 be noted.
2. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2009/10 to 2011/12 Management Plan has been reviewed and the financial position of Council is satisfactory.

**ITEM: 5 GM - 14/02/11 - NSW RURAL DOCTORS NETWORK - 2011 BUSH
 BURSARY / COUNTRY WOMEN'S ASSOCIATION SCHOLARSHIP
 SCHEME**

REFERENCE

NIL

SUMMARY

This report relates to correspondence received from the NSW Rural Doctors Network in relation to the 2011 Bush Bursary / Country Women's Association Scholarship Scheme.

COMMENTARY

Correspondence has been received from the NSW Rural Doctors Network, Project Officer - Education and Training inviting Lithgow City Council to consider [participating in the scheme in 2011.

The Bush Bursaries and CWA Scholarships are offered annually to selected medical students in NSW and the ACT and are financially supported by the rural shires of country NSW, the Country Women's Association and the NSW rural Doctors Network (RDN).

The RDN's role is to administer the scheme, promote the Bush Bursary to medical students in NSW / ACT and to select the successful recipients. RDN matches the successful students with a sponsoring Council. Each sponsoring Council will nominate a placement coordinator (usually this person works with Council) and this person will be responsible for liaising with the sponsored student and organising the activities included in the placement. The Council will liaise with the local medical practitioners and community groups, accommodation and social aspects of the two week placement and also liaise with the NSW RDN and sponsored Bush Bursary student regarding placement arrangements.

The NSW Rural Doctors Network has advised that if Lithgow City Council wishes to participate in the scheme, the RDN will invoice the Council for \$3,000 (+GST) which will be provided to the medical student who, in return will agree to spend two weeks of "rural placement" in our local government area in the University holidays during the year.

The number of students studying medicine has been increasing for the past few years, with new medical schools being opened at Universities of Wollongong, Western Sydney, Notre Dame, New England and the Australian National University, along with established medical schools at the Universities of Sydney, NSW and Newcastle.

The financial contribution and support will be significant in providing a positive experience of rural health, which is a known contributor to choosing a rural career.

If Lithgow City Council wishes to participate in this scheme, nomination forms to be completed and forwarded back the RDN by 4th April 2011.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

\$3,000 (+GST) to be funded from Budget

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the report on the 2011 Bush Bursary / Country Women's Association Scholarship Scheme.

REGIONAL SERVICES REPORTS

**ITEM: 6 REG - 14/02/11 - DEVELOPMENT APPLICATION / CONSTRUCTION
CERTIFICATE 193/10, PROPOSED DUPLEX - IVATT STREET
LITHGOW**

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICE

REFERENCE

Min No 11-16: Ordinary Meeting of Council 24 January 2011

SUMMARY

To assess and recommend determination of 193-10DACC. Recommendation will be for approval subject to conditions.

The application has been assessed by Mine Subsidence Board and Council officers.

COMMENTARY

Council is in receipt of DACC 193/10 for the construction of a duplex development in Ivatt Street.

The proposal will exist on Lot 2 DP 1158898 and consist of two units which are split level. Each unit consists of three (3) bedroom units with kitchen/meals, laundry, bathroom, lounge, veranda, single garage and storage/ patio below the main living areas. The total floor area for both dwellings is 326.70m² on the lot that has an area of 700m².

The land slopes slightly to the east, which will be cut and filled appropriately to gain the split level of the proposal. The units will be constructed of brick veneer with colour bond roofing.

The access is proposed from Ivatt Street with the garages at the front of each dwelling. A secondary access is proposed by the to the storage area from the laneway to access the storage areas at the rear of the dwelling.

The proposed duplex/dual occupancy is permissible under sub-clause 19(4)(a) of Lithgow's Local Environmental Plan 1994. The land is located within the sewer reticulation area in the 2(a) residential zone. The site will retain two attached dwelling houses on Lot 2 being 700m² which exceeds the minimum of 400m². Therefore, the development is consistent with the above requirement of Lithgow Local Environmental Plan 1994.

Further, the development complies with Council's Policy and Guidelines for Residential Unit Development in regards to site density, setback, colour and materials, presentation to the street and parking.

The development proposal was notified to adjoining and adjacent landowners from the 8 November to 24 November 2010. From this there were four submissions received and summarised below:

Concerns raised for the proposed development include:

- That the height of the building will encroach on the properties behind in regards to overshadowing
- That the height of the building has the potential to impact on adjoining landowners privacy.

- Parking within Ivatt Street Given the nature of the development could be double. This is due to there being a dual occupancy proposed rather than a traditional single dwelling.
- Due to the nature of the street, being well trafficked and narrow, off street parking in the vicinity cannot be adequately undertaken.

From the concerns raised the developer has provided justification as follows:

- Shadow diagrams were supplied showing the potential impacts of overshadowing.
- The building was designed so as to minimise the issue of privacy to the rear properties. This is implemented by constructing the bedrooms at the rear of the property and setting back the main living areas further so as to minimise impact on neighbouring landowners.
- There is appropriate parking available in regards to each unit having a single garage and driveway which may utilise stacked parking. This complies with Council's Guidelines for unit development and with Lithgow Development Control Plan for Off Street Car Parking.

The applicant has provided additional information in the form of shadow diagrams and indication that in temperate and cool-temperate climate zones, sunlight to at least 50% of the principle area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21.

It is advised that the building design in regards to privacy issues is adequate, given that the dwelling is approximately 6.7m from the rear properties boundary. Additionally, the floor of the first floor at the rear of the dwelling is 1.5m from ground level, and privacy issues into the rear neighbouring property would be minimal.

In relation to parking and traffic issues are unforeseen in regards if issues would arise. However, the development complies with Lithgow's Development Control Plan for Off Street Parking and Policy & Guidelines for Residential Unit Development, being one space per unit and one space for every units for visitors. Therefore, the development complies with the Council controls measures to prevent onstreet parking, as it provides four parking spaces utilising stacked parking on the driveway.

As such, given the information provided and the additional modifications made through the assessment process it is considered that the development can be supported in this instance.

POLICY IMPLICATIONS (OTHER THAN DCP's)

The application was called in under Policy 7.7 – Calling in of Development Applications by Councillors. Accordingly, the application requires determination by the elected Council.

FINANCIAL IMPLICATIONS (eg Section 94)

Given the nature of the development and if deemed appropriate Council could seek to negotiate with the applicant to enter into a Planning Agreement to contribute towards the cost of community facilities as did other developments in the vicinity. The applicant would need to indicate that they would be willing to enter into negotiations regarding a Planning Agreement, accordingly it is considered appropriate that if the application is approved, a condition be imposed requiring particulars of a Planning Agreement be finalised.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Complete 79C Assessment in accordance with the Environmental Planning & Assessment Act 1979.

RECOMMENDATION

- A. **THAT** Combined Development & Construction Certificate Application 193/10DACC be approved subject to conditions specified in the attached Section 79C assessment.
- B. **THAT** a **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM: 7 REG - 14/02/11 - WATER REPORT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

NIL

SUMMARY

This report provides an update on various drought and water management issues as per Minute Number 10-03.

COMMENTARY

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

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Monday 31 January 2011 was 97.8%. Oberon Dam capacity on Monday 31 January 2011 was 52.91%.

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 January 2011.

Table 1 - Oakey Park Output and Clarence Transfer

Month	Oakey Park WTP (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	109.2	50
November	114.62	33
December	121.62	0
January 2011	134.15	0
Total 2010	1411.74	403

Table 2 FRWS

2010/11	Delta	Water Consumption (ML)				
	Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consumers	Total
Jul	425	50	0	55	20	550
Aug	768	54	0	66	20	907
Sep	603	51	0	51	20	725
Oct	555	75	3	50	20	703
Nov	585	74	155	66	20	900
Dec	199	44	40	45	20	348
Jan	148	102	0	58	20	328
Feb						0
Mar						0
Apr						0
May						0
Jun						0
Total	3,134	349	198	333	120	4,134
1998	7,243	970	3,003	827	192	12,235
1999	7,204	898	3,317	855	171	12,445
2000	7,294	858	3,468	767	179	12,567
2001	8,640	998	3,913	921	180	14,652
2001/2	8,359	1,019	3,677	838	180	14,073
2002/03	8,303	1,183	4,390	911	237	15,023
2003/04	6,734	968	3,005	732	216	11,655
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
2009/10	2,856	554	-	590	158	4,158
MAQ	8,184	2,092	3,650	750	200	14,876

Following reports of low and no water pressure from residents of Marrangaroo, Tunnel Hill and Gemalong Close, supply to these areas was switched to Fish River Water Scheme on 1 February, 2011. This was accomplished without disruption and on February 2 all reports indicate pressure is good, colour is good, and no dirty water complaints have been made. This arrangement will be temporary as it is primarily as a result of the peak demand during certain times of day because of hot weather. Completion of the Cook Street High Level Reservoir pipeline should improve water pressure and testing will be undertaken in February to confirm this theory.

CURRENT WATER RESTRICTIONS UPDATE

Level 2 water restrictions continue for all residents through Lithgow and villages receiving water from Lithgow and the Fish River Potable Water Supply.

WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in December with Council receiving 1 application for a household appliance repair and 2 applications for a water tank rebate.

Annual inspection and cleaning of reservoirs will begin on Friday, February 4 and should take approximately one week. This activity will not disrupt water supply.

ALTERNATE WATER SOURCES UPDATE

Drought Relief Project

The pipeline below Cook Street High Level Reservoir has been laid and fittings to enable the completion of the connection have been delivered on-site. Given that the final connection and pressure testing will result in service interruption or temporary pressure losses to a number of residents it is considered prudent to schedule the work for after midnight during the week of 14 February. 1 week public notice will be provided and essential users will be contacted individually.

Clarence Transfer System

Environmental studies and design for this project have commenced. This includes hydrogeological assessment on the available transfer supply as well as their hydrology investigation into sustainable yield from Farmers Creek Dam #2.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

RECOMMENDATION

THAT the water report be noted.

**ITEM: 8 REG - 14/02/11 - LOCALITY NAMING - ROUND SWAMP TO
 RUNNING STREAM**

REPORT BY: ANDREW MUIR GROUP MANAGER REGIONAL SERVICES

REFERENCE

To advise Council of process to minimise public concerns.

SUMMARY

To advise of a request regarding clarification of Round Swamp as a locality and also advise of the results of an expression of interest process.

COMMENTARY

A member of the public and Geographical Names Board raised the question of Round Swamp as a locality within the Lithgow Local Government Area. An expression of interest to change the locality name was forwarded to authorities and residents to comment with a period of 28 days from the 26 August to 27 September 2010.

The expression of interest called for submissions regarding changing the locality name of Round Swamp to Running Stream and Capertee as no record within Lithgow Council had residents using the locality of Round Swamp in their residential addresses.

It was a further concern for emergency services and residents that the general public cannot find the residents within this locality due to different authorities holding different legal descriptions for all properties within the Round Swamp locality.

From the expressions of interest a total of 9 submissions were received with five objections, three in support and one opting for either outcome. The following are the concerns from objectors (including Lithgow & District Family History Society Inc and Mid-Western Council):

- Round Swamp was the first area to be settled following exploration from Bathurst in 1836 and a change would impact the heritage significance of the area.
- Pioneering families have relatives buried at the Round Swamp cemetery and a change in the locality name would impact its significance.
- Some objectors previously used Running Stream and its postcode and only had major problems with mail due to use of Mudgee Post Office.
- There is land within the area that is known to be of aboriginal significance and a change would impact the sites.

Submissions in regards to supporting the change stated:

- Emergency services do not recognise properties if you use the description of Round Swamp.
- Deliveries and visitors have a hard time finding properties in the locality as mapping systems do not recognise the locality of Round Swamp.
- Most residence access their properties through Running Stream.
- Localities for properties within the area change depending on the authority and include: Capertee, Running Stream, Round Swamp and Mt Vincent.
- The name Round Swamp is unattractive for the area.

Therefore, it is deemed that the locality name change of Round Swamp to Running Stream would impact the historical significance of the area. It is also noted that the change may cause further problems in the area as it is an older locality name.

CONCLUSION

That Council improve the knowledge of Round Swamp with the implementation of signage and notification/address changes to authorities and property owners. This will improve the problems in the area and minimise future problems.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council is to pay all costs associated with the acquisition and erection of signage and the notification of authorities.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Map of Round Swamp

RECOMMENDATION

THAT:

1. All property addresses for premises located within the designated area be changed to Round Swamp, and
2. Residents and authorities renotified, and signage be provided to identify the area as Round Swamp on roads into the locality.

ITEM: 9 REG - 14/02/10 - DEVELOPMENT APPLICATION 010/07 - SECTION 96 MODIFICATION OF STAGE 2 AUGMENTATION OF LITHGOW SEWERAGE TREATMENT PLANT - GEORDIE STREET, LITHGOW

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICE

REFERENCE

Development Application No.10/07.

SUMMARY

To assess and recommend determination of Section 96 modification 010/07DA. Recommendation will be for approval subject to conditions.

The application has been assessed by Department of Environment, Climate Change & Water, Sydney Catchment Authority, NSW Office of Water, Rural Fire Service and Council officers.

COMMENTARY

The site is known as Lot 1 DP 125085. It accesses via Geordie Street and the existing property is undulating, mostly cleared and the site extends north.

Stage 1 (covered by 635/03DA) was completed in July 2006 and included the construction of chemical dosing facilities, a storm retention pond and safety improvement works. Stage 2 was to include the construction of an Intermittently Decanted Extended Aeration Reactor, a new electrical switchroom and control equipment, a chlorine contact tank, a third sludge lagoon, conversion of effluent pond no 1 to increase storm retention capacity and the decommissioning of humus tanks, humus return pumping station and effluent ponds.

The modification is for the addition of a UV disinfection system and building. Ultraviolet irradiation (UV) has not been included in the augmentation works under construction as effective disinfection is provided by the breakpoint chlorination to comply with DECCW licence requirements (relating to faecal coliforms). However, the Sydney Catchment Authority (SCA) additionally requires the provision of UV disinfection, primary for removal of Cryptosporidium and Giardia.

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

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

POLICY IMPLICATIONS

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

The policy states:

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

The modification is therefore referred to Council for determination.

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. The application to modify Development Application 10/07DA be approved subject to conditions highlighted in Council's Section 79C assessment, attached.
2. A **division** be called in accordance with the requirements of section 375A (3) of the Local Government Act, 1993.

ITEM: 10 REG - 14/02/11 - DEVELOPMENT AND CONSTRUCTION APPROVALS - 01/07/10 - 31/12/10

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

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

SUMMARY

In addition to the detailed report provided to Councillors every 3 weeks on development approvals and applications received, this six monthly reports (for years 2007 – 2010) is submitted to provide an overview of development approvals.

Therefore, the following information is for development consents issued between 1 January to 30 June and 1 July to 31 December.

A graph is also provided to show the comparative figures on an annualised basis.

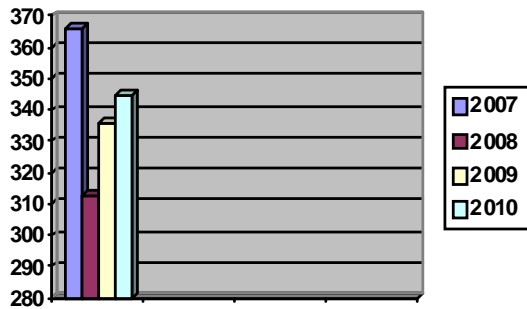
DEVELOPMENT APPROVALS 1ST JANUARY TO 30 JUNE.

	2007	2008	2009	2010
Number of Consents Issued	186	170	159	158
Average Approval Days	30	21	22	21
Median	18	11	14	14
Total Cost of Applications	\$15 871 518	\$12 616 971	\$43 074 934	\$78 237 987

DEVELOPMENT APPROVALS 1ST JULY TO 31 DECEMBER.

	2007	2008	2009	2010
Number of Consents Issued	180	143	177	187
Average Approval Days	25	28	18	20
Median	15	13	16	18
Total Cost of Applications	\$86 030 988	\$19 342 220	\$44 353 214	\$33 275 421

Total Application Approval for 2007-2010



TOTAL APPLICATION APPROVALS FOR 2007 – 2010

The graph above indicates the number of approvals received on an annual basis between 2007 and 2010.

It can be seen that between 2007 and 2008 there was a reasonable drop in the number of applications received which has gradually increased in 2009 and 2010. Also the cost of proposed developments reduced significantly in 2008. The cost of proposed developments has rebounded significantly in 2009 and subsequently 2010.

However, it must be stressed that these are the amounts placed on development applications, that does not necessarily carry through to final construction as some developments never take place.

RECOMMENDATION

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

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM: 11 **COMM - 14/02/2011 - LITHGOW CITY COUNCIL'S AUSTRALIA DAY EVENTS 2011**

REPORT BY: CULTURAL DEVELOPMENT OFFICER AND EVENTS COORDINATOR

SUMMARY

This report provides a summary of activities throughout the area carried out on Wednesday 26 January, Australia Day.

COMMENTARY

Australia Day 2011 events in Lithgow attracted record crowds with 210 people attending the official ceremony at Eskbank House and 600 people of all ages attending events at the Lithgow Swimming Pool. The events at the pool, rebadged “Lithgow Beach” for the day, employed local artists, performers and suppliers and attracted a high level of positive feedback during the day, with many visitors asking for more events like it.

Australia Day 2011 fell on a weekday so Council staff developed a fresh program of family friendly activities centred around Lithgow. Although events at Eskbank House have proven popular in recent years, attracting up to 200 people, it was decided it would be possible to reach a wider range of Lithgow’s residents by concentrating resources on the Swimming Pool and sporting grounds, including the Skate Park. Entry to “Lithgow Beach” was free for the day and the warm weather ensured a high turnout of people of all ages.

THE OFFICIAL CEREMONY AT ESKBANK HOUSE

The Mayor and Australia Day Ambassador commenced the day with an acknowledgement of the Wiradjuri people and Aboriginal elders past and present.

The Australia Day Ambassador for Lithgow in 2011 was Sandra Yates AO, who is chair of the Sydney Writer’s Festival. Woolworths, sponsors of the event, sent Michael Quinn, the Assistant Manager of the Lithgow store, to present an Australia Day Ambassador badge to Ms Yates.

During the Official Ceremony at Eskbank House, the Mayor and Australia Day Ambassador presented the NSW Local Citizen of the Year Award, Community Event of the Year and Young Local Citizen of the Year (see below). The Mayor presented Australian Citizenship to two young mothers, one from Egypt and one from Pakistan. More than 210 people attended the ceremonies.

Intensive promotion of Australia Day events by Council staff attracted the attention of Cordell Jigsaw Productions, who are working with former Australian of the Year Tim Flannery and former Lithgow resident John Doyle to produce a series on the Great Dividing Range that will air in September 2011. The producer and director commented that the ceremony at Eskbank House was a perfect country Australia Day ceremony, and noted the diversity of the community. Messrs Doyle and Flannery enjoyed damper provided by the Lions Club, and mingled with community members.

AUSTRALIA DAY CITIZENSHIP AWARDS

The Australia Day Awards, announced at Eskbank House on Wednesday 26th January 2011, were a testament to the depth of community spirit in Lithgow.

There were seven nominations for Citizen of the Year; Glenda Phipps, who is a community and disability worker, mother to five, singer, member of the Greater Lithgow Arts Council and musician; Lithgow Fire Captains Lionel Johnston and Paul Carter (jointly nominated); Judy Kinnear, musician, teacher, Conservatorium member and driving force behind the Lithgow City Band; Michael Neubeck, Scoutmaster of the 1st Portland Scout Group; Brian Kinney, who has, with his wife Jan, fostered children for 43 years, whilst serving on the boards of a range of community organisations, including Lithgow Community Projects, Lithgow Community Housing, Lake Wallace Sailability, Lithgow Community Boating Centre and Lithgow Foster Carers Group and sharing his talents with the Lithgow Musical Society.

The 2011 winner was Cheryl Rutherford of Marrangaroo, for her exceptional service as a leader with Girl Guides and her mentorship of young women, including coordinating the highly successful celebrations for the 2010 Centenary of Girl Guides. Cheryl is an active member of the Lithgow Hockey Association, putting in many hours of voluntary work on a sport loved by many Lithgow residents, and has represented NSW as a Veteran Women's Hockey player.

Community Event of the Year was awarded to Lithgow Tidy Towns Committee for their outstanding achievements in winning Tidy Towns NSW 2010 and uniting the town in a common goal, to promote Lithgow. This is a superb example of building community relationships.

Young Citizen of the Year was awarded to Brooke McFadden, a primary education student at Wagga Wagga, former Lithgow lifeguard and outstanding hockey player who has played for Lithgow Panthers, Bushrangers, and Country Women's hockey player. She travelled with the U21s Australian representative hockey team to Fiji and has been voted most consistent and number one female hockey player in Wagga Wagga. Mayor Castle concluded, "we congratulate Brooke on her achievements and the way she represents Lithgow, even whilst engaged in her studies in Wagga Wagga."

At the Official Ceremony, Mayor Castle also presented Australian Citizenship to Mrs Attia-Tull-Karim Mahmood and Ms Evoon Yacoub.

"LITHGOW BEACH" AT LITHGOW SWIMMING POOL

Entry to Lithgow Swimming Pool was free on Australia Day with turnstile statistics showing that more than 600 people passed through the gates on the day.

The entertainment program was designed to showcase local talent. One of the most successful elements of the day was a concert by young local musicians Sam Bucca and the Convicts, Catherine Thomas and Marko Markovic. This event created a party atmosphere at the pool and was received enthusiastically by visitors.

From 10.30am until 2.30 pm, local artist Adrian Symes engaged people of all ages in chalk art. Surf Life Saving New South Wales conducted their Bush to Beach safety program, with the only cost to Council being a night's accommodation, and provided valuable advice about keeping safe in inland and coastal waterways.

Council purchased volleyball nets, which were erected on the lawn and proved a magnet for young people. A mechanical surfboard was hired, which particularly appealed to children and Subway Lithgow offered 100 vouchers to successful participants. Coates Hire provided a generator and other equipment for sound, while the Delta marquees provided shade.

Watsford Oval was open for cricket and games, the Skate Park was well utilised during the day and Lithgow Show Society held their annual Australia Day events on the Tony Luchetti Sportsground.

It was a highly enjoyable, festive day and the Cultural Development Officer and Events Coordinator were told frequently by guests that Council should stage more events like it.

EVENTS ELSEWHERE IN THE LGA

Events at Portland, Wallerawang, Capertee and Rydal were well attended. Portland's Wolgan Road was closed to traffic from 9am to 3pm, and the day featured music and stalls, balloons for the children, refreshments by the CWA and the Scouts' BBQ, as well as the flag-raising ceremony and the presentation of citizenship awards by Mayor Neville Castle and Australia Day Ambassador Sandra Yates. The judging of the Great Aussie Pie Competition and Colouring-In Competition provided more entertainment, and the pool and Fire Station were open to visitors.

Wallerawang had their own Ambassador, former international cricket umpire Dick French, and events at the Wallerawang Bowling Club included a damper cooking contest, social lawn bowls, a thong throwing competition, free rides for the children, BBQ, bush bands, local musicians and produce stalls.

It should be noted that there were no major incidents reported anywhere in the LGA on Australia Day, and the events received excellent coverage on 2LT and in the Lithgow Mercury.

RECOMMENDATION

THAT Council notes the information relating to activities carried out on Australia Day Wednesday 26 January 2011.

ITEM: 12 COMM - 14/02/11 - CONSULTING WITH RURAL RESIDENTS

REPORT BY: GROUP MANAGER COMMUNITY & CORPORATE - SUZANNE LOLLBACK

REFERENCE

Min No 10-386 Ordinary Meeting of Council dated 20 September 2010.

SUMMARY

This report provides information on how best to consult with rural residents on matters that may be of interest to them.

COMMENTARY

At the Ordinary Meeting of Council dated 20 September 2010 the following was resolved by way of a subsequent motion:

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

Council Information Provision

The Council currently provides information to all residents via the following means:

- Media releases to the Radio, TV and Newspapers
- Council's weekly column in the Mercury
- Council's website www.lithgow.nsw.gov.au
- *Council Connections* - Council's quarterly newsletter to all mailboxes. This is also available to residents via email.
- Mail-outs as required

Consultation Processes

- Advertisements in the Lithgow Mercury calling for public comment
- Media releases inviting public comment
- Community forums on relevant topics
- Community surveys

The Council runs a series of forums throughout the LGA on the Management Plan each year.

In the near future, the Council will be running similar forums for the Draft Land Use Strategy leading to the development of the Local Environmental Plan.

Council Committees

- Advisory Committees – Council currently has 18 advisory committees.
- Community Committees – Council currently has representation on 24 community-based committees

The Advisory Committees include a Citizens Access Committee which includes all councillors. This committee is called at Council's discretion.

It should be noted that none of these committees relate solely to rural-related issues.

Local Progress/Community Associations

Some councillors also regularly/sometime attend any one of the following community associations:

- Hartley District Progress Association Inc
- Wallerawang Lidsdale Progress Association Inc
- Portland Development Association Inc
- Cullen Bullen Progress Association
- Rydal Village Association
- Capertee Valley Alliance
- Glen Davis Community Association
- Meadow Flat Progress Association
- Lithgow Business Association

Formation of a Rural Residents Committee

It is recommended that a rural residents committee not be formed as it would be difficult for such a committee to speak on behalf of all areas of the Local Government Area. It is recommended that instead, the following be considered:

1. Should any major issue/s arise that relate to rural residents, then a select number of meetings be called in those areas of the Local Government Area that may be impacted by the issue/s. Major issues may include such items as the Council's Annual Management Plan and Land Use Strategy, for example.
2. Should Council consider any issue/s relating to rural areas of significant enough importance that are not included in major consultative processes, then Council will convene a Citizens Access Committee meeting.

POLICY IMPLICATIONS

A Community Engagement Strategy and Policy is being developed.

FINANCIAL IMPLICATIONS

Some costs may be incurred to promote community based forums and meetings including for advertising, hall hire, catering.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council adopts the following methods of consulting with rural residents and ratepayers:

1. Should any major matter/s arise, then a select number of meetings be called in those areas of the Local Government Area that may be impacted by the issue/s. Major matters may include such items as the Council's Annual Management Plan and Land Use Strategy for example.
2. Should Council consider any issue/s relating to rural areas of significant enough importance that are not included in major consultative processes, then Council will convene a Citizens Access Committee meeting.

INTERNAL SERVICE REPORTS

ITEM: 13 INTS - 14/02/11 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2011

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

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)
Min No 10-543: 20 December 2010 (November 2010)
Min No 11-31: 24 January 2011 (December 2010)

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 31 January 2011 when compared to 31 December 2010, has decreased by \$2,419,161.83 from \$14,977,331.17 to \$12,558,169.34.

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

COMMENCEMENT OF AN INTERNAL LOAN:

As Council is aware major construction work is underway at the Lithgow and Wallerawang STPs. Expenditure of \$15,740,055.52 and \$1,032,337.00 respectively has been incurred.

To fund the expenditure Council borrowed \$5,450,000 in the 2009/10 loan borrowing program and received \$2,613,643.89 from the Dept of Commerce and the SCA. The balance of funds will be a combination of additional grant funds and the 2010/11 loan program of \$11,965,000.

As reported to the meeting of 24 May 2010 until all loan funds have been drawdown the works will be partly funded by an Internal Loan from General Fund to Wastewater Fund.

It is now proposed to structure the internal loan as follows:

- Principal: \$2,750,000
- Loan Type: Sinking fund loan ie interest only
- Based on commercial terms for a loan: 30 years with the first 5 years fixed and renegotiate the remaining term
- Interest: 7.31% Fixed
- Repayments: Monthly until drawdown of external loan
- Term: 15 January 2011 to drawdown of 10/11 loan borrowing program
- Repayments: Monthly repayments from Wastewater to General Fund
- Instalments: \$32,719 Interest only

ADDITIONAL INVESTMENT REPORTS

At the meeting of the 24 January 2011 Council requested additional reporting in relation to investments. The comments have been noted and reports are being prepared and be presented to the Council meeting of 7 March 2011.

INVESTMENT REGISTER 2010/11								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.12.10	VALUE 31.01.11	% OF TOTAL
ANZ	TD	08.11.10	07.02.11	91	5.55	1,012,968.57	1,012,968.57	8.07%
	TD	15.11.10	14.02.11	91	5.58	2,044,504.21	2,044,504.21	16.28%
CBA	On Call				4.70	170,770.54	43,520.22	0.35%
	TD	02.12.10	04.01.11	31	5.62	1,013,762.19	0.00	0.00%
	TD	19.11.10	17.02.11	90	5.51	1,009,090.41	1,009,090.41	8.04%
LGFS	On Call				4.40	7,159.79	7,159.79	0.06%
IMBS	TD	29.11.10	28.02.11	91	6.00	1,029,640.94	1,029,640.94	8.20%
	TD	01.12.10	01.03.11	90	6.00	1,000,000.00	1,000,000.00	7.96%
NAB	TD	07.10.10	07.01.11	90	5.53	250,000.00	0.00	0.00%
	TD	13.12.10	11.02.11	60	5.77	1,028,057.10	1,028,057.10	8.19%
	TD	02.12.10	02.03.11	90	5.90	800,000.00	800,000.00	6.37%
WESTPAC	TD	08.12.10	08.07.11	212	6.20	266,799.30	266,799.30	2.12%
	TD	08.12.10	08.07.11	212	6.20	533,598.63	533,598.63	4.25%
	TD	17.09.10	17.04.11	212	6.00	1,069,994.05	1,069,994.05	8.52%
	TD	08.12.10	08.07.11	212	6.20	808,030.20	808,030.20	6.43%
ST GEORGE	On Call				4.70	49,772.66	49,772.66	0.40%
	TD	10.12.10	12.01.11	30	5.90	1,028,149.31	0.00	0.00%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	6.14%
SUNCORP	TD	08.12.10	09.03.11	90	5.70	1,069,081.25	1,084,485.33	8.64%
			TOTAL			14,977,331.17	12,558,169.34	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31%	0.00	2,750,000.00	

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 31 December 2010 is \$400,174.81 of an estimated \$553,375.00 shown in the 2010/11 Management Plan which will be reviewed in conjunction with the December review. 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 \$12,558,169.34 for the period ending 31 January 2011 be noted.

ITEM: 14 INTS - 14/02/11 - ADDITIONAL REPORTING FOR FUTURE SALE OF LAND FOR UNPAID RATES

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 11-03: Ordinary Meeting 24 January 2011

SUMMARY

To respond to a 'Notice of Motion' from Councillor W McAndrew on the 24 January 2011 in relation to the process for the Sale of Land for Unpaid Rates with a recommendation that additional reporting be completed during the sale process.

COMMENTARY

At the meeting of 24 January 2011 Council considered a 'Notice of Motion' from Councillor W McAndrew in relation to the process for the Sale of Land for Unpaid Rates.

Minute 11-03 resolved:

THAT Council consider the following issues for future sales:

1. *The manner of advertising lots/parcels across the LGA.*
2. *The display of "For Sale" signs on all individual lots/parcels.*
3. *The physical inspection of the individual lots/parcels and clear identification of property boundaries.*
4. *The notification to adjoining neighbours of proposed land sales*
5. *The identification of potential issues of rights of access, existing roads and laneways etc associated with the sale.*
6. *Councillors to be provided with a report outlining any known or perceived problems with any lot/parcel before the sale process is finalised.*

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

Prior to conducting a Sale of Land for Unpaid Rates' Council must comply with the Local Government Act 1993 (LG Act) Division 5, Sections 713 to 726.

To allow Council to consider each of the above requests the following information is provided.

1) THE MANNER OF ADVERTISING LOTS / PARCELS ACROSS THE LGA

Local Government Act 1993

Division 5

Section 715 Notice of proposal to sell land:

(1) Before selling land under this Division, the council must:

- (a) fix a convenient time (being not more than 6 months and not less than 3 months from the publication in a newspaper of the advertisement referred to in paragraph (b)) and a convenient place for the sale, and
- (b) give notice of the proposed sale by means of an advertisement published in the Gazette and in at least one newspaper, and

For the sale in September 2009 the following advertising was conducted:

- Lithgow Mercury Classified:
 - Half page advertisements from June 2009 (copy attached)
- Lithgow City Council Website:
 - <http://www.council.lithgow.com/>
- Government Gazette:
 - Government Gazette No 93 of 26 June 2009 (copy attached)
- L J Hooker:
 - Real Estate Agent advertising prior to the sale
- Sale Catalogue:
 - Produced by Council and distributed by post, email or collection to all interested persons upon request by phone, mail, email or personal collection (extract attached)
- Lithgow City Council Agendas & Minutes:
 - Public Documents

2) THE DISPLAY OF “FOR SALE” SIGNS ON ALL INDIVIDUAL LOTS / PARCELS

Council does not have legal access to enter a sale property; prior to or during the sale process and at no stage is Council the legal owner.

All inspections for identification and valuation purposes are conducted by sight from the road. A dwelling is sold 'as is' and to gain vacant possession the purchaser must pursue their own legal avenues.

For the above reasons 'For Sale' signs cannot be placed on a property but should Council consider this request signs may be erected on a Council road reserve as long as they do not pose a risk to the public.

3) THE PHYSICAL INSPECTION OF THE INDIVIDUAL LOTS / PARCELS AND CLEAR IDENTIFICATION OF PROPERTY BOUNDARIES

Access cannot be gained to vacant land or a dwelling and requests must be denied to a prospective purchaser, a valuer or a surveyor.

Council sight inspections for identification purposes are conducted to establish if the land is vacant or contains a structure and valuation of the land by a licensed valuer are conducted by sight from the road verge.

During the sale process the proposed properties are sighted by Council officers from the street but it is impossible to highlight property boundaries. Property boundaries can only be identified by a survey and as stated above Council has no legal access to enter a property, or provide authority to a surveyor, prior to, or during the sale process. Existing boundary fences and access roads may be constructed illegally and cannot be used to identify the perimeter of land.

It is also relevant to note that should additional costs be incurred during the course of the sale, for example survey costs which are estimated to cost between \$2,000 to \$5,000 depending on land area, Council may incur the fee. At the conclusion of the sale Council will be liable for all rate arrears and associated selling costs, *in excess* of the sale price.

4) THE NOTIFICATION TO ADJOINING NEIGHBOURS OF PROPOSED LAND SALES

As required by the LG Act **Section 715 - Notice of proposal to sell land**, Council must:

- (c) *take reasonable steps to ascertain the identity of any person who has an interest in the land, and*
- (d) *take reasonable steps to notify each such person (and the Crown, if the land concerned is owned by the Crown) of the council's intention to sell the land under this Division.*

Legal interpretation of the Act dictates that Council must advise all owners of the land and all interested parties who are noted as having a legal entitlement and are stated on the Certificate of Title, ie all owners, lessees and mortgagees.

Council is not legally required to notify adjoining owners but there is no reason why the practice could not be commenced.

5) THE IDENTIFICATION OF POTENTIAL ISSUES OF RIGHTS OF ACCESS, EXISTING ROADS & LANEWAYS ETC ASSOCIATED WITH THE SALE

A requirement during the sale process is that Council *must conduct* a Title Search and if legal access exists on a property it is shown on the title by words to the effect "*Right of Carriageway affecting _____ shown so burdened in the title diagram*".

Title searches for Lots 1-2 Sec 15 & Lots 11-12 Sec 15 DP 758890, Quarry St Rydal, were conducted in September 2009, prior to last sale and all titles are free of rights of carriageway (copies attached).

Prior to the sale Council officers produce and distribute a 'Sale Catalogue,' which is not a requirement of the LG Act 1993 but produced to ensure a prospective purchase is aware of their obligations prior to bidding at auction.

The Council disclaimer at the front of the catalogue states:

"It is important intending purchasers inspect the land offered for sale and make their own inquiries before bidding at the auction.

.....

Maps are provided to assist perspective purchasers in locating and inspecting properties. The appearance of a road map does not necessarily mean that the road is formed or is trafficable.”

6) COUNCILLORS TO BE PROVIDED WITH A REPORT OUTLINING ANY KNOWN OR PERCEIVED PROBLEMS WITH ANY LOT / PARCEL BEFORE THE SALE PROCESS IS FINALISED.

As stated in 5) above all required searches are conducted by Council in consultation with our legal representative. Should Council wish copies of the searches, in the form of a Council report prior to sale date, this is possible and will be included in the process.

The report will include the following searches which are automatically completed:

- NSW Land & Property - Certificate of Title:
 - Shows all legal owners, mortgagees, lessees and encumbrances on the land such as mineral rights, easements for common boundaries, drainage, sewage, rights of carriageway, other public utilities etc

- Environmental Planning & Assessment Act & Local Government Act 1993:
 - Planning Certificate under Section 149 (5)
 - Outstanding orders
 - Outstanding Action Requests
 - Drainage Diagram
 - Tree Preservation Orders
 - General Manager Certificate Section 713(3)
 - 603 Certificate

- Local Government Act Div 5 Sec 715:
 - Report to Council to fix a convenient time and place for the sale (not more than 6 months and not less than 3 months from the publication in a newspaper)
 - Public advertising in a newspaper
 - Public advertising in the Government Gazette
 - Notification to the owner and all interested parties on the title
 - Notification to the Crown if crown land is involved

- Other Searches conducted:
 - All avenues of debt recovery
 - 'Skip' trace searches
 - GIS Mapping
 - Deposited Plans

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Sale of Land for unpaid rates pursuant to Division 5, Sections 713 to 726 of the Local Government Act 1993

ATTACHMENTS

1. Lithgow Mercury advertisement example of 27 June 2009
2. Government Gazette No 93: 26 June 2009
3. Title searches Lot 1 & 2 DP 758890 / Lot 11 & 12 DP 758890 showing legal encumbrances on the land
4. Sale of Land for Unpaid Rates Catalogue for 26 September 2009: Disclaimer and sample sale lot 11

RECOMMENDATION

THAT for all future 'Sale of Land for Unpaid Rates' Council will include the following actions which will be in addition to complying with the relevant legislation that governs the sale:

1. 'For Sale' signs erected on a road verge unless it is deemed a risk to public safety.
2. Adjoining owners will be notified of the proposed sale
3. All searches conducted on individual properties will be the subject of a report to Council

COMMITTEE MEETINGS

ITEM: 15 INTS - 14/02/11 - ECONOMIC SHOPFRONT COMMITTEE

REPORT FROM – INTERNAL SERVICES MANAGER CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Economic Shopfront Committee Meeting held on 25 January 2011.

COMMENTARY

At the Economic Shopfront Committee Meeting held on 25 January 2011, there was one (1) item discussed by the Committee:

- ITEM 1: Present
- ITEM 2: Apologies
- ITEM 3: Proposal to lease the Showroom in the Hartley Building to a Commercial tenant

The minutes contain full details with recommendations for Council consideration.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Lease under the Real Property Act 1900

ATTACHMENTS

1. Minutes of the Economic Development Shopfront Committee Meeting held on 25 January 2011

RECOMMENDATION

THAT Council note the minutes and actions of the Economic Development Shopfront Committee held on 25 January 2011.

ITEM: 16 COMM - 14/02/2011 - YOUTH COUNCIL - MINUTES 03/11/10

REPORT BY: COMMUNITY DEVELOPMENT OFFICER- JASON HOPKINS

REFERENCE

Min No -18-09:	Ordinary meeting of Council dated 27 January 2009
Min No - 09-273:	Ordinary meeting of Council dated 22 June 2009
Min No - 10-279:	Ordinary meeting of Council dated 12 July 2010
Min No - 10-413:	Ordinary meeting of council dated 20 September 2010
Min No - 10-457:	Ordinary meeting of Council dated 1 November 2010
Min No - 10-545:	Ordinary meeting of Council dated 13 December 2010

SUMMARY

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

COMMENTARY

At the Youth Council meeting held on 3 December 2010 there were eight (8) items discussed by the committee.

1. Welcome & Apologies
2. Confirmation of minutes from last meeting
3. Business Arising
4. Draft Business Plan
5. Scholarships
6. Youth Worx update
7. Meeting schedule for 2011
8. 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 Youth Council meeting held 3 December 2010

RECOMMENDATION

THAT Council Notes the minutes of the Youth Council meeting held 3 December 2010.

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.*