



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

30 MAY 2011

AT 7.00pm

# AGENDA

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## **APOLOGIES**

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 9<sup>TH</sup> MAY 2011**

## **PUBLIC FORUM**

## **DECLARATION OF INTEREST**

## **MAYORAL MINUTES**

## **NOTICE OF RESCISSIONS**

## **NOTICES OF MOTION** - Councillor M F Ticehurst - Request for Financial Assistance by Gorrie Ban Lithgow

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Environment and Development Services Reports  
Operation Services Reports  
Community and Strategy Reports  
Finance Services Reports

## **REPORTS FROM DELEGATES**

## **BUSINESS OF GREAT URGENCY**

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

## **CLOSED REPORTS**

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## NOTICES OF MOTION

ITEM: 1            **NOTICE OF MOTION - 30/05/11 - REQUEST FOR FINANCIAL ASSISTANCE BY GORRIE BAN LITHGOW - COUNCILLOR M F TICEHURST**

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## REFERENCE

Listed by Councillor Martin Ticehurst      21 May 2011

## COMMENTARY

Q.    Could the General Manager and Council Officers provide the Council, Councillors and ratepayers with a report to this Council Meeting on whether it has received any formal request for financial assistance from Gorrie Ban Lithgow and if so, what is the request and what is the current status of the request within Council?

## RECOMMENDATION

**THAT** the General Manager and Council Officers provide the Council, Councillors and ratepayers with a report to this Council Meeting on whether it has received any formal request for financial assistance from Gorrie Ban Lithgow and if so, what is the request and what is the current status of the request within Council.

## General Managers Comment

This is subject to a staff report. Please see Item 13.

## GENERAL MANAGERS REPORTS

### ITEM: 2            GM - 30/05/11 - CODE OF CONDUCT INVESTIGATION -                          COUNCILLOR MARTIN TICEHURST

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#### REFERENCE

NIL

#### SUMMARY

The purpose of this report is to provide Council with the findings of the investigation following a matter brought to the General Manager's attention under the Code of Conduct with respect to Cllr Martin Ticehurst.

#### COMMENTARY

The matter involved a formal complaint by the Mayor of Eurobodalla Council concerning email representations made by Councillor Martin Ticehurst. The emails sent by Cllr Ticehurst alleged misrepresentation in the media at or about the time of the appointment of the General Manager of Eurobodalla, Paul Anderson in May 2008 concerning his qualifications. Mr Anderson being the former General Manager of Lithgow City Council.

The matter was assessed in accordance with the New South Wales Local Government Act 1993 and Council's Code of Conduct. The matter was then referred to a Sole Conduct Reviewer, appointed by Council, Mr Ian Woodward.

The Reviewer has found that there is a prima facie breach of the Code of Conduct and recommendations have been made.

Council may now either:

- adopt the recommendation of the Sole Conduct Reviewer;
- amend the recommendation of the Sole Conduct Reviewer; or
- reject the recommendation of the Sole Conduct Reviewer.

The Sole Conduct Reviewer's report is shown as ATTACHMENT 1 for consideration by Council.

#### POLICY IMPLICATIONS

NIL

#### FINANCIAL IMPLICATIONS

The cost of dealing with the complaint was \$10,861.90.

#### LEGAL IMPLICATIONS

The investigation has been conducted in accordance with the Local Government Act 1993 and the Council's Code of Conduct.

## ATTACHMENTS

1. Report by the Sole Conduct Reviewer.

## RECOMMENDATION

**THAT** Council adopt the recommendations of the Sole Conduct Reviewer in relation to a Code of Conduct complaint against Councillor Martin Ticehurst that:

Council finds that there are prima facie breaches of clause 6.3 of the Code by Councillor Martin Ticehurst for:

- a) The contents of the email;
- b) The persons to whom the email was sent; or
- c) Both of the above.

That Council resolve that:

- i) Council finds that Councillor Ticehurst breached the Code of Conduct in that he showed a lack of respect to the General Manager of Eurobodalla Council, Paul Anderson, by sending emails in December 2010 to the Eurobodalla Council concerning the General Manager's tertiary qualifications (and employment);
- ii) Councillor Ticehurst be required to make a formal apology in writing, within 28 days, to the General Manager of Eurobodalla Shire Council, Paul Anderson, for breaching the Lithgow Code of Conduct by not showing him respect in the circulation of the emails in December 2010 concerning his tertiary qualifications (and employment) and a copy of such apology to be provided to the General Manager of Lithgow City Council; and
- iii) Council censure Councillor Ticehurst for breaching the Lithgow Code of Conduct.

**ITEM: 3            GM - 30/05/11 - QUARTERLY PERFORMANCE REPORT ON 2010/11 TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1 JANUARY 2011 TO 31 MARCH 2011**

**REPORT FROM: CAROL FARNSWORTH, FINANCE MANAGER**

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**REFERENCE**

Min No 10-245:            Ordinary Meeting of Council 21 June 2010  
 Min No 10-474:            Ordinary Meeting of Council 22 November 2010  
 Min No 11-44:             Ordinary Meeting of Council 14 February 2011

**SUMMARY**

This report provides the Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan for the period of 1 January 2011 to 31 March 2011 with a recommendation that the adjusted surplus of \$9,107 be noted.

**COMMENTARY**

The March 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.

<b>2010/11 QUARTERLY BUDGET COMPARISON</b>			
<b>Budget</b>	<b>Income</b>	<b>Expenditure</b>	<b>Total</b>
<b>(Inc Internal)</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Original	73,277	73,269	8
September Quarter	78,356	78,343	13
December Quarter	78,377	78,376	1
March Quarter	80,352	80,360	9

**POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

The Finance 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 January 2011 – 31 March 2011

### **RECOMMENDATION**

#### **THAT:**

1. The surplus of \$9,107 for the 2010/11 to 2013/14 Management Plan as detailed in the Quarterly Performance Report for the period 1 January 2011 to 31 March 2011 be noted.
2. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2013/14 Management Plan has been reviewed and the financial position of Council is satisfactory.

**ITEM: 4            GM - 30/05/11 - PRODUCTIVITY COMMISSION'S INQUIRY -  
                         AUSTRALIA'S URBAN WATER SECTOR**

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**REFERENCE**

NIL

**SUMMARY**

The Australian Productivity Commission released a report on 13 April 2011 that provides a comprehensive assessment of water services in Australia.

This report by the Australian Productivity Commission followed an earlier report by AECOM for Infrastructure Australia. This earlier report by AECOM was said to have many short comings.

The Productivity Commission Report sets out universally applicable reform of institutional and regulatory arrangements that could achieve improvements without having to implement major structural reform.

Among other things, the report is critical of interventions by government owners of utilities in operational and investment decisions (e.g. supply augmentation). It calls for clearer delineation between decisions for elected representatives including councillors (i.e. decisions that regard public interest considerations such as level of supply security and reliability) and commercial and operating decisions best made by the water utility (e.g. how to augment supply and manage demand).

The report also acknowledges the good performance of NSW Local Government water utilities according to NSW Office of Water performance reporting. It confirms financial viability and water quality challenges that have already been identified and are being addressed by NSW Local Government and NSW agencies during the NSW Inquiry into Local Water Utilities (Armstrong and Gellatly Report). The report indicates that some of these challenges could be addressed through aggregations of utilities where there are productive efficiencies.

The report recognises and agrees with work done by the NSW Inquiry and suggests that further reform should be led by the NSW Government and built on the NSW Inquiry. While the report appears to favour the regional water corporation model, it recognises that one size does not fit all, that reform is not merely about amalgamation, and that there are various adequate models for finding regional solutions including the regional alliance model developed by the Local Government and Shires Associations (LGSA) as well as the county council model.

The report acknowledges that the financial impact of removal of water functions from councils on their general financial sustainability would need to be considered in any form of reform.

The report supports that in some areas of need, where service delivery might be uneconomical, government assistance would be required and appropriate.

In addition the report makes some observations on the efficiency of pricing including developer charges and request further information on how developer charges for water supply and sewerage services are levied in jurisdictions.

Individual councils have been encouraged to make a submission on the Report.

To date the LGSA have welcomed the finding that reform is a matter for states and Local Government to determine and has noted that this is already being done in NSW.

## **COMMENTARY**

### **Productivity Commission Inquiry into examining the case for microeconomic reform in Australia's urban water sector**

Nick Sherry, the Australian Assistant Treasurer, pursuant to the Productivity Commission Act directed that the Productivity Commission undertake an inquiry into examining the case for microeconomic reform in Australia's urban water sector.

#### **Background of the Inquiry**

According to the Assistant Treasurer the urban water sector is responsible for providing sustainable, secure and safe drinking water and wastewater services. These services include: water harvesting; water manufacturing (e.g. desalination); storage; treatment and distribution; and wastewater removal and treatment.

He goes on to say that at times urban water utilities are also responsible for stormwater and flood mitigation services. Additionally, the sector has a role in encouraging the responsible use of water and water conservation. Urban water services are generally provided by state and territory government owned entities or by local councils.

In recent times, the ability of urban water systems to meet demand for water in cities and towns has been challenged by severe droughts, climate change, increasing urban populations and ageing water infrastructure. Ensuring long term water security requires effective arrangements that encourage timely investment in diversified water supplies and improve the efficiency of water use.

Reforms aimed at improving efficiency in the urban water sector began in the 1990s following the adoption of a water framework by the Council of Australian Governments (COAG) in 1994, which elevated better management of Australia's water resources to achieve positive social, environmental and economic outcomes to a national issue. Reform was further encouraged through the Intergovernmental Agreement on a National Water Initiative in 2004. In recognition of growing urban water supply challenges, the COAG national urban water reform framework was enhanced in November 2008.

#### **Infrastructure Australia Report**

As mentioned earlier Infrastructure Australia has published a report prepared by AECOM reviewing regional water quality and security.

The report made a number of recommendations including those around governance of water utilities for NSW. The effect of these recommendations, if implemented, would be the transfer of management from Local Government to State Government.

Councils have made it clear that they wish to retain control over their water supply and waste water assets on a local area basis. This has been the position adopted by this Council as well as Centroc and the LGSA.

DLM consulting were engaged by Centroc to undertake the preparation of a submission. This consultant was selected as he is delivering the Centroc and OROC Water Utilities Alliances and has a good understanding of the situation. Subsequently a submission was also lodged with the Productivity Commission.

**Advice regarding the Productivity Commission Report into Towards Urban Water Reform: A Discussion Paper (the Paper)**

The Productivity Commission issued the Paper Wednesday 13 April 2011. The Commission gave regard to:

1. A definition of urban that encompasses cities, towns and regional centres /villages
2. The importance of long term water security — taking into account changes in climate, population and economic activity — without compromising social, health and environmental outcomes.
3. The roles of the Commonwealth and state and territory and local governments with respect to urban water and wastewater policy, supply and management.
4. The different circumstances across Australia, including:
  - Variability between water catchments, supply alternatives and demand;
  - Relationships between urban water users and other water users, including consideration of water resource planning and allocation frameworks;
  - Committed and planned investment to augment urban water supplies;
  - Current urban water reforms, such as planning, pricing and third party access; and
  - Emerging competition, including in the provision of water supply services.
5. Emerging water management practices, such as the integrated management of water, wastewater, recycled water and stormwater;
6. Lessons from reform in the rural water and natural resource management sectors and from overseas reform;
7. Lessons learnt from reforms in other utility sectors in the Australian economy. This should take into account differences in the intrinsic values of water compared to other products and operational differences between the industries, including product storage, availability, and transport costs;
8. The COAG 1994 reform outcomes, the national competition policy arrangements, the National Water Initiative provisions applying to urban water, the third party access provisions of the Trade Practices Act Part IIIA, competition and access regimes and the 2006 intergovernmental Competition and Infrastructure Reform Agreement; and

The key points of the overall document are:

- There is a public perception that water provision should be treated differently from other utility services (energy, telecommunications and mail) because water is essential for life.

- In recent times, the urban water sector has faced unexpected severe low water availability, growing populations and ageing assets.
- Governments have largely responded with prolonged use of severe water restrictions and large investments in desalination capacity.
- The costs to consumers and the community have been high.
- Nationally, evidence from a number of sources suggests that water restrictions are likely to have cost in excess of a billion dollars per year from the lost value of consumption alone.
- Based on modelling for Melbourne and Perth, inefficient supply augmentation could cost consumers and the community of these two cities between \$3.1 to \$4.2 billion over 20 years, depending on modelling assumptions.
- There is a compelling case for reform, with conflicting objectives and unclear roles and responsibilities of institutions contributing to inefficient allocation of water resources, inefficient investment, undue reliance on water restrictions and costly water conservation programs.
- Gains are likely to come initially from improving the performance of institutions with respect to governance, regulation, and procurement of supply and pricing, rather than trying to create a competitive market as in the electricity sector.
- Some reforms should be adopted across all jurisdictions and regions as a priority, with other (structural) reforms assessed and implemented on a case-by-case basis.
- The universal (priority) reforms relate to:
  - clarifying that the overarching objective for policy in the sector is the provision of water, wastewater and stormwater services that maximise net benefits to the community
  - ensuring that procurement, pricing and regulatory frameworks are aligned with the overarching objective and assigned to the appropriate organisation
  - putting in place best practice arrangements for policy making and regulatory agencies, and water utilities
  - performance monitoring of utilities and monitoring progress on reform.
- The circumstances of each jurisdiction and region differ and there is not a one size fits all solution to industry structure. In addition to the universal reforms, the Commission has set out:
  - four structural options for large metropolitan urban water systems
  - three structural options for small stand-alone regional systems.

While the main thrust of the document is target towards cities, there is specific commentary around reform and specifically for the reform of regional water utilities.

Regarding reform as a whole, the Paper makes the following key points:

- There is a compelling case for reform of the urban water sector.
- The overall objectives for urban water reform should be to ensure the delivery of water, wastewater and stormwater services in an economically efficient manner so as to maximise net benefits to the community.

- Analysis of the scope to achieve efficiency gains suggests that the lower-level objectives for reform should be to:
  - achieve water security at least expected cost
  - give water users greater choice
  - directly target environmental outcomes
  - promote affordability and consumer protection efficiently
  - reduce the cost of regulation
  - remove impediments to integration of the water cycle
  - introduce greater competition where cost effective
  - exploit economies of scale more fully, particularly in non-metropolitan New South Wales and Queensland.
  
- The policy and other recommendations made in this report, if implemented, would go some way to achieving some of the above reform objectives.

### **Reform options**

If implemented the recommendations made in the Report would go some way to achieving the reform objectives. Beyond this there is a need to consider institutional, governance, regulatory and structural reform tools and to assess how they fit in with one another, so as to arrive at integrated reform options.

Two of the more relevant chapters of the report to NSW Local Water Utilities are Chapters 11 and 13.

Chapter 11 considers reforms that centre on institutional arrangements. It examines the roles and responsibilities for government ministers, departments, water utilities, regulators and the private sector. It recommends changes that would improve transparency and accountability in the urban water sector. In essence, the chapter looks at improvements that could be made regardless of the structure of the supply chain. It concludes with an illustration of how the ideas discussed in the chapter could be applied to the traditional vertically-integrated structure in an integrated way (option 1). This option can be thought of as the minimum high priority set of reforms (in concert with the reforms from earlier in the report) that the Commission considers would be appropriate for urban water systems.

Chapter 13 specifically addresses reform in regional areas. The problems that reform should seek to address are somewhat different for regional areas than for major metropolitan areas. In particular, there are many smaller water utilities that face major challenges to meet desired service standards, manage assets, attract suitably skilled staff and remain financially viable. A range of options for addressing these challenges is put forward in this chapter.

The report favours the findings of the Armstrong Gellatly report and is supportive of the notion of voluntary alliances that are formed for the “right” reasons (i.e. not to escape amalgamation) and have demonstrated member commitment.

The key points for regional water reform are:

- ❖ It is neither appropriate nor practical to develop a one size fits all definition of the regional water sector. Regional water utilities face diverse supply and demand circumstances and are subject to wide-ranging governance and institutional arrangements. Relative to metropolitan water utilities, regional utilities:
  - serve fewer (and less densely distributed) customers
  - tend to incur higher capital and operating costs per customer connection
  - do not generally have access to alternative bulk water supply sources
  - are usually responsible for setting their own water prices.
- ❖ Some regional water utilities do not fully recover costs, and are not financially independent of the governments that operate them. For example, 4 per cent of New South Wales water utilities failed to fully recover costs in 2008-09, and a further 35 utilities earned a negative economic real rate of return for water services. It is not clear whether some of these utilities are operating on a commercially viable basis.
- ❖ Skill shortages are a concern for water utilities in regional and remote areas.
- ❖ Utility compliance with a range of public health and environmental regulations, and performance against best-practice principles and customer service standards, is generally lower in regional areas. Non-compliance with the Australian Drinking Water Guidelines (ADWG) is most common amongst (but not unique to) small regional utilities — the 12 New South Wales utilities that failed to comply in 2008-09 are located in regional areas and serve between 1000 and 5300 properties each.
- ❖ Structural reform that involves horizontal aggregation of regional utilities (including the transfer of water assets and revenue) can allow businesses to exploit economies of scale efficiencies, share resources and internalise transaction costs. Significant structural reform has been undertaken in regional Victoria and Tasmania, and these experiences have provided important lessons for reform in other areas.
- ❖ Where aggregation is efficient, a regional water corporation model is the best-practice organisational structure, although the county council model also has merit. A regional alliance can facilitate greater resource sharing and does not involve significant changes to the assets and responsibilities of member councils. However, the binding alliance model may expose participating councils to significant financial (and other) risks. The voluntary alliance model involves fewer risks and costs, but relies on ongoing cooperation and commitment by councils.
- ❖ There is scope to achieve material efficiency gains via aggregation of water utilities in regional New South Wales and Queensland. State Governments, in consultation with Local Governments and affected communities, should determine the precise approach to water reform in these jurisdictions, including the appropriate size, boundaries, composition and organisational structure of utilities.

- ❖ In undertaking this work, State Governments should take explicit account of all costs and benefits including the impact on network operating costs, water system planning and resource management, and local communities (and employment).
- ❖ New South Wales has made significant progress toward regional water reform, via the Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW. It is critical that the findings of this work are now drawn upon to develop a reform program. The Commission endorses the majority of the recommendations of the Armstrong Gellatly report. A similar process should be initiated in Queensland as a matter of priority.
- ❖ There has been little comprehensive analysis of the potential costs and benefits of disaggregating the large public water corporations in Western Australia, South Australia and the Northern Territory. Potential benefits of disaggregation include more effective water resource management, opportunities for yardstick competition and location-specific pricing arrangements, scale economies (if the utility exhibits decreasing returns to scale), encouraging locationally-based innovation and putting utilities and customers in closer proximity. Relevant State and Territory Governments should undertake this analysis and publicly report on the findings.
- ❖ Given the potentially severe consequences for public health of a breach of drinking water quality standards, compliance with the health critical elements of the ADWG should be mandatory for all utilities. Utility performance against all elements of the guidelines should be reported on annually by jurisdictions. Sanctions would apply for non-compliance with the mandatory requirements, and councillors and directors of utilities would be personally liable. Where utilities do not comply with other elements of the guidelines, a risk management plan must be developed and implemented, in consultation with relevant State and Territory Government health departments.
- ❖ There is a role for State and Territory Governments to provide Community Service Obligation funding to support water and wastewater service provision in small and remote communities, including Indigenous settlements that are otherwise uneconomic to supply. The quality of services provided to Indigenous communities should be comparable to the standards of services provided to non-Indigenous communities of a similar size and circumstance. Water supply and wastewater outcomes in Indigenous communities should be reviewed and reported on regularly.

### **So what does all this mean?**

It would appear that there is at least some support at the Federal level regarding the voluntary alliance model. At the same time it was noted in the Report that alliances formed for the “wrong reasons” were at risk of failure and the New England alliance was cited as an example.

Secondly, drinking water quality plans will be mandatory in the short term. The Centroc Water Utilities Alliance (CWUA) is responding. Lithgow Council is a member of this Alliance. At the meeting of the CWUA 14 April 2011, discussion was held regarding member commitment.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Chapter 13 of the Productivity Commission Report
2. Centroc Submission

**RECOMMENDATION**

**THAT** Council support the Centroc submission to the Australian Productivity Commission in relation to its Draft Report on Australia's Urban Water Sector.

**ITEM: 5            GM - 30/05/11 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION**

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**REFERENCE**

NIL

**SUMMARY**

The Local Government Remuneration Tribunal handed down its report for 2010-11. This report deals with the fees to be applied to councillors and the Mayor for that period.

**COMMENTARY**

The Local Government Remuneration Tribunal (the Tribunal) sets the range of fees for all councillors and mayors in NSW each year.

The Tribunal is responsible for categorising each council, county council and mayoral office for the purpose of determining the minimum and maximum fees payable to councillors, members of county councils and mayors in each category.

The Tribunal is required to make a determination by no later than 1 May each year with annual determinations take effect from 1 July in that year. This year, having regard to a number of key economic indicators and the views of the assessors, the Tribunal determined that an increase of 4.2 percent in fees for councillors and mayors is appropriate. The increases are effective on and from 1 July 2011.

Determinations for the 2010-2011 year are:

Category	Determinations for 2010-2011: Councillor/Member Annual fee		Mayor/Chairperson Additional Fee		Total Mayor/Chairperson Fee	
	Min \$	Max \$	Min \$	Max \$	Min \$	Max \$
Category S1 – Principal City	22,680	33,270	138,780	182,610	161,460	215,880
Category S2 – Major City	15,110	24,960	32,140	72,710	47,250	97,670
Category 1A – Metropolitan Major	15,110	24,960	32,140	72,710	47,250	97,670
Category 1 – Metropolitan Centre	11,340	21,170	24,100	56,250	35,440	77,420
Category 2 – Metropolitan	7,550	16,640	16,080	36,320	23,630	52,960
Category 3 – Regional Rural	7,550	16,640	16,080	36,320	23,630	52,960
Category 4 – Rural	7,550	9,970	8,020	21,770	15,570	31,740
Category S4 – County Council Water	1,500	8,320	3,220	13,660	4,720	21,980
Category S3 – County Council	1,500	4,980	3,220	9,080	4,720	14,060

Note: that Lithgow is a Category 4 Council.

The NSW Local Government Act 1993 requires:

**248 Fixing and payment of annual fees for councillors**

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal

The fees presently paid by Lithgow City Council for the 2010/11 period are:

- Councillors at \$8,974
- Mayor at \$19,004
- Car lease payable at \$2,112

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

Councillor and Mayoral fees shall be adjusted. An increase of 3% was allowed for in the draft budget.

## **LEGAL IMPLICATIONS**

Council must pay each councillor an annual fee which must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal. The annual fee must be the same for each councillor

## **ATTACHMENTS**

1. Determination by the Local Government Remuneration Tribunal.

## **RECOMMENDATION**

**THAT** Council set:

1. Remuneration in 2011/12 for Councillors at \$9,350;
2. Remuneration in 2011/12 for the Mayor at \$19,802; and
3. The 2011/12 car lease payable by the Mayor at \$2,200.

## ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM: 6            ENVIRO - 30/05/11 - DEVELOPMENT APPLICATION 008/11DA  
HUNGRY JACKS RESTURANT - CNR GREAT WESTERN HIGHWAY /  
CAROLINE AVENUE / STEWART STREET LITHGOW - COMMUNITY  
LAND**

**REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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### REFERENCE

Development Application 008/11DA.

### SUMMARY

To advise Council of an access issue from the Great Western Highway relating to community land that has become evident from the assessment process for the proposed Hungry Jack's development and seek a decision from Council to allow the assessment process to proceed.

### COMMENTARY

As Council is aware a Development Application has been lodged on behalf of Hungry Jacks P/L for a new restaurant on the corner of the Great Western Highway and Caroline Avenue, Lithgow. This application is currently under assessment by Council Officers and is for the construction of a new standalone Hungry Jack's restaurant.

The application proposes to have an entry point off the highway for traffic heading west towards Bathurst. An entry at this location was recommended by the RTA and Council in discussions on traffic movements on the site. It also allowed the building and drive-thru to be relocated further away from residential premises in Stewart Street, reducing traffic and noise impacts.

As part of site investigation works carried out by the developer a detailed survey was made to determine site boundaries, levels and any site constraints. This survey revealed that between the site and the Great Western Highway is a narrow strip of land approximately 5 metres wide owned by Lithgow City Council which is classified as community land under the Local Government Act 1993. The proposed access point for Hungry Jacks off the Great Western Highway would need to pass across this strip of land which contains the footpath to access the site.

It appears this land was created as part of the road reserve but was overlooked when the highway was redeveloped. The strip of land was then classified as community land when the new Local Government Act was introduced that required Council owned land to be to be classified as either operational or community land. The land serves no purpose other than to compliment the road reserve and allow footpath access.

As Council is aware, to reclassify this land from community to operational land is a complex process that would take some time to finalise. A legal opinion was requested from the applicant on what options were available in relation to this issue.

Subsequently, the applicant provided an opinion from lawyers Blake Dawson that addressed the issue in detail and is attached to this report. The basis of this opinion is that Council has the option to dedicate this strip of land as Public Road under the provisions of the Roads Act 1993. Public roads are not defined as public land under the Local Government and are therefore not classified under that Act and not subject to the restrictions under that Act.

Should Council take action to dedicate this strip of land as public road, this would remove any restrictions currently applicable under the Local Government Act and allow construction of the access point off the Great Western Highway.

Section 47F(2)(a) of the Local Government Act 1993 provides that the restrictions on dedicating land as a public road under 47F(1) do not apply to:

- (a) a dedication of land for the purpose of widening an existing public road,

The advice provided indicates that Council could rely on the provisions of Section 47(2)(a) of the Local Government Act to allow dedication of this strip of land for the purpose of widening the public road (Great Western Highway). This is logical as the land is already used for that purpose comprising the verge and footpath. This approach gives legal acknowledgement to an existing situation.

The advice proceeds that dedication can occur through Section 10 of the Roads Act which provides that:

**10 Land held by RTA or by councils**

- (1) The RTA or a Council may, by notice published in the Gazette, dedicate any land held by it (including land acquired by it under Division 1 of Part 12) as a public road.
- (2) On the publication of the notice, the land is dedicated as a public road.”

Council would need to make a resolution to this effect.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil. All costs are to be met by the developer.

**LEGAL IMPLICATIONS**

Refer to the attached legal opinion from Blake Dawson. Pikes Lawyers have also confirmed in writing behalf of Council that such an approach is possible subject to any liability issues being addressed by Council with the RTA.

**ATTACHMENTS**

- 1. A copy of the legal advice from Blake Dawson on behalf of Hungry Jack’s.
- 2. A copy of the legal advice from Pikes Lawyers.

## **RECOMMENDATION**

### **THAT** Council:

1. Dedicate the strip of community land parallel to the Great Western Highway that adjoins the Hungry Jack's site as a public road pursuant to Section 10 of the Roads Act 1993;
2. Cause the publication in the Government Gazette of a notice to that effect; and
3. All costs associated with this process be met by the developer.

**ITEM: 7            ENVIRO   -   30/05/11   -   DEVELOPMENT   APPLICATION   /  
CONSTRUCTION   CERTIFICATE   064/11   -   CONSTRUCTION   OF  
CHANGE   ROOM   TO   EXISTING   AMENITIES   -   SANDFORD   AVENUE  
LITHGOW**

**REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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### **SUMMARY**

To advise Council of the submission of Combined Development/Construction Certificate Application 064/11 for Lithgow City Council for the construction of a change room addition at Marjorie Jackson Oval on Lot 2 DP 583166 Sandford Avenue Lithgow. The application is recommended for approval, subject to conditions.

### **COMMENTARY**

The proposal involves the construction of a brick addition to the existing amenities building located on Marjorie Jackson Oval. The addition is 5m x 5m and incorporates changing facilities and is located at the eastern end of the existing building. The additional facilities are necessary to cater for visiting teams and referees as the existing facilities are limited. The building will be of double brick construction with a metal roof and will compliment the existing structure.

### **POLICY IMPLICATIONS**

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

### **FINANCIAL IMPLICATIONS**

The project is fully funded by the RLCIP program although this is not relevant to the assessment and determination of the development application.

## **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. Combined Development/Construction Certificate Application 064/11 be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

## **ITEM: 8            ENVIRO - 30/05/11 - LITHGOW GASWORKS SITE**

### **REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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## **REFERENCE**

Min No 11-175:                    Ordinary Meeting 9 May 2011

## **SUMMARY**

To provide an update in relation to the progress of the Lithgow Gasworks Site.

## **COMMENTARY**

At Council's Meeting of 9 May 2011, a report was requested on the current status of the old Gasworks Site in Mort Street, Lithgow and also the current status of relocating the adjoining Council depot in Mort Street, Lithgow, including what monies have been allocated for the sites in the Draft Management Plan for 2011/12 – 2014/15. The following information is provided.

As previously advised to Councillor Information Sessions, further investigation of the site was required by the Office of Environment and Heritage (formally EPA) Contaminated Sites Section in order to assess the potential impact of groundwater contamination to the north of the site. Additional funding was provided through the NSW Environmental Trust for the investigations and the works were undertaken.

These works consisted of:

- Installation of two (2) groundwater wells in Gasworks Lane to the north of the site;
- Rectification works to repair surface damage to one of the existing Boreholes; and
- Gauging of existing well network to allow for updated groundwater pressure contours.

The additional investigation concluded that any significant groundwater impact is unlikely, primarily due to the less mobile nature of contaminants and clays present which provide a relatively impermeable barrier. The consultant did make some recommendations, particularly in relation to the current management of the site in relation to truck washing and stock piling which have been addressed through the appropriate channels internally. It also recommended that a remediation action plan and remedial works specification would be a recommended action. However, prior to any additional works, it was first necessary to provide the report to the Contaminated Sites Section of the Office of Environment and Heritage for reporting to the NSW Environmental Trust. It was also necessary for the Office of Environment and Heritage to determine if any further action would be required under the Contaminated Land Management Act. The report was provided to the Office of Environment and Heritage in late January 2011 but to date no response has been received, despite several follow ups. The Office was telephoned in relation to progress on the matter and verbally advised that correspondence will be provided to Council in the next couple of weeks indicating that they will maintain no further interest in the matter. Some initial conversations have been held with the consultants who prepared the report on the basis of what reports could be prepared next to assist Council in the sale of the site; however, until such time as the Office of Environment and Heritage have formally responded, no formal mechanisms have been put in place.

In relation to the relocation of the Council Depot and the monies allocated to either of the sites, it is advised that no allocation has been currently provided in the 2011/12 – 2014/15 Draft Management Plan, nor has any progress occurred in relation to the Depot Site. Of course, Council may wish to consider this issue prior to adoption of the Draft Management Plan.

#### **POLICY IMPLICATIONS**

No policy implications arise out of this report at this stage.

#### **FINANCIAL IMPLICATIONS**

No financial implications arise out of this report at this stage, unless Council wishes to allocate funding.

#### **LEGAL IMPLICATIONS**

Council has been undertaking works to ensure compliance with the Contaminated Land Management Act.

#### **RECOMMENDATION**

**THAT** the information contained in the report on the Lithgow Gasworks Site and associated issues be received and noted.

**ITEM: 9            ENVIRO   -   30/05/11   -   DEVELOPMENT   APPLICATION   /  
CONSTRUCTION CERTIFICATE 065/11 DACC CONSTRUCTION OF  
AMENITIES TO EXISTING HALL - SOUTH LITTLETON**

**REPORT BY: GROUP MANAGER ENVIRONMENT AND DEVELOPMENT – ANDREW  
MUIR**

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**SUMMARY**

To advise Council of the submission of Combined Development/Construction Certificate Application 065/11DACC for Lithgow City Council for the construction of an amenities addition to South Littleton Hall at Lot 114 DP 28254, East Street, Lithgow. The application is recommended for approval, subject to conditions.

**COMMENTARY**

The proposal involves the construction of a timber framed and clad amenities addition at the rear of the existing hall located in the Public Reserve at South Littleton. The addition is 3.6m x 3.9m and incorporates a male toilet, unisex accessible toilet and an accessible ramp. It is located at the southern end of the existing hall.

**POLICY IMPLICATIONS**

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

**FINANCIAL IMPLICATIONS**

The project is jointly funded by Council and the RLCIP program although this is not relevant to the assessment and determination of the development application.

**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. Combined Development/Construction Certificate Application 065/11DACC be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**OPERATION SERVICES REPORTS**

**ITEM: 10            OPER - 30/05/11 - WATER REPORT**

**REPORT BY: GROUP MANAGER OPERATIONS, IAIN STEWART**

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**REFERENCE**

Min No 11-147:            Ordinary Meeting 18 April 2011

**SUMMARY**

This report provides an update on various 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 Friday 13 May 2011 was 81.2%. Oberon Dam capacity on Monday 16 May 2011 was 52.79%.

**CURRENT WATER USAGE FROM EACH SUPPLY**

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (WTP consumption) and the volume transferred from the Clarence Water Transfer System (CWTS) for 2011.

**Table 1 - Oakey Park Daily Output and Clarence Transfer**

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
April	4,662	<b>0</b>
May	4,197	<b>0</b>
Last Week	3,971	<b>0</b>
Previous Week	4,174	<b>0</b>

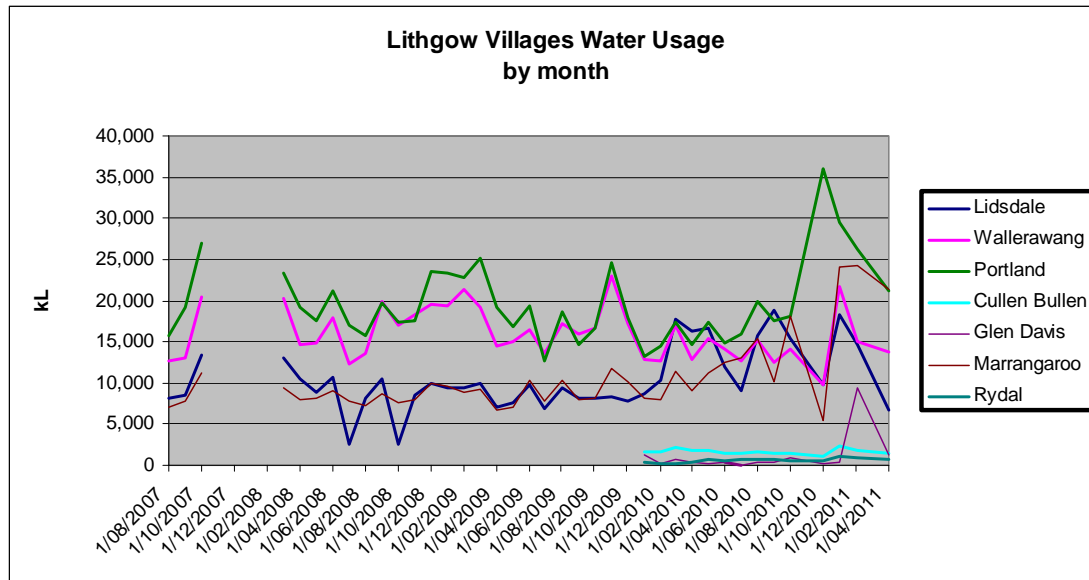
**Table 2 - Oakey Park Monthly Output and Clarence Transfer**

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)
January	139	0
February	121	0
March	122	0
April	140	0
May(to 16 <sup>th</sup> )	63	0
<b>Month Average 2010</b>	<b>123</b>	<b>34</b>

Table 3 Water Consumption for Villages

Apr-11	Lidsdale Total	Wallerawang total	Portland total	Cullen Bullen total	Glen Davis	Marrangaroo total
ML	6.8	13.7	21.1	1.4	1.3	21.3

Graph 1



### CURRENT WATER RESTRICTIONS UPDATE

Level 1 water restrictions are now in place for all residents through Lithgow and villages receiving water from both the Lithgow and the Fish River water supplies.

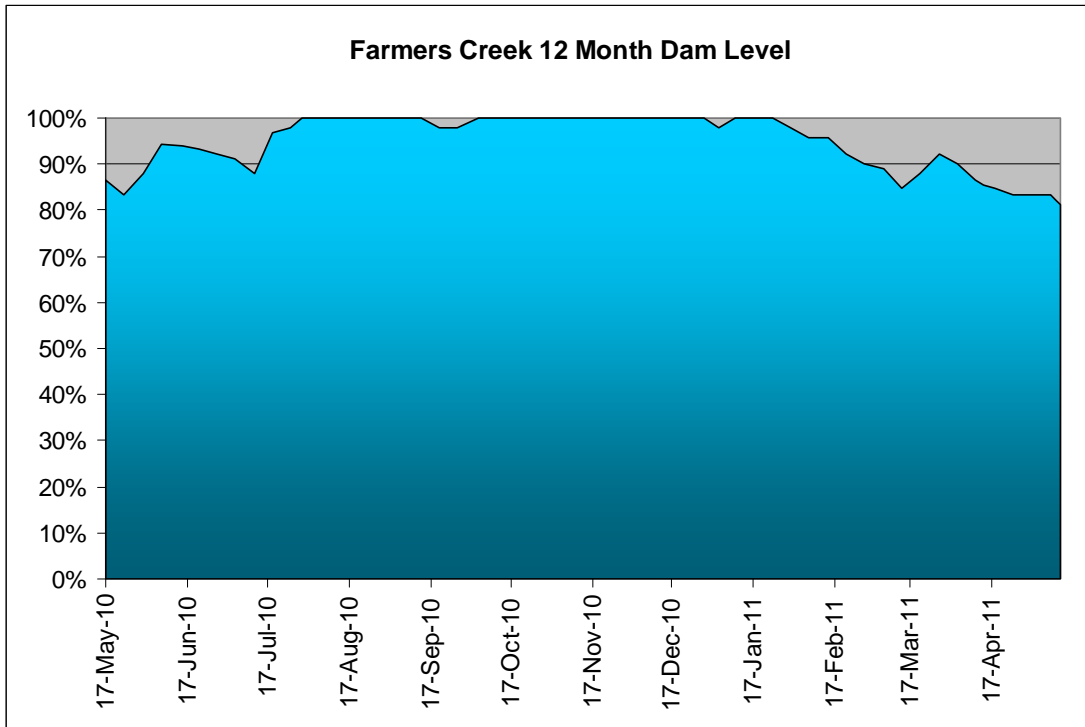
### WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in April with Council receiving 5 applications for a household appliance rebate and 1 application for a water tank rebate.

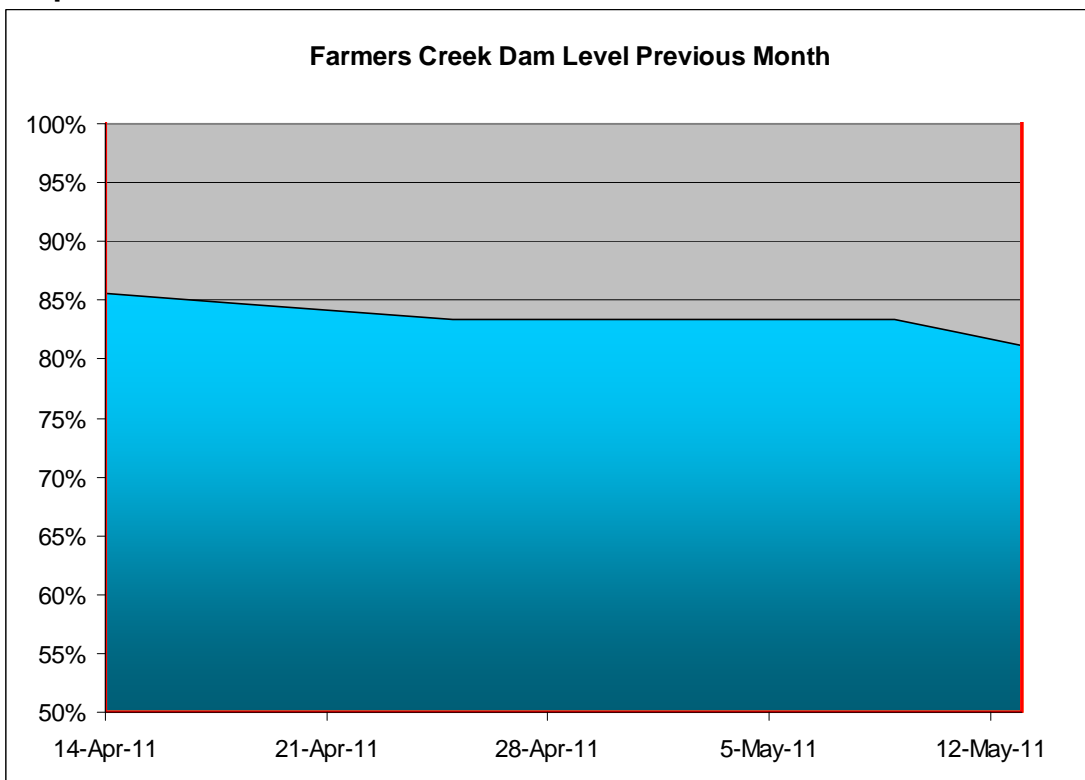
### FARMERS CREEK DAM 12 MONTH LEVELS

The attached graphs show the storage volume for the last twelve months and for the previous month

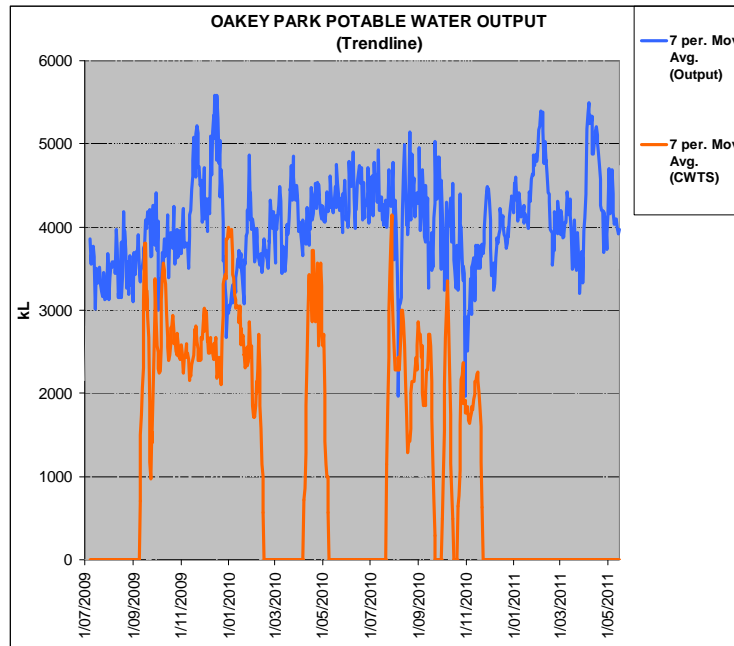
**Graph 2 Farmers Creek Dam #2 over 12 Months**



**Graph 3 Farmers Creek Dam #2 over 1 Month**



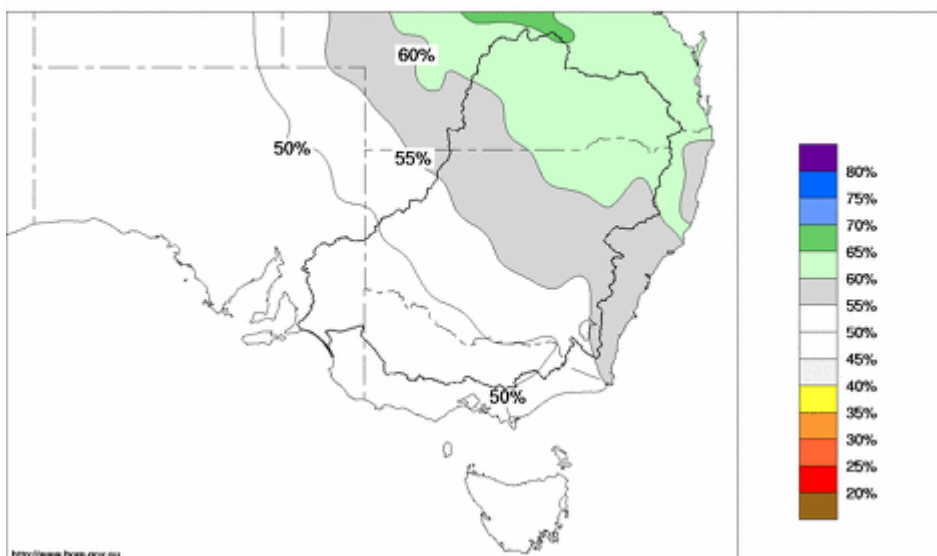
**Graph 4 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use**



**FARMERS CREEK DAM #2 STORAGE OUTLOOK**

The May to July outlook for southeastern Australia shows moderate to strong odds favouring a wetter than normal season over northeastern New South Wales. The pattern of seasonal rainfall odds across southeastern Australia has been produced using recent Pacific and Indian Ocean temperature patterns. This outlook is mainly a result of warm conditions in the Indian Ocean, along with cool conditions in the central tropical Pacific Ocean associated with the current La Niña.

Chance of exceeding the median Rainfall June to August 2011  
Product of the National Climate Centre



The chances of receiving above median rainfall during the May to July period are between 60 and 75% over the northeastern half of New South Wales (see map). Such odds mean that for every ten years with similar ocean patterns to those currently observed, about six to seven May to July periods would be expected to be wetter than average in northeastern New South Wales, while about three to four years would be drier.

Outlook confidence is related to how consistently the Pacific and Indian Oceans affect Australian rainfall. During the May to July period, history shows the effect to be moderately consistent for Tasmania, through the southern agricultural districts of South Australia, most of New South Wales apart from the southwest, and in most of Victoria. Elsewhere the effect is only weakly or very weakly consistent.

La Niña conditions have weakened in the tropical Pacific. Computer models surveyed by the Bureau suggest the current La Niña event will persist through the southern hemisphere autumn and return to neutral levels by the southern winter.

NSW recorded its 9th consecutive month of above average rainfall (area-averaged across the state). The Murray Darling Basin recorded a catchment average of 65.1 mm during March, above the historical average of 38.6mm. Most forecast locations reported above average streamflows in March and seven had record March streamflows including locations in the Kiewa, Ovens, Goulburn, Upper Murray and Murrumbidgee catchments.

#### **La Niña weakens as the Pacific warms**

The tropical Pacific Ocean warmed only slightly over the last fortnight, with temperatures continuing to approach their normal values for this time of year. The recent warming in the Pacific Ocean is consistent with the life cycle of past La Niña events, which tend to decline during the southern hemisphere's autumn. All available climate models suggest further weakening of the La Niña over the coming months, with a return to neutral conditions likely by the southern hemisphere winter. Contrasting with the ocean, atmospheric indicators of the La Niña including trade winds, cloudiness and the Southern Oscillation Index (SOI) have shown little trend and remain consistent with a well developed La Niña event. These atmospheric indicators are expected to return to neutral over the coming months in response to changes in the ocean.

#### **ALTERNATE WATER SOURCES UPDATE**

The Marrangaroo Zone is currently being supplied from the Oakey Park Water Treatment Plant via Cook St High Level Reservoir and the trial delivery of water from this source to Wallerawang and Portland is programmed to take place as soon as State Water staff are available.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

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

## RECOMMENDATION

**THAT** the information in relation to water management issues be noted.

**ITEM: 11            OPER - 30/05/11 - PROPOSED WEST BOUND MARRANGAROO  
                         CREEK BRIDGE REPLACEMENT PROGRAMME - GREAT WESTERN  
                         HIGHWAY LITHGOW**

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

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## REFERENCE

OzArk EHM Pty Ltd has recently been commissioned by the Roads & Traffic Authority of NSW to undertake a review of environmental factors for the proposed replacement of the West Bound Bridge on the Great Western Highway at Marrangaroo Creek North West of Lithgow.

## SUMMARY

The Bridge on the Great Western Highway appears to be one bridge but is in fact two separate structures, with the East Bound Bridge being constructed in 1977 and being in good condition, however the West Bound Bridge is in poor condition as it was built in 1927. The West Bound Marrangaroo Creek Bridge listed in the RTA Section 170 Heritage and Conservation Register has been assessed as having local significance. The preferred option for the replacement of this bridge is to demolish the existing bridge and construct a new bridge on the existing alignment and level.

## COMMENTARY

The project objectives for the West Bound Bridge replacement have been identified as

- (1) Provide an expansive wide and smoother surface and low maintenance cost bridge on the existing road alignment.
- (2) Provide a bridge to current structural and width standards
- (3) Construct the pavement in the bridges and approaches to a minimum 20 year design life and a maximum initial roughness of less than 45 counts per kilometre.
- (4) The formation of width including drainage structures is to be provided to the width standard of 11 metres. The Seal width is to be 9.5 metres made up of 2 x 3.5 metre lanes plus 1 x 2.5 metre shoulder and seal. The right shoulders and median are divided carriageway are project specific but generally should match the existing configuration.
- (5) Design the streets down to 100kph.

- (6) Provide a cycleway on the down stream side of the bridge by continuing the 2.5 metre sealed shoulder across the bridge.
- (7) Evaluate flooding levels and provide flooding immunity improvements where appropriate.
- (8) Establish heritage outcomes for the bridge.
- (9) Retain the median between the east bound and west bound bridges.
- (10) Aesthetically match the east bound and west bound bridges from the drivers view point.

East Bound Bridge, provide a cycleway upstream of the east bound bridge by removing the walkway considered redundant since closure of the local primary school and make minor improvements to the sealed shoulders on the East Bound road approaches. The designation of a cycleway either side of the bridges in both directions will cater for cyclists and pedestrians, eliminating the need for them to merge with vehicular traffic to cross the bridge.

Once the review of the environmental impact is in final draft a copy will be made to Council for information, however if Council has any comments to make in regards to the proposal, these are to be forwarded to the relevant consultants.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

##### **THAT:**

1. Council note the report on the proposed West Bound Marrangaroo Creek Bridge Replacement Programme; and
2. Council indicate it has no objections or comments in regards to the proposed replacement of the West Bound Marrangaroo Creek Bridge on the Great Western Highway.

**ITEM: 12            OPER - 30/05/11 - LITHGOW AND DISTRICT WORKMEN'S CLUB LIMITED - PROPOSED ROAD CLOSURE AND PROPOSED DEVELOPMENT APPLICATION FOR A MOTEL**

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

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**SUMMARY**

Following a meeting with the General Manager of the Lithgow Workmen's Club a proposal has been received, stating that the club wishes to develop a motel on the land to the north of O'Grady's Tavern.

On review it appears part of the land on which the club wishes to build may currently be owned by Lithgow City Council. The area is hatched on Plan 1 and is covered by the old DP 3364. The area is currently used as a car park and the alfresco garden and represents an unused section of a public laneway.

To progress forward with the proposed motel development on this site the Club requires having this portion of the lane closed.

**COMMENTARY**

The Club will also in the near future be lodging a development application to demolish he properties at of 15 Tank St, possibly 17 Tank St and 4 & 6 Union St.

These building are in various stages of dereliction and the Club believes that it would be of benefit to the community to have these removed. In order to facilitate both the motel development application and the demolition development application, the Club is requesting that the lane area be closed and attached to the Club's title. The area is shown on plan 2. In compensation for the closure above the Club is suggesting that the area hatched on plan 3 be designated as a new laneway which will be accessed from Union St. The cost of this new infrastructure will be borne by the Club including the sealing of the laneway and the construction of kerb and guttering in accordance with Council's Operations department.

The Club believes that this proposed action benefits all parties and that the Community will have another Motel to facilitate accommodation and the removal of the derelict housing and shed will improve the physical surrounds of the town. There will be a reduction of land area which will reduce the cost of maintenance to Council, and the new lane infrastructure will also be a cost benefit to Council

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Maps

## **RECOMMENDATION**

### **THAT:**

1. The proposal to close a unformed section of laneway as show in DP 3364 currently located in the car park of the Lithgow & District Workmen's Club be approved;
2. The proposal to create a new public laneway in conjunction with the demolition of 15 Tank St, possibly 17 Tank St and 4 & 6 Union St., subject to Development Approval, accessing the existing Tank St Lane from Union St be approved in principle; and
3. All costs associated with the laneway closure and construction e the responsibility of the Lithgow and District Workmen's Club.

## COMMUNITY AND STRATEGY REPORTS

ITEM: 13      COMM - 30/05/11 - DRAFT MANAGEMENT PLAN 2011/12 - 2014/15

REPORT FROM: CORPORATE STRATEGY AND COMMUNICATIONS OFFICER,  
DEBORAH MCGRATH

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### REFERENCE

Min No 11-138:      Ordinary Meeting 18 April 2011  
Min No 11-139:      Ordinary Meeting 18 April 2011

### SUMMARY

This report recommends the adoption of the combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 with identified amendments and consideration of submissions received prior to the advertised closing time of 4.30pm on Monday 16 May 2011.

### COMMENTARY

Council at the Ordinary Meeting of 18 April 2011 resolved to place the combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 on public exhibition for a period of 28 days from 19 April – 16 May 2011. Following the resolution extensive advertising was conducted through the local media and copies of the plan were made available at various locations:

- Council's website: <http://www.council.lithgow.com>
- Council Administration Centre
- Lithgow Library Learning Centre
- Wallerawang Library
- Portland Library

Six community information sessions were held throughout the Local Government Area during the exhibition period:

- Thursday 28<sup>th</sup> April 2011 at 7.00pm – Old School Hall, Hartley
- Tuesday 3 May 2011 at 6pm – Council Chambers, Lithgow
- Wednesday 4 May 2011 at 6pm – Wallerawang Sporting Complex
- Wednesday 4 May 2011 at 8pm – Portland Central School Library.
- Thursday 5 May 2011 at 7pm – Hampton Public School Library
- Wednesday 11 May 2011 at 7pm – Cullen Bullen Progress Hall

Minutes from the community information sessions are provided as Attachment 1.

### Public Submissions

Council received 7 submissions to the plan prior to the advertised closing date of 4.30pm Monday May and one received on 18 May 2011. A copy of each submission is provided as Attachment 2.

The following table provides a summary of the submissions received.

SUBMISSION BY	REQUEST	OFFICERS RECOMMENDATIONS
Councillor 1	\$20,000 allocated to the Lithgow Golf Club for Clubhouse maintenance be reduced to \$10,000.	\$20,000 currently allocated in the budget be reduced to \$10,000.
	An additional \$10,000 be allocated towards preparation for the Lithgow Tidy Towns events to be held in November 2011 and March/April 2012.	There is currently \$10,000 allocated in cash and \$10,000 in-kind to the Tidy Towns events for November 2011.  In addition Council allocate \$10,000 to the National Tidy Town Awards subject to the Awards being held in Lithgow in 2012.
	\$250,000 be taken from reserves and allocated to the restoration of Hassens Walls Lookout.	\$250,000 currently allocated in infrastructure reserves be allocated to Hassans Walls Reserve. Note any such works are unlikely to be fully completed in this financial year.
Staff 1	The allocation for the Museums Advisor's Scheme be reduced from \$12,000 to \$6,000 for the 2011/12 financial year.	That Council reduce the Museums & Galleries expenditure from \$12,000 to \$6,000 in the 2011/12 financial year to reflect that the grant of \$6,000 has

		been received and will be spent in the 2010/11 financial year.
Community 1	Council employ an Environmental Officer for Natural Resource Management.	That grant funding opportunities be investigated for Natural Resource Management.
	Allocate funding to complete required Plans of Management for reserves and crown lands to manage and formalise their use including ribbon flora surveys adjacent to roads and fire trails.	<ol style="list-style-type: none"> <li>1. Council will be developing a Generic Community Lands Plan of Management for Council owned land as a priority. Management Plans for Crown Lands will follow.</li> <li>2. \$60,000 has been identified in 2011/12 for site specific Community Lands Plans of Management. (p.34)</li> </ol>
	<ol style="list-style-type: none"> <li>1. Allocate financial resources to identify and protect our natural environment in particular environmentally sensitive areas such as Hassan Walls Reserve.</li> <li>2. Council review the Plan</li> </ol>	<ol style="list-style-type: none"> <li>1. It is proposed for \$250,000 currently allocated in infrastructure reserves be allocated to Hassans Walls Reserve (See Councillor submission above).</li> </ol>

	of Management for Hassans Walls developed by David Goldney and update.	2. That grant funding opportunities be investigated for Natural Resource Management
	Provide signs indicating NO WOOD COLLECTION in Hassans Walls.	1. Locations for signage be investigated and installed.
	Employ a ranger to do random checks, especially at weekends and after usual hours of potential wood collecting sites at Hassans Walls and other natural areas.	2. Random patrols of the area to be undertaken by the Rangers.
	Provide green waste Sulo bins	Council is currently finalising the Waste and Recycling Strategy and this submission will be taken into consideration.
Community 2	How is the Council planning to encourage new businesses to the area? What incentives can Council provide to new businesses or to help existing businesses to remain open? There seems to be a large number of empty shops in Main Street.	Council's Economic Development Strategy highlights the work Council is doing in encouraging new business. This is being implemented through the Management Plan on pages 43-45.
	Considers Council	1. Stage 1 of the Aquatic

	<p>operating costs excessive and suggests savings be diverted into community projects such as an Indoor Aquatic Centre or Adventure Park</p>	<p>Centre is anticipated to be completed by late 2011.</p> <p>2. \$50,000 has been identified for 2011/12 to identify an appropriate site and commence design of an Adventure Playground.</p>
	<p>There seems to be little or no recycling bins for businesses. Suggest more education/information on recycling be provided.</p>	<p>1. Council is currently finalising the Waste and Recycling Strategy and this submission will be taken into consideration.</p> <p>2. Council provides information about recycling on its website and in Council Connections.</p> <p>3. The Urban Sustainability Program has developed a newsletter for the community "<i>Steps to a Sustainable Lithgow</i>" which educates on recycling and sustainability.</p>
	<p>Looking at the figures in the Management Plan, the</p>	<p>The Special Rate Levy provides income of</p>

	<p>estimated yield for special rates is approx. \$1m per year whilst the works program is spending less than \$500k. What is the remainder of the levy being uses for?</p>	<p>\$471,026 which is fully utilised on previously identified projects approved by the Division of Local Government \$374,959 on Capital Road improvements and \$96,067 on Capital Building infrastructure.</p> <p>Council has contacted correspondent to clarify how \$1M was assumed as special rate income.</p>
Community 3	<p>Given the significance of Aboriginal Cultural Heritage, it should be a standalone item in the plan and should be funded appropriately.</p>	<p>It is recommended that this matter be considered as part of the development of the Community Strategic Plan 2021.</p>
	<p>Special events such as NAIDOC, Sorry Day and Reconciliation Day should received recurrent funding of \$10,000</p>	<p>Mingaan Aboriginal Corporation to be advised to submit an Events Plan and apply for financial assistance under <i>Policy 4.4 – Financial Assistance – Section 356 of the Local Government Act.</i></p>
	<p>Mingaan Aboriginal Corporation should be included in all stages of:</p>	<p><i>Policy 4.15 – Consultation with Aboriginal People</i> details Council's protocols</p>

	<ol style="list-style-type: none"> <li>1. Land Management Conservation Projects</li> <li>2. Cultural Heritage Site Assessment works for Land Development</li> </ol>	<p>in relation to consultation with Aboriginal people.</p>
	<p>Mingaan Aboriginal Corporation should be included in consultation for fire management.</p>	<p>This is to be referred to the Bushfire Advisory Committee for consideration.</p>
	<p>Aboriginal Community Health – Facilities and Services required for the Lithgow Community.</p>	<p>Council advise the Sydney West Area Health Service that this matter has been raised.</p>
	<ol style="list-style-type: none"> <li>1. A policy for addressing the shortage of permanent Aboriginal Housing is needed urgently.</li> <li>2. A hostel for Aboriginal families or people with temporary status in the Lithgow community is required.</li> </ol>	<p>Council advise the Department of Housing that these issues have been raised.</p>
	<p>Mingaan Aboriginal Corporation would like to have involvement in educational programs to schools and the broader community on Aboriginal Cultural Heritage values.</p>	<p>Council advise the Department of Education that this matter has been raised.</p>

	<p>Mingaan Aboriginal Corporation would like to form a partnership with the Council and be involved with encouraging tourism to our local area focusing on the promotion of Lithgow Aboriginal Cultural Heritage and the Environment.</p>	<p>Mingaan Aboriginal Corporation will be invited to have input into the Lithgow Tourism Strategy. The information put forward in this submission will be noted as a potential action for the strategy.</p>
	<p>Council and Mingaan Aboriginal Corporation to work together to establish a much needed Wiradjuri Elders Group for Lithgow.</p>	<p>Representatives of Mingaan Aboriginal Corporation be invited to attend a Councillor Information Session to discuss the issues raised in this submission and any other issues they have.</p>
	<p>Mingaan Aboriginal Corporation suggests the development of an Aboriginal community position on the board of Lithgow City Council.</p>	<ol style="list-style-type: none"> <li>1. It be noted that Council is an elected body by the community.</li> <li>2. Representatives of Mingaan Aboriginal Corporation to be invited to attend a Councillor Information Session to discuss the issues raised in this submission and any other issues they have.</li> </ol>

Community 4	<p>Express concern that there is no funding allocated for projects and development of activities for youth and suggests the following:</p> <ol style="list-style-type: none"> <li>1. Organise and sponsor a quarterly “Youth Artfest”</li> <li>2. Sponsor and organise a half-yearly “Skate Competition” at the Skatepark.</li> <li>3. Investigate the costs of a purpose-built bike track.</li> <li>4. Investigate the option of an amusement centre for local youth.</li> </ol>	<ol style="list-style-type: none"> <li>1. The suggestions included in the submission to be forwarded to the Youth Council for investigation.</li> <li>2. Funding and sponsorship opportunities be investigated for the items suggested in the submission.</li> <li>3. \$50,000 has been identified for 2011/12 to identify an appropriate site and commence design of an Adventure Playground.</li> </ol>
Community 5	<p>Expressed concern that <i>“no real budget planning has been done with this document...”</i> and the lack of community attendance at the Lithgow public forum</p> <ol style="list-style-type: none"> <li>1. No further plans for upgrades to skate parks in the area.</li> <li>2. Council expenditure – in particular shopping</li> </ol>	<ol style="list-style-type: none"> <li>1. \$20,000 has been allocated to new equipment at Wallerawang and Portland Skate Parks (p34).</li> <li>2. Council has an existing long-term agreement for supply and maintenance of all security cameras installed on Council</li> </ol>

	<p>locally – cost of funds allocated for CCTV Cameras - \$30,000</p> <p>3. Dissatisfaction at the cost to Council to maintain the golf club.</p> <p>4. Lack of funding for Maintenance for tourism assets such as lookouts and Blast Furnace Park.</p>	<p>properties.</p> <p>3. In addition to recurrent funding for the maintenance of Council assets and lookouts – Council has received funding for the upgrading and management of Blast Furnace Park as follows:</p> <ul style="list-style-type: none"> <li>• \$50,000 for the upgrade of walkways, fencing and viewing platforms.</li> <li>• \$50,000 for the upgrade of walkways, signage and view areas at Lake Pillans Wetlands</li> <li>• \$100,000 grant funding has been received from Xstrata Coal for the development of the Lithgow History Walk which links Eskbank House</li> </ul>
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		<p>Museum, Blast Furnace Park and Lake Pillans Wetlands.</p> <p>4. It is proposed for \$250,000 currently allocated in reserves to be allocated to Hassans Walls Reserve (See Councillor submission above).</p>
Community 6	<p>1. Requesting information on works to be undertaken on the Glen Alice Road, particularly in the Mt Marsden area as part of the Roads to Recover Program.</p> <p>2. Requesting a detailed works program for the Glen Alice and Glen Davis Roads as part of the Roads to Recovery upgrade program.</p>	<p>1. The following allocations have been identified for works on the Glen Alice Road in the Mount Marsden area:</p> <ul style="list-style-type: none"> <li>• Roads to Recovery Program \$160,000 - 1.5-2km</li> <li>• Rural Sealed Roads Rehabilitation Program - \$109,000 – 1km</li> </ul> <p>2. A program of works to be undertaken on Glen Alice and Glen Davis</p>

		Roads will be made available for the applicant.
	Noting that no funding has been allocated to upgrade Pearsons Lookout and requesting Council and the RTA make representations to the Minister to resolve issues relating to the lookout.	Council has recently requested the Member for Bathurst to make representations to the Premier for a meeting to be held with residents of the Capertee area and Council to find a solution for keeping the lookout open.
	Noting no money has been allocated for maintenance of secondary roads such as Dunville Loop, Genowlan Road, Port Macquarie Road, Home Hills Roads and other roads in the Capertee Valley.	Maintenance works for all rural roads are taken into account as part of Councils recurrent budget for each financial year.
	Noting dissatisfaction that the Draft Heritage Control Plan Study did not include localities within the Capertee Valley.	The Draft Study is currently being advertised for comment. The respondent has been advised that comments can be submitted relating to the study.
	Requesting that the residents of the Capertee Valley be included in the	The Community Engagement Strategy for the Community Strategic

	community consultation for the development of the community strategic plan.	Plan 2021 will ensure that all residents are given an opportunity to participate in the process.
	Noting that the construction of a Waste Transfer Station at Glen Alice is not included in the Draft Management Plan.	The location and priority order of Waste Transfer Stations is being investigated as part of the Waste and Recycling Strategy.

### **Minor alterations required of the Draft 2011/12 – 2014/15 Management Plan**

Two minor changes have been made to the Draft Management Plan 2011/12 – 2014/15:

1. The Road Safety Officers program. This program is now jointly funded with the Roads and Traffic Authority. Mid Western Council will be discontinuing participation in the program from 1 July 2011.
2. An alteration to the wording on page 97 in the paragraph under the heading Special Rate Variation to the Ordinary Rate for Infrastructure Improvements. Last sentence of the paragraph to currently reads: "This special rate will be ongoing for 10 years including 2011/12, 2012/13, 2013/14 and 2014/15 and is included as follows:" Delete the words "as follows" and change to: " *within the following general levy:*"

### **Fees and Charges**

No submissions were received in relation to the Fees and Charges Schedule:

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

When adopted the combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 includes the Council's Revenue Policy for the next four financial years.

### **LEGAL IMPLICATIONS**

Council is required to prepare a Management Plan by 30 June each year.

### **ATTACHMENTS**

1. Public submissions submitted to the Lithgow City Council combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 by the closing date 4.30pm Monday 16 May and on 18 May 2011.

## RECOMMENDATION

### THAT:

1. Council notes the receipt of 7 submissions received prior to the closing date of the combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 at 4.30pm on the 16 May 2011 and one received on 18 May 2011.
2. Council adopts the Lithgow City Council combined Draft Management Plan 2011/12 – 2014/15 and Draft Operations Plan 2011/12 with the following amendments:
  - a. The allocation for the Lithgow Golf Club be reduced to \$10,000.
  - b. \$10,000 be allocated to the 2012 National Tidy Towns Awards subject to their being held in Lithgow.
  - c. \$250,000 currently allocated in reserves be allocated to Hassans Walls Reserve.
  - d. The Museums and Galleries Expenditure for 2011/12 be reduced to \$6,000 from \$12,000.
  - e. Grant funding opportunities be investigated for Natural Resource Management.
  - f. 'No Wood Collection' signage be installed in Hassans Walls Reserve.
3. Council, in addition to the above and separately to the Management Plan submissions:
  - a. Advise Mingaan Aboriginal Corporation to submit an Events Plan and apply for financial assistance to conduct annual activities such as NAIDOC, Sorry Day and Reconciliation Day.
  - b. Forward the matter of Inclusion of Mingaan Aboriginal Corporation in consultation regarding fire management to the Bush Fire Advisory Committee for consideration.
  - c. Forward the matter of Aboriginal Community Health Facilities and Services in Lithgow to the Sydney West Area Health Services
  - d. Forward the matter of the shortage of permanent aboriginal housing and hostel accommodation in the Lithgow area, as raised by Mingaan Aboriginal Corporation to the Department of Housing
  - e. Forward the matter of the involvement by Mingaan Aboriginal Corporation in educational programs for local schools to the Department of Education
  - f. Mingaan Aboriginal Corporation be invited to have input into the Lithgow Tourism Strategy.
  - g. Representatives of Mingaan Aboriginal Corporation be invited to attend a Councillor Information Session.

**ITEM: 14            COMM - 30/05/11 - SECTION 356 FINANCIAL ASSISTANCE TO  
COMMUNITY ORGANISATIONS**

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

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**REFERENCE**

Min No 10-539: Ordinary Meeting of Council 13 December 2010

Min No 11-02: Ordinary Meeting of Council 24 January 2011

Min No 11-74: Ordinary Meeting of Council 7 March 2011

**SUMMARY**

1. Following a 28 day public exhibition period, this report recommends that amended policy 4.4, Financial Assistance Under Section 356 of the Local Government Act, be adopted by Council.
2. This report also considers requests for Round 1 2011/12 Non-Recurrent Financial Assistance.

**COMMENTARY**

**1. Revised Policy 4.4**

Council resolved at the Ordinary Meeting of Council dated 7 March 2011 (Min 11-74), an expansion to the number of organisations receiving Recurrent Financial Assistance under Policy 4.4, Financial Assistance Under Section 356 of the Local Government Act, as follows:

*THAT*

1. *The following organisations be categorised in 2011/12 and subsequent financial years as recipients of Recurrent Financial Assistance with the amounts allocated to be adjusted for CPI:*
  - Lithgow Tidy Towns \$2,000*
  - Wallerawang Tidy Towns \$1,000*
  - Portland Tidy Towns \$1,000*
  - Cullen Bullen Tidy Towns \$1,000*
  - School Presentation Nights \$750*
  - Lithgow Golf Club \$2,000*
  - Portland Golf Club \$800*
  - Lithgow Information and Neighbourhood Centre Rental Assistance \$15,000*
2. *Council Policy 4.4, Financial Assistance Under Section 356 of the Local Government Act be amended to reflect that these organisations receive Recurrent Financial Assistance.*
3. *The revised Policy 4.4, Financial Assistance Under Section 356 of the Local Government Act be placed on public exhibition for 28 days.*

The amended Policy 4.4 was placed on public exhibition for 28 days until 4 April 2011. With completion of the exhibition period and with no public submissions being received, the amended policy is now presented to Council for adoption.

## 2. Round 1 2011/12 Non-Recurrent Financial Assistance

Council has allocated a total of \$133,049 Financial Assistance in the 2011/12 Management Plan for distribution to community organisations. Of this amount, \$79,149 has been allocated for Recurrent Financial Assistance to the following organisations:

Lithgow Tidy Towns	\$2,000
Portland Tidy Towns	\$1,000
Cullen Bullen Tidy Towns	\$1,000
Wallerawang Tidy Towns	\$1,000
Ironfest	\$11,012
Lithgow Business Association	\$11,012
Arts OutWest	\$11,375
Solid Fuel Rebate	\$9,300
Lithgow Show	\$8,224
White Ribbon Day	\$825
LINC Rental Assistance	\$15,000
Western Region Academy of Sport	\$1,651
Lithgow Golf Club Sponsorship	\$2,000
Portland Golf Club Sponsorship	\$800
Portland Art Show	\$2,200
School Presentations	\$750
<b>Total Recurrent</b>	<b>\$79,149</b>

Council has also allocated \$53,900 Non-Recurrent Financial Assistance in the 2011/12 Management Plan for distribution throughout the 2011/12 Financial Year. Councillors should note that the amount of allocated Non-Recurrent Financial Assistance is less than in previous years as a number of Non-Recurrent Financial Assistance recipients now receive Recurrent Financial Assistance.

There will be two funding rounds for the allocation of the 2011/12 Non-Recurrent Financial Assistance, in April and October 2011.

Applications from the community for the first round of 2011/12 Non-Recurrent Financial Assistance were open from 1 – 30 April 2011 for allocation in July 2011.

This report considers those requests for Non-Recurrent Financial Assistance. A further report will be presented to Council in December 2011 detailing requests under the second round of 2011/12 Non-Recurrent Financial Assistance.

<b>Applicant Name</b>	<b>Project Name</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Lithgow Community Transport	Rental Assistance	\$10,400	\$2,000
Lithgow Community Transport	Replacement Photocopier	\$2,500	\$0
Rydal Village Association	Daffodils At Rydal	\$2,994	\$2,000
Portland Combined Pensioners Association	New Curtains And Floor Sanding School Of Arts	\$5,000	\$2,000
Lithgow Community Projects	Lithgow Cares Domestic Violence Campaign	\$2,950	\$2,000
Lithgow Community Projects	Art for Youth Project	\$1,800	\$1,000
Community Drug Action Team C/- Lithgow Community Projects	Cinema under the Stars	\$3,000	\$1,000
Lithgow Community Projects	Rock Up Youth Events	\$5,000	\$1,000
Matthew Sharp Scholarship Fund	Educational Scholarships	\$2,000	\$2,000
Lithgow Fencing Academy	Equipment	\$10,000	\$0
Mingaan Aboriginal Corporation	Administration Costs	\$5,000	\$2,000
Lithgow District Car Club	Rates Waiver	\$1,109	\$800
Lithgow Legacy	Operating Costs	\$3,000	\$1,000
Lifeline Central West	Volunteer Telephone Counsellor Training	\$1,500	\$1,000
LINC	Supported Playgroups	\$3,100	\$2,000
LINC	Social Support Service	\$3,000	\$0
LINC	Meals On Wheels	\$3,000	\$0
Gindaay Youth Centre	Portland Homework Centre	\$3,000	\$2,000
Rydal AH & P Society	Sponsorship Of Heavy Horse Section of Rydal Show	\$1,000	\$500
Central Tablelands Industry Links	Schools-Industry Links	\$1,000	\$1,000
Wallerawang Lidsdale CWA	Partial Rates Waiver	\$1,632	\$800
Lithgow Highland Pipe Band	Purchase New Glengarries	\$2,000	\$1,000
Rydal Showground	Upgrade Power Supply	\$1,200	\$1,000

Applicant Name	Project Name	Amount Requested	Amount Recommended
Trust	To Rydal Showground		
Lithgow City Band	New Uniforms, New Music and Hall Maintenance	\$2,000	\$1,000
State Mine Heritage Park	Administrative Costs	\$3,000	\$2,000
Friends Of Lithgow District	Set Up Costs For Historical Museum	\$3,000	\$1,000
Greater Lithgow Arts Council	Waiver Union Theatre Fees And Charges	\$252	\$252
Portland Men's Shed	Establish Workshop Facilities	\$3,750	\$2,500
Lithgow Men's Shed	Establishment Costs	\$2,890	\$2,500
Mitchell Conservatorium	Sponsorship Of Student Scholarships	\$1,150	\$800
Zig Zag School	Kitchen Garden	\$3,000	\$1,000
Scouts Australia	1st Portland Scouts Camping Program	\$800	\$800
Wallerawang Kids Club	Wallerawang Memorial Hall Fee Waiver	\$700	\$700
Sailability Lake Wallace	Maintenance Of Craft and Insurance	\$1,200	\$800
Lithgow Correctional Centre	Naidoc Week Celebrations	\$500	\$0
The Smith Family	Learning For Life Program	\$5,000	\$3,000
Lithgow Flash Dragons	Dragon Boat Purchase	\$9,500	\$0
Gorrie Ban	Seniors Week Concert	\$1,000	\$1,000
Fee Waivers throughout the year		\$0	\$1,000
<b>Total Applications</b>		<b>\$112,927</b>	<b>\$44,452</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 and has allocated a total of \$133,049 in the draft 2011/12 Management Plan.

Council has already allocated \$79,149 in the draft 2011/12 Management Plan for Recurrent Financial Assistance.

The Council has set aside \$53,900 in Non-Recurrent Financial Assistance for distribution throughout the 2011/12 Financial Year of which \$44,452 is recommended for allocation in July 2011.

This will leave a further \$9,448 in Non-Recurrent Financial Assistance for distribution in October 2011.

## LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

## ATTACHMENTS

NIL

## RECOMMENDATION

### THAT:

1. Council adopts revised Policy 4.4, Financial Assistance Under Section 356 of the Local Government Act as exhibited for 28 days until 4 April 2011.
2. Council provides Non-Recurrent Financial Assistance to the following organisations in 2011/12

Applicant Name	Project Name	Amount Recommended
Lithgow Community Transport	Rental Assistance	\$2,000
Lithgow Community Transport	Photocopier Replacement	\$0
Rydal Village Association	Daffodils At Rydal	\$2,000
Portland Combined Pensioners Association	New Curtains And Floor Sanding School Of Arts	\$2,000
Lithgow Community Projects	Lithgow Cares Domestic Violence Campaign	\$2,000
Lithgow Community Projects	Art for Youth Project	\$1,000
Community Drug Action Team C/- Lithgow Community Projects	Cinema under the Stars	\$1,000
Lithgow	Rock Up Youth Events	\$1,000

<b>Applicant Name</b>	<b>Project Name</b>	<b>Amount Recommended</b>
Community Projects		
Matthew Sharp Scholarship Fund	Educational Scholarships	\$2,000
Lithgow Fencing Academy	Equipment	\$0
Mingaan Aboriginal Corporation	Administration Costs	\$2,000
Lithgow District Car Club	Rates Waiver	\$800
Lithgow Legacy	Operating Costs	\$1,000
Lifeline Central West	Volunteer Telephone Counsellor Training	\$1,000
LINC	Supported Playgroups	\$2,000
LINC	Social Support Service	\$0
LINC	Meals On Wheels	\$0
Gindaay Youth Centre	Portland Homework Centre	\$2,000
Rydal AH & P Society	Sponsorship Of Heavy Horse Section of Rydal Show	\$500
Central Tablelands Industry Links	Schools-Industry Links	\$1,000
Wallerawang Lidsdale CWA	Partial Rates Waiver	\$800
Lithgow Highland Pipe Band	Purchase New Glengarries	\$1,000
Rydal Showground Trust	Upgrade Power Supply To Rydal Showground	\$1,000
Lithgow City Band	New Uniforms, New Music And Hall Maintenance	\$1,000
State Mine Heritage Park	Administrative Costs	\$2,000
Friends Of Lithgow District	Set Up Costs For Historical Museum	\$1,000
Greater Lithgow Arts Council	Waiver Union Theatre Fees And Charges	\$252
Portland Men's Shed	Establish Workshop Facilities	\$2,500
Lithgow Men's Shed	Establishment Costs	\$2,500
Mitchell Conservatorium	Sponsorship Of Student Scholarships	\$800
Zig Zag School	Kitchen Garden	\$1,000
Scouts Australia	1st Portland Scouts Camping Program	\$800
Wallerawang Kids Club	Wallerawang Memorial Hall Fee Waiver	\$700

Applicant Name	Project Name	Amount Recommended
Sailability Lake Wallace	Maintenance Of Craft and Insurance	\$800
Lithgow Correctional Centre	Naidoc Week Celebrations	\$0
The Smith Family	Learning For Life Program	\$3,000
Lithgow Flash Dragons	Dragon Boat Purchase	\$0
Gorrie Ban	Seniors Week Concert	\$1,000
Fee Waivers throughout the year		\$1,000
<b>Total Applications</b>		<b>\$44,452</b>

**ITEM: 15          COMM - 30/05/11 - VACANT SHOPS LITHGOW CBD**

**REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE**

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**REFERENCE**

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

Min No 10-489: Ordinary Meeting of Council 22 November 2010

**SUMMARY**

This report provides a response to a request raised at the Ordinary Meeting of Council held on 12 July 2010 in relation to providing bi-annually the number of vacant shop premises in the Lithgow CBD.

**COMMENTARY**

On the 12 July 2010, the Council resolved

***THAT** a report be brought back to Council on a bi-annually basis advising of the number of vacant shop premises in the Lithgow CBD.*

As at 06 May 2011 there were 22 vacant shops on Main Street Lithgow - between Bridge Street and Lithgow Street. Although some businesses have moved to different parts of Main Street and some have expanded their business into adjacent premises the actual number of businesses remains the same as figures taken back in November 2010 when the last count was done.

The table below illustrates the change in vacant shop numbers since September 2008:

**Vacant shops on Main Street Lithgow - between Bridge Street and Lithgow Street**

<b>Date</b>	<b>Number of vacant shops</b>	<b>Yearly % change</b>
Oct 2008	48	-
Sept 2009	27	44% decrease
Nov 2010	22	19% decrease
May 2011	22	No change

Some notable changes in the past few months include the following:

- Lithgow Lighting moving from Main Street to the corner of Eskbank and Mort Streets.
- Commonwealth Bank moving to the former Leading Edge Electronics premises.
- Angus and Robertson closing down on Main Street and Leading Edge Electronics relocating there.
- Alana Linen shop moving from the Lithgow Plaza to Main Street.
- Dry Cleaners relocating to larger premises further up Main Street.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

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

**ATTACHMENTS**

Nil

**RECOMMENDATION**

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

**ITEM: 16            COMM - 30/05/11 - APPLICATION TO REGIONAL DEVELOPMENT AUSTRALIA - UNIVERSITY OF WESTERN SYDNEY**

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

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**REFERENCE**

Min No 09-336: Ordinary Meeting of Council 3 August 2009  
Min No 10-370: Ordinary Meeting of Council 23 August 2010  
Min No 11-149: Ordinary Meeting of Council 18 April 2011

**SUMMARY**

This report provides an update on the progress of the University of Western Sydney's application for funding to upgrade the Hoskins Building. The report also recommends, in principle, terms for leasing arrangements should funding be received.

**COMMENTARY**

As Council is aware, an approach has been made by the University of Western Sydney for the use of the Hoskins Building for a University Campus.

On the 23 August 2010 the Council resolved:

*THAT Council*

- 1. Supports in principle the application for funding by University of Western Sydney for the establishment of a University College presence in Lithgow.*
- 2. Concurs with the development of the project as outlined in the letter from University of Western Sydney dated 17<sup>th</sup> August, 2010.*

The University of Western Sydney (UWS) are very keen to pursue funding for the Lithgow College Campus through whatever means is available to ensure that the project proceeds.

UWS have advised that they were not successful in the first round of the Structural Adjustment Fund, however they have been invited to submit an application in the second round.

As part of its current submission for funding (closing date 15 June 2011), UWS have requested that the arrangement between Lithgow City Council and UWS for the long-term use of the building be clarified. This information will then be used to demonstrate the Council's in principle support for a long term leasing arrangement of the Hoskins Building with UWS.

It is recommended that Council authorise the General Manager to negotiate a lease along the following draft conditions, should funding be achieved. Note, the following should be considered to be indicative with further detail to be determined as part of the negotiations.

## **Draft conditions for negotiation**

### Lease of Building

*Initial lease period: 10 years*

*Option to renew: Further period of five years x 2*

*Maximum period of tenancy under the lease be 20 years.*

*The lease may be terminated by mutual consent of both parties.*

*The lease may be terminated by the Council should UWS not continue for whatever reason to provide educational services from the building.*

### Rent

*\$1 per year for term of lease.*

### Condition and Repairs

*The Council (lessor) will:*

- *Maintain in a state of good condition and serviceable repair the roof, the ceiling, the external walls and external doors and associated door jambs, and the floors of the property and must fix structural defects*
- *Maintain the property in a structurally sound condition; and*
- *Maintain essential services.*

*UWS (lessee) must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition but the lessee does not have to:*

- *Alter or improve the property; or*
- *Fix structural defects; or*
- *Repair fair wear and tear.*

*The lessee must also –*

- *Reimburse the lessor for the cost of fixing structural damage caused by the lessee, apart from fair wear and tear;*
- *Maintain and decorate the shop front if the property has one;*
- *Decorate the inside of the property in the last 3 months of the lease period (however it ends) – ‘decorate’ here means restoring the surfaces of the property in a style and to a standard of finish originally used e.g. by repainting;*

*If an authority requires work to be done on the property and it is structural work or work needed to make the property safe to use then the lessor must do the work unless it is required only because of the way the lessee uses the property. But if it is any other work or is required only because of the way the lessee uses the property then the lessee must do the work.*

*If the lessee fails to do any work that the lessee must do the lessor can give the lessee a notice in writing stating what the lessee has failed to do. After the notice is given the lessee must –*

- *Do the work immediately if there is an emergency; and*
- *Do the work promptly and diligently in any other case.*

*If the lessee does not do the work, the lessor can do it and the lessee must reimburse the lessor for the cost of the work.*

*The lessee must not make any structural alternations to the property. Any other alterations require the lessor's consent in writing (but the lessor cannot withhold consent unreasonably).*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

It is proposed that the Lithgow City Council would provide the Hoskins Building for use as a University College Campus at a nominal rent. UWS has estimated that the upgrade of the building, fitout and a provision for car parking, for use as a University College Campus, is in the vicinity of \$8 million. This is the subject of the grant funding.

Council would provide the building at nominal rent of \$1 per year. Council would be responsible for structural repairs to the building proper and UWS would maintain the property in its condition at the commencement of any lease period.

## **LEGAL IMPLICATIONS**

The site is classified operational under the Local Government Act, 1993 and therefore Council will have no restrictions under the Act in its dealings in relation to the site.

## **ATTACHMENTS**

NIL

## **RECOMMENDATION**

**THAT** Council:

1. Adopts in principle the draft conditions as outlined in this report for the future leasing of the Hoskins Building by the University of Western Sydney for a University College Campus. The conditions include, in brief:
  - Initial lease period of 10 years with an Option to Renew of two further periods of five years each
  - Maximum period of tenancy under the lease to be 20 years.
  - Rent to be fixed at \$1 per year for term of lease.
  - The Council (lessor) will maintain in a state of good condition and serviceable repair the building and must fix structural defects
  - UWS (lessee) must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition.
2. Authorises the General Manager to negotiate final terms of leasing of the Hoskins Building with the University of Western Sydney should funding be received for the building's upgrade and fitout.
3. Authorises the fixing of the Council seal to the lease document.

## FINANCE SERVICE REPORTS

ITEM: 17      FIN - 30/05/11 - GOODS AND SERVICES TAX CERTIFICATE 1ST  
MAY 2010 TO 30 APRIL 2011

### REPORT FROM - FINANCE MANAGER - CAROL FARNSWORTH

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#### REFERENCE

Nil

#### SUMMARY

To seek Council authorisation for the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the 'Goods and Services Tax Certificate' required by the Division of Local Government for the period 1 May 2010 to 30 April 2011.

#### COMMENTARY

The Division of Local Government (DLG) requires Council to report on GST compliance for the period 1 May 2010 to 30 April 2011 by the way of an authorised certificate which eliminates the requirement for external auditors to undertake a review of the GST system. The certificate in turn provides advice to the NSW Treasury and the Commonwealth Commissioner of Taxation.

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

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

- Voluntary GST has been paid by Lithgow City Council for the period 1 July 2010 to 30 April 2011*
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office”*

The following GST refunds have been claimed for the period:

MONTH	GST REFUND
<b>2010</b>	
May	298,192
June	340,422
July	395,126
August	37,687
September	264,531
October	206,673
November	216,868
December	462,530
<b>2011</b>	
January	101,243
February	240,027
March	86,853
April	94,012

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

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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Goods and Services Tax Certificate 1 May 2010 to 30 April 2011

#### **RECOMMENDATION**

**THAT** Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the Goods and Services Tax Certificate for the period 1 May 2010 to 30 April 2011, \$2,744,164 which states:

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

- *Voluntary GST has been paid by Lithgow City Council for the period 1 July 2010 to 30 April 2011*
- *Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.*
- *No GST non - compliance events by the Council were identified by or raised with the Australia Taxation Office”*

**ITEM: 18      FIN - 30/05/11 - NEGOTIATION OF LOAN FUNDS OF \$3,191,000 FOR THE 2010/11 LOAN BORROWING PROGRAM**

**REPORT FROM: FINANCE MANAGER - CAROL FARNSWORTH**

**REFERENCE**

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

**SUMMARY**

To advise Council of future negotiations to drawdown \$3,191,000 in loan funds as proposed in the 2010/11 loan borrowing program adopted in the Management Plan and defer the balance of the program to the 2011/12 Management Plan.

**COMMENTARY**

Council proposed in the 2010/11 Management Plan to borrow \$12,765,000 to complete major Water and Wastewater infrastructure which included work at Lithgow and Wallerawang treatment plants.

The original loan program of \$12,765,000 has been revised to allow for the internal loan of \$2,750,000 created between General and Sewerage Funds. It is recommended that this loan will progress into the 2011/12 financial year.

PURPOSE	Proposed Loan Drawdown 2010/11	Revised Loan Borrowing 2010/11	Loans Deferred to 2011/12
<b>INTERNAL LOAN:</b>			
General to Sewerage	0.00	2,750,000	0.00
<b>EXTERNAL LOAN:</b>			
<b>WATER</b>			
Water Infrastructure	800,000	800,000	0.00
<b>WASTEWATER FUND:</b>			
STP Lithgow	7,677,000	1,671,000	6,006,000
STP Wallerawang	3,568,000	0	3,568,000
Pumping Stations	720,000	720,000	0
<b>TOTAL</b>	<b>12,765,000</b>	<b>5,941,000</b>	<b>9,574,000</b>

The Department of Local Government, in Circular 09-21, advised that the Minister for Local Government handed down revised orders for Council loan borrowings.

The Minister for Local Government, Barbara Perry MP, pursuant to Section 624 of the Local Government Act 1993, has released restrictions on borrowings by a Council. From the date of the Order, 13 May 2009, Councils may not borrow from any source outside the Commonwealth of Australia nor in any other currency other than Australia currency.

Circular 09-21 also reminds Councils that under their Charter they must have regard to the long term and cumulative effects of their decisions, and accordingly must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds.

In accordance with the regulations (Clause 230 of the Local Government (General) Regulation 2005) Council is required, pursuant to DLG Circular 09-13 of 13 April 2009, to advise the Director General when funds borrowed have been completed.

Quotes for a loan of \$3,191,000 will be obtained from lending institutions and Council will only have 24 hours to respond once an interest rate has been quoted. As an indication of the current interest rate on offer a quote of 7.23% was obtained on 20 May 2011.

It would be appropriate for Council to provide delegate authority to the General Manager to negotiate with appropriate lending institutions and the accepted loan will be reported to a future meeting of Council.

### **POLICY IMPLICATIONS**

Loan funds are borrowed in accordance with:

- Local Government Act 1993 - Section 621 to 624
- Local Government Act 1993 – Borrowing Order dated 13 May 2009
- Local Government (General) Regulation 2005

### **FINANCIAL IMPLICATIONS**

Negotiation and drawdown of an external loan for \$3,191,000, being part of the 2010/11 loan borrowing program of \$12,765,000, and defer the balance of \$9,574,000 to 2011/12 Management Plan.

### **LEGAL IMPLICATIONS**

Nil

### **RECOMMENDATION**

#### **THAT:**

1. Council note the proposed drawdown of a loan of \$3,191,000 as approved in the 2010/11 Management Plan. for the purpose of major Water and Wastewater infrastructure
2. Council authorise the General Manager to negotiate with appropriate lending institutions to borrow funds
3. Council authorise the affixing of the Common Seal pursuant to Section 220 of the Local Government Act 1993 to all documents pertaining to the loan

## COMMITTEE MEETINGS

### ITEM: 19 COMM - 30/05/11 - TOURISM ADVISORY COMMITTEE MEETING MINUTES 10TH MAY 2011

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

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## REFERENCE

Min No 11-35: Ordinary Meeting of Council 24 January 2011

Min No 11-83: Ordinary Meeting of Council 7 March 2011

Min No 11-126: Ordinary Meeting of Council 28<sup>th</sup> March 2011

## SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 10 May 2011.

## COMMENTARY

At the Tourism Advisory Committee held on 10 May 2011, 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 Meeting.
4. Economic Value of Tourism to the Region Report.
5. Tourism Strategy.
6. Tourism Workshops.
7. Tourism Manager's Report.
8. General Business

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Nil

## ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 10 May 2011.
2. Any other attachments relevant to Council decision making process.

## RECOMMENDATION

**THAT** Council notes the minutes of the Tourism Advisory Committee held on 8 March 2011.

**ITEM: 20            COMM - 30/05/11 - CRIME PREVENTION COMMITTEE MEETING  
MINUTES - 9TH MAY 2011**

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

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**REFERENCE**

Min No 09-396:	Ordinary Meeting of Council 14 September 2009
Min No 09-397:	Ordinary Meeting of Council 14 September 2009
Min No 10-76:	Ordinary Meeting of Council 01 March 2010
Min No 10 -145:	Ordinary Meeting of Council 12 April 2010
Min No 10-208:	Ordinary Meeting of Council 10 May 2010
Min No 10-254:	Ordinary Meeting of Council 21 June 2010
Min No 10-360:	Ordinary Meeting of Council 23 August 2010
Min No 10-409:	Ordinary Meeting of Council 20 September 2010
Min No 11-123:	Ordinary Meeting of Council 28 March 2011
Min No 11-157:	Ordinary Meeting of Council 18 April 2011

**SUMMARY**

This report details the Minutes of the Crime Prevention Committee Meeting held on 9 May 2011.

**COMMENTARY**

At the Crime Prevention Committee held on 9 May 2011, there were eight (8) items discussed by the Committee.

1. Present and Apologies
2. Confirmation of Minutes From The Previous Meeting
3. Business Arising From Previous Minutes
4. Election of Chairperson
5. Transport
6. Domestic Violence Initiatives
7. Crime Audit
8. General Business

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Minutes from the Crime Prevention Committee meeting of 9 May 2011.

## RECOMMENDATION

**THAT** Council:

1. Notes the minutes of the Crime Prevention Committee meeting of 9 May 2011.
2. Endorses Councillor Wayne Marshall being appointed Chairperson of the Committee following the resignation of Councillor Grahame Danaher.

**ITEM: 21            COMM - 30/05/11 - ECONOMIC DEVELOPMENT ADVISORY  
COMMITTEE MEETING 12TH MAY 2011**

**REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-  
SHEERE**

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## REFERENCE

Min No 11-156: Ordinary meeting of Council 18<sup>th</sup> April 2011

## SUMMARY

This report provides the minutes of the Economic Development Advisory Committee Meeting held on 12 May 2011.

## COMMENTARY

At the Economic Development Advisory Committee Meeting held on 12 May 2011, there were (8) eight items discussed by the Committee:

- ITEM 1:        Attendance and apologies
- ITEM 2:        Confirmation of minutes from previous meeting
- ITEM 3:        Business arising from previous minutes
- ITEM 4:        Land Use Strategy and Economic Development implications
- ITEM 5:        Investment Prospectus Launch
- ITEM 6:        Economic Development Update
- ITEM 7:        Other business
- ITEM 8:        Next meeting

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

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

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

## ATTACHMENTS

1. Minutes of the Economic Development Advisory Committee Meeting held on 12 May 2011.
2. Key milestones and timelines for the implementation of the Economic Development Strategy.
3. Land Use Strategy Summary document

## RECOMMENDATION

**THAT** Council notes the minutes of the Economic Development Advisory Committee held on 12 May 2011.

**ITEM: 22          ENVIRO - 30/05/11 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 13TH APRIL 2011**

**REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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## REFERENCE

Min No 07-389:	Policy and Strategy Committee Meeting 3 September 2007
Min No F08-21:	Finance and Services Committee Meeting 3 March 2008
Min No O08-153:	Extraordinary Meeting of Council 29 September 2008
Min No O08-198:	Ordinary Meeting of Council 18 November 2008
Min No 09-381:	Ordinary Meeting of Council 14 September 2009
Min No 10-137:	Ordinary Meeting of Council 12 April 2010
Min No 10-454:	Ordinary Meeting of Council 1 November 2010
Min No 10-433:	Ordinary Meeting of Council 11 October 2010
Min No 10-309:	Ordinary Meeting of Council 2 August 2010
Min No 10-209:	Ordinary Meeting of Council 24 May 2010
Min No 11-84:	Ordinary Meeting of Council 7 March 2011
Min No 11-125:	Ordinary Meeting of Council 28 March 2011

## SUMMARY

This report details the minutes of the Environmental Advisory Committee meeting held 13 April 2011.

## COMMENTARY

At the Environmental Advisory Committee held on 13 April 2011, there were nine (9) items discussed by the committee.

1. Apologies
2. Land use Strategy
3. Council Report March 2011
4. DECCW Field Day, Native Forestry Code and Vegetation Management Plans – Councillor Col Hunter
5. Public Lands
6. Members Update
7. General Business
8. Historic Items
9. Close of Meeting

The Environmental Advisory Committee made the following three recommendations:

1. THAT Council facilitate a special meeting for the Environmental Advisory Committee in regard to Land Use Planning and development of the Local Environment Plan.
2. THAT Council invites DECCW to present a Native Forestry Field Day within the Lithgow Local Government Area.
3. THAT Council advises the Environmental Advisory Committee as to whether corporate sponsorship is permissible for the employment of a Biodiversity and Bushland Officer and that Council consider reasonable on-costs for this position should such funding become available and be permissible.

*Group Managers Comment on recommendation No 3 above – There may be issues with Corporate Sponsorship that would have to be addressed depending on what the proposal was. For example, it may come within the terms of a Public Private Partnership which imposes specific obligations upon Council. In relation to on-costs, Council would be required to fund on-costs in accordance with its own on-cost rates if any external funding source only covered wages. For example, if a position was funded only for the wages component of say \$50,000, then Council would have to cover on-costs of another \$40,500. As this has not been budgeted for and such a position is not within Council's adopted organisation structure, Council may wish to be cautious with this recommendation.*

#### **POLICY IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

#### **ATTACHMENTS**

1. Minutes of the Environmental Advisory Committee held 13 April 2011.

## **RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Environmental Advisory Committee held 13 April 2011.
2. Facilitate a special meeting for the Environmental Advisory Committee in regard to Land Use Planning and development of the Local Environment Plan.
3. Invites DECCW to present a Native Forestry Field Day within the Lithgow Local Government Area.
4. Council officers provide information to the Environmental Advisory Committee on issues relating to corporate sponsorship and on-costs.

**ITEM: 23          ENVIRO - 30/05/11 - CRYSTAL THEATRE MANAGEMENT  
COMMITTEE MINUTES 11TH MAY 2011**

**REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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### **SUMMARY**

This report seeks Council's ratification of the minutes of the Crystal Theatre Management Committee Meeting held on 11 May 2011.

### **COMMENTARY**

At the Crystal Theatre Management Committee Meeting held on 11 May 2011, there were six (6) items discussed by the Committee.

1. Attendance and Apologies
2. Confirmation of the Minutes from the Last Meeting
3. Business Arising From the Minutes
4. Front Door Not Locking Properly
5. Ladies Toilet Area – Leaking Water Opposite Basins, One Toilet Missing Plunger, Storage Door Fastener Broken
6. New Business

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 11 May 2011.

**RECOMMENDATION**

**THAT** Council note the minutes of the Crystal Theatre Management Committee Meeting held on 15 February 2011.

**ITEM: 24            OPER - 30/05/11 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES 5TH MAY 2011**

**REPORT BY IAIN STEWART GROUP MANAGER OPERATIONS**

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**REFERENCE**

NIL

**SUMMARY**

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 5 May 2011

**COMMENTARY**

At the Traffic Authority Local Committee Meeting held on 5 May 2011, there were (4) items discussed by the Committee

1. Confirmation of the Minutes from the previous meeting.
2. Ongoing business from previous meetings – 17 Items
3. New Business – Item 5 – 5 Items
4. General Business – Item 6 – 5 Items.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

## ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee Meeting held on 5 May 2011.

## RECOMMENDATION

### **THAT** Council:

1. Note the minutes of the Traffic Authority Local Committee held on 5 May 2011.
2. The existing No Stopping sign located on Williewa St Portland be inspected to determine if it is the statutory 10 metres from the intersection of Wolgan and Williewa Streets and corrected if necessary.
3. The appropriate pedestrian signage shall be installed in the vicinity of the skate park in Lime, Laurie and Villiers St in Portland
4. The Kidney Kar Rally event be approved as per consent conditions.
5. The Traffic Management Plan for Lithgow Ironfest as per consent conditions be approved.
6. “No Stopping – Vehicles under 6 metres excepted” signage and zone be installed, starting at the residents letterbox of 1117 Great Western Highway through to 1111 Great Western Highway.
7. Children Crossing signage be erected on the approach to the Lithgow Conservatorium, that the No Entry signage into Wyld Street be audited and if the need be, extra “No Entry” signage will be installed, that the realignment of the kerb on Wyld and Longworth St be inspected by Council Engineers to determine if realignment is required.
8. TALC conduct an onsite meeting at the next TALC meeting of the proposed Hungry Jack’s Development.
9. Correspondence be sent to the member for Bathurst, Mr Paul Toole, seeking his nomination as a representative for the TALC Committee.

**ITEM:25    COMM - 30/05/11 - SISTER CITY COMMITTEE MEETING 23<sup>RD</sup> MAY 2011**

**REPORT FROM: Economic Development Officer – ARABELLA PERUGINI-SHEERE**

**REFERENCE**

Min No 06-407:	Ordinary Meeting of Council 4 <sup>th</sup> December 2006
Min No 06-451:	Ordinary Meeting of Council 18 <sup>th</sup> December 2006
Min No 07-467:	Ordinary Meeting of Council 5 <sup>th</sup> November 2007
Min No P08-03:	Policy and Strategy Meeting 4 <sup>th</sup> February 2008
Min No O08-52:	Ordinary Meeting of Council 21 <sup>st</sup> April 2008
Min No O08-158	Ordinary Meeting of Council 21 <sup>st</sup> October 2008
Min No 09-139:	Ordinary Meeting of Council 30 <sup>th</sup> March 2009
Min No 09-198:	Ordinary Meeting of Council 11 <sup>th</sup> May 2009
Min No 10-493:	Ordinary Meeting of Council 22 <sup>nd</sup> November 2010
Min No 11-87:	Ordinary Meeting of Council 7 <sup>th</sup> March 2011

**SUMMARY**

This report provides the Minutes of the Sister City Advisory Committee meeting held on Monday 23 May 2011.

**COMMENTARY**

At the Sister City Advisory Committee meeting held on 23 May 2011, there were three items discussed by the Committee:

- ITEM 1: Attendance and apologies
- ITEM 2: Huainan Sister City proposal and visiting delegation
- ITEM 3: Other business

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

At the Ordinary meeting of Council on 7<sup>th</sup> March 2011, the Council resolved;

1. Approves the signing of a Sister City Agreement between Lithgow City Council and Huainan City.
2. Authorises the General Manager and Mayor to finalise the agreement.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has \$5000 in reserves allocated for Sister City activities.

**LEGAL IMPLICATIONS**

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

## **ATTACHMENTS**

1. Minutes of the Sister City Advisory Committee meeting held on 23 May 2011.
2. Original Sister City agreement signed by Huainan City.

## **RECOMMENDATION**

**THAT** Council:

1. Signs the original sister city agreement (with minor grammatical changes); and
2. Write to Huainan City advising that any activities under this agreement shall be by Council resolution and with budgets allocated by Council

## **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.*

## **CLOSED REPORTS**