



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

11 JULY 2011

AT 7.00pm

# AGENDA

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## APOLOGIES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20<sup>th</sup> JUNE 2011.**

## PUBLIC FORUM

## DECLARATION OF INTEREST

**MAYORAL MINUTES** - Local Government Forum - "Local Government - Destination 2036"

## NOTICE OF RESCISSIONS - NIL

## NOTICES OF MOTION -

- Councillor M F Ticehurst - Public Concerns over the Stability of Rock Walls - Browns Gap Road
- Councillor M F Ticehurst - Public exhibition of the Stages of the proposed New Lithgow Aquatic Centre
- Councillor M F Ticehurst - Financial Impacts of the new proposed Federal Government Carbon Tax on the Lithgow City Council and the Lithgow LGA
- Councillor C Hunter - Extension of Sewerage Mains to service southern Purcell St, Portland
- Councillor C Hunter - Wolgan Street Gardens, Portland

## CORRESPONDENCE AND REPORTS

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

## REPORTS FROM DELEGATES - NIL

**BUSINESS OF GREAT URGENCY**

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

**CLOSED REPORTS -**

OPER - Fuel Tenders Through Centroc

ENVIRO - Hartley Rhyolite Quarry Modification Application Appeal

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## MAYORAL MINUTES

### ITEM-1            MAYORAL MINUTE - 11/07/11 - LOCAL GOVERNMENT FORUM - LOCAL GOVERNMENT - DESTINATION 2036

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

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## REFERENCE

NIL

## SUMMARY

Correspondence has been received from the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union in relation the planning Local Government Forum entitled “Local Government - Destination 2036”.

## COMMENTARY

Lithgow City Council has been forwarded information in relation to the planned Local Government Forum to be hosted by the Minister for Local Government the Hon Don Page MP on the 17<sup>th</sup> and 18<sup>th</sup> August 2011, entitled “Local Government - Destination 2036”.

The United Services Union received notification of this forum recently and notes that as one of the major stake holders in the industry, they have been excluded from the Forum. The writer from the Department of Premier and Cabinet Chief Executive Local Government (a Division of the Department of Premier and Cabinet) Ross Woodward has indicated that he “will provide Councils with a briefing if there are any outcomes from the Workshop that have industrial relations implications”.

The United Services Union was very concerned by this as they are the principal union with over 30,000 members in the industry.

The correspondence advised that with over 100 years of industry participation / experience and knowledge it is vitally important that the workers of this industry have a voice at the forum. The forum intends to set out a plan for the destiny of the industry for the next 25 years, you should not that the intended forum participants are not advocates for the worker, they are elected Officials, General Managers, the General Managers Association, Local Government and Shores Association and the Australian Centre of Excellence for Local Government.

The New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union is calling on support from Councils to lobby the Minister to ensure that the industry Unions are invited to participate as an integral part of the industry providing a voice for the “council worker” in planning for the future.

The USU call on Lithgow City Council to carry the following motion:

*“Council notes that the Minister for Local Government, the Hon Don Page, will be hosting a forum for industry parties on 17<sup>th</sup> and 18<sup>th</sup> August 2011 in Dubbo NSW entitled “Local Government - Destination 2036” and it is considered essential that all stake holders are represented at this forum. The USU calls on the Minister to extend an invitation to the Local Government industry Unions to represent a voice at the forum for the Council Worker”.*

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION****THAT:**

1. Council notes the report on the Local Government Forum - Local Government Destination 2036; and
2. Council support the motion for the USU to call on the Minister to extend an invitation to the Local Government industry Unions to represent a voice at the forum for the Council Worker.

## NOTICES OF MOTION

### ITEM-2 NOTICE OF MOTION - PUBLIC CONCERNS OVER THE STABILITY OF THE ROCK WALLS ON BROWNS GAP ROAD, LITHGOW - COUNCILLOR M F TICEHURST

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#### REFERENCE

Min No 10 – 483: Ordinary Meeting of Council of 22 November 2010.

#### COMMENTARY

As Council and Councillors would be well aware, the Minutes of the Ordinary Meeting of Lithgow City Council of 22 November 2010 records the following Council Resolution:

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

*10-483 RESOLVED: THAT the report on the Browns Gap Road Stability be noted and that ongoing inspections will be carried out on a routine basis.*

*MOVED: Councillor G Danaher SECONDED: Councillor R Thompson. Councillor Ticehurst requested that his name be recorded AGAINST the motion.*

Lithgow City Council Resolution 10 – 483 followed a report to the Council in the Agenda that stated:

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

**COMMENTARY:** Following a detailed inspection of the bank, arborists were engaged to remove a number of hazardous trees and this was carried out over a three day period and approximately 30 mature trees were removed and substantial suckers and regrowth were also removed to prevent regrowth. The tree stumps were left in their existing locations to ensure ongoing stability of the bank. There does not appear to be any geological movement in the bank and whilst there are a number of small rocks that are displaced during periods of wet weather, the recent heavy rain has not done any serious damage or increased the instability of the existing face. With removal of the hazardous trees it is considered that all steps of reasonableness have been taken in regard to the stability of this bank and it will of course be monitored on a regular basis. However no 'cast iron' guarantees can be given with regard to a rock face of this nature and Council can only carry out its duty of care with regard to regular inspections of the bank to ensure there are no obvious hazards to motorists. Of some concern is the evidence of slippage cracking on the up lane on the filled embankment and there have been instability issues on this embankment in the past. Council staff will be closely monitoring any potential movement in the embankment on the up lane and any extension of slippage cracks showing in the road pavement at specific locations.

- Q.** Following this Council resolution, it has been reported that there have been a regular number of both small and large rock falls onto the Browns Gap Road, including one large rock that was estimated to weigh more than 1 tonne falling into the downhill lane.

It is requested that a further report come back to the Council on this matter and whether the Council can expand on its consideration that, as previously reported to Council, “that all steps of reasonableness have been taken in regard to the stability of this bank and it will of course be monitored on a regular basis. However no ‘cast iron’ guarantees can be given with regard to a rock face of this nature and Council can only carry out its duty of care with regard to regular inspections of the bank to ensure there are no obvious hazards to motorists”?

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

**THAT** a further report come back to the Council on this matter involving the Browns Gap Road and whether the Council can expand on its due consideration that, as previously reported to Council, “that all steps of reasonableness have been taken in regard to the stability of this bank and it will of course be monitored on a regular basis. However no ‘cast iron’ guarantees can be given with regard to a rock face of this nature and Council can only carry out its duty of care with regard to regular inspections of the bank to ensure there are no obvious hazards to motorists”?

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**ITEM-3 NOTICE OF MOTION - 11/07/11 - PUBLIC EXHIBITION OF THE STAGES OF THE PROPOSED NEW LITHGOW AQUATIC CENTRE - COUNCILLOR M F TICEHURST**

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**REFERENCE**

Lithgow Mercury 24 April 2010 – “Aquatic Centre a step closer”.

Lithgow Mercury 13 January 2011 – “Pool project to go to tender”.

Lithgow Mercury 12 February 2011 – “Delta comes to the party for a new Pool”.

Agenda Item 18 and Minute 11 – 254 of the Ordinary Meeting of Lithgow City Council of 20 June 2011.

**COMMENTARY**

As Council and Councillors would be well aware, the Minutes of the Ordinary Meeting of Lithgow City Council of 20 June 2011 record's the following Council Resolution:

**ITEM-18 OPER - 20/06/11 - CONFIDENTIAL REPORT - TENDERS FOR CONSTRUCTION OF STAGE ONE OF THE LITHGOW AQUATIC CENTRE**

*11-254 RESOLVED THAT:*

- 1. Councils General Manager be granted authority to negotiate with the lowest or any other tenderer with regard to the possible reduction of the tender price; and*
- 2. A further report be submitted to Council identifying any savings achieved together with additional funding options.*

*MOVED: Councillor W Marshall SECONDED: Councillor R Thompson.*

*A DIVISION was called by Councillors M F Ticehurst and J J McGinnes.*

*FOR: Councillor N L Castle Councillor H K Fisher Councillor C Hunter  
Councillor W Marshall Councillor R Thompson*

*AGAINST: Councillor M F Ticehurst Councillor J J McGinnes*

Q. Following Council resolution 11 – 254, could the General Manager now by way of report advise the Council, Councillors and ratepayers and residents: -

1. When all the Project Plans for Stage 1, Stage 2 and Stage 3 for the upgrading of the current Lithgow Swimming Pool Centre towards incorporating a new Indoor Heated Swimming Pool will finally go onto Public Exhibition at the Council's Administration Offices and on the internet?
2. If it is correct as publicly reported, that “***the construction of Stage 1 ... is ... a new amenities block, new public access, children's splash park, new parking area, public toilets, cafe, new concourse area and demolition of existing structures***”?

3. If it is correct that Stage 2, which is currently unfunded, will be, “***the three lane 25 metre*** (lap) ***pool***”?
4. If it is correct that the final Stage 3, which is also currently unfunded, will be, “***the three lane 25 metre*** (lap) ***pool ... , eventually ... fully enclosed***”?
5. If it has been confirmed in writing that the previously publicly reported financial donations of Centennial Coal \$150,000 (\$30,000 over five years); Delta Electricity \$20,000 and Henry’s Plant & Equipment Hire \$12,000 (in-kind) can be fully utilised towards the construction of Stage 1, which does not include any portions of the Indoor Heated Swimming Pool but as publicly reported, “***a new amenities block, new public access, children’s splash park, new parking area, public toilets, cafe, new concourse area and demolition of existing structures***”?
6. What is the current expected timeframe and total budget and design costs for each of the Three Stages of the upgrading of the current Lithgow Swimming Pool Centre towards incorporating a new Indoor Heated Swimming Pool?

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

**THAT** following Council resolution 11 – 254, could the General Manager now by way of report advise the Council, Councillors and ratepayers and residents: -

1. When all the Project Plans for Stage 1, Stage 2 and Stage 3 for the upgrading of the current Lithgow Swimming Pool Centre towards incorporating a new Indoor Heated Swimming Pool will finally go onto Public Exhibition at the Council’s Administration Offices and on the internet?
2. If it is correct as publicly reported, that “***the construction of Stage 1 ... is ... a new amenities block, new public access, children’s splash park, new parking area, public toilets, cafe, new concourse area and demolition of existing structures***”?
3. If it is correct that Stage 2, which is currently unfunded, will be, “***the three lane 25 metre*** (lap) ***pool***”?
4. If it is correct that the final Stage 3, which is also currently unfunded, will be, “***the three lane 25 metre*** (lap) ***pool ... , eventually ... fully enclosed***”?

5. If it has been confirmed in writing that the previously publicly reported financial donations of Centennial Coal \$150,000 (\$30,000 over five years); Delta Electricity \$20,000 and Henry's Plant & Equipment Hire \$12,000 (in-kind) can be fully utilised towards the construction of Stage 1, which does not include any portions of the Indoor Heated Swimming Pool but as publicly reported, "***a new amenities block, new public access, children's splash park, new parking area, public toilets, cafe, new concourse area and demolition of existing structures***"?
6. What is the current expected timeframe and total budget and design costs for each of the Three Stages of the upgrading of the current Lithgow Swimming Pool Centre towards incorporating a new Indoor Heated Swimming Pool?

**ITEM-4 NOTICE OF MOTION - 11/07/11 - FINANCIAL IMPACTS OF THE NEW PROPOSED FEDERAL GOVERNMENT CARBON TAX ON THE LITHGOW CITY COUNCIL AND THE LITHGOW LGA - COUNCILLOR M F TICEHURST**

**REFERENCE**

The issue has been widely reported in the local, regional, State and Federal media.

**COMMENTARY**

As the Council, Councillors, ratepayers and residents would be aware, the Federal Labor Prime Minister Julia Gillard, the Greens Party and aligned Independents will shortly be announcing the full details of the introduction of a new Carbon Dioxide Tax to commence on the 1 July 2012.

- Q. 1. Could the General Manager and Senior Council Officers advise the Council, Councillors, ratepayers and residents of what the additional financial impacts will be on the Lithgow City Council with the new proposed Federal Government Carbon Dioxide Tax?
- Q. 2. Given the Lithgow Local Government areas major reliance on employers who are involved in both the Coal and Electricity generating industries, is the Council, Councillors and ratepayers aware of what additional financial impact the new proposed Carbon Tax will have on these future large scale employment opportunities in the LGA?

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** the General Manager and Senior Council Officers advise the Council, Councillors and ratepayers and residents with a future report to the Council in reply to the above two Questions with Notice.

**ITEM-5 NOTICE OF MOTION - 11/07/11 - EXTENSION OF SEWERAGE MAINS TO SERVICE SOUTHERN PURCELL STREET, PORTLAND - COUNCILLOR C HUNTER**

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**REFERENCE**

Listed by Councillor Colin Hunter

1 July 2011

**COMMENTARY**

There are a number of dwellings on the southern side of Purcell Street in Portland that are not connected to the sewerage system. At present these dwellings have aerated septic systems that are a concern for residents.

**RECOMMENDATION**

**THAT** Council investigates the possibility of connection of these properties to the sewerage systems and the creation of easements for this purpose.

**ITEM-6 NOTICE OF MOTION - 11/07/11 - WOLGAN STREET GARDENS  
PORTLAND - COUNCILLOR C HUNTER**

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**REFERENCE**

Listed by Councillor Colin Hunter

1 July 2011

**COMMENTARY**

There has been a large amount of discussion about the gardens in Wolgan Street, Portland as to their suitability. Particularly on the eastern side of the street around businesses such as the newsagents and bank where they cause difficulty for people alighting from the passenger side of vehicles.

There is a petition of 290 signatures from people asking for re design of these garden beds.

**RECOMMENDATION**

**THAT** a report on the design and rationalisation of the garden beds be brought back to council for consideration.

## GENERAL MANAGERS REPORTS

### ITEM-7 GM - 11/07/11 - CODE OF CONDUCT UPDATE - COUNCILLOR MARTIN TICEHURST

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#### REFERENCE

Min No 11-200: Ordinary Meeting of Council held on 30<sup>th</sup> May 2011.

#### SUMMARY

Council previously found that there was a prima facie breach of the Council's Code of Conduct by Councillor Martin Ticehurst. This report provides an update of that finding.

#### 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 found that there was a prima facie breach of the Code of Conduct and recommendations were made. Council adopted the recommendations of the Sole Conduct Reviewer in relation to the Code of Conduct complaint against Councillor Martin Ticehurst, 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.*

At the time of writing this report Councillor Ticehurst had not complied with the requirements of the Council resolution and had not apologised to the General Manager of Eurobodalla Shire Council and of course had not provided a copy of any apology to the General Manager of Lithgow City Council.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

This may involve a further breach of Council's Code of Conduct.

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** Council note the report on the Code of Conduct Update on Councillor Ticehurst.

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**ITEM-8            GM - 11/07/11 - CONDUCT OF ELECTIONS BY COUNCILS - AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993**

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**REFERENCE**

NIL

**SUMMARY**

The NSW Local Government Act has been amended to provide autonomy to councils to appoint an independent returning officer and manage their own elections.

**COMMENTARY**

The NSW Parliament has passed the *Local Government Amendment (Elections) Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The effect of this amendment is that Councils will now have the flexibility to determine if they will manage the elections themselves, or to appoint the NSW Electoral Commission to do so.

Section 296 of the Act now provides that council elections, as well as constitutional referendums and polls, are to be administered by the general manager of the council. However, a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the council (other than elections of mayors and deputy mayors by councillors). If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election for councillors.

Where a council decides to conduct its own elections, constitutional referendums and polls, section 296 of the Act makes it clear that the general manager is responsible for their conduct.

The amendments provide that the responsibilities of the general manager include appointing a suitably qualified independent returning officer and a substitute returning officer for the council's area, appointing the polling places and determining the fees payable to the returning officer, substitute returning officer and electoral officials. The returning officer is to appoint one or more electoral officials. Although an employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.

These changes have been welcomed by the Local Government and Shires Association.

The Electoral Commission of NSW has been in contact with Council to discuss matters for the upcoming 2012 Local Government Elections. Discussions are expected to take place soon.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL at this stage.

#### **LEGAL IMPLICATIONS**

As set out above and in DLG Circular 11-11.

#### **ATTACHMENTS**

1. Division of Local Government Circular 11-11.

#### **RECOMMENDATION**

**THAT** Council note the changes to the NSW Local Government Act in relation to Council elections and that discussions are to be held with the Electoral Commission of NSW.

**ITEM-9            GM - 11/07/11 - CONSTITUTIONAL ARRANGEMENTS FOR COUNCILS - AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993**

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**REFERENCE**

NIL

**SUMMARY**

The NSW Parliament has passed the *Local Government Amendment (Elections) Act 2011* (the Amending Act) which provides for constitutional arrangements for councils.

**COMMENTARY**

The NSW Parliament has passed the *Local Government Amendment (Elections) Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date.

With the changes to the legislation the *Local Government Act 1993* now:

1. *Enables councils, in certain circumstances, to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum*
2. *Enables councils, in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum*
3. *Provides that a by-election need not be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect*
4. *Enables councils to apply to the Minister for an order dispensing with the requirement to hold a by-election where a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) occurs within 18 months before an ordinary election, and*
5. *Contains provisions of a consequential, savings and transitional nature.*

Further information is provided in the attached DLG Circular 11-12.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

Council may make certain changes, including reducing its councillor numbers, without the need for a Constitutional Referendum.

### **ATTACHMENTS**

1. Division of Local Government Circular 11-12.

### **RECOMMENDATION**

**THAT** Council note the amendments to the NSW Local Government Act 1993 in relation to constitutional arrangements for councils.

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## **ITEM-10 GM - 11/07/11 - NSW SPEED ZONES REVIEW**

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### **REFERENCE**

NIL

### **SUMMARY**

The NSW Minister for Roads, the Hon Duncan Gay MLC has announced the commencement of an audit of speed zones across NSW.

### **COMMENTARY**

The NSW Minister for Roads, the Hon Duncan Gay MLC has called upon the community to have it's say on the speed limits.

The review has commenced as part of the Government's election promise and is aimed at balancing the needs of appropriate speed zones for the road condition while not having an excessive number of speed changes.

The audit will immediately start reviewing stretches of road where there are a number of speed zone changes and identify what changes can be made.

Included in the initial review are the following:

- ❖ Newell Highway
- ❖ New England Highway
- ❖ Princes highway
- ❖ King Georges Road
- ❖ Great Western Highway
- ❖ Bucketts Way
- ❖ Various local roads in Western Sydney

A special website with an online feedback facility is currently being developed and is expected to be available from 19<sup>th</sup> July 2011.

The top 100 roads, nominated by motorists, will be reviewed and this will be completed by 31<sup>st</sup> March 2012.

In conjunction with this a new policy is to be developed to ensure simpler guidelines are used when setting speed limits. Among the options being considered are:

- ❖ Eliminating 70km/h and 90km/h speed zones to make the system simpler for motorists
- ❖ Introducing a minimum length for speed zones - so motorists are not forced to constantly changed speed over short distances.
- ❖ Using short speed zones areas only for high risk areas.
- ❖ Broad application of the 50km/h general urban speed limit and consistent application of speed zones within urban areas.

The audit will be carried out by the RTA's Centre for road Safety.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Media Release - NSW Speed Zones

**RECOMMENDATION**

**THAT** Council notes the report on the proposed audit of NSW Speed Zones across NSW.

**ITEM-11 GM - 11/07/11 - LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL CONFERENCE 2011**

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**REFERENCE**

NIL

**SUMMARY**

The Local Government Association is an association of councils representing metropolitan and large regional councils to provide leadership and advocacy for the benefit of the community. Over 600 delegates from member councils as well as representatives of County Councils meet to discuss and set policy for the coming year.

Shoalhaven City Council will host the 2011 LGA Conference from Sunday 23 to Wednesday 26 October 2011.

Councils are invited to submit motions to the Conference for consideration.

**COMMENTARY**

Together, the Local Government Association of NSW (LGA) and the Shires Association of NSW represent 152 general purpose councils, as well as about 13 special purpose councils. NSW Aboriginal Land Council are also eligible to be members of the LGA. There are 74 councils in NSW who are members of the Local Government Association. The Associations represent the views of these councils by:

- Presenting councils views to governments;
- Promoting Local Government to the community; and
- Providing specialist advice and services.

Councils can choose to be members of either Association. Some Council's choose to be members of one association and an associate member of the other. Lithgow City Council is a member of the LGA and an associate member of the Shires Association.

Each Association has its own elected Executive headed by a President, which meets regularly and holds an annual conference where members are able to vote on issues affecting Local Government. The Annual Conference is the supreme policy making event for the Association.

Each Association holds an annual conference to consider policy position for the coming year. This years LGA Annual Conference will be hosted by Shoalhaven City Council from Sunday 23 to Wednesday 26 October 2011.

Councils are able to send delegates and observers to the Conference. Last year Council appointed three (maximum Lithgow allocation) voting delegates plus an observer. These included the Mayor plus Councillors Marshall and Hunter with the General Manager as an observer.

Councils are also invited to submit motions to the Conference for consideration.

## **Motions**

Motions to be presented to this year's Conference must be received by the LGA by 5.00pm on Monday 5 August 2011 to meet business paper production deadlines. All motions submitted must be adopted by the respective council before submission to the Association.

## **Motion template**

Each motion should be submitted using the template and named by Council and Motion Issue and submitted online utilising the template available.

All motions are categorised either Category 1 or Category 2.

Councils may submit any motion, however, to be considered a Category 1 motion and placed before the Conference for consideration the motion must seek to extend, enhance or replace the Association's current policy position.

Motions that do not comply with the guidelines will be determined to be Category 2 and will be referred to the Executive for action prior to the Conference.

## **Late Motions**

Late motions will be received up to close of business **FRIDAY 14 OCTOBER 2011**.

Only Late Motions that are determined to be Category 1 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates.

No late motions will be accepted at the Conference

## **Draft Motion**

Last year Council submitted the following motion to the Conference in relation to unoccupied premises:

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

## **Supporting Details**

From time to time Council receives complaints in relation to the cleanliness and appearance (e.g. boarded up windows) various commercial premises, but typically vacant premises. These complaints often relate to rubbish being strewn throughout the premises or that windows are boarded up. In turn this leads to a perception that the general area is unkept and is unpleasant. Whilst local councils may have some powers these are usually very limited and furthermore are time consuming to lead to a meaningful and prompt outcome.

Local councils need a greater level of powers to be able to deal with these types of situations.

**POLICY IMPLICATIONS**

An opportunity for Council to influence NSW Local Government Association policies.

**FINANCIAL IMPLICATIONS**

Costs of attending the conference. No details are available at this point.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. LGA Motions Template

**RECOMMENDATION**

**THAT:**

1. Council note the report on the 2011 NSW Local Government Association Annual Conference;
2. Council appoint three councillors, one of whom is the Mayor, as voting delegates to the Conference;
3. Council appoint the General Manager as an observer; and
4. Councillors identify motions for submission to the Conference.

**ENVIRONMENT AND DEVELOPMENT SERVICES REPORTS****ITEM-12            ENVIRO - 11/07/11 - LITHGOW & DISTRICT WORKMEN'S CLUB -  
FUTURE DEVELOPMENT PROPOSALS & LANEWAY CLOSURE  
ISSUES****REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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**REFERENCE**

Min No 11-210:            Ordinary Meeting of 30 May 2011

**SUMMARY**

To advise Council of a request from the Lithgow & District Workmen's Club for Council to provide its landowners consent to the lodgement of a Development Application and to assist with early community consultation by facilitating a meeting with local residents in relation to possible future lane closures.

**COMMENTARY**

Council will recall from its Ordinary Meeting of 30 May 2011 that it resolved as follows:

**11-210 RESOLVED****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.
3. All costs associated with the laneway closure and construction e the responsibility of the Lithgow and District Workmen's Club.

Council will also recall from that meeting that concern was expressed by some residents in the public gallery in relation to possible closure of laneways (other than in the car park). It should be noted that at this stage, Council has only formally agreed to approve the closure of the unformed laneway currently situated in the Workmen's Club car park.

Correspondence has now been received from the Lithgow Workmen's Club seeking Council's support in relation to two related matters. Firstly, as the section of unformed laneway within the Workmen's Club car park will remain in Council's ownership until it is formally closed and transferred, it would be necessary for Council to give its landowners consent to the lodgement of a Development Application for a proposal to undertake a motel development partially on this land. Secondly, given the concerns raised by residents and possible future proposals to be submitted by the Workmen's Club, a request has been made of Council to facilitate a meeting with local residents to explain future proposals including the possible closure of laneways and seek their views.

It is considered that both requests by the Workmen's Club are reasonable, firstly to allow the lodgement of a Development Application for a potentially important development in Lithgow, and secondly, to facilitate early consultation between the Workmen's Club and local residents so that future proposals may be fully understood and concerns by residents equally understood. This may lead to early resolution of concerns.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

In relation to Council providing its landowners consent, this is a requirement for any Development Application in accordance with Clause 49 (1) of the Environmental Planning & Assessment Regulation 2000. It should be noted that landowners consent makes NO inference as to the future assessment and determination of a development application.

#### **ATTACHMENTS**

1. Letter from Lithgow Workmen's Club, dated 5 July 2011.
2. Plan showing the unformed laneway into the Lithgow Workmen's Club carp ark.

#### **RECOMMENDATION**

**THAT** Council:

1. Provide its landowners consent to allow lodgement of a Development Application over the section of unformed laneway to be closed within the Lithgow Workmen's Club car park; and
2. Facilitate a meeting with local residents of Union Street and Tank Street who may be potentially affected by future proposals by the Lithgow & District Workmen's Club.

**ITEM-13          ENVIRO - 11/07/11 - SOURCING OF UNDERGROUND WATER****REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 10-390: Ordinary Meeting of 20 September 2010

Min No 11-66: Ordinary Meeting of 7 March 2011

**SUMMARY**

To provide Council with the NSW Office of Water's written advice in relation to the proposed access to underground mine water from disused mines in the Lithgow area.

**COMMENTARY**

Councillors will recall at the Ordinary Meeting of 7 March 2011 a report on the sourcing of underground water and in particular, correspondence from The Hon Paul Lynch MP, former Minister for Energy advising that Delta Electricity has confirmed that it investigated the feasibility of extracting water from a number of interconnected and abandoned mine workings in the vicinity of the Lithgow township. Correspondence from the Minister for Energy also advised that Council's letter had been referred to the Hon Phillip Costa MP, Minister for Water, for a separate response.

Following this, Council received correspondence from David Harris, Commissioner, NSW Office of Water, dated 17 March 2011, advising that the NSW Office of Water is the agency responsible for regulating water extraction within New South Wales and that Mr Richard Nevill, Licensing Manager would be available to meet with Council to discuss the potential extraction of the water. This was understood to extend to a briefing of Councillors; however Council Officers initially met with Mr Nevill on 2 June 2011.

Council has since received written advice from the NSW Office of Water, in relation to its concerns regarding the proposed access to underground mine water from disused mines in the Lithgow area. It advised that, in relation to the actual licence application, the Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources was made on 2 March 2011 and will commence on 1 July 2011, meaning that from 1 July 2011, the Lithgow area will be subject to the Water Management Act 2000 and the rules of the Metro Groundwater WSP.

The Lithgow Township appears to fall within two identified groundwater sources, being Sydney Basin Cox's River Groundwater Source and the Cox's River Fractured Rock Groundwater Source. The report cards for the Metro Groundwater WSP for each of these water sources indicated that an access licence may be granted for local water utility or town water supply purposes, as a specific purpose access licence. Such an access licence would have restrictions on trading and can only be used for the specific purpose. As such, there appears to be no impediment under the Water Management Act 2000 to Lithgow Council applying for a water access licence to access the underground mine water from disused mines in the Lithgow area. It should be noted that receipt of an application does not guarantee successful granting of a licence.

The primary issue for the NSW Office of Water is potential subsidence resulting from any extraction of the underground mine water from disused mines in the Lithgow area. This issue was previously raised with Delta Electricity during its investigations into the viability of the extraction of this water and remains a significant concern. The NSW Office of Water is also concerned about the quality of water in these disused mine if the water is to be used to supplement town water supply for drinking water purposes. If Council wishes to pursue the access to this groundwater, it will need to satisfy the NSW Office of Water that potential subsidence and water quality are not specific concerns.

Council officers believe that to satisfy the concerns of the office of would require the engagement of specialist hydrologists, geotechnical engineers and possibly mine subsidence engineers.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil at this stage.

#### **LEGAL IMPLICATIONS**

Nil at this stage

#### **ATTACHMENTS**

1. Correspondence from the NSW Office of Water, dated 21 June 2011

#### **RECOMMENDATION**

**THAT** the information on the sourcing of underground water be noted.

**ITEM-14          ENVIRO - 11/07/11 - DRAFT WASTE AND RECYCLING STRATEGY****REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 10-519:            Ordinary Meeting of 13 December 2010  
Min No 11-137:            Ordinary Meeting of 11 April 2011

**SUMMARY**

To advise the Council of the receipt of the Draft Waste & Recycling Strategy and to recommend that the Draft Strategy be placed on public exhibition.

**COMMENTARY**

As Councillors would be aware, the Draft Waste & Recycling Strategy prepared with the assistance of specialist consultants, Molino Stewart Pty Ltd has now been received. The draft Strategy, once implemented, has important implications for the adoption of acceptable kerbside garbage and recycling system; tendering for new garbage and recycling contract; closure sequence of rural landfills; and locations of transfer stations to provide waste disposal and recycling facilities to rural residents due to the closure of rural landfills. The Draft Strategy makes a number of recommendations for Council to pursue in relation to a wide range of waste and recycling issues, with the main recommendations as follows:

- Establish tracking system to identify disposal of waste from Regulated areas and payment of the Levy to State Government and to ensure waste from outside the Local Government Area is not accepted at the Lithgow Solid Waste Facility.
- Undertake a review of current contracts in line with the strategies to be implemented
- Activate development consent for Blackman's Flat prior to December 2011.
- Extend the life of Lithgow SWF for at least Stage 1 and 2. Consider including the required infrastructure for improved reuse / recycling opportunities
- Undertake community engagement and education on the closure of the landfills and progress with Landfill closures according to closure plans
- Residents of Capertee be consulted on the closure of the landfill in 2018 and their potential use of a transfer station if constructed
- Develop transfer station at Glen Davis/Glen Alice to coincide with the closure of Glen Davis landfill in 2013
- A transfer station is included in the development of Blackman's Flat and this be developed as a first stage of the facility with infrastructure constructed to be easily transferrable to the new facility when it is fully commissioned (Timeframe to be determined following community consultation)
- Design the new transfer stations with recycling of a range of materials in mind
- Consideration be given to the upgrade of the existing three transfer stations to provide the opportunity for recycling and materials separation
- Include requirements within the planning for the Blackmans Flat facility measures for the management of organic materials through composting.

- Prepare proposal to consolidate the current kerbside collection scheme in the short term by replacing the recycling crate with a bin. Seek costs for the provision of the service and any upgrade requirements of the MRF.
- Prepare proposal for an ultimate upgrade to a 3 bin kerbside collection scheme in the long term. Seek costs for the provision of service and upgrade requirements of the MRF, green waste operations etc. (Long term)

The rural landfill closure program is proposed as:

Landfill Name	Date of Proposed Closure
Angus Place	October 2011
Cullen Bullen	October 2012
Wallerawang	April 2013
Glen Davis	September 2013
Portland	April 2016
Capertee	March 2018

Following the receipt of the Draft Strategy, a number of immediate actions would be recommended. These include:

1. Place the Draft Strategy on public exhibition and undertake a wide information campaign across the Local Government Area, particularly targeting residents who utilise the kerbside waste and recycling system and rural residents who may be impacted upon by closure of the rural landfills and replacement with waste transfer stations.
2. Commence the process of giving notice to the current waste and recycling contractor, that Council will be looking to call for tenders for a new waste and recycling service and that is anticipated that once tenders are called and a contractor awarded, that the new service will commence in approximately 6 months time (it should be noted that the current contractor has indicated that it is willing to continue with the contract up until transfer to a new contractor, should it not be successful in gaining the contract, however, this advice being confirmed obtained in writing).

### **POLICY IMPLICATIONS**

Nil at this stage.

### **FINANCIAL IMPLICATIONS**

Nil, at this stage but it would be anticipated that when tenders are called for, a new Waste & Recycling Service that several options be requested from tenderers, so that individual costs of the final chosen system be understood. Also there will be costs associated with closing rural landfills and constructing rural waste transfer stations which have been included in the 2011/12 – 2014/15 Management Plan. However, with the recommendation to establish a Transfer Station at Blackmans Flat, this will need to be reviewed.

### **LEGAL IMPLICATIONS**

The draft strategy outlines various relevant legislation.

**ATTACHMENTS**

1. Draft Waste & Recycling Strategy

**RECOMMENDATION****THAT:**

1. Council note the provision of the Draft Waste & Recycling Strategy and that the Draft Strategy be placed on public exhibition for a period of 40 days.
2. An extensive information campaign be undertaken to advise both the urban and rural communities of the Draft Strategy and the issues contained within the Draft Strategy.
3. Correspondence be forwarded to JR Richards indicating that Council will be looking to tender for a new Kerbside Waste & Recycling Contract and seek their confirmation that should they not be successful in gaining the contract they will continue to provide services under the current contract until the new contractor commences.
4. Upon receipt of this confirmation that planning commence for the tendering of a new Garbage & Recycling Contract through a meeting of the Waste & Recycling Working Party and all Councillors be invited to join the Working Party.

## OPERATION SERVICES REPORTS

### ITEM-15            OPER - 11/07/11 - COMPLETION OF REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE - STRATEGIC PROJECTS

#### REPORT BY: ASSETS AND PROJECTS ENGINEER – LEANNE KEARNEY

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#### **SUMMARY**

This report provides details on the works completed as part of the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects.

#### **COMMENTARY**

In early 2009, the Federal Government announced the availability of an additional \$500 million in funding for the Regional and Local Community Infrastructure Program for Strategic Projects (RLCIP-SP). Lithgow City Council made an application for funding under this programme, allowing for the completion of further refurbishments, improvements, and upgrading identified within the Lithgow Sporting and Cultural Precinct, and was successful in securing funding of \$3,285,000.

Council provided an original allocation of \$873,000, comprising \$648,000 of Council funding, \$125,000 funding from Lithgow Hockey Association and \$100,000 from the Department of Ageing and Health (for replacement of the Hockey Turf). After a structural report was received in relation to the existing condition of the Ashley Grandstand, Council resolved to provide an additional funding allocation of \$200,000 to complete these works, increasing Council's contribution to \$1,073,000 and increasing the total value of upgrading and improvements from \$4,158,000 to \$4,358,000. Planning of works commenced when Council received the signed funding agreement in May 2009, and all construction works were completed by the revised deadline of 30 June 2011.

Works were planned, designed and constructed in consultation with the major users of the Lithgow Sporting and Cultural Precinct facilities, and took into consideration that the Precinct is a significant part of the history of Lithgow. Prior to the application a Feasibility Study was undertaken, and this study took into account possible heritage assets within the Precinct, including any assets with historic, artistic, scientific, technological, geographical or environmental qualities that are maintained principally for their contribution to the culture of Lithgow, and provided the basis for determining the priority of works to be completed.

The following Working Groups were set up for this purpose:

- Tony Luchetti Sportsground Working Group (including representatives from the Lithgow Athletics Club, Ironfest, Lithgow Storm Junior RLFC, Lithgow Bears RLFC, Lithgow Workmen's Club RLFC, Lithgow Harness Racing Association, Lithgow Show Society, Lithgow Flash Gift Committee, Lithgow District Junior Cricket Association, Lithgow District Senior Cricket Association, and Lithgow Touch Football Association)

- Glanmire Oval Working Group (including representatives from the Lithgow Hockey Association, Lithgow District Junior Cricket Association and Lithgow District Senior Cricket Association).
- Civic Ballroom Working Group (including representatives from the Catholic Ball Committee, Lithgow Highland Pipe Band Association, Lithgow Squadron Australian Air League, Lithgow Show Society, Lithgow and District Poultry Club, and Lithgow Workmen's Club RLFC)

Meetings were held with these groups to confirm the improvements required. Council then arranged for plans to be prepared including all of the works to be undertaken, and the Working Groups were then given the opportunity to review these plans and make any amendments. Once plans were finalised, Council contacted numerous builders, the majority of whom were local, and specialist companies seeking quotations. Quotations were reviewed, and contracts for works were awarded.

Major improvements requiring Council to call for tenders in accordance with Council's Standard Working Procedure for Tendering included:

- Construction of Lithgow Skate Park (TEN 04/09 awarded to Michael Haley Precision Parks and Concreting for \$279,000). There were no variations to this contract.
- Replacement of the Hockey Turf (TEN 05/09 awarded to Sports Technology International for \$739,300, with the final tender price totalling \$725,698). Initially, Council provided a contingency of up to \$48,000 as the condition of the subsurface was unknown, and could only be estimated until revealed. Once the sand based surface was removed, the work required to stabilise the sub base was less than originally thought, and a saving of \$13,602 was achieved.
- Flooring / Seating and Structural Rectification Works (TEN 05/10 awarded to CBS Refurbishment for \$360,079). There were variations to this contract but not to the monetary value.

All works were completed in accordance with the contractual agreements, with the exception of the tender for the replacement of the sand based hockey turf (TEN 05/09), which was subject to a variation due to the revised cost.

For all other works, written and verbal quotations were sought in accordance with Council's Standard Working Procedure for Purchasing. A combination of local and non local trades and suppliers, as well as Council's in house resources were utilised for these projects providing best value for money.

Regular meetings were held during construction, providing the Working Groups with the opportunity to view the progression of the works.

Council's Operations Staff were also involved in the design, planning and construction of projects to ensure that the ongoing maintenance of the improved facilities were achievable within Council's annual maintenance budgets.

Some users experienced minor inconveniences during construction works, however, all agreed that the benefits once the works were complete would outweigh the minor impacts experienced.

<b>General Precinct</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
Jim Monaghan Athletics Oval Improvements	\$27,500	\$22,471	\$5,029
Drainage Improvements	\$110,000	\$108,131	\$1,869
Old TOTE Building Refurbishments	\$10,000	\$10,609	-\$609
Construction of New Amenities	\$270,000	\$260,135	\$9,865
CCTV Security System	\$150,000	\$121,671	\$28,329
Fencing Improvements	\$30,000	\$50,600	-\$20,600
PA Booth Upgrading	\$150,000	\$176,407	-\$26,407
	<b>\$747,500</b>	<b>\$750,024</b>	<b>-\$2,524</b>

<b>Ashley Grandstand</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
Plumbing / Electrical Upgrades	\$70,000	\$97,831	-\$27,831
Canteen Refurbishments	\$150,000	\$150,291	-\$291
Dressing Shed improvements	\$80,000	\$76,569	\$3,431
Club Room Improvements	\$70,000	\$89,482	-\$19,482
Seating / Flooring / Structural Rectification Works	\$400,000	\$405,918	-\$5,918
Railing Upgrades	\$40,000	\$64,042	-\$24,042
Painting	\$50,000	\$68,867	-\$18,867
	<b>\$860,000</b>	<b>\$953,000</b>	<b>-\$93,000</b>

<b>Civic Ballroom</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
Disabled Access	\$50,000	\$8,236	\$41,764
Foyer / Entrance Improvements	\$100,000	\$128,738	-\$28,738
Drainage Improvements	\$40,000	\$50,471	-\$10,471
Foyer Roof Replacement	\$20,000	\$16,000	\$4,000
New Doors	\$40,000	\$25,744	\$14,256
New Windows	\$30,000	\$20,393	\$9,607
Amenities Refurbishment	\$150,000	\$133,302	\$16,698
Bar / Kiosk Improvements	\$200,000	\$56,522	\$143,478
Heating System	\$200,000	\$208,713	-\$8,713
Painting	\$40,000	\$41,314	-\$1,314
Creation of Community Rooms	\$100,000	\$7,000	\$93,000
Lighting and Sound System Improvements	\$100,000	\$84,641	\$15,359
	<b>\$1,070,000</b>	<b>\$781,074</b>	<b>\$288,926</b>

<b>Skate Park</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
RLCIP - Round 1 (Construction of Skate Park)	\$260,000	\$260,000	\$0
Ancillary Works	\$140,000	\$117,261	\$22,739
	<b>\$400,000</b>	<b>\$377,261</b>	<b>\$22,739</b>

<b>Glanmire Oval</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
Upgrading of Turf	\$803,500	\$803,472	\$28
Fence Replacement	\$40,000	\$40,880	-\$880
Paving Replacement	\$30,000	\$31,873	-\$1,873
Relocation of Dugout	\$30,000	\$27,792	\$2,208
New Game Clock and Scoreboard	\$30,000	\$20,679	\$9,321
Spectator Seating	\$60,000	\$17,208	\$42,792
New Goals	\$7,000	\$6,800	\$200
Lighting Upgrades	\$60,000	\$105,835	-\$45,835
Water Reuse System	\$80,000	\$126,355	-\$46,355
	<b>\$1,140,500</b>	<b>\$1,180,894</b>	<b>-\$40,394</b>

<b>Project Management</b>	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
Design and Project Management	\$140,000	\$286,005	\$146,005
	<b>\$140,000</b>	<b>\$286,005</b>	<b>\$146,005</b>

	<b>Budget</b>	<b>Spent</b>	<b>Variation</b>
<b>Total Project Costs</b>	<b>\$4,358,000</b>	<b>\$4,328,258</b>	<b>\$29,742</b>

The objectives of the completion of these improvements and upgrades were to stimulate additional growth and economic activity within the Lithgow Local Government Area, thus achieving the Australian Government's objective of contributing to addressing the global economic crisis funding opportunities under the Regional and Local Community Infrastructure Program – Strategic Projects.

As a result of completing these improvements and upgrades, Council is able to adequately provide modern, well utilised sporting, recreational and community facilities that meet the required levels of service in the most cost effective manner for present and future users.

These projects also add to Council's vision of promoting Lithgow as a centre of regional excellence that encourages community growth and development, and contributes to the efficient and effective management of the environment, community and economy for present and future generations.

Council is expected to meet these objectives, as demonstrated by the NSW Under 17 Boys Hockey Championships being hosted by the Lithgow Hockey Association at the immediate completion of the Glanmire Oval Precinct works. Feedback from the organisers of this major championship complimented Council for the improvements, and suggested further championships will be conducted at the facility. The field was required to be constructed to achieve National certification by the Federation of International Hockey (FIH), however exceeded these expectations when the testing returned a Global certification, including approval to play under lights. This is remarkable achievement, and puts the Lithgow field above many others in Australia who have not had their lights approved for use.

Lithgow City Council has also submitted a bid to host the 2012 AAMI Country versus City Origin match at Tony Luchetti Sportsground, Lithgow, however, were unsuccessful in this bid.

Council is now pursuing other avenues to secure a high level rugby league match at the facility, to showcase the improvements and upgrades. The Lithgow Skate Park has proved extremely popular with the local youth, with the facility utilised daily, regardless of weather conditions.

Council has also received a number of enquiries regarding possible use of the Civic Ballroom by non-regular users, and it is pleasing to note that the refurbishments have been well received by regular users as well as potential hirers who have inspected the facility.

The official opening of the RLCIP-SP works is to be held at 1.00pm on Saturday, 30 July 2011 at the Ashley Grandstand, Lithgow, and will be attended by Senator Doug Cameron, Mayor Neville Castle, Councillors, members of the Working Groups, contractors involved in completing the works, Council staff involved in completing the works, and the Lithgow Community.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

All funding provided by the Department of Regional Australia has been expended in accordance with the Funding Agreement. Council initially contributed \$648,000 toward this project, and in accordance with the Funding Agreement, Council's funding was required to be expended prior to utilisation of the RLCIP-SP funding. As Council provided an additional \$200,000 toward the structural rectification works at Ashley Grandstand, Council has complied with the conditions of the Funding Agreement, and as such, Council has a cost saving of \$29,742 from this project, which is a surplus of Council's additional financial contribution to toward this project.

#### **LEGAL IMPLICATIONS**

The Funding Agreement between Lithgow City Council and the Department of Regional Australia requires Council to continue to operate the facilities improved from funding provided under the Regional and Local Community Infrastructure Grant for a period of seven (7) years.

#### **ATTACHMENTS**

Nil

#### **RECOMMENDATION**

**THAT** Council:

1. Note the information provided regarding the completion of the Regional and Local Community Infrastructure Program – Strategic Projects;
2. Note the completion of tenders TEN 04/09 (Michael Haley Precision Parks and Concreting), TEN 05/09 (Sports Technology International) and TEN 05/10 (CBS Refurbishments) and approve the variation of \$13,602 to TEN05/09;

3. Thank and congratulate the members of the Working Groups involved in the planning and design of the improvements; and
4. Thank and congratulate the Federal Government for the Regional and Local Community Infrastructure Programme initiative.

## ITEM-16 OPER - 11/07/11 - WATER REPORT

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

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### REFERENCE

Min No 11-208: Ordinary Meeting 30 May 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 Monday 27 June 2011 was 100%. Oberon Dam capacity on Monday 27 June 2011 was 53.03%.

#### CURRENT WATER USAGE FROM EACH SUPPLY

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

**Table 1 - 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	133	14
June (partial to 27 <sup>th</sup> )	109	19
Month Average 2010	123	34
Total 2010/2011	1,497	258

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

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
May	4,284	452
June	4,023	692

**Table 3 2010/2011 Water Consumption for Fish River Water Scheme**

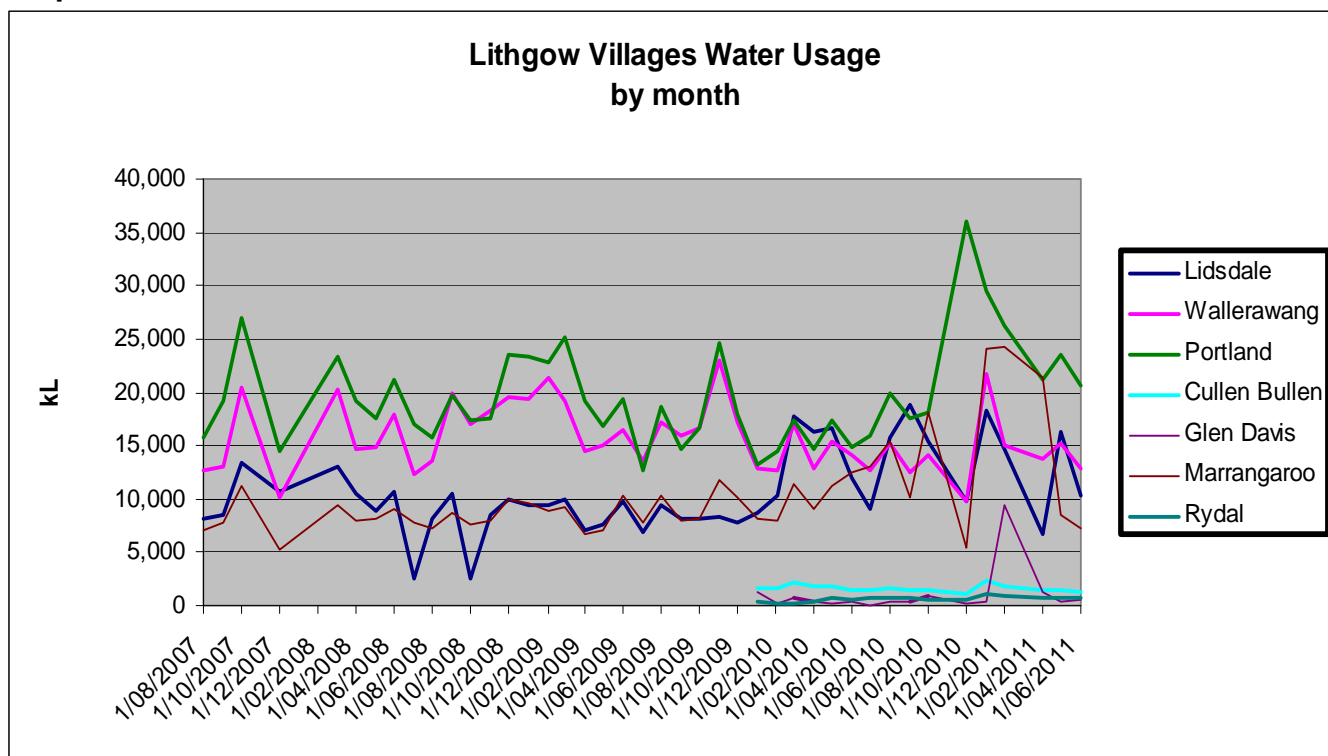
2010/11	Water Consumption (ML)					Total
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consum	
Jul	425	50	0	55	20	550
Aug	768	54	0	66	20	907
Sep	603	51	0	51	20	726
Oct	555	51	28	50	20	704
Nov	572	58	155	66	20	900
Dec	130	37	40	45	20	273
Jan	148	73	0	50	20	292
Feb	189	95	0	49	20	353
Mar	493	67	0	52	20	632
Apr	350	72	0	36	20	478
May	311	72	0	61	20	464
Jun	338	55	0	48	20	461
<b>Total</b>	<b>4,881</b>	<b>734</b>	<b>224</b>	<b>629</b>	<b>240</b>	<b>6,709</b>
1998	7,243	970	3,003	827	192	12,235
1999	7,204	898	3,317	855	171	12,445
2000	7,294	858	3,468	767	179	12,567
2001	8,640	998	3,913	921	180	14,652
2001/2	8,359	1,019	3,677	838	180	14,073
2002/03	8,303	1,183	4,390	911	237	15,023
2003/04	6,734	968	3,005	732	216	11,655
2004/05	4,960	735	1,878	677	162	8,412
2005/06	6,367	959	2,098	725	228	10,378
2006/07	6,590	795	3,115	749	218	11,468
2007/08	4,367	747	1,077	601	150	6,942
2008/09	3,356	699	208	583	240	5,086
2009/10	<b>2,856</b>	<b>554</b>	-	<b>590</b>	<b>158</b>	<b>4,158</b>

**Table 4 Water Consumption for Villages**

	Lidsdale Total	Wang total	Portland total	Cullen Bullen total	Glen Davis	Marrangaroo total
<b>June 11 ML</b>	10.2	12.8	20.7	1.3	0.5	7.3
<b>Annual ML</b>	165.6	171.9	272.8	18.8	23.9	190.2

Marrangaroo supplied from Lithgow. Other villages supplied from FRWS.

Graph 1



**Oakey Park Water Quality Annual Summary**

No health-based ADWG guideline values were exceeded in 2010/2011.

Parameter	Number of samples	Number of exceptions	% meeting guideline values
Total Coliforms <sup>1</sup>	79	13	84
E. coli	79	0	100
pH	13	0	100
Turbidity	13	0	100
Free Chlorine	57	0	100
Total Dissolved Solids (TDS)	13	0	100
Aluminium <sup>2</sup>	13	4	69
Antimony	13	0	100
Arsenic	13	0	100
Barium	13	0	100
Boron	13	0	100
Cadmium	13	0	100
Calcium	13	0	100
Chloride	13	0	100
Chromium	13	0	100
Copper	13	0	100
Fluoride	13	0	100
Iodine	13	0	100
Iron	13	0	100
Lead	13	0	100
Magnesium	13	0	100

Manganese	13	0	100
Mercury	13	0	100
Molybdenum	13	0	100
Nickel	13	0	100
Nitrate	13	0	100
Nitrite	13	0	100
Selenium	13	0	100
Silver	13	0	100
Sodium	13	0	100
Sulfate	13	0	100
Total Hardness as CaCO <sub>3</sub>	13	0	100
True Colour	13	0	100
Zinc	13	0	100

**Coliforms (total coliforms)** ADWG Total coliforms include *E. coli*, *Citrobacter*, *Enterobacter*, *Klebsiella* and other related enterobacteria. Coliform bacteria other than *E. coli* are capable of multiplying in water to high numbers, given the right conditions. Due to their widespread occurrence in soil and water environments, total coliforms (in the absence of *E. coli*) are not regarded as a specific indicator of faecal contamination. The relative abundance of coliforms makes them useful in monitoring the efficiency of water treatment and disinfection processes. They should generally not be detected in water sampled immediately after disinfection.

If used for operational monitoring system specific targets should be established for water within distribution systems. An understanding of system characteristics together with an analysis of historical results should be used in setting such targets.

**Aluminium** ADWG Aesthetic value <0.2 Guideline value based on post-flocculation problems; (acid-soluble) < 0.1 mg/L desirable. Lower levels needed for renal dialysis. No health-based guideline value can be established currently.

### FISH RIVER WATER SCHEME WATER QUALITY ANNUAL SUMMARY

No health-based ADWG guideline values were exceeded in 2010/2011.

Parameter	Number of samples	Number of exceptions	% meeting guideline values
Total Coliforms <sup>1</sup>	117	31	74
E. coli	117	0	100
pH	10	0	100
Turbidity <sup>2</sup>	10	2	80
Free Chlorine	100	0	100
Total Dissolved Solids (TDS)	10	0	100
Aluminium	10	0	100
Antimony	10	0	100
Arsenic	10	0	100
Barium	10	0	100
Boron	10	0	100
Cadmium	10	0	100
Calcium	10	0	100

Chloride	10	0	100
Chromium	10	0	100
Copper	10	0	100
Fluoride	10	0	100
Iodine	10	0	100
Iron	10	0	100
Lead	10	0	100
Magnesium	10	0	100
Manganese	10	0	100
Mercury	10	0	100
Molybdenum	10	0	100
Nickel	10	0	100
Nitrate	10	0	100
Nitrite	10	0	100
Selenium	10	0	100
Silver	10	0	100
Sodium	10	0	100
Sulfate	10	0	100
Total Hardness as CaCO <sub>3</sub>	10	0	100
True Colour <sup>3</sup>	10	1	90
Zinc	10	0	100

**Coliforms (total coliforms)** ADWG Total coliforms include *E. coli*, *Citrobacter*, *Enterobacter*, *Klebsiella* and other related enterobacteria. Coliform bacteria other than *E. coli* are capable of multiplying in water to high numbers, given the right conditions. Due to their widespread occurrence in soil and water environments, total coliforms (in the absence of *E. coli*) are not regarded as a specific indicator of faecal contamination. The relative abundance of coliforms makes them useful in monitoring the efficiency of water treatment and disinfection processes. They should generally not be detected in water sampled immediately after disinfection.

If used for operational monitoring system specific targets should be established for water within distribution systems. An understanding of system characteristics together with an analysis of historical results should be used in setting such targets.

**Turbidity** ADWG Aesthetic value <5 NTU is just noticeable in a glass.>1 NTU may shield some microorganisms from disinfection. <1 NTU desirable for effective disinfection.

**True Colour** ADWG Aesthetic value < 15 HU. 15 HU just noticeable in a glass. Up to 25 HU is acceptable if turbidity is low. If colour is high at time of disinfection, then the water should be checked for disinfection byproducts such as THMs.

#### **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 June with Council receiving 12 applications for a household appliance rebate and 1 application for a water tank rebate.

## FISH RIVER WATER SCHEME PIPE UPGRADE

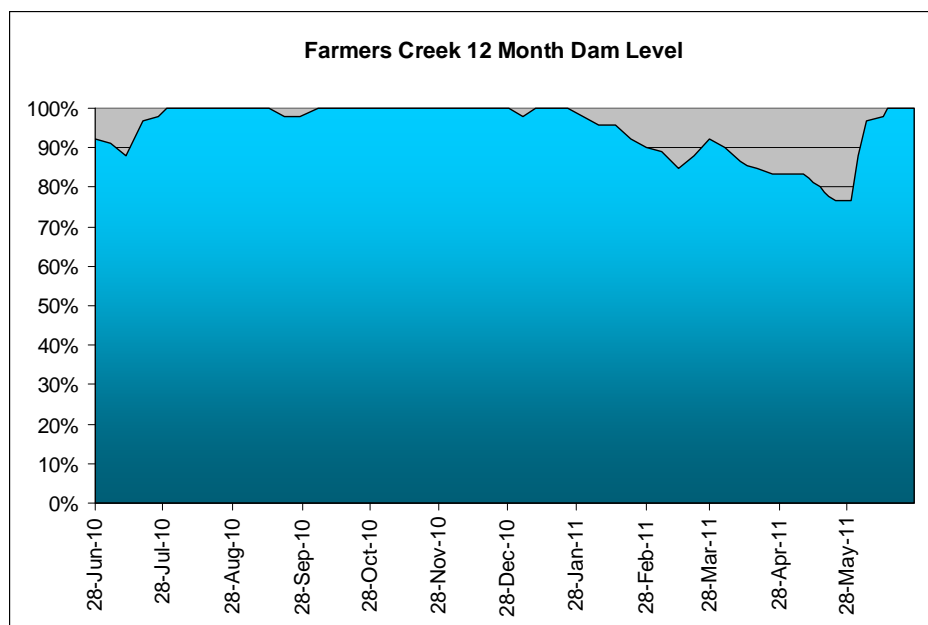
3.7km of pipelines will be replaced at the Fish River Water Supply in an \$8 million project being managed by State Water Corporation. TCM Civil was awarded the contract for construction of the replacement pipelines located between Duckmaloi Water Treatment Plant and Rydal Dam. The project will reduce breakages and leaks that the old pipes were more susceptible to as the section of pipe to be replaced has been in the ground since the 1950's. As the Fish River ecosystem is fragile and supports a large number of native and introduced species construction work will be carried out in line with a number of controls to minimize any impacts on the surrounding area.

The project is expected to take approximately one year to complete and is expected to be finished in June 2012.

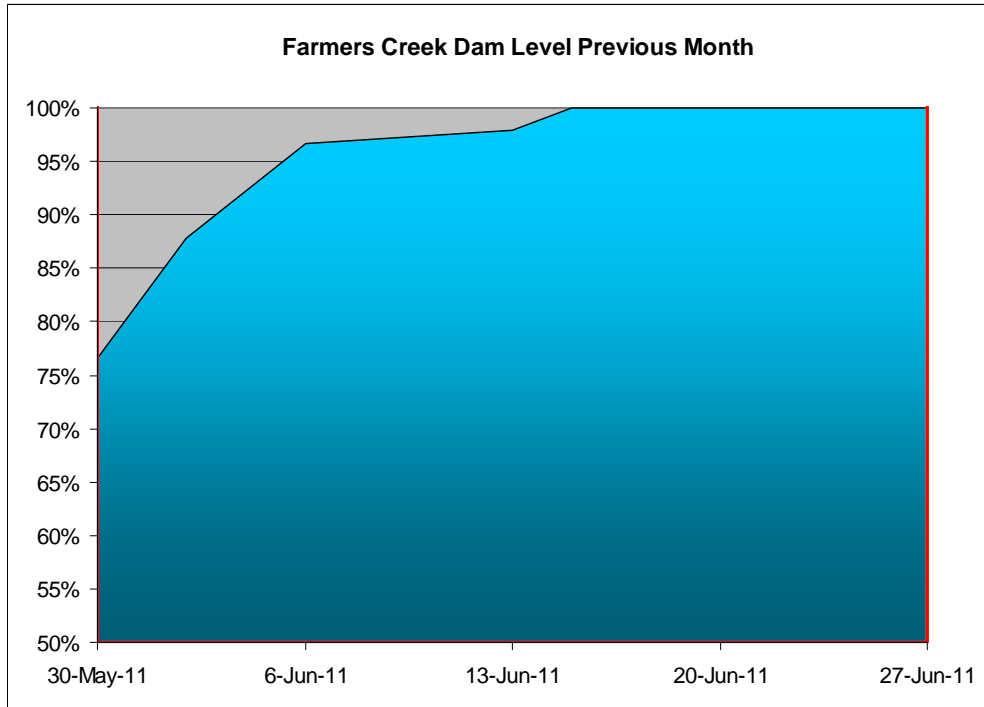
## FARMERS CREEK DAM 12 MONTH LEVELS

The attached chart shows the storage data to date for the last twelve months and for the previous month

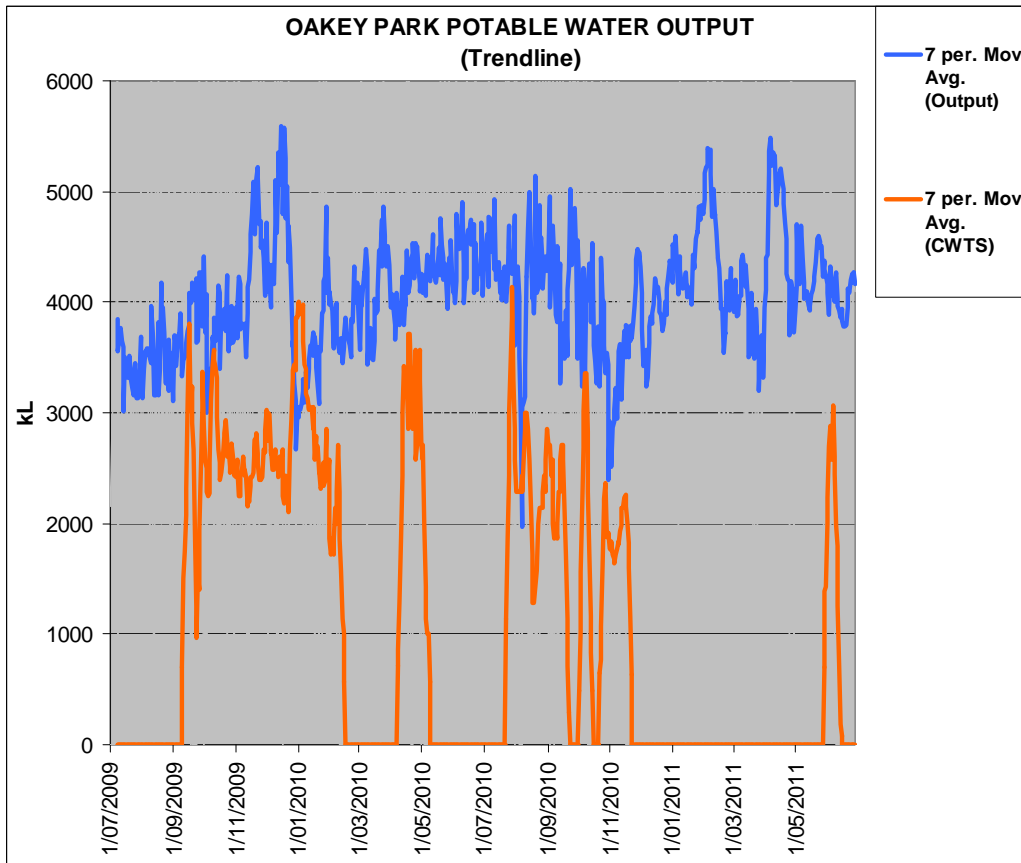
**Graph 2 Farmers Creek Dam #2 over 12 Months**



Graph 3 Farmers Creek Dam #2 over 1 Month



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



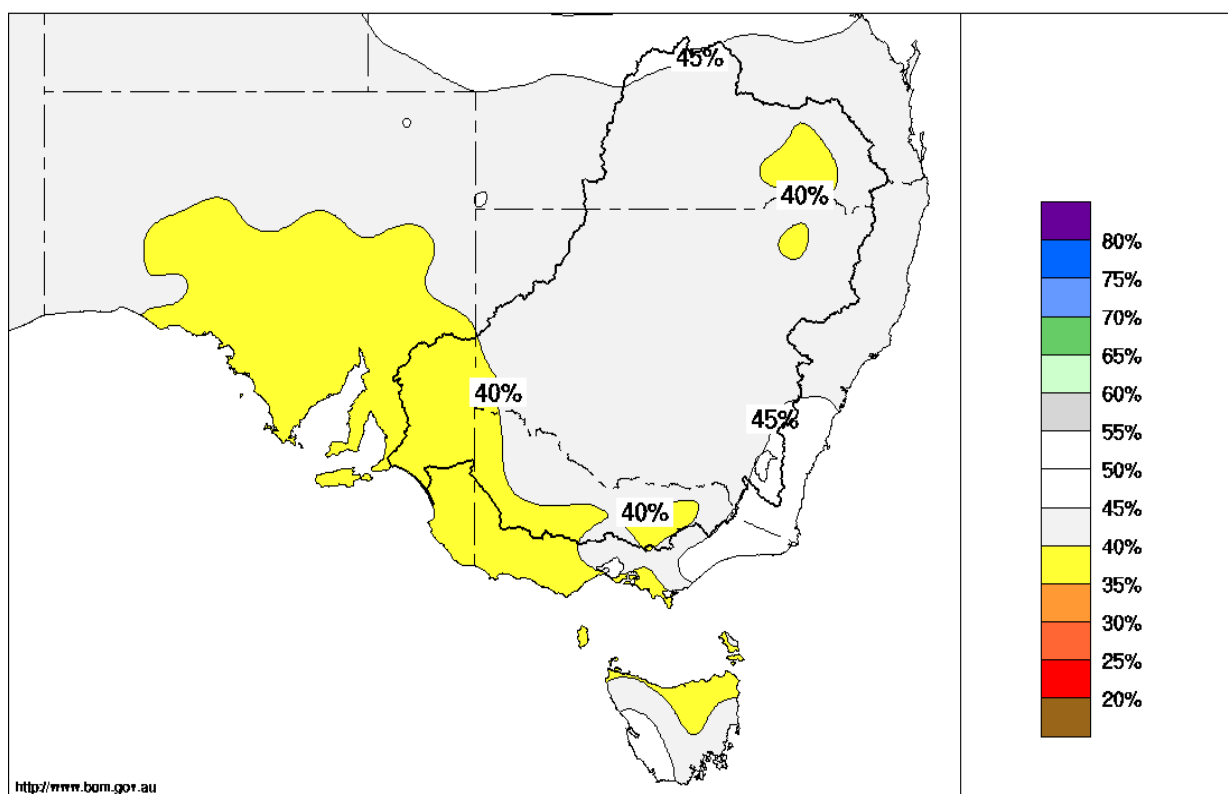
## FARMERS CREEK DAM #2 STORAGE OUTLOOK

The outlook for late winter to early spring (July to September) shows a moderate shift in the odds favouring a drier than normal season over southern SA, western Victoria and northern Tasmania.

The pattern of seasonal rainfall odds across Australia has been produced using recent Pacific and Indian Ocean temperature patterns. The outlook is a result of cool conditions in the central tropical Pacific Ocean, as well as warm conditions in the Indian Ocean.

### Chance of exceeding the median Rainfall July to September 2011

Product of the National Climate Centre



The chances of receiving above median rainfall during the July to September period are between 35 and 40% over southern parts of SA, western Victoria and northern Tasmania (see map). Such odds mean that for every ten years with similar ocean patterns to those currently observed, close to four July to September periods would be expected to be wetter than average in these areas, while about six would be drier.

Conditions in the tropical Pacific Ocean have returned to neutral, with an easing of the La Niña conditions that have dominated over the previous 9-12 months. Computer models surveyed by the Bureau suggest neutral ENSO conditions are likely to persist over the next three months.

NSW recorded a statewide average rainfall of 33.2 mm during May, below the historical average of 47.1 mm but significantly wetter than May 2008 (12 mm). The drying conditions follow slightly below average rainfall during April associated with the declining influence of La Niña on Australian climate, with most of the state recording close to median rainfall during the month.

The Murray Darling Basin also recorded below average rainfall during May, averaging 27.7 mm compared to the historical average of 42.3 mm.

Rainfall in May was highest along the coast, with the majority of rain falling in two main events. The first occurred as a cold front moved eastward into the state on the 22nd, bringing the only significant totals in inland NSW over the 23rd and 24th. Daily rainfall reached 46.2 mm at Parkes on the 23rd with large areas exceeding 25 mm, while up to 54 mm was recorded at Thredbo and in the Snowy Mountains on the 24th. As the cold front moved offshore, an East Coast Low developed in its wake, bringing daily totals of up to 143.8 mm at Newcastle on the 25th.

The second rainfall event occurred towards the end of the month, as a low pressure trough developed off the coast with an associated upper low. This brought significant rainfall to coastal regions, particularly on the 31st as daily totals exceeded 50 mm through much of the Hunter and Mid North Coast regions, reaching 122 mm at Katoomba (Murri St) and 114.2 mm at Gosford.

Routine Dam inspections continued throughout June.

#### **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, Portland, Cullen Bullen and Glen Davis took place successfully early June. In July an extended trial of up to 7 days will be conducted.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

There is currently \$178,604.42 outstanding on the account with latest bill due 30/06/2011 so if process the credits and reverse the interest before the next invoice then LCC will only have a balance of \$64,040.42 due by 30/06/2011 plus whatever the June invoice is (due end July).

#### **LEGAL IMPLICATIONS**

Nil

#### **RECOMMENDATION**

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

**ITEM-17            OPER - 11/07/11 - FISH RIVER WATER PRICING**

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

**REFERENCE**

Min No 10-03: Ordinary Meeting of Council 18<sup>th</sup> January 2010

**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 concerning the Fish River Water Scheme, the following information is provided.

**FEE PRICE RISE**

FRWS have announced fee increases to take effect from the 1st July 2011. State Water’s regulated river and Fish River Water Supply Scheme prices are set by the Independent Pricing and Regulatory Tribunal (IPART) of NSW for the period 1 July 2010 to 30 June 2014.

Fish River Water Supply Scheme charges are set out in tables six and seven (pages 12-13) of their report. The determination can be accessed at IPART’s website [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au). IPART subsequently update the charges for inflation using the annual change in the March to March quarter consumer price index (CPI), published by the Australian Bureau of Statistics. IPART advise the March 2011 quarter change in CPI is 3.3 per cent.

**Table 1**

<b>2011/2012 Fish River Prices</b>			
<b>IPART Determination No. 2, 2010</b>			
<b>01.07.2011 to 30.06.2012</b>			
	<b>Access (\$/kL)</b>	<b>Usage (\$kL)</b>	<b>Excess Usage (\$kL)</b>
<b>Unfiltered Water</b>			
Delta Electricity	0.31	0.34	0.65
Sydney Catchment Authority	0.31	0.34	0.65
The Oberon Council	0.31	0.34	0.65
Individual Minor customers	0.38	0.68	1.06
<b>Filtered Water</b>			
Lithgow Council	0.45	0.50	0.95
Individual Minor customers	0.54	0.84	1.37

For comparison, the 2010/11 FRWS water charges were \$0.40/kL per access charge and \$0.44/kL for usage charge which is an increase of 12.5% and 13.6% respectively.

### WATER ACCOUNTING

During a review conducted by the Water and Wastewater Department it was discovered that the following sites at times have been supplied by FRWS and other times by Lithgow City Council but that the volumetric charges have not reflected the changes in source.

**Table 2 Flow Meter Locations**

Tunnel Hill	Marrangaroo	Marrangaroo	Marrangaroo	Lithgow	Marrangaroo	Golf Club	Lithgow
	No. 1	No. 2	No. 3	STP	Fields	Lithgow	Prison
G5007	E5008	E5009	E5010		E5013	E5012	E5015

Due to some confusion on the identification of the source of supply previously, it appears that LCC may have been over billed for 259,534 kL of usage. The confusion is now sorted and the Mag Flow reading is a good indicator of the source of supply. Now, if LCC is the source of supply, the Mag Flow meter will not turn over. Billing since 28 February 2011 has been correct.

Please also note that the error in billing has been over three different financial years and hence three different pricings applied. The \$ figures are:

2008/9 -April to June	\$11,780.05
2009/10 full year	\$50,768.25
2010/11 up to January	\$42,909.20
Total credits	\$105,457.50

and interest since April 09 is \$9,106.50 which equates to 8.6352%

There is currently \$178,604.42 outstanding on the account with the latest bill due 30/06/2011 so if the credits are processed and the interest reversed before the next invoice then LCC will only have a balance of \$64,040.42 due by 30/06/2011 plus whatever the June invoice is (due end July).

### POLICY IMPLICATIONS

NII

### FINANCIAL IMPLICATIONS

As discussed in commentary.

### LEGAL IMPLICATIONS

NIL

### ATTACHMENTS

NIL

### RECOMMENDATION

**THAT** the information in relation to Fish River Water Pricing issues be noted.

**ITEM-18            OPER - 11/07/11 - ENDEAVOUR ENERGY PADMOUNT SUBSTATION  
RENEWAL AND ACQUISITION OF EASEMENT - TARRONE PLACE,  
WALLERAWANG**

**REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER**

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**SUMMARY**

Endeavour Energy is currently upgrading their electricity asset in Tarrone Place Wallerawang and are seeking acquisition of easement within a Lithgow City Council Public Reserve.

**COMMENTARY**

Council has been notified of Endeavour Energy's proposal to upgrade its electricity assets in Tarrone Place, Wallerawang as part of its refurbishment program. Such work will involve the replacement of an existing substation in a new location subject to the old substation having to stay active for consumer supply during such upgrade work.

Endeavour Energy is seeking Councils comments and approval to the installation of the new padmount substation within the Reserve in the location shown on the attached plan. It is the intention of Endeavour Energy to fully restore the Reserve and provide screening as required by Council.

The easement dimensions around the new substation are 5.5m x 2.75m and are shown highlighted on the attached drawing. In addition, an easement to protect underground cables running from the substation to James Parade Lane and Tarrone Place will also be required. This easement will need to be a minimum of 1m wide and is shown on the attached drawing.

Endeavour Energy intends to define the new easement on a plan of survey, and as such 'The Terms of Easement are attached for council's reference'.

Furthermore, Endeavour Energy is prepared to compensate Lithgow City Council for the 'Grant of Easement' together with all costs incurred by Council in the matter.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. The drawing outlining the proposed new route for padmount station and the underground service easement.

**RECOMMENDATION****THAT:**

1. Endeavour Energy be permitted to proceed with refurbishment works to their existing electrical asset subject to satisfactory restoration and appropriate screening of the new padmount substation.
2. That appropriate compensation and all costs associated with the creation of the plan of survey and legal documentation be met by Endeavour Energy.

**ITEM-19            OPER - 11/07/11 - DEDICATION OF PUBLIC ROAD - VIEW STREET  
LIDSDALE****REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS**

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**SUMMARY**

Advice has been received from the Lands and Property Management Authority advising that part of View Street Lidsdale appears to be constructed and maintained by Council up to and including the intersection with the Council Public Road providing access to DP792653. This is shown on the attached plan.

**COMMENTARY**

The LPMA have advised that their records indicate that the section of View Street extending from Castlereagh Highway to the section of Public Road is not currently classified as a Public Road but is classified as a Crown Public Road.

This road has been sealed and maintained by Council for many years and the LPMA are suggesting this situation should be rectified by Council completing the appropriate documentation and requesting that the road be transferred from a Crown Public Road to a Public Road.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Fee of \$220 is applicable

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Letter and Map from Land and Property Management NSW

## RECOMMENDATION

### THAT:

1. Council agree to the proposal to have View Street Lidsdale dedicated as Public Road; and
2. Council authorise the affixing of the Council seal to any necessary documentation.

## ITEM-20 OPER - 11/07/11 - PROCUREMENT OF UV DISINFECTION EQUIPMENT AND CONSTRUCTION, WALLERAWANG SEWERAGE TREATMENT PLANT THROUGH DIRECT NEGOTIATIONS

### REPORT FROM: GROUP MANAGER OPERATIONS, IAIN STEWART

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#### SUMMARY

To seek a resolution from Council to proceed to undertake Direct Negotiations with Gongues Construction Pty Ltd, the Principal Contractor, for the installation of UV Disinfection equipment at the Wallerawang Sewage Treatment Plant

#### COMMENTARY

The upgrade to the Wallerawang Sewerage Treatment Plant is approximately 70% complete. The plant has been designed to ensure that the quality of treated effluent is to a standard acceptable to the peak environmental regulator, being the Office of Environment and Heritage (OEH). This does not include the installation of a UV disinfection system. In the period, following the final design, tender and construction phase, the Sydney Catchment Authority (SCA) have engaged consultants to review the effectiveness of treatment systems on the elimination of *Giardia* and *Cryptosporidium* in treated effluent. These are significant issues for SCA as both organisms are known to cause illness if ingested and both Lithgow and Wallerawang STP's are situated in the Sydney Drinking Water Catchment. This review has concluded that the only effective treatment of these organisms is Ultraviolet light (UV).

SCA and Council have subsequently entered into a Funding Agreement that would see SCA met all costs involved with the design, project management, procurement, installation and construction of the UV Disinfection unit, with the operational and maintenance costs for 2 years reimbursed and a further lump sum payment to be negotiated after the 2 year period

The Wallerawang Plant is in 'full swing' and is due for completion in October. To install the plant and equipment after completion of the current works would be wasteful in terms of demolition of recently constructed components and additional expense.

The appointed contractor, Gongues Constructions, controls the site and should another contractor be appointed through a tender process then it is unlikely Gongues would allow them onto 'their site' for valid insurance and Occupational Health and Safety considerations. Normally, if a new contract is to be let then there would be a requirement to undertake a tender process. It is not unusual to undertake new or altered works associated with project, in fact with a large project it is normal. However, given the potential significance of the variation; the likelihood of only seeking a price from one contractor (albeit with good reason) in this instance it was considered prudent to seek legal advice. In summary, the advice has indicated that Council is entitled to treat the matter as a variation.

Therefore NSW Public Works, acting as the "Principal's Representative" has requested the approval to conduct Direct Negotiations with Gongues Construction consistent with the Independent Commission Against Corruption (ICAC), Direct Negotiation Guidelines to ensure probity, fairness and value for money.

### **POLICY IMPLICATIONS**

Council's Policy 1.4 Tendering provides that "all goods to be purchased with an apparent value of greater than \$150,000 shall be undertaken through a tender process". However, for the reasons stated above this matter should be treated as a variation to the existing contract and to inflexibly apply a tendering process to an additional item on a large contract can be counter productive.

### **FINANCIAL IMPLICATIONS**

The capital cost of the UV installation at Wallerawang is estimated to be in the vicinity of \$700,000 to \$800,000 with operating costs anticipated to be around \$50,000 per annum with costs to be met by the Sydney Catchment Authority under the Funding Agreement.

### **LEGAL IMPLICATIONS**

The prime consideration is whether compliance with the Tendering requirements of the Local Government Act is necessary. In this case the matter can be considered as a variation consistent with the legal advice provided Pikes Lawyer.

### **ATTACHMENTS**

NIL

### **RECOMMENDATION**

**THAT** Council resolve to undertake the procurement, installation and construction of the UV Disinfection unit at the Wallerawang Sewerage Treatment Plant by Direct Negotiation WITH Gongues Construction.

## COMMUNITY AND STRATEGY SERVICES REPORTS

### ITEM-21            COMM - 11/07/11 - \$7000 RELOCATION GRANT FOR REGIONAL AREAS

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

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#### REFERENCE

NIL

#### SUMMARY

This report provides details relating to the announcement of a new \$7000 Regional Relocation Grant.

#### COMMENTARY

The NSW Deputy Premier Andrew Stoner and Treasurer Mike Baird have announced a \$7000 grant to assist applicants relocating from their metropolitan home to an established home in regional areas such as Lithgow.

The Regional Relocation (Home Buyers Grant) Act 2011 will operate for four years, commencing 1 July 2011. The scheme will provide applicants with a one-off payment of \$7,000 to assist them with the cost of relocating from their metropolitan home to a regional home.

#### Eligibility Requirements

To be eligible for the \$7,000 Regional Relocation Grant, the following criteria apply:

- All applicants must be natural persons and must not purchase the regional home in his or her capacity as trustee.
- At least one applicant must be an Australian citizen or permanent resident as at the completion date of the regional home purchase.
- All applicants must have entered into an agreement to purchase a home within a regional area, on or after 1 July 2011 and on or before 30 June 2015.
- All applicants must have owned and occupied the metropolitan home as their principal place of residence within 12 months before the commencement date (contract exchange date) of the regional home purchase.
- The consideration for the purchase or the unencumbered value of the regional home must not exceed \$600 000.
- All applicants must sell the metropolitan home either before or within 12 months after the completion date of the regional home purchase.
- All applicants must occupy the regional home as their principal place of residence for at least 12 continuous months commencing within 12 months after the completion date of the regional home purchase.
- An applicant must not have received an earlier grant under the Regional Relocation (Home Buyers Grant) Act 2011.

As advised by Michael Cullen, Executive Director, Enterprise, Small Business and Regional Development:

“For the purpose of the Relocation Grant the “metropolitan area” of NSW is defined as including Sydney and the surrounding local government areas of Wollondilly, Blue Mountains, Hawkesbury, Gosford and Wyong and the Wollongong and Newcastle Council areas.

Councils in regional NSW have the choice of opting out of the scheme if concerned about local populating pressures. The Department of Trade and Investment, Regional Infrastructure and Services is alerting relevant Regional Organisations of Council (ROC) to the scheme as we believe it is important that a broader regional perspective on any concerns about population pressures be taken into account. We have written to each individual council seeking their advice on whether they wish to opt out of the scheme.

The Department will also be interested in discussing with relevant ROCs and individual council any plans they have in place to promote their locations as places to live and work. The Department would be keen to pursue opportunities to co-ordinate these marketing efforts in line with the availability of the Relocation grant.

Council advise on the opt our provision is sought as soon as possible. Should a reply not be received from Council by July 15<sup>th</sup> 2011, we will include those Councils area in the coverage of the Scheme. Should a Council wish to change their position at a later date this can of course be accommodated”.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

NIL

#### **RECOMMENDATION**

**THAT** Council advises the Office of Enterprise, Small Business and Regional Development that Lithgow City Council endorses the Lithgow Local Government area being included in the Regional Relocation Scheme.

**ITEM-22            COMM - 11/07/11 - BLUE MOUNTAINS, LITHGOW AND OBERON  
TOURISM AWARDS****REPORT BY: GROUP MANAGER COMMUNITY AND STRATEGY – SUZANNE  
LOLLBACK**

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**REFERENCE**

Min No 10-278: Ordinary Meeting of Council 12 July 2010

**SUMMARY**

This report provides information on the Blue Mountains, Lithgow and Oberon Tourism Awards and requests that Council supports the awards with financial assistance.

**COMMENTARY**

The Blue Mountains, Lithgow and Oberon Tourism Awards will be held in Lithgow at the Civic Ballroom on Friday 5 August 2011.

The Blue Mountains, Lithgow and Oberon Tourism Association has requested financial assistance for the running of the Awards to the value of \$2,000. It is proposed that Council provides this level of assistance which will include the cost of hiring of the Civic Ballroom. Funds can be allocated from the Tourism budget. Visitor Information Centre staff will be assisting with the coordination of the awards.

Lithgow City Council is entering the tourism awards in the categories of:

- Visitors Centres
- New marketing product - Visitors Guide
- Festivals and Events – Lithgow Flash Gift

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

It is recommended that \$2,000 be allocated as financial assistance towards the running of the awards. Funds can be allocated from the 2011-2012 tourism promotions budget.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION****THAT** Council:

1. Notes that the Blue Mountains, Lithgow and Oberon Tourism Awards will be held at the Civic Ballroom in Lithgow on Friday 5 August 2011.
2. Notes that Lithgow City Council is entering the tourism awards in the categories of:
  - Visitors Centres
  - New marketing product - Visitors Guide
  - Festivals and Events – Lithgow Flash Gift
3. Allocates \$2,000 financial assistance from the Tourism Promotions Budget towards the running of the Blue Mountains, Lithgow and Oberon Tourism Awards which will include the cost of hiring the Civic Ballroom.

## FINANCE SERVICE REPORTS

### ITEM-23            FINAN - 11/07/11 - COUNCIL INVESTMENTS HELD ON 30TH JUNE 2011

#### REPORT FROM - FINANCE MANAGER C FARNSWORTH

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#### REFERENCE

Min No 10-308:	Ordinary Meeting of Council 2 August 2010 (June 2010)
Min No 10-400:	Ordinary Meeting of Council 20 September 2010 (July 2010)
Min No 10-401:	Ordinary Meeting of Council 20 September 2010 (August 2010)
Min No 10-428:	Ordinary Meeting of Council 13 October 2010 (September 2010)
Min No 10-490:	Ordinary Meeting of Council 22 November 2010 (October 2010)
Min No 10-543:	Ordinary Meeting of Council 20 December 2010 (November 2010)
Min No 11-31:	Ordinary Meeting of Council 24 January 2011 (December 2010)
Min No 11-55:	Ordinary Meeting of Council 14 February 2011 (January 2011)
Min No 11-121:	Ordinary Meeting of Council 28 March 2011 (February 2011)
Min No 11-153:	Ordinary Meeting of Council 18 April 2011 (March 2011)
Min No 11-189:	Ordinary Meeting of Council 09 May 2011 (April 2011)
Min No 11-244:	Ordinary Meeting of Council 20 June 2011 (May 2011)

#### SUMMARY

To advise Council of investments held as at 30 June 2011 for the 2010/11 financial year.

#### COMMENTARY

Council's total investment portfolio, as at 31 May 2011 when compared to 30 June 2011, has increased by \$5,145,202.42 from \$10,620,335.53 to \$15,765,537.95.

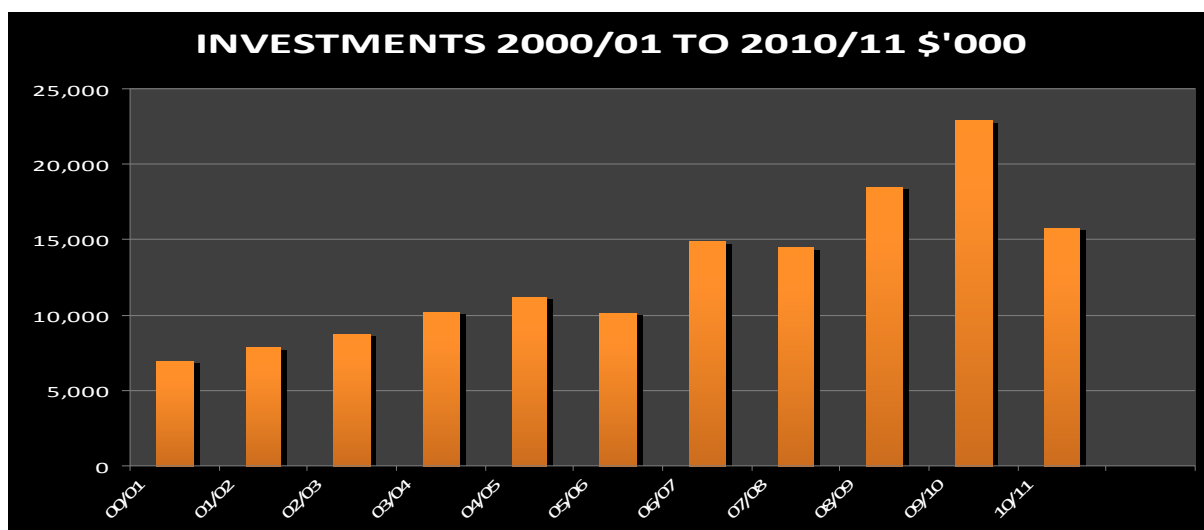
Investments fluctuate as part of the normal process depending on the particular month and the extent of expenditure on major works.

INVESTMENT REGISTER MAY 2010/11								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.05.11	VALUE 30.06.11	% OF TOTAL
ANZ	TD	15.06.11	14.09.11	91	6.00	787,537.81	794,179.98	5.04%
	TD	15.06.11	15.08.11	61	5.56	0.00	500,000.00	3.17%
CBA	On Call				4.70	527,212.26	2,379,638.70	15.09%
		23.06.11	25.07.11	32	5.38	0.00	1,000,000.00	6.34%
IMBS	TD	30.05.11	30.08.11	92	6.00	1,060,415.40	1,060,415.40	6.73%
	TD	02.06.11	01.09.11	92	6.00	700,000.00	703,164.38	4.46%
	TD	15.06.11	15.09.11	92	6.00	0.00	1,000,000.00	6.34%
NAB	TD	11.06.11	11.07.11	30	5.50	1,052,599.06	1,057,115.15	6.71%
	TD	30.06.11	30.07.11	30	5.39	818,765.23	826,396.58	5.24%
WESTPAC	TD	08.12.10	08.07.11	212	6.20	266,799.30	266,799.30	1.69%
	TD	08.12.10	08.07.11	212	6.20	533,598.62	533,598.62	3.38%
	TD	17.09.10	20.06.11	212	5.90	1,107,581.64	1,107,581.64	7.03%
	TD	08.12.10	08.07.11	212	6.20	808,030.20	808,030.20	5.13%
ST GEORGE	On Call				4.70	552,832.90	555,063.16	3.52%
		29.06.11	27.09.11	90	5.85	504,430.31	506,640.13	3.21%
	TD	19.02.11	19.10.11	241	6.05	800,805.14	800,805.14	5.08%
	TD	15.06.11	15.07.11	30	5.32	0.00	750,000.00	4.76%
SUNCORP	TD	09.06.11	11.07.11	30	5.65	1,099,727.66	1,116,109.57	7.08%
			<b>TOTAL</b>			<b>10,620,335.53</b>	<b>15,765,537.95</b>	<b>100.00%</b>
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

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

On the graph below historical and current investments are shown for 2010/11 to 30 June 2011.

At the meeting of 30 May 2011 the planned 2010/11 loan borrowing program of \$12.765m for major Sewerage and Water infrastructure was revised to \$3,191,000 and allowed for the internal loan of \$2.750m from General Fund to Sewerage Fund to progress into the 2011/12 financial year. The proposed loan on \$3,191,000 was drawn down from the CBA on 14 June 2011 and is the subject of a separate report to this meeting.



### **POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2. The policy is currently under review following the Ministers Order on Circular 11-01.

### **FINANCIAL IMPLICATIONS**

Interest received to 30 June 2011 is \$739,154.55 and is paid on the maturity date of the investment. Accrued interest to 30 June 2011 has not been processed at this stage but will be completed in conjunction with end of year processing.

### **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

### **RECOMMENDATION**

**THAT** Investments of \$15,765,537.95 for the period ending 30 June 2011 be noted.

**ITEM-24            FINAN - 11/07/11 - LOAN FUNDS OF \$3,191,000 FOR THE 2010/11  
LOAN BORROWING PROGRAMS**

**REPORT FROM - FINANCE MANAGER C FARNSWORTH**

**REFERENCE**

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

Min No 10-245:            Ordinary Meeting of Council 30 May 2011

**SUMMARY**

To advise Council of the drawdown of \$3,191,000 as approved in the 2010/11 Management Plan, loan borrowing program.

**COMMENTARY**

Council at the meeting of 30 May 2011 resolved:

**11-216 RESOLVED**

**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; and
4. A report be prepared for a future meeting of Council advising of loan funds accepted.

Council has drawn down the following loan from the Commonwealth Bank:

- Principal:                \$3,191,000
- Deposit:                 14 June 2011
- Term:                    30 years with the first 5 years fixed and renegotiate the remaining term
- Interest:                7.10% Fixed
- Repayments:            Quarterly Internals on 14 June, 14 Sept, 14 March and 14 December
- Instalments:            Equal instalment of principal and interest

The loan was raised for the following purpose:

<b>PURPOSE</b>	<b>LOAN BORROWING 10/11</b>
WATER	
Water Infrastructure	800,000
WASTEWATER FUND:	
STP Lithgow	1,671,000
Pumping Stations	720,000
<b>TOTAL</b>	<b>3,191,000</b>

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

CBA loan of \$3,191,000 to be repaid over 30 years, with the first 5 years interest fixed at 7.10% and the remaining term to be renegotiated. Repayments will be in equal instalments of principal and interest.

## **LEGAL IMPLICATIONS**

Loan contract with the Commonwealth Bank of Australia

## **ATTACHMENTS**

Nil

## **RECOMMENDATION**

**THAT** Council note the drawdown of the 2010/11 loan borrowing program as follows:

- Lender: Commonwealth Bank of Australia
- Principal: \$3,191,000
- Deposit: 14 June 2011
- Term: 30 years with the first 5 years fixed and renegotiate the remaining term
- Interest: 7.10% Fixed
- Repayments: Quarterly Internals on 14 June, 14 Sept, 14 March and 14 December
- Instalments: Equal instalment of principal and interest

**ITEM-25            FINAN - 11/07/11 - COUNCIL POLICY - MAIN STREET FACADE RESTORATION PROGRAM****REPORT FROM - FINANCE MANAGER C FARNSWORTH**

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**REFERENCE**

Min No 10-435:            Ordinary Meeting of Council 16 September 2010

Min No 11-152:            Ordinary Meeting of Council 18<sup>th</sup> April 2011

**SUMMARY**

This report recommends the adoption of Policy 8.7 - Main St Façade Restoration Program, following the advertising for public comment.

**COMMENTARY**

At the Ordinary Meeting of Council of 18 April 2011, Council resolved the following with regards Policy 8.7 - Main St Façade Restoration Program:

**11-152 RESOLVED****THAT:**

1. Amend the draft policy to include all businesses in Railway Parade, Mort St, bound by Lithgow and Eskbank Streets; and
2. Council advertise Draft Policy 8.7 Main St Façade Restoration Program for a period of 21 days prior to further consideration by Council at a future meeting.

The policy was advertised calling for public submissions with no submissions being received

**POLICY IMPLICATIONS**

The adoption of this policy will include it in the Council Policy Register.

**FINANCIAL IMPLICATIONS**

\$10,000 allocated in the 2010/11 and 2011/12 Management Plans

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. DRAFT Policy 8.7 Main St Façade Restoration Program

**RECOMMENDATION**

**THAT** the Council adopt Draft Policy 8.7 Main St Façade Restoration Program.

**ITEM-26            FINAN - 11/07/11 - INTERNAL AUDIT 2010/11 PROCUREMENT, CONTRACT AND PROJECT MANAGEMENT****REPORT FROM: FINANCE MANAGER - CAROL FARNSWORTH**

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**REFERENCE**

Min No 09-254: Ordinary Meeting of Council 22<sup>nd</sup> June 2009

Min 10-102:     Ordinary Meeting of Council 22<sup>nd</sup> March 2010

Min 10-402:     Ordinary Meeting of Council 20<sup>th</sup> September 2010

**SUMMARY**

In accordance with the Central Tableland Alliance CTA Strategic Internal Audit Plan for 2010/11, appointed Internal Auditors, IAB Services, conducted a review in December 2010 on 'Procurement, Contract and Project Management. A similar review was also conducted at other member Councils Mid Western Regional and Oberon.

The final IAB report was presented to the CTA Internal Audit Committee meeting on the 27 April 2011 and a copy of the final Lithgow report is provided as an attachment to this agenda. It is recommended the report be received and actions noted.

**COMMENTARY**

The objective of the internal audit was to assess the efficiency and effectiveness of controls operating over procurement, contracts and project management and to ensure that each alliance Council is receiving the best value for its spend, deliverables meet business needs and Council's interests are protected at all times.

The scope of the review included:

- Consideration of legislative compliance with the Local Government Act 1993, the Local Government (Tendering) Regulations 1999, Division of Local Government Tendering Guidelines, the Local Government (Financial Management) Regulations 1999 and local purchasing policy and procedures;
- Effectiveness of established processes including contract, supplier panels and supply agreements, taking into account associated risks;
- Adequacy of contract preparation, management, payment and accounting for contractual liability;
- Evaluating control to mitigate the risks of payments made without due inspection, contract variations not adequately supported / reviewed and contingencies used as a matter of course;
- A strategic review of project management procedures and reporting across Councils against best practice;
- Sample testing of purchase orders, supplier invoices, contract and projects
- Assessment of project performance to date versus budget, design process, cost monitoring, management of suppliers and compliance with OHS practices to ensure a safe workplace; and
- Review of any opportunities to improve processes and / or reduce risks.

IAB were at Lithgow Council for a period of 8 days from 8<sup>th</sup> December 2010 to 17<sup>th</sup> December 2011 and during that time conducted extensive audit testing.

They advise that following the high level review a summary of key findings were:

- Management of major projects indicated satisfactory project administration;
- Lithgow & Wallerawang Sewerage Treatment Plants indicated robust project management;
- Department of Public Works has been engaged to manage the major projects;
- Council's Records Division is a well-run operation; document and records management system and processes are well designed, and are working efficiently.

Opportunities exist for Council to strengthen internal control, efficiencies, economy and consistency of processes and to reduce significantly residual risks commonly associated with the following activities by:

- A review of standard working procedures permitting delegated officers to approve their own procurement within their financial delegation;
- Centralisation and standardisation of procurement, contract and project management;
- Review of standard working procedures to ensure supervisory processes.

An action plan was developed as part of the review. Councils Internal Audit representative Clr G Danaher and Clr W Marshall as the alternative delegate, together with Management has considered the action plan and has assigned tasks and target dates to specific Managers for implementation.

Council should note that IAB recommendations highlight areas of '*potential risk*' and not the fact that Council has a particular issue or problem. The approach taken during the audit was significant audit testing and should an individual problem have presented itself it would be specifically addressed with General Manager, either immediately or at the time of the exit interview.

Internal audit members and Management have found the internal audit, report and action plan to be an effective and efficient management tool to strengthen and improve work practices within the organisation. The recommendations will be regularly monitored to ensure areas of potential risk are continually managed.

IAB thanked Council's management and staff for their assistance and co-operation during our review; it contributed significantly to the timely completion of the audit.

The final Lithgow Council IAB Services report is provided as an attachment to this report with IAB comments and Councils Management responses noted as 'LCC Comment,' in 'red' text.

The second internal review commenced at Lithgow on the 25<sup>th</sup> May 2011 and focuses on Development Assessment, Construction Certificates, Section 64 and Section 94 plans. The audit will then continue to Mid Western and Oberon Councils.

The consolidated strategic internal audit plan adopted by the CTA Internal Audit Committee was developed with the view to maximise information sharing and benchmarking of data, wherever practicable, for the mutual

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Final IAB Services Report: March 2011 - Lithgow City Council Review of Procurement, Contracts and Project Management

**RECOMMENDATION**

**THAT** the final IAB Services Report dated March 2011, for Lithgow City Council, Review of Procurement, Contracts and Project Management is received and recommendations noted on the action plan be implemented.

## COMMITTEE MEETINGS

### ITEM-27 ENVIRO - 11/07/11 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 8TH JUNE 2011

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

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## REFERENCE

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  
Min No 11-219: Ordinary Meeting of Council 30 May 2011

## SUMMARY

This report details the minutes of the Environmental Advisory Committee meeting held 8 June 2011.

## COMMENTARY

At the Environmental Advisory Committee held on 8 June 2011, there were eleven (11) items discussed by the committee.

The EAC made a number of recommendations to Council as follows:

### Item 3 Business Arising from the Previous Minutes

#### Hassans Walls Bike Track

**THAT** Council investigates if consent conditions for the existing bike track on Hassans Walls, as approved by Council in 1999, are being complied with.

### Item 4 Hassans Walls

In response to Council's 2011/12 budget allocation to studies and works on Hassans Walls, the EAC made the following recommendation:

**THAT** The EAC thanks Council for the financial allocation for Hassans Walls.

### Item 5 Corporate Sponsorship of Environmental Position

**THAT** Council develops a Position Description, project outline and identify possible sources of funding for a Biodiversity and Bushland Officer then seek approval in principal from Council to apply for such funding.

Group Managers comment – In relation to item 5, Corporate Sponsorship of Environmental Position, it is premature to prepare a position description for a position and the Environmental Advisory Committee will need to prepare a scope of duties that it would like included.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

### **ATTACHMENTS**

1. Minutes of the Environmental Advisory Committee held 8 June 2011.

### **RECOMMENDATION**

**THAT** Council:

1. Notes the minutes of the Environmental Advisory Committee held 8 June 2011.
2. Investigates if consent conditions for the existing bike track on Hassans Walls, as approved by Council in 1999, are being complied with.
3. The recommendation in item 5 not be accepted and be replaced as follows:

“The Environmental Advisory Committee prepares a scope of duties, suggested funding sources and business case for the proposed Biodiversity and Bushland Officer.”

**ITEM-28            COMM - 11/07/11 - LITHGOW FLASH GIFT COMMITTEE MEETING  
MINUTES - 7TH APRIL 2011****REPORT FROM: EVENTS CO-ORDINATOR – ROBERT PARK**

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**REFERENCE**

Min No 10-75:	Ordinary Meeting of Council 1 March 2010
Min No 10-146:	Ordinary Meeting of Council 12 April 2010
Min No 10-147:	Ordinary Meeting of Council 12 April 2010
Min No 10-362:	Ordinary Meeting of Council 23 August 2010
Min No 10-455:	Ordinary Meeting of Council 1 November 2010
Min No 10-548:	Ordinary Meeting of Council 13 December 2010
Min No 11-34:	Ordinary Meeting of Council 24 January 2011

**SUMMARY**

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 7 April 2011

**COMMENTARY**

At the Lithgow Flash Gift Committee Meeting held on 7<sup>th</sup> April 2011, there were eleven (11) Items discussed by the Committee.

1. Present and Apologies.
2. Confirmation of Minutes from the Previous Meeting.
3. Business Arising from Previous Minutes.
4. Chairman's Report.
5. Report from NSW Athletics League
6. Report from Lithgow Little A's
7. Media Coverage and Marketing Report
8. Financial Report
9. Suggested Dates for the 2012 Lithgow Flash Gift
10. Recommendations for the 2012 Lithgow Flash Gift
11. General Business

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Minutes from the Lithgow Flash Gift Committee meeting of 7 April 2011

## RECOMMENDATION

### THAT Council:

1. Notes the minutes of the Lithgow Flash Gift Committee held on 7 April 2011.
2. Allocates some of the profits, an amount to be advised, to a Little Athletics' clinic to be held in late August/early September 2011 to assist Lithgow Little Athletics' with Club registration.
3. Notes the proposed date for the 2012 Lithgow Flash Gift is Saturday 25 February 2012.

## ITEM-29            COMM - 11/07/11 - LITHGOW FLASH GIFT COMMITTEE MEETING MINUTES - 2 JUNE 2011

### REPORT FROM: EVENTS CO-ORDINATOR – ROBERT PARK

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## REFERENCE

Min No 10-75:	Ordinary Meeting of Council 1 March 2010.
Min No 10-146:	Ordinary Meeting of Council 12 April 2010.
Min No 10-147:	Ordinary Meeting of Council 12 April 2010.
Min No 10-362:	Ordinary Meeting of Council 23 August 2010
Min No 10-455:	Ordinary Meeting of Council 1 November 2010
Min No 10-548:	Ordinary Meeting of Council 13 December 2010
Min No 11-34:	Ordinary Meeting of Council 24 January 2011

## SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 2 June 2011.

## COMMENTARY

At the Lithgow Flash Gift Committee Meeting held on 2<sup>nd</sup> June 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. Report from NSW Athletic League
5. Report from Lithgow Little A's
6. Sponsorship package for the 2012 Lithgow Flash Gift
7. Event and Activity Plans for the 2012 Lithgow Flash Gift
8. General Business

## POLICY IMPLICATIONS

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Minutes from the Lithgow Flash Gift Committee meeting of 2<sup>nd</sup> June 2011

## **RECOMMENDATION**

**THAT** Council:

1. Notes the minutes of the Lithgow Flash Gift Committee held on 2 June 2011.
2. Holds the sum of \$8,607.76 from the 2011 Lithgow Flash Gift over to be used in the running of the 2012 Lithgow Flash with some money to be allocated to Lithgow Little Athletics' Clinic to be held in late August/early September.

## **ITEM-30            COMM - 11/07/11 - SISTER CITY ADVISORY COMMITTEE MEETING MINUTES 23RD JUNE 2011**

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

## **REFERENCE**

Min No 11-223: Ordinary Meeting of Council 30 May 2011

## **SUMMARY**

This report provides the Minutes of the Sister City Advisory Committee meeting held on Thursday, 23 June 2011 and details of the visiting delegation from Huainan City, Anhui Province of the People's Republic of China on the 7<sup>th</sup> July 2011.

## **COMMENTARY**

At the Sister City Advisory Committee meeting held on 23 June 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.

**Details regarding the Huainan City delegation visit on 7<sup>th</sup> July, 2011**

The delegation of 23 people from Huainan City, Anhui Province of the People's Republic of China included business leaders and government representatives. The schedule for the visiting delegation included a visit to the Clarence Colliery and Mount Piper Energy Expo where the sister city agreement was signed and gift presented. This was followed by dinner at the Bowen Inn.

**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 June 2011.

**RECOMMENDATION**

**THAT** Council:

1. Notes the minutes of the Sister City Advisory Committee meeting held on 23 June 2011.
2. Notes that a delegation from Huainan City, Anhui Province of the People's Republic of China came to Lithgow on 7<sup>th</sup> July 2011 and visited Clarence Colliery and the Mount Piper Energy Expo.

**ITEM-31            COMM - 11/07/11 - CRIME PREVENTION COMMITTEE MEETING  
MINUTES - 20TH JUNE 2011****REPORT FROM: MANAGER COMMUNITY AND CULTURE - MATTHEW JOHNSON**

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**REFERENCE**

Min No 10-254: Ordinary Meeting of Council held 21 June 2010  
Min No 10-360: Ordinary Meeting of Council held 23 August 2010  
Min No 10-409: Ordinary Meeting of Council held 20 September 2010  
Min No 11-123: Ordinary Meeting of Council held 28 March 2011  
Min No 11-157: Ordinary Meeting of Council held 18 April 2011  
Min No 11-218: Ordinary Meeting of Council held 30 May 2011

**SUMMARY**

This report details the Minutes of the Crime Prevention Committee Meeting held on 20 June 2011.

**COMMENTARY**

At the Crime Prevention Committee held on 20 June 2011, there were seven (7) items discussed by the Committee.

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

Council's attention is drawn to the following:

**Item 4 Crime Prevention Plan**

Council has received advice from the Attorney General and Minister for Justice, the Hon Greg Smith SC MP, that he has endorsed the Lithgow Crime Prevention Plan as a Safe Community Compact under the Children (Protection and Parental Responsibility) Act 1997.

**Item 6 Transport**

Progress is being made through the Lithgow Liquor Accord, in conjunction with Lithgow Taxis, to commence a late night transport service for the customers of licensed premises.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

## LEGAL IMPLICATIONS

Nil

## ATTACHMENTS

1. Minutes from the Crime Prevention Committee meeting of 20 June 2011.

## RECOMMENDATION

**THAT** Council:

1. Notes the minutes of the Crime Prevention Committee meeting of 20 June 2011.
2. Notes that advice has been received from the Attorney General and Minister for Justice, the Hon Greg Smith SC MP, that he has endorsed the Lithgow Crime Prevention Plan as a Safe Community Compact under the Children (Protection and Parental Responsibility) Act 1997.
3. Notes that progress is being made through the Lithgow Liquor Accord, in conjunction with Lithgow Taxis, to commence a late night transport service for the customers of licensed premises.

## ITEM-32 OPER - 11/07/11 - SPORTS ADVISORY COMMITTEE MEETING MINUTES 27TH JUNE 2011

**REPORT BY: ASSETS AND PROJECTS ENGINEER – LEANNE KEARNEY**

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## SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 27 June 2011 for Council adoption.

## COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 27 June 2011, there were nine (9) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- Booking Requests
- Booking Cancellation
- Regional and Local Community Infrastructure Programme – Strategic Projects Official Opening
- General Business

## POLICY IMPLICATIONS

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 27 June 2011.

**RECOMMENDATION**

**THAT** Council note the minutes of the Sports Advisory Committee meeting held on Monday, 27 June 2011.

**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 COUNCIL**

**ITEM-33 OPER - 11/07/11 - CONFIDENTIAL REPORT - FUEL TENDERS THROUGH CENTROC**

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

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**Reason for Confidentiality**

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

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

**SUMMARY**

To advise on the assessment of tenders received for the supply of fuel on a regional contract.

**RECOMMENDATION**

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

**ITEM-34            ENVIRO - 11/07/11 - CONFIDENTIAL REPORT - HARTLEY RHYOLITE QUARRY MODIFICATION APPLICATION APPEAL****REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**Reason for Confidentiality**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

**SUMMARY**

To inform Council that an offer for settlement has been received in relation to DA 103/94 Modification of Consent for Hartley Rhyolite Quarry.

Council on 18 April 2011 resolved in the following terms:

**THAT:**

1. Council note the lodgement of an appeal in the Land and Environment Court in relation to Development Application 103/94 Modification of Consent.
2. Should the matter proceed to a Section 34 conciliation conference, the General Manager be delegated authority to negotiate on Council's behalf. However, should a settlement be proposed that deviates from Council's decision or the modification application, the matter shall be reported back to Council. (NB – The General Manager may sub-delegate to other Council officers pursuant to Section 378(2) of the Local Government Act).

Pursuant to the resolution, the offer of settlement is reported to Council for consideration.

**RECOMMENDATION**

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