LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

22 AUGUST 2011
AT 7.00pm
AGENDA

APOLOGIES

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1ST AUGUST 2011

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 12TH AUGUST 2011

PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES - Closed Report - General Manager’s Mid Term performance Review

NOTICE OF RESCISSIONS - NIL

NOTICES OF MOTION -
- Update on Resolution 11-148 New walkway / Cycle Path on Farmers Creek at Coalbrook Street, Lithgow - Councillor M F Ticehurst
- Calling in of Lithgow City Council DA 210/10DACC for 41 Falnash St, Portland - Councillor M F Ticehurst
- Update on the Lithgow City Councils Property Lease with Translinc - Councillor M F Ticehurst

CORRESPONDENCE AND REPORTS
General Managers Reports
Environment and Development Reports
Operation Reports
Community and Strategy Reports
Finance Reports

COMMITTEE MEETINGS
Economic Shopfront Committee
Economic Development Advisory Committee

REPORTS FROM DELEGATES - Mining Related Council Meeting
BUSINESS OF GREAT URGENCY
as identified by Clause 241 of the Local Government (General) Regulations 2005

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NOTICE OF MOTIONS

ITEM-1  NOTICE OF MOTION - 22/08/11 - UPDATE ON RESOLUTION 11-148 NEW WALKWAY / CYCLE PATH ON FARMERS CREEK AT COALBROOK STREET, LITHGOW - COUNCILLOR M F TICEHURST

REFERENCE
Lithgow City Council Resolution 11 – 148 made at the Ordinary Meeting of the Lithgow City Council on 18 April 2011.


COMMENTARY
Q.  Could the General Manager and/or the General Manager of Operations provide an updated written report to the Council on the future possibility of erecting appropriate public fencing on the Farmers Creek side of the new Walkway / Cycle Path along Farmers Creek at Coalbrook Street, Lithgow as was raised at the time of Lithgow City Council Resolution 11 – 148 made at the Ordinary Meeting of the Lithgow City Council on 18 April 2011?

RECOMMENDATION
THAT the General Manager and/or the General Manager of Operations provide an updated written report to the Council on the future possibility of erecting appropriate public fencing on the Farmers Creek side of the new Walkway / Cycle Path along Farmers Creek at Coalbrook Street, Lithgow as was raised at the time of Lithgow City Council Resolution 11 – 148 made at the Ordinary Meeting of the Lithgow City Council on 18 April 2011
ITEM-2 NOTICE OF MOTION - 22/08/11 - CALLING IN OF LITHGOW CITY COUNCIL DA 210/10DACC FOR 41 FALNASH STREET, PORTLAND - COUNCILLOR M F TICEHURST

REFERENCE
Lithgow City Council DA 210/10DACC for 41 Falnash Street Portland.

COMMENTARY
Q. Under Lithgow City Council Policy 7.7 ‘Calling in of Development Applications by Councillors, I wish to call in Lithgow City Council DA 210/10DACC for 41 Falnash Street Portland.

RECOMMENDATION
THAT under Lithgow City Council Policy 7.7 ‘Calling in of Development Applications by Councillors, Lithgow City Council DA 210/10DACC for 41 Falnash Street Portland be called in and determined at the next Ordinary Meeting of the Lithgow City Council.

General Manager Note: The DA is for a screen enclosure under existing patio cover.

ITEM-3 NOTICE OF MOTION - 22/08/11 - UPDATE ON THE LITHGOW CITY COUNCILS PROPERTY LEASE WITH TRANSLINC - COUNCILLOR M F TICEHURST

REFERENCE
Current Lithgow City Council Property Lease with the not-for-profit community organisation TRANSLINC at 162 Mort Street Lithgow.

COMMENTARY
Q. Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an urgent report on the proposed renewal of the current, soon to expire Lithgow City Council Property Lease with the not-for-profit community organisation TRANSLINC at 162 Mort Street Lithgow?

RECOMMENDATION
THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an urgent report on the proposed renewal of the current, soon to expire Lithgow City Council Property Lease with the not-for-profit community organisation TRANSLINC at 162 Mort Street Lithgow?
GENERAL MANAGERS REPORTS

ITEM-4  GM - 22/08/11 - QUARTERLY PERFORMANCE REPORT ON 2010/11 TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1ST APRIL 2011 TO 30TH JUNE 2011

REPORT FROM: CAROL FARNSWORTH, FINANCE MANAGER

REFERENCE
Min No 10-245: Ordinary Meeting of Council 21 June 2010
Min No 10-474: Ordinary Meeting of Council 22 November 2010
Min No 11-44: Ordinary Meeting of Council 14 February 2011
Min No 11-201: Ordinary Meeting of Council 30 May 2011

SUMMARY
This report provides the Quarterly Performance Report on the 2010/11 to 2013/14 Management Plan for the period of 1 April 2011 to 30 June 2011 with a recommendation that the adjusted surplus of $34,447 be noted.

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

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

Council is in the process of preparing the 2010/11 General Purpose Financial Reports which will finalise end of year requirements.

<table>
<thead>
<tr>
<th>2010/11 QUARTERLY BUDGET COMPARISON</th>
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<tbody>
<tr>
<td><strong>Budget (Inc Internal)</strong></td>
</tr>
<tr>
<td>Original</td>
</tr>
<tr>
<td>September Quarter</td>
</tr>
<tr>
<td>December Quarter</td>
</tr>
<tr>
<td>March Quarter</td>
</tr>
<tr>
<td>June Quarter</td>
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## 2010/11 June Works in Progress to Reserves

<table>
<thead>
<tr>
<th>Budget</th>
<th>To Reserve($)</th>
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<tr>
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<tr>
<td>Executive Promotion Strategy</td>
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<tr>
<td>Election</td>
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<tr>
<td>Corporate training</td>
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<td>Promotional Material</td>
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<td>Promotional Signage Plans</td>
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<td>Blue Mts Regional Strategy</td>
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<td>Lithgow Flash Gift</td>
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<td>Television Advertising</td>
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<td>Photographic Library</td>
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<td>Signage Tablelands Way</td>
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<td>Forto Funding Tourism NSW</td>
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<td>Wonderpass/Accommodation Book</td>
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<td><strong>GENERAL PURPOSE REVENUE</strong></td>
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<td>Financial Assistance Advance</td>
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<td>SES Lithgow</td>
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<td>SES Portland</td>
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<tr>
<td>Fuel Rebate</td>
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<td>Plant &amp; Equipment</td>
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<td>Footpaths</td>
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<td>Infrastructure Levy – Roads</td>
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<td>Infrastructure Levy – Bld Hall</td>
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<td>Infrastructure Levy – Lith Men</td>
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<td>Urban Reseals</td>
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<td>Rural Reseals</td>
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<td>Delta Aquatic Centre</td>
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<tr>
<td>Centennial Aquatic Centre</td>
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<td>RLCIP $212,000</td>
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<td>Fuel Bowser compliance</td>
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<td>Improvements Golf Club</td>
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<td>Admin Centre Lift</td>
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<td>Cullen Bullen Septic Invest</td>
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<td>Sec 94 contributions</td>
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### Finance
- Archival of Records: 9,879

### Policy & Planning
- Develop Sec 94 plans: 13,130
- Economic Development: 8,728
- State of Env Audit: 10,000
- Flood Risk Study: 10,000
- Corporate Plans Management: 26,000
- Marketing Strategy: 3,280
- Economic Dev Implementation: 17,396
- Marketing Strategy Publication: 10,000
- Economic Promotion Strategy: 19,084
- DCP Review: 7,500
- Open Space: 21,164
- Heritage Study: 1,626
- Land Use & Property: 12,137

### Information Technology
- Property System: 43,677
- Network Upgrade: 10,269

### Community
- Library Book Reserve: 1,280
- Museum Advisor: 6,000
- Xstrata Social Involvement: 50,000
- Portland Library: 34,430

### Water
- Delta Water Saving: 8,921
- Lithgow No 1 & 2 Dams: 113,500
- Lith Established Mains: 50,000
- Sth Bowen Trunk Main: 60,000
- Sth Bowen New Ret Mains: 200,000
- Wallerawang Mains Renewal: 2,190
- Portland Mains Renewal: 20,000
- Lith Shared Telemetry: 49,687
- Mains & Services: 7,884
- Sth Bowenfels Land Acquist: 170,000
- Water Treatment Equipment: 58,335
- Water Quality Audit: 22,000

### Wastewater
- Effluent Reuse Golf Club: 200,000
- Wallerawang Desludge: 48,870
- Portland Desludge: 21,727
- Portland Env Improvements: 35,994
- Portland upgrade: 20,000
- PS New Treeview: 360,000
PS New South Littleton 335,100
Lithgow Established Extension 76,500
Gantry Renewals 50,000
Overflow Protection 38,192

WASTE
Waste & recycling Strategy 8,135
New Garbage & Recycle Contract 20,000
Lithgow tip extend life 82,855
Env Compliance audit 30,000
Tarana Transfer station 57,300
Waste education & promotion 7,789

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

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

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

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

ATTACHMENTS
1. Quarterly Report 1 April 2011 – 30 June 2011

RECOMMENDATION
THAT:
1. The surplus of $34,447 for the 2010/11 to 2013/14 Management Plan as detailed in the Quarterly Performance Report for the period 1 April 2011 to 30 June 2011 be noted pending the finalisation of the 2010/11 General Purpose Financial Reports;
2. Council adopted the 2010/11 ‘Work in Progress to Reserves for the 2011/12 financial year; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer, has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2013/14 Management Plan has been reviewed and the financial position of Council is satisfactory.
ITEM-5  GM - 22/08/11 - COUNCIL CODE OF MEETING PRACTICE

REFERENCE
NIL

SUMMARY
Council resolved that a number of changes be made to Council's Code of Meeting Practice and placed on display for public comment. The Draft document has been placed on display and several submissions received.

COMMENTARY
Council previously resolved that:

11-183 RESOLVED
THAT Council:
1. Adopt the Draft Code of Meeting Practice Version 9 for public comment with the following amendments:
   i) the Public Forum be utilised by the public to contribute to matters on the Council agenda only;
   ii) participants for the Forum register prior to the meeting and indicate the Agenda item number that they wish to speak on;
   iii) that item 4 in the agenda be amended to ‘Declaration of Interests; Pecuniary and Non-Pecuniary’;
   iv) that two procedural motions be included into the Code formalising that motions may be used to:
      • Lie on the table (defer indefinitely) – mover required but no seconder
      • Move to next business – mover required but no seconder
   v) That Clause 19(i)(a) be amended to read “unless a Councillor has given notice of the business in writing by the close of business seven (7) working days prior to the Council meeting (In most cases this would be the close of business two Fridays prior to the Council meeting).

2. Place the Draft Code of Meeting Practice on public display for a minimum period of 28 days with a report back to Council no earlier than 42 days after the commencement of the advertising.

These proposed changes came about following a training course held with Mr Gerry Holmes. Mr Holmes has an extensive background in local government law and is a Senior Fellow from the Faculty of Law at the University of Wollongong and also holds a number of qualifications (B.Sc(Hons), M.Sc., LL.B., Dip.Soc.Stud., Dip.Ad.Ed., Dip.Crim., Dip.OH&S(Mgt), C.Q.S.W.) and is a Lawyer admitted Barrister with the Supreme Court of NSW.
During the training the issues raised in the Council resolution 10-514 were considered and discussed. Mr Holmes recommended several changes to Council's Code of Meeting Practice.

Under Section 360 of the NSW Local Government Act 1993 a council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them. Council may amend such a Code.

Under Council's Code of Meeting Practice the Code may be amended in accordance with the provisions of Division 1 Part 2 of Chapter 12 of the Local Government Act. Section 361 provides that a period of 28 days for public exhibition of the Code should occur and a 42 day period for submissions. These periods run concurrently.

**Public Forum**

Council's present policy in relation to the use of the Public Forum at Council meetings allows for (Clause 65):

1. **(vi)** Up to 15 minutes of the Ordinary Council Meeting will be made available for members of the public to address the Council or submit questions, either verbally or in writing. Priority will be given to those addressing the Council or asking questions on matters included in the Business Paper. Members of the public will be permitted a maximum of 3 minutes to address or ask a question of the Council.

   An extension of time may be granted if deemed necessary by the Council, such extension shall be by resolution of Council. Every such address or question is to be put directly, succinctly and without argument. Each member of the public wishing to use this Public Forum Session be required to state their name and shall be permitted to make an address or to ask two questions.

   If time permits members of the public may be permitted to make further addresses or ask further questions of Council. A précis of the address or question by a member(s) of the public shall be recorded in the Council minutes. Questions may be answered at the meeting or taken on notice and dealt with in accordance with Clause 249 of the NSW Local Government (General) Regulation 2005

2. **(vii)** Members of the public will not be permitted to use the Public Forum for the purpose of abusing, vilifying, insulting, threatening, intimidating or harassing Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order by the Mayor and may be expelled from the Council Meeting.

3. **(viii)** Members of the public will not be permitted to raise matters or provide information which involves:

   a) personnel matters concerning particular individuals;
b) personal hardship of any resident or ratepayer, (unless with the written permission of the subject person(s)).

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

d) commercial information of a confidential nature that would, if disclosed:
   - prejudice the commercial position of the person who supplied it, or
   - confer a commercial advantage on a competitor of the Council, or
   - reveal a trade secret;

e) information that would, if disclosed prejudice the maintenance of law;

f) matters affecting the security of the Council, Councillors, Council staff or Council property;

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

h) on balance, be contrary to the public interest.

(ix) Members of the public addressing the Ordinary Council Meeting may be sound recorded. [LP]

The Public Forum has been used extensively by the public to this point such that it has on a number of occasions been extended significantly even to the point where the Forum has utilised almost as much time as the Council meeting itself.

In relation to public participation in the Council meeting process the DLG’s Meeting Practice Note 16 provides:

2.15 Public Questions and Addresses
2.15.1 Can the public ask questions or address the council at council meetings?
There is no automatic right under the Act or the Regulation for the public to participate in a council meeting, either by written submission or oral presentation. This includes being able to ask questions or address council meetings, or to comment on matters during meetings.

However, providing some form of public participation in council meetings is good practice. If participation is permitted, councils should consider giving basic guidance to potential speakers on meeting processes and practices. This could be done in council’s Meeting Code, at the front of council’s meetings business papers and on council’s website.
Each council can decide whether its Meeting Code should provide for public participation and how that is to occur. This would include how and when any questions are to be tabled and discussed at the council meetings. It would also include deciding if and when members of the public are allowed to speak, and any limitation on the number of speakers or time for speeches.

Some councils have a set period during the meeting for members of the public to speak on any matter; others allow the opportunity to speak as the various items of business are debated. There is no single correct procedure and members of the public should be guided by the advice of the council.

Speakers should be asked not to make insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

Throughout time this particular issue has caused concern for different councils and this was highlighted by Mr Holmes during the training course. Council meetings are the forum in which decisions on key policy and strategic matters are made. They also represent an important accountability mechanism as reflected in the requirement under the Act that council meetings be open to the public, except in limited circumstances.

For a council to exercise its functions effectively and to meet its obligations to the community it serves, it is vital that council meetings are conducted in an orderly and efficient manner. The failure to conduct a council meeting in an orderly manner also has the potential to erode community confidence in the council and in the local government sector as a whole.

At times because of the length of the Public Forum and the issues raised at the Forum there are concerns that the Council meetings at times moves away from the policy and strategic roles. At present councillors are required, unless in a situation of great urgency, to deal with items on the Business Paper only. This enables all councillors and the public to be aware, by reading the agenda, of matters that will be raised at each meeting. It also enables councillors to give careful thought to any pecuniary interest or conflict of interest they might have in a matter, rather than having to hastily confront an issue during the meeting. Likewise it also allows staff to concentrate on those items on the agenda only and not a raft of issues that at times require further research.

At the training session it was proposed that:

- the Public Forum be utilised by the public to contribute to matters on the Council agenda only

- participants for the Public Forum register prior to the meeting and indicate the Agenda item number that they wish to speak on
Agendas
The only change proposed here is to change item 4 from ‘Declaration of Interest’ to ‘Declaration of Interests Pecuniary and Non-Pecuniary’ no other changes are suggested to the agenda.

Notices of Motion
Clause 19 of Council’s Code of Meeting Practice provides for the opportunity for councillors to place items onto the Council Meeting Agenda. Here it states that:

(i) The Council must not transact business at a meeting of the Council:
   (a) unless a Councillor has given notice of the business in writing by noon of the day one week immediately preceding the meeting; and
   (b) unless notice of business has been sent to the Councillors at least 3 days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.

This clause is subject, however, to Clause 240 of the Local Government Regulations and Clause 18 of Council’s Code of Meeting Practice where it is stated that:

(2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.

In considering such exclusions the general manager is to have regard to:

- proposes unlawful action
- is ultra vires of the Council’s jurisdiction
- is defamatory
- is vague and equivocal in language
- is a direct negative of a resolution just passed
- is a repeat of a motion already dealt with at the Meeting

In addition to this the Chair can at any time rule a motion out of order on the basis if it is unlawful or its implementation is unlawful (Reg238 (2)).

As stated above the present closing time for NOMs to be submitted to Council officers is by noon of the day one week immediately preceding the meeting. It is proposed that this be amended to be by the close of business seven (7) working days prior to the Council meeting. In most cases this would be the close of business two Fridays prior to the Council meeting for this Council Meeting (22\textsuperscript{nd} August 2011) this would have meant by close of business on Friday 12\textsuperscript{th} August 2011 (4.30pm).

Procedural Motions
A number of such procedural motions are already included in the Code. Following the training with Mr Holmes some additional motions were proposed.
It was also proposed that Council formally include the following procedural motions into its Code of Meeting Practice:

- Lie on the table (defer indefinitely); as a procedural motion a mover is required but not a seconder. Here the outcome is that the matters subject of the motion are dealt with and that any motion can not be discussed at the meeting subsequent to the passing of this motion without giving NOM as required.
- Move to next business; as a procedural motion a mover is required but not seconder. The outcome of the decision is to move to the next item of business. The matter subject to the motion can not be considered at a later stage of the Meeting unless there is a successful motion from the floor for the matter to be considered.

While Council does not currently formally provide for these items to be dealt with in the current Code of Meeting Practice by right of their nature they presently exist. It would be appropriate for the Council to formally include these procedural motions into the Code.

Submissions
A total of nine submissions have been received in relation to the proposed changes five of which were received after the closing date. Of those nine submissions eight were form letter responses, i.e. all the same text. These form letter responses refer to the changes being a violation of their free speech. The quote appears to have come from a presentation made in 2002 in relation to the Australian Constitution. The full article is attached for information.

It should be pointed out that neither the NSW Parliament or the Commonwealth Parliament provide for provisions for community members to regularly address the respective parliaments and that there is no violation of free speech.

The remaining submission deals with the following:

- Taking away the right of an individual to ask questions is morally outrageous
- The public forum should be extended to 30 minutes
- Automatic extension of time of two minutes be provided to speakers
- Objects to the requirement to register
- The proposed changes are a contradiction of the right of free speech

POLICY IMPLICATIONS
This affects Council’s Policy – Code of Meeting Practice V8 and becomes Version 9 of the Code.

FINANCIAL IMPLICATIONS
NIL

LEGAL IMPLICATIONS
Amendments to the Code of Meeting Practice are to be carried out in accordance with the Code and the NSW Local Government Act. Advertising of changes has taken place and submissions by the public made.
ATTACHMENTS
1. Draft Code of Meeting Practice Version 9
2. Research Note no. 42 2001-02 (CASEY Please turn the information below into a document.) - Free Speech and the Constitution

RECOMMENDATION

THAT Council adopt the Draft Code of Meeting Practice Version 9 has been publicly displayed and which includes the following amendments:

i) the Public Forum be utilised by the public to contribute to matters on the Council agenda only;

ii) participants for the Forum register prior to the meeting and indicate the Agenda item number that they wish to speak on;

iii) that item 4 in the agenda be amended to ‘Declaration of Interests; Pecuniary and Non-Pecuniary’;

iv) that two procedural motions be included into the Code formalising that motions may be used to:
   - Lie on the table (defer indefinitely) – mover required but no seconder
   - Move to next business – mover required but no seconder

v) That Clause 19(i)(a) be amended to read “unless a Councillor has given notice of the business in writing by the close of business seven (7) working days prior to the Council meeting (In most cases this would be the close of business two Fridays prior to the Council meeting).
ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-6 ENVIRO - 22/08/11 - DEVELOPMENT FEES AND CHARGES CHANGES

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE
Fees and charges adopted by Council in the 2011/12 Management Plan.

SUMMARY
To advise Council of changes in some legislated development fees.

COMMENTARY
As Council is aware, fees and charges have been adopted through the Management Plan for 2011/12. A number of the fees relating to the development application process are regulated through the Environmental Planning and Assessment Act and cannot be set by Council.

These fees that were placed in the Draft Management Plan were obtained from the Draft EPA Act Regulation 2010 that was circulated to councils for adoption in February 2011. Planning NSW subsequently changed a number of fees that were to be included in the new Regulation 2010 after the Management Plan had been adopted by Council. Council was only notified of these changes when it made enquiries to the Department after the adoption of the Fees and Charges.

The Department advised that no Councils had been formally notified of the changes because of issues within the Department resulting from the change in government.

The purpose of this report is to advise Council that it has been necessary to change the following fees in the Management Plan as result of this late change by the department. These are legislated fees that cannot be changed by Council and do not require public notification.

<table>
<thead>
<tr>
<th>Item</th>
<th>Old Fee</th>
<th>New Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Certificates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Inspections</td>
<td>$87</td>
<td>$90</td>
</tr>
<tr>
<td>Class 1 or 10</td>
<td>$245</td>
<td>$250</td>
</tr>
<tr>
<td>Floor Area &gt; 2000m2</td>
<td>$1125</td>
<td>$1165</td>
</tr>
<tr>
<td>Part Building</td>
<td>$254</td>
<td>$250</td>
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<tr>
<td>Copy</td>
<td>$13</td>
<td>$50</td>
</tr>
<tr>
<td>Planning Certificates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>149(2)</td>
<td>$52</td>
<td>$53</td>
</tr>
<tr>
<td>149(5)</td>
<td>$129</td>
<td>$133</td>
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### Advertising/Notification

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<tbody>
<tr>
<td>Newspaper</td>
<td>$280</td>
<td>$285</td>
</tr>
<tr>
<td>&amp; $90/extra ad &amp; $93/extra</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designated Development</td>
<td>$2150</td>
<td>$2220</td>
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<tr>
<td>Other Development</td>
<td>$525</td>
<td>$1105</td>
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<tr>
<td>Advertised Development</td>
<td>$1070</td>
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<tr>
<td>Prohibited Development</td>
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</table>

### Development Application

<table>
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<th>Category</th>
<th>New Fee</th>
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<td>DA no building/subdivision</td>
<td>$270</td>
<td>$285</td>
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<tr>
<td>DA change of use</td>
<td>$270</td>
<td>$285</td>
</tr>
<tr>
<td>Designated Development</td>
<td></td>
<td></td>
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<tr>
<td>Maximum Fee</td>
<td>new fee</td>
<td>$920</td>
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</table>

### Integrated/Concurrence

<table>
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<tr>
<th>Category</th>
<th>New Fee</th>
<th>Old Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$135</td>
<td>$140</td>
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### Subdivision

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<tr>
<th>Category</th>
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<th>Old Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>No New Road</td>
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<td>$330</td>
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<tr>
<td>- plus each lot</td>
<td>$50</td>
<td>$53</td>
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<tr>
<td>Strata</td>
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<tr>
<td>New Road</td>
<td>$645</td>
<td>$665</td>
</tr>
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</table>

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There will be a small increase in income.

**LEGAL IMPLICATIONS**

The fees are legislated and cannot be varied by Council.

**RECOMMENDATION**

THAT the changes to a number of legislated development fees as outlined in the report be noted.
ITEM-7 ENVIRO - 22/08/11 - COALPAC CONSOLIDATION PROJECT, CULLEN BULLEN

REPORT FROM: ANDREW MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE
Major Project 10_0178 submitted to the Department of Planning and Infrastructure.

SUMMARY
To advise Council of Major Project 10_0178 submitted to the Department of Planning and Infrastructure for the consolidation and expansion of Cullen Valley and Invincible Coal Mines at Cullen Bullen.

COMMENTARY
The following information is provided courtesy of Coalpac Pty Ltd and has been reproduced from the Draft Environmental Assessment (EA) submitted to the Department of Planning and Infrastructure:

Background
“Coalpac Pty Ltd (a wholly owned subsidiary of CET Resources) owns and operates the Invincible Colliery and Cullen Valley Mine. Each mine currently operates as an individual entity with separate planning approvals under the Environmental Planning and Assessment Act 1979. Coalpac acquired Invincible Colliery and Cullen Valley Mine in 2006 and 2008, respectively.

Coalpac Pty Ltd now seeks a contemporary Project Approval under Part 3A of the Environmental Planning & Assessment Act 1979 to consolidate and extend the coal mining operations and management of the Invincible Colliery and Cullen Valley Mine sites under a single planning approval (the Project). The Project would allow for the continuation of coal mining operations for a further 21 years largely within Coalpac’s current mining authorities and to extract a limited sand deposit.”

Proposal
“The Project is generally composed of the following:

- Consolidation and extension of the existing Cullen Valley Mine and Invincible Colliery operations to produce up to a total of 3.5 Million tonnes per annum of product coal via open cut and highwall mining methods;
- Continuation of coal supply to the local Mount Piper Power Station via a dedicated coal conveyor over the Castlereagh Highway (to be constructed), and emergency supply to Mount Piper Power Station and Wallerawang Power Station (via road), with flexibility for supply to additional domestic destinations and via rail to Port Kembla for export;
- Upgrades to existing Invincible Colliery Coal Preparation Plant, administration, transport and other infrastructure;
- Construction and operation of additional offices at Cullen Valley Mine;
- Construction and use of the East Tyldesley Coal Preparation Plant (incorporating the previously approved CDP at Cullen Valley Mine);
• Construction and use of a bridge over the Castlereagh Highway to link operations east and west of the highway and the development of required access roads to the East Tyldesley area;
• Construction and operation of a bridge and haul road across the Wallerawang – Gwabegar Railway Line to permit access to mine the previously approved Hillcroft resource;
• The extraction of the Marangaroo Sandstone horizon from immediately below the Lithgow Coal Seam in the northern coal mining area of Cullen Valley Mine. This material will be trucked to an onsite crushing station prior to sale into the Sydney (and surrounds) industrial sand market;
• Construction of a rail siding and associated infrastructure to facilitate the rail transport of coal and sand products to market;
• Integration of water management infrastructure on both sites into a single system; and
• Integration of the management of mine rehabilitation and conceptual final landform outcomes for Cullen Valley Mine and Invincible Colliery.”

Project Status
“In accordance with Section 75D of the Environmental Planning and Assessment Act 1979, the Minister for Planning declared the Project one to which Part 3A applies, as it adheres to State Environmental Planning Policy (Major Development) 2005 Section 6(2) as development “for the purpose of mining that is coal mining”.

A Project Application was accepted by the Director-General of the Department of Planning and Infrastructure in October 2010 and was subsequently allocated Project Application number 10_0178. The Director-General notified Coalpac Pty Limited of the Environmental Assessment Requirements for the Project under Section 75F of the Environmental Planning and Assessment Act 1979 on 16 December 2010.

Under State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007, mining is permissible with development consent on land where development for the purposes of agriculture may be carried out. Accordingly, development for the purposes of coal mining is permissible on the subject land with Project Approval.”

Discussion
The Draft EA was referred to Council by the Department of Planning and Infrastructure, prior to being publicly exhibited, for comments on whether it was considered the applicant had met the Director General Requirements (DGR’s). Accordingly, a preliminary assessment was undertaken and it was considered that the EA does not adequately assess a number of the issues raised within the DGR’s. These were pointed out to the Department of Planning and Infrastructure.

The following plan was part of the Preliminary EA submitted to the Department of Planning and is publicly available at:
POLICY IMPLICATIONS
There are no policy implications of the proposal.

FINANCIAL IMPLICATIONS
Coalpac has indicated that they are willing to negotiate a Planning Agreement with Council under Section 93F “to facilitate the provision of additional services for the forecast increase in demand on existing services due to the Project.” This negotiation process will occur concurrently with the assessment of the Major Project.
LEGAL IMPLICATIONS
As the proposal falls within Part 3A of the Environmental Planning and Assessment Act 1979 the Department of Planning and Infrastructure will be the consent authority. Council will have further opportunity to comment on the proposal once the EA is declared adequate by the Department of Planning and Infrastructure and the proposal is exhibited publicly.

ATTACHMENTS
1. Director-General’s Requirements for the Coalpac Consolidation project.

RECOMMENDATION
THAT the report on the Coalpac Consolidation Project, Cullen Bullen be noted.

ITEM-8 ENVIRO - 22/08/11 - DEVELOPMENT APPLICATION 039/11DA CONSTRUCTION OF TOILET BLOCK QUEEN ELIZABETH PARK, LITHGOW

REPORT BY: ANDREW MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY
To advise Council of the submission of Development Application 039/11 for Lithgow City Council for the demolition of the existing toilet block and construction of a new toilet block at Queen Elizabeth Park on Lot 45 DP 1096536 Main Street Lithgow. The application is recommended for approval, subject to conditions.

COMMENTARY
The proposal involves the demolition of the existing brick toilet block and construction of a new modern brick toilet block that fully meets Council’s accessibility obligations. The building includes separate male, female and accessible sections. Numbers of internal facilities are similar to the existing building which has been sufficient to cater for the numbers of tourist buses that use the park as a comfort stop. The existing building has reached the end of its useable life and Council included its replacement in the current management plan.

POLICY IMPLICATIONS
Council’s Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council’s ownership of this land the proposal is reported to Council for determination.
FINANCIAL IMPLICATIONS
The project is funded through the 2011/12 Management Plan although this is not relevant to the assessment and determination of the development application.

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

ATTACHMENTS
1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979.
2. Plans of the proposal.

RECOMMENDATION
THAT:
1. Combined Development Application 039/11 be approved subject to conditions specified in the attached Section 79C assessment.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-9  ENVIRO - 22/08/11 - DEVELOPMENT APPLICATION 065/10DA - DWELLING AND GARAGE - 23 MORT STREET, LITHGOW

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE
Min No 11-308: Ordinary Meeting of 1 August 2011

SUMMARY
This report recommends approval of Development Application 065/10DA for the approval of a house and garage at 23 Mort Street Lithgow being Lot 1 DP 1099264 and remove the covenant for access applicable to the site.

COMMENTARY
Council resolved at its meeting of 1 August 2011 that Development Application 065/11DA be deferred until a later Council meeting. The application is for the construction of a house and garage at 23 Mort Street Lithgow being Lot 1 DP 1099264 and requires release of Council covenant for access applicable to the site. The application is recommended for approval, subject to conditions together with removal of the covenant.
It is necessary for the Development Application to be considered by Council as no delegation is held by Council Officers to remove the restrictive covenant relating to access off Vale Place.

The proposal is for a two storey dwelling and a detached colourbond double garage. As part of the application it is proposed that the driveway access to the garage be via Vale Place. Currently there is a restrictive covenant placed on the property under Section 88B of the Conveyancing Act as part of subdivision approval 338/03DA which states:

**Terms of Restrictions numbered 2 in the Plan:**
- No access will be permitted to or from the burdened lot other than from Mort Street frontage of the burdened lot.

**Name of person empowered to release, vary or modify Restriction numbered 2 in the Plan:**
- Council of the City of Lithgow

For that reason, it was requested by the applicant that Council release this restrictive covenant as the ‘name of person empowered to release’ allowing access to the garage via Vale Place.

It is noted that the restriction was imposed on the allotment due to public submissions as part of the subdivision 338/03DA. The submissions raised concerns with the width of the lane, garbage services and turning areas within Vale Place.

Further, as part of the notification process for this proposal, one submission with five signatures was received. Landowners of adjoining and adjacent properties were given a period between the 15 November 2010 to 30 November 2010 to make comment with concerns as below:

1. Original subdivision and covenant was to prevent access off Vale Place due to the width of the road
2. That the road is too narrow for increased traffic movements
3. That there is an issue with garbage collection as the driver has to reverse down to get back onto Mort Street
4. That there is no turning area at the end of Vale Place causing traffic problems.

**Applicants Comments**
The applicant advised that having an access off the intersection of Mort Street, Vale Place and Clwydd Street may cause further traffic issues than Vale Place. It was stated that the location of services would also restrict access off Mort Street (see attachment 4).

Therefore the following comments were provided regarding the proposed access:

1. We accept that the lane is narrow, given it is main access for the existing residents in Vale Place; however we feel that our driveway, if placed where it is currently proposed, will not significantly interfere with traffic movement in the lane. The garage is 5 metres onto the land and provides off street car parking for four vehicles and the placement of ‘no parking’ signage along that side of the lane would minimise these concerns.
2 With regards to increased traffic movement. We consider that our increased traffic movements in Vale Place would be minimal and be restricted to the normal domestic movements of one family.

3 We still will place our garbage bin onto Mort Street for collection and therefore our access will not affect garbage collection services in the Lane.

4 That there is no turning area at the end of vale place is a separate issue, which we feel has no impact/ effect on our proposed access off Vale Place, in the sense that if our application is refused, that situation will not change.

Council Comments
It is advised that Council’s Engineers met with the applicant for a site visit to find solutions to the matter on 26 November 2010 and further discussions were conducted at a later date. It was found that from an engineering point of view that access off Vale Place could be permitted given that:

- The off street car parking caters for 4 vehicles and that the land use is for a dwelling only. Further, that a condition of consent imposing ‘no parking’ signage along the Vale Place on the applicant boundary would alleviate concerns of excessive parking in Vale Place.
- The increased traffic is minimal given it is one dwelling.
- Garbage collection will not be a problem as the services for the allotment will be collected off Mort Street.
- It is concurred that the turning area at the end of Vale Place is a Council issue separate to this application and should not be imposed on the applicant.

Therefore the proposed access at Vale Place would be considered acceptable with appropriate conditions of consent.

Council would be aware that this site previously was used for parking large numbers of heavy earthmoving equipment and plant. A double residential garage will have little impact on the users of Vale Place.

Additional plans and photographs have been provided to assist Council in its deliberations.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

LEGAL IMPLICATIONS
All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration. Council officers are of the opinion that the covenant places an unnecessary restriction on the normal residential use of the land.
ATTACHMENTS
1. A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979
2. Section 88B Instrument of the Conveyancing Act 1919 for DP 1099264
3. Elevations of the proposed dwelling
4. Site Plan showing intersection and existing services
5. Photos of the subject land and roadways

RECOMMENDATION
THAT:
1. The Lithgow City Council Covenant in 88B instrument for DP 1099264 be released to allow access off Vale Place for this development proposal.
2. Development Application 065/10DA be approved subject to conditions specified in the attached Section 79C assessment.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
OPERATION SERVICES REPORTS

ITEM-10 OPER - 22/08/11 - WATER REPORT

REPORT BY: GROUP MANAGER OPERATIONS, IAIN STEWART

REFERENCE
NIL

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

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

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON
Farmers Creek Dam #2 capacity on Friday 5 August 2011 was 100%.
Oberon Dam capacity on Monday 8 August 2011 was 54.59%.

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

<table>
<thead>
<tr>
<th>Month</th>
<th>Oakey Park WTP (ML)</th>
<th>Clarence Transfer (ML)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>139</td>
<td>0</td>
</tr>
<tr>
<td>February</td>
<td>121</td>
<td>0</td>
</tr>
<tr>
<td>March</td>
<td>122</td>
<td>0</td>
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<tr>
<td>April</td>
<td>140</td>
<td>0</td>
</tr>
<tr>
<td>May</td>
<td>133</td>
<td>14</td>
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<tr>
<td>June</td>
<td>122</td>
<td>19</td>
</tr>
<tr>
<td>July</td>
<td>149</td>
<td>0</td>
</tr>
<tr>
<td>August (to 8th)</td>
<td>34</td>
<td>0</td>
</tr>
<tr>
<td><strong>Month Average 2010</strong></td>
<td><strong>123</strong></td>
<td><strong>34</strong></td>
</tr>
</tbody>
</table>
Table 2 - Oakey Park Daily Output and Clarence Transfer

<table>
<thead>
<tr>
<th>Oakey Park WTP</th>
<th>Avg Daily Use kL</th>
<th>Avg Daily CWTS Transfer kL</th>
<th>FRWS Avg Daily Use kL</th>
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<tbody>
<tr>
<td>July</td>
<td>4,807</td>
<td>0</td>
<td>1,661</td>
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<tr>
<td>August</td>
<td>4,257</td>
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<tr>
<td>Last Week</td>
<td>4,326</td>
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<tr>
<td>Previous Week</td>
<td>4,255</td>
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<td></td>
</tr>
</tbody>
</table>

**OAKEY PARK WATER QUALITY**
No health-based ADWG guideline values were exceeded in July.

**FISH RIVER WATER SCHEME WATER QUALITY**
Two studies to prioritise pipeline replacement have been previously undertaken in 1992 and 2001. As a result of these studies, some pipeline sections in Stage 1 and 2 have already been replaced. In other locations where the original pipes still exist, failures have been continually occurring and are still occurring.

In mid 2009, State Water engaged NSW Public Works to undertake a study to prioritise the remaining original pipelines in Stages 1 & 2. The results of this study were that the sections of pipeline requiring immediate attention were identified.

Of the total pipeline length of 120 km in Stage 1, approximately 22 km has been replaced so far. In Stage 2, 10 km out of the total length of 50 km has been replaced.

**CURRENT WATER RESTRICTIONS UPDATE**
Level 1 water restrictions are 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 July with Council approving 7 applications for a household appliance rebate and 1 application for a water tank rebate.

**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 1 Farmers Creek Dam #2 over 12 Months

![Graph 1 Farmers Creek Dam #2 over 12 Months](image1)

Graph 2 Farmers Creek Dam #2 over 1 Month

![Graph 2 Farmers Creek Dam #2 over 1 Month](image2)
Graph 3 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use

**FARMERS CREEK DAM #2 STORAGE OUTLOOK**

The southeastern Australian outlook for August to October favours a drier than normal season over much of SA, western Victoria and western NSW. Across the remainder of the southeast there are no strong shifts in the odds towards drier or wetter than average conditions.

The pattern of seasonal rainfall odds across Australia has been produced using recent Pacific and Indian Ocean temperature patterns. The outlook factors in the decline of La Niña conditions across the Pacific during the previous season, as well as the persistence of above average temperatures over key parts of the Indian Ocean.
Conditions in the tropical Pacific Ocean remain neutral and close to average rainfall occurred in July. The majority of forecast locations reported streamflows that were above median for July. Near median or high flows are the most likely outcome for all forecast sites for the August to October period.

Routine Dam inspections continued throughout July.

**ALTERNATE WATER SOURCES UPDATE**

The Marrangaroo Zone continues being supplied from the Oakey Park Water Treatment Plant via Cook St High Level Reservoir and the emergency delivery of water from this source to Wallerawang, Portland, Cullen Bullen and Glen Davis took place successfully in July over 9 days. While no complaints were received associated with the delivery, there were several operational issues uncovered during that time. The data gathered from the supply change is being assessed and infrastructure changes will be needed in order to improve the HACCP outcomes. What has emerged is that at the moment the supply of all villages from Lithgow cannot be assured over a week without infrastructure improvements to mitigate risk. Several of these improvements are already well into the project stage this quarter.

Testing is to be done at Duckmaloi Water Treatment Plant on a regular basis for Manganese. Currently they have instrumentation to test for both iron and manganese. The instrument is a NOVA 60 Spectrophotometer.

FRWS will review calibration methods for the Major Consumers As part of a current HAZOP and HACCP audit being conducted by BECA, the replacement of Magflows (ABB) has been identified. Once workshops are conducted on the 29th and 30th of August, a report will be sent making recommendations. Following this report a costing will be done.
Total rainfall at Oberon Dam from 1 July 2010 to 30 June 2011 has been 933.5mm. This is equal to 110% of the mean rainfall for July to June. Oberon (Spring Bank Station No. 63063), which is a BOM station, has registered a total of 10412mm of rainfall from July to 30 June 2011. This is about 123% of the mean rainfall for July to June period at this station. A total of 47mm of rainfall was recorded for July 2011.

Inflows into Oberon Dam totalled 2,509 ML in 2009-10. Inflows to Oberon Dam in 2010-11 to 27 June 2011 have been about 21,770ML. Historically this inflow has been exceeded only about 35% of the years. Inflows into Oberon in July 2011 have been 912 ML.

**POLICY IMPLICATIONS**
Nil

**FINANCIAL IMPLICATIONS**
Nil

**LEGAL IMPLICATIONS**
Nil

**RECOMMENDATION**

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

**ITEM-11 OPER - 22/08/11 - WALLERAWANG SEWERAGE TREATMENT PLANT UPGRADE - UV DISINFECTION VARIATION**

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

**REFERENCE**
Min No 10-288: Ordinary Meeting of 12 July 2010
Min No 10-529: Ordinary Meeting of 13 December 2010
Min No 11-277: Ordinary Meeting of 11 July 2011

**SUMMARY**
To seek a resolution on the acceptance of a variation for the installation of a UV Disinfection System under the Wallerawang Sewage Treatment Plant Upgrade contract

**COMMENTARY**
Approval was granted by the Contract Principal (Lithgow City Council) that NSW Public Works undertake Direct Negotiations for a variation with Gongues Construction Pty Ltd for the provision of a UV Disinfection System at the Wallerawang Sewage Treatment Plant.
Since the award of contract, Council has been successful in securing funding from the Sydney Catchment Authority for the Design and Construction of an Effluent Disinfection System. The system is designed to achieve the effective removal from treated effluent of organisms that are resistant to removal by chlorination, namely Cryptosporidium and Giardia.

Construction of the UV Disinfection system is to be fully integrated into the construction of the Wallerawang STP Upgrade, this is to include the coordination of programmed control and flow pacing within the final construction.

**Estimated Price of Works**
The Cost Estimate (inc GST) for the proposed scope of works was $834,500 with an upper limit of $1,010,500 dependent on the equipment installed. The cost estimates were prepared by NSW Water Solutions in February 2011. NSW Water Solutions are not directly involved in the negotiations with Gongues Construction and are only providing technical advice on the proposal received from Gongues Construction.

**Negotiation Protocol**
The Direct Negotiation Protocol was reported and resolved by Council at an Ordinary Meeting on the 11 July 2011 – Min No – 11-277.

**Procurement Process Schedule**
In summary, the design was provided to Gongues Construction with a request for a quotation. A quotation has been received by Council and technically reviewed by NSW Water Solutions. There were minor technical issues with the original proposal provided by Gongues, these have now been resolved and the final price of the variation is $974,600.

**Plant Commissioning**
Due to the substantial works involved in the completion of this variation the commissioning of the plant will be delayed. The extent of this delay is unknown at this point but could be as late as the third quarter of this financial year (i.e. April - June). Council’s licensing requires that these works and the plant be commissioned by December 2012.

**POLICY IMPLICATIONS**
NIL

**FINANCIAL IMPLICATIONS**
Sydney Catchment Authority has committed to 100% funding for the capital procurement, including design, project management and contract management and installation costs as well as the operation and maintenance costs for a period of 2 years after the commissioning of the UV system. After the initial 2 year period Council is to negotiate with SCA on an appropriate contribution toward ongoing maintenance and operation of the UV system,

**LEGAL IMPLICATIONS**
NIL
ATTACHMENTS
1. Wallerawang Sewage Treatment Plant – Procurement of UV Disinfection Treatment System By Direct Negotiation Report, provide by NSW Public Works

RECOMMENDATION
THAT that Council accept the quoted variation price provided by Gongues Construction for the amount of $974,600.

ITEM-12 OPER - 22/08/11 - PROPOSAL FOR SLOPE RISK ASSESSMENT AND REMEDIAL OPTIONS BROWNS GAP ROAD, LITHGOW NSW

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

REFERENCE
Min No 11-258: Ordinary Meeting of Council held on 11th July 2011

SUMMARY
Reference is made to a Notice of Motion from Councillor MF Ticehurst regarding Public concerns over the stability of the rock walls on Browns Gap Road. In particular requesting that a further report come back to Council on this matter involving Browns Gap Road and whether the Council can expand on its due consideration of its previous report to Council. All steps of reasonableness have been taken in regards to stability of this bank and 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 regards to regular inspections of the bank to ensure no obvious hazards to motorists.

COMMENTARY
Following a recent site visit by Golder Associates Company Limited to investigate and quote on the land slip issues on the Wolgan Gap Road following the recent storm damage, representatives of the company were invited to inspect the Browns Gap Road site and to prepare a proposal to carry out a Geotechnical assessment for a section of Browns Gap Road Lithgow. The objective of this proposal was to provide the Lithgow City Council with slope risk assessment that will assist to effectively manage the rock slope in stability risks of the site and provide guidance on any remedial works and indicative costs which may be required. The site was visited by the Principal Engineering Geologist from Golder Associates on 28 July 2011 in conjunction with similar assessment of the Wolgan Gap Road.

It should be noted that Golder Associates were involved in similar Geotechnical assessments for Lithgow City Council between 2006 and 2010 along sections of the Wolgan Gap Road where there was major rock instability.
The work proposed would be the conduct of a SRA (Slope Risk Assessment) in accordance with the Roads and Traffic Authority Guide to slope risk analysis and this would be carried out by suitably qualified persons in consultation with the RTA Slope Risk Manual version 3.1 dated November 2001. Preliminary assessment will include quantity and type of remedial treatment works which may be required for the said slopes that have a risk level of 1, 2, or 3 and long term monitoring options.

The report would also present remedial options that could be carried out to reduce the risk of slope instabilities which would detail indicative costs of the remedial measures and a cost benefit and assessment of each item. It is proposed that the field work would be carried out over a period of two days including travel to and from the site and the cost of the above work would be in accordance with the proposed estimate of $19,000 excluding GST.

**POLICY IMPLICATIONS**
Nil

**FINANCIAL IMPLICATIONS**
There are no funds provided in the 2011/12 management Plan and for this project to proceed. Allocation of funds should be considered in the September 2011 financial review.

**LEGAL IMPLICATIONS**
Nil

**ATTACHMENTS**
1. Proposal for Slope Risk Assessment and Remedial Options

**RECOMMENDATION**

**THAT** consideration be given to engaging Golder Associates to perform a slope risk assessment and preparation of a report for potential remedial options to Browns Gap Road at a estimated cost of $19,000 excluding GST, this matter should be considered in the September 2011 financial review.
COMMUNITY AND STRATEGY REPORTS

ITEM-13    COMM - 22/08/11 - SIGNAGE AND STATIONARY CONCEPTS

REPORT BY: GROUP MANAGER COMMUNITY AND STRATEGY – SUZANNE LOLLBACK

REFERENCE
Min No O08-204: Ordinary Meeting of Council 15 December 2008
Min No 09-199: Ordinary Meeting of Council 14 May 2009
Min No 07-199: Ordinary Meeting of Council 14 May 2009
Min No 09-234: Ordinary Meeting of Council 1 June 2009
Min No 09-530: Ordinary Meeting of Council 14 December 2009
Min No 09-531: Ordinary Meeting of Council 14 December 2009
Min No 09-533: Ordinary Meeting of Council 14 December 2009
Min No 10-17: Ordinary Meeting of Council 18 January 2010
Min No 10-512: Ordinary meeting of Council 13 December 2010
Min No 11-120: Ordinary Meeting of Council 28 March 2010

SUMMARY
This report provides concepts for signage and stationery for Council.

COMMENTARY
Over the past few years, the Council has resolved on a number of occasions to support the development of signage and marketing for the Local Government Area in the areas of Council, economic development and tourism.

In particular reference has been made to signage in the following resolutions of Council:

Min 08-204: Review its current branding of the local government area and develop an overall tourism plan, including signage for the area.

Min 09 – 530: Signage, particularly that for the entrance of the towns and villages.

Min 09 – 533: Funds be placed in next year’s (2009/10) budget for attractive signs to be made and placed around the local government area.

The 2011/12 Management Plan also identifies the development of an interpretive signage program for the Local Government Area including City Gateway signage and other interpretive signage.

It is recommended that priority be given to City Gateway signs located on the Great Western Highway at Hartley and Meadow Flat; Bells Line of Road between Dargan and Bell; Jenolan Caves Road near Hampton; and the Castlereagh Rd between Capertee and Ilford. It is recommended that these be double sided signs with a ‘welcome’ message on one side and a ‘thank you for visiting’ message on the other.
Second level priority be given to the key villages in the Local Government Area such as Portland, Wallerawang, Rydal, Hartley, Lidsdale, Cullen Bullen, Marrangaroo, Capertee and Tarana. Other locational signs are to be prioritised following the installation of these signs.

In addition it is recommended that the billboards at River Lett Hill and at Mt Lambie be replaced to encourage visitation to Lithgow.

It is recommended that stationery and other Council printed and website material be amended to reflect the attached concepts.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

A full costing for signs has yet to be undertaken. However, no more than what has been allocated will be spent. This will be completed once Council has endorsed signage concepts. Some $85,055 is to be carried forward from previous years along with $10,000 placed in the 2011/12 budget and management plan. There is also $15,000 in the recurrent budget for the upgrade and maintenance of the brown tourism signs. Stationery will be replaced as old stocks run out.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**


**RECOMMENDATION**

**THAT** Council approve the signage, stationery and billboard concepts as attached to this report.
ITEM-14  COMM - 22/08/11 - $7000 RELOCATION GRANT FOR REGIONAL AREAS

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE
Min No 11-120: Ordinary Meeting of Council 11 July 2011

SUMMARY
This report provides comment on the potential impact of the new $7000 Regional Relocation Grant.

COMMENTARY
On the 11 July 2011 the Council resolved:

    THAT a report be prepared on the potential impact of the Regional Relocation Grant on the Land Use Strategy.

Background
The NSW Deputy Premier Andrew Stoner and Treasurer Mike Baird have announced a $7,000 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.

• The metropolitan area means the local government areas of the Sydney metropolitan area, Blue Mountains, Hawkesbury, Gosford, Wyong, Wollondilly, Wollongong and Newcastle.

• The regional areas are participating local government areas which are located outside of the metropolitan area including Lithgow.

Potential Impact on Land Use Strategy
It is difficult to gauge the impact that this grant may have on the Land Use Strategy. The following provides some comments for consideration.

There are a number of criteria that applicants must comply with that may limit the number of people eligible to apply for the grant, in particular.

• Applicants must be in a financial position such that they are able to purchase a home within the next four years.

• All applicants must have been in a financial position such that they are able to currently own and occupy a home in the metropolitan area.

The Draft Land Use Strategy has identified that there is more than ample residential and land supply in the Lithgow area including in urban, large residential lot and rural areas.

A search of residential real estate supply in the Lithgow LGA reveals that there appears to be over 200 residential properties for sale under $600,000 in urban, large lot residential and rural areas. In fact there are very few residential properties on the market over $600,000 (approx 10 which includes houses on large rural properties).

Comment was sought from Real Estate Agents in the Lithgow LGA. Comment was received from Jamie Giokaris at LJ Hooker, Tina Case at the Professionals and Sandra Metcalf at Portland Real Estate.

Jamie Giokaris – LJ Hooker Lithgow

• The $600,000 threshold is very applicable to 95% of the market in Lithgow. The threshold of $600,000 is more than adequate. Most people will want to move here with change from sale of their asset in Sydney so will only need to spend $400,000 to $500,000 to buy an executive home and $500,000 to $600,000 will still buy them small acreage and a home.

• The $7,000 would cover the removal costs from say Sydney for a 3 bedroom home and maybe some small change.

• I haven’t spoken with any owner occupiers moving here who have specifically referred to it (the offer). It is my opinion that people will still have another primary reason (probably employment or retirement) to move here or another regional area and will see the money as a bonus - not so much as an incentive to move.
In response to the question, “Do you think the grant may have an impact upon the Draft Land Use Strategy?” Mr Giokaris responded “Not a significant impact on the strategy by way of population growth - it remains an unknown – the NSW Govt has not promoted it as well as it could have. But I guess my opinion there is based on the fact that Sydney people relocating do not seem to be aware of the incentive”.

Maybe LCC could use the incentive in any promotion or co-promotion with other regional councils to encourage city people to consider moving to Lithgow. Make submission to local member asking to be kept informed on the rate of uptake for applicants moving to our area. Request further Lithgow/Bathurst specific promotion via State Member if uptake is not significant. A good incentive and another tool to encourage people to move here.

In relation to the First Home Buyers Scheme (see below). Mr Giokaris responded “The first home buyers grant is still a good incentive with local first home buyers still active in the less than $250,000 bracket. The occasional first home buyer will come out of the Blue Mountains or we have even seen retirees from Sydney who have rented all of their lives and have moved here to buy an affordable residence”.

In relation to the Stamp Duty Concession scheme (see below). Mr Giokaris responded “Can’t quote an example – however off the plan sales are very, very rare in our market place - Hoskins Court is the only one I have listed and it has been for sale for 2 years”.

The retiree over 65 stamp duty concession is one that I have seen taken up once – but not really enough new house land packages being offered for sale to measure accurately.

Tina Case – Professionals Lithgow
I have done a bit of reading on this when it first was announced and whilst I do think that the incentive is a great initiative, for Lithgow to take advantage of it, there needs to be something to bring them here. $7000 is enough to cover the majority of moving costs etc.. but that is really all. We are competing with every other regional area for this grant as well - and it seems to me that they have much more in the way of promoting their areas (evocities for example). Lithgow really needs to be being promoted as a viable alternative to the city, in that we are only 2 1/4 hours on a good run to the centre of the CBD by car and we are the end of the train line. Jobs and business are what is going to make people want to make the move. $7000 is really just a sweetener and will never be the whole reason that someone makes that really big move. All of the people that I have dealt with in this capacity have not been eligible for the grant either, as they have wanted to keep their homes in Sydney, making them not able to apply for the grant as it is only applicable when they have sold a property in the city.

Sandra Metcalf - Portland Real Estate
I don't know how much it would cost to re-locate from metropolitan to our area, but I am sure that the $7k would go a long way towards covering these costs.
I don't believe the grant would entice people to move to our area, if that is not what they were already planning. Certainly the $7k is a huge boost to those who are planning their move.

Quite a lot of people who move from the city areas are after small acreage properties (from 1 acre up to 25 acres) and we would certainly like to see council encourage more of these types of sub-divisions in the future. It doesn't matter what direction you approach Portland from, you will see small sub-divisions with quality homes and well kept blocks. In my opinion this is why Portland has grown as a great little community over the past 15 years or so.

Other Incentives
There are two other government sponsored schemes to assist home buyers. Information is provided below.

First Home Owner Grant scheme

The First Home Owner Grant Scheme involves provision of a grant of $7,000 to help people purchase or build their first home after 1 July 2000. The grant has been developed to offset the impact of the GST on the purchase or construction of first homes. It is only available for a home, not vacant land and is payable per eligible transaction (contract) regardless of the number of eligible applicants involved in the transaction. It is not means tested.

Effective from 1 January 2010 the First Home Owner Grant is capped. The cap amount is reviewed annually and the applicable cap amount is determined by the commencement date of the eligible transaction. The grant will only be available for properties with a total value not exceeding the cap amount.

Stamp Duty Concessions

People who purchase a new home off-the-plan before the start of construction will pay no stamp duty under the $140 million Home Builder’s Bonus program. NSW families and investors can save up to $22,490 under the new initiative – and first home buyers will receive benefits of up to $29,490.

It is hoped that cuts to stamp duty targeted at new homes will drive supply and lend a hand to homebuyers and it is aimed at boosting the state’s housing construction sector. The off-the-plan initiative is open to anybody purchasing a new house or apartment, including investors. The scheme runs for 2 years until July 2012.

Pre-construction stage
Stamp duty will be cut to zero for off-the-plan home purchases worth up to $600,000 – a saving of up to $22,490. The zero stamp duty will only apply prior to any construction commencing on house and land packages or new apartments.

Under construction
Stamp duty will be cut by 25 per cent for people buying a newly-constructed home worth up to $600,000 – a saving up to $5,623. The 25 per cent stamp duty cut applies to home purchases made at any time during the construction period, or at completion.
First home buyers
First home buyers will also be eligible for these stamp duty cuts, giving them total benefits of up to $29,490. They will still be able to access the NSW Government-funded $7000 First Home Owners Grant as well as the NSW Home Builder’s Bonus.

Empty-nesters
Stamp duty for people aged over 65 will be cut to zero when they purchase a newly-constructed home worth up to $600,000 – a saving up to $22,490. This will only apply to people aged over 65 selling their primary place of residence and moving to a newly-constructed home, to encourage down-sizing and to encourage the regeneration of the state’s housing stock.

Conclusion
It is not known if the $7,000 relocation grant will have any significant effect on the Council’s Land Use Strategy.

When promoting development in, and relocation to, the Lithgow LGA, information on the above incentives will be provided to developers and new residents by Council officers.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

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

RECOMMENDATION
THAT Council notes the information regarding the $7,000 Regional Relocation Grant, the First Home Owner Grant Scheme and the Stamp Duty Concession scheme.
ITEM-15  COMM - 22/08/11 - BICENTENARY CELEBRATIONS, CROSSING OF THE BLUE MOUNTAINS

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE
Min No11-229: Ordinary Meeting of Council 11 June 2011

SUMMARY
At the Ordinary meeting of Council dated 11 June 2011 (Min 11-229) Council resolved that:
1. Council establish a Sec 355 Committee for the purposes of coordinating activities regarding the commemoration of the Bicentenary of the Crossing of the Blue Mountains;
2. Councillors Castle and Hunter be appointed as members of the Committee; and
3. This Committee continues until 2015 with the commemoration of Cox’s River Road.

The attached draft Terms of Reference have been drafted for Council’s approval.

COMMENTARY
As the Bicentenary of the 1813 Crossing of the Blue Mountains and the 1815 construction of the Cox’s Road approaches, Council has worked with the Hartley District Progress Association, the Royal Australian Historical Society and Blue Mountains and Penrith Councils to develop commemorations of these key events in regional, state and national history. The creation of a Section 355 Committee will formalise Council’s role in these commemorations and assist in lobbying state and federal governments for funding.

The draft terms of reference include the following;

Committee’s responsibilities:
• To monitor activities and events commemorating the Bicentenary of the Crossing of the Blue Mountains in 1813 and the completion of Cox’s Road in 1815
• To provide advice to community organisations who are planning their own events
• To ensure that the perspectives of Aboriginal traditional owners are acknowledged in commemorations
• To assist Council to liaise with other Councils and relevant organisations
• To assist Council to lobby other governments for funding and other forms of support.

Committee member responsibilities:
To determine ways Council can support community and other events associated with the Crossing and develop a coordinated programme of events from 1813 to 1815.

Committee membership:
Two Councillors – (Mayor Neville Castle and Councillor Hunter)

Three representatives from the Hartley District Progress Association
One representative (and one alternate) from the following local heritage and community groups:

- Hartley District Progress Association
- National Trust
- Cox’s Road Steering Committee
- Blue Mountains Association of Cultural Heritage Organisations
- Royal Australian Historical Society
- Lithgow District Family History Society
- Mingaan
- Wiradjuri Council of Elders
- Gundungurra Tribal Council

Other community members to be coopted as required.

The structure of the committee should be reviewed after 1813 to focus on post-crossing events.

**Committee elections and term of office:**
The Committee will function until after the conclusion of the programme of commemorative events in 2015. However, all positions will be reviewed after May 2013.

**Office Bearers:**
Meetings will be chaired by the Mayor, Councillor Neville Castle. The Cultural Development Officer will provide secretarial support. The Events Coordinator will provide backup to the Cultural Development Officer.

**POLICY IMPLICATIONS**
NIL

**FINANCIAL IMPLICATIONS**
Council has allocated $5,000 in the 2011/12 Management Plan for the Blue Mountains Crossing Bicentenary.

**LEGAL IMPLICATIONS**
Local Government Act NSW 1993, Section 355

**ATTACHMENTS**
Draft Commemoration of the Blue Mountains Crossing Bicentenary Committee Terms of Reference.

**RECOMMENDATION**

**THAT** Council adopt the attached Draft Terms of Reference for the Section 355 Committee for the Crossing of the Blue Mountains.
ITEM-16 COMM - 22/08/11 - SECTION 356 FINANCIAL ASSISTANCE TO COMMUNITY ORGANISATIONS

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE
Min No 11-02: Ordinary Meeting of Council 24 January 2011
Min No 11-74: Ordinary Meeting of Council 7 March 2011
Min No 11-211 Ordinary Meeting of Council 30 May 2011
Min No 11-212 Ordinary Meeting of Council 30 May 2011

SUMMARY
1. Council resolved at the Ordinary meeting of Council dated 30 May 2011 (Min 11-211) to advise Mingaan Aboriginal Corporation to submit an events plan and apply for financial assistance to conduct annual activities such as NAIDOC, Sorry Day and Reconciliation Day.

Council has since received a request from Mingaan Aboriginal Corporation for Financial Assistance to assist with the holding of 2011 NAIDOC Day celebrations on 16 September 2011.

This report recommends that Council provides $500 in Financial Assistance to Mingaan for this purpose.

2. This report also details a request from Newtons Nation for $350 Financial Assistance towards the cost of a one day event for skateboarders, bike riders and scooter riders during the September 2011 school holidays.

COMMENTARY
1. NAIDOC Week celebrations are held across Australia each year to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander Peoples. The 2011 event, to be organised locally by Mingaan, will include a number of workshop activities including weaving and painting, language and story-telling, boomerang and spear throwing, bush cooking, dancing and koori sports.

NAIDOC Week provides a great opportunity for the indigenous and broader communities to celebrate the culture and achievements of Aboriginal and Torres Strait Islander Peoples.

2. Newtons Nation are planning to hold an event at the Lithgow skatepark during the September school holidays including coaching and safety clinics in BMX, skateboarding and scooter riding. They hope that the clinics will grow the interest of young people in these healthy sports and encourage safe riding.

POLICY IMPLICATIONS
FINANCIAL IMPLICATIONS
The Council provides Financial Assistance each year to not-for-profit community groups and has allocated a total of $133,049 in the 2011/12 Management Plan.

This allocation includes $79,149 in Recurrent Financial Assistance (fully allocated) and $53,900 in Non-Recurrent Financial Assistance of which $43,452 has been allocated in Round 1.

This leaves a further $9,448 in Non-Recurrent Financial Assistance for distribution in Round 2 in October 2011.

Mingaan has previously been allocated $2,000 in Round 1 2011/12 Financial Assistance to assist with the administrative costs of their organisation.

The provision of an additional $500 to Mingaan for NAIDOC celebrations and $350 to Newtons Nations will leave $8,598 Financial Assistance for distribution in Round 2 in October 2011.

LEGAL IMPLICATIONS
Local Government Act NSW 1993, Section 356

ATTACHMENTS
NIL

RECOMMENDATIONS
THAT:
FINANCE REPORTS

ITEM-17  FINAN - 22/08/11 - DRAFT ELECTRONIC SERVICE OF RATE AND INSTALMENT NOTICES POLICY

REPORT FROM – FINANCE MANAGER C FARNSWORTH

REFERENCE
Min No 11-245:  Ordinary Meeting of Council 20th June 2011

SUMMARY
As previously reported Council’s Draft Policy 8.9 for the ‘Electronic Service of Rate and Installment Notices’ has been created and then advertised seeking submissions from the public. This report provides a recommendation that the policy now be adopted by Council.

COMMENTARY
The Draft Policy 8.9 for the ‘Electronic Service of Rate and Installment Notices’ has been publically advertised from 30 June 2011 to 28 July 2011 with no submissions received. The Policy is now submitted to Council for adoption.

The major governing factor for compliance is Section 710 of the Local Government Act 1993 which states that Council must have a process in place which allows the ratepayer to ‘opt in and out’ of an arrangement to email a notice and as such a policy must be in place to advise of the process.

Section 710, Local Government Act 1993 states:

2) The service may be:

   (d1) by transmitting the notice by electronic mail to an email address specified by
the person (on correspondence or otherwise) as an address to which electronic mail
   to that person may be transmitted, or

(2A) Subsection (2) (d1) does not authorise a notice to be transmitted to a person
by electronic mail unless the person has requested the council, in writing, that
notices of that kind be transmitted to the person by electronic mail, and has not
subsequently withdrawn the request.

(2B) A person’s request under subsection (2A) is taken to have been withdrawn in
relation to a particular kind of notice only if the person has informed the council, in
writing, that notices of that kind are no longer to be transmitted to the person by
electronic mail.

(2C) While a person’s request under subsection (2A) has effect in relation to a
particular kind of notice, the address to which notices of that kind are to be
transmitted is:
(a) the email address indicated in the request, or
(b) if the person subsequently directs the council, in writing, to transmit notices of that kind to a different email address, that different address.

Due to a current upgrade of our water billing software the emailing of water accounts will not commence at this time.

Draft Policy 8.9 ‘Electronic Service of Rate and Installment Notices’ is provided as an attachment for Council consideration.

POLICY IMPLICATIONS
Draft Policy 8.9 ‘Electronic Service of Rate and Installment Notices’

FINANCIAL IMPLICATIONS
Savings in postage costs

LEGAL IMPLICATIONS
Nil

ATTACHMENTS
Draft Policy 8.9 ‘Electronic Service of Rate and Installment Notices’

RECOMMENDATION
THAT Council adopt Draft Policy 8.9 ‘Electronic Service of Rate and Installment Notices’.

ITEM-18  FINAN - 22/08/11 - SECOND INTERIM AUDIT FOR THE 2010/11 FINANCIAL YEAR

REPORT FROM – FINANCE MANAGER C FARNSWORTH

REFERENCE
Nil

SUMMARY
To advise Council of the completion of the second interim audit visit by the Morse Group for the 2010/11 financial year with a recommendation that the report be received.

COMMENTARY
During the first week of June 2011 Auditors, the Morse Group, completed the second interim audit of Council’s records.
The audit covered, but was not limited to, the period 1 July 2010 to 31 May 2011 and a report in relation to this was sent on 28 June 2011. A copy of the report is attached for information.

The Auditors advised that the purpose of the visit was to obtain sufficient, appropriate audit evidence to enable the Morse Group to express an opinion on Council's annual financial report. The procedures adopted achieve this purpose in a cost effective and efficient manner while concentrating on areas of materiality and high risk.

The scope of the audit did not include a comprehensive review of all procedures and systems and comments are limited to the operational areas examined which include:

- Purchase & general expenditure transactions
- Receipting system and cashier processes
- Councils reconciliations and sub ledger accounts
- Journals
- Plant
- Water Billing
- Rates
- Council's minutes

Taken into account was the extent of Council's internal control measures which consisted of:

- The control environment, incorporating managements policies and procedures
- The information systems, incorporating the final reporting process used to prepare the Council's financial reports: and
- Internal control, being those policies and procedures which management has established to provide reasonable assurance that specific organisation objectives will be achieved

The audit established that the financial management procedures and systems have been controlled effectively in a manner appropriate for Council's structure and resources.

There were no matters raised during the course of the review which the Auditors felt necessary to bring to Councils attention at this time.

Management Comments:
Management are pleased with the second interim audit for the 2010/11 financial year.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

LEGAL IMPLICATIONS
Nil
ATTACHMENTS

RECOMMENDATION
THAT:
2. The audit established that the financial management procedures and systems have been controlled effectively according to Council’s structure and available resources; and
3. No issues were addressed from the audit.

ITEM-19 FINAN - 22/08/11 - COUNCIL INVESTMENTS HELD 31ST JULY 2011

REPORT FROM - FINANCE MANAGER C FARNSWORTH

REFERENCE
Nil

SUMMARY
To advise Council of investments held as at 31 July 2011 for the 2011/12 financial year.

COMMENTARY
Council’s total investment portfolio, as at 31 July 2011 when compared to 30 June 2011, has decreased by $3,721,511.50 from $15,765,537.95 to $12,044,026.45.

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

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<td>1,179,638.70</td>
<td>9.79%</td>
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<td>30.05.11</td>
<td>30.08.11</td>
<td>92</td>
<td>6.00</td>
<td>1,060,415.40</td>
<td>1,060,415.40</td>
<td>8.80%</td>
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<tr>
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<td>01.09.11</td>
<td>92</td>
<td>6.00</td>
<td>703,164.38</td>
<td>703,164.38</td>
<td>5.84%</td>
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<tr>
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<td>15.06.11</td>
<td>15.09.11</td>
<td>92</td>
<td>6.00</td>
<td>1,000,000.00</td>
<td>1,000,000.00</td>
<td>8.30%</td>
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<td>NAB</td>
<td>TD</td>
<td>11.06.11</td>
<td>11.08.11</td>
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<td>1,057,115.15</td>
<td>1,057,115.15</td>
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<tr>
<td>TD</td>
<td>30.07.11</td>
<td>30.08.11</td>
<td>30</td>
<td>5.39</td>
<td>826,396.58</td>
<td>826,396.58</td>
<td>6.86%</td>
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<td>WESTPAC</td>
<td>TD</td>
<td>08.07.11</td>
<td>08.01.12</td>
<td>182</td>
<td>6.00</td>
<td>526,999.30</td>
<td>276,407.00</td>
<td>2.29%</td>
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<td>TD</td>
<td>08.07.11</td>
<td>08.01.12</td>
<td>182</td>
<td>6.00</td>
<td>533,698.62</td>
<td>552,814.03</td>
<td>4.59%</td>
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<tr>
<td>TD</td>
<td>17.09.10</td>
<td>20.06.11</td>
<td>212</td>
<td>5.90</td>
<td>1,107,581.64</td>
<td>1,107,581.64</td>
<td>9.20%</td>
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<tr>
<td>TD</td>
<td>17.09.10</td>
<td>20.06.11</td>
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<td>5.90</td>
<td>808,030.20</td>
<td>0.00</td>
<td>0.00%</td>
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On the graph below historical and current investments are shown for 2011/12 to 31 July 2011.

### INVESTMENTS 2000/01 TO 2011/12 $’000

#### 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 31 July 2011 is $76,744.58 of an estimated $553,375.00 shown in the 2011/12 Management Plan. Interest is paid on the maturity date of the investment. Accrued interest to 30 June 2011 has not been reversed to date for the 2011/12 financial year and will be completed 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 12 January 2012
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

RECOMMENDATION
THAT Investments of $12,044,026.45 for the period ending 31 July 2011 be noted.
DELEGATES REPORTS

ITEM-20 DELEGATES REPORT - 22/08/11 - MINING RELATED COUNCILS MEETING HELD ON 12TH AUGUST 2011

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

The most recent meeting of Association of the Mining Related Councils Meeting was held at Wollondilly Shire Council in Picton on 12th August 2011.

The meeting was addressed by the Hon Chris Hatcher, Minister for Resources and Energy. The Minister spoke on a number of aspects on mining and how the government is looking to having a “Royalties for Regions” pipe scheme in the future, whilst an audit is currently being done of the mining sector at the moment as far as the government is concerned.

The Minister did say that coal mining is fundamental to NSW and that the State has no future without it. He also went on to say that the “rule of law” that exists in Australia gives a certainty of process that may not exist in many other countries, and this what helps the prospect of investment in mining in NSW and Australia.

This meeting was also addressed by Brad Mullard, Executive Director of Minerals Resources Office, Office of Energy and Resources. Mr Mullard gave an interesting talk as to the future of mining in terms of how much reliance will be on coal and gas into the future as well as the amount of energy that will be produced by various renewable sources which still seems to be less than 20% well into the future.

Mr Mullard also explained the process involved in coal seam gas recovery and the process of “fracking”. The members present now have a better understanding of some of the issues involved and some of the conflict issues coal seam gas extraction and various uses of the ground above such extraction.

Mr John Rablic, who is from the National Local Government Managers Australia, also addressed the Association giving a talk on the shortages of particular types of jobs such as engineers etc in local government. Particularly in areas where mining still exists as many people are attracted into the mining sector because of the wages of the available there. The LGMA will be looking to have a plan on how to attract these professionals particularly in the regional areas. We look forward to seeing what that plan is into the future.

The Association is looking to have a tribute to Bill O’Neil who was a life member of the Association, who hailed from Broken Hill and passed away over recent months. Broken Hill City Council is looking to name a conference room in the new aquatic centre after him and there is also to be a private collection of his large amount of memorabilia which will be displayed in the trade’s hall in Broken Hill. The Association is looking to help support the establishment of this collection.
The Association has expressed some concern regarding the fact that the reappeal of Part 3A Legislation in regard to planning, without it at this stage having any other instrument in its place. The Association believes many mines now will be the subject of councils determination but councils at this stage are not resourced properly to be able to make their determinations.

**RECOMMENDATION**

THAT the report on the Mining related Councils Meeting held on Friday 12th August 2011 be noted.
COMMITTEE MEETINGS

ITEM-21 FINAN - 22/08/11 - ECONOMIC SHOPFRONT COMMITTEE MEETING OF 06/07/11

REPORT FROM – FINANCE MANAGER CAROL FARNSWORTH

REFERENCE
Nil

SUMMARY
This report provides the Minutes of the Economic Shopfront Committee Meeting held on 6 July 2011.

COMMENTARY
At the Economic Shopfront Committee Meeting held on 6 July 2011, there were nine (9) items discussed by the Committee:

ITEM 1: Present
ITEM 2: Apologies
ITEM 3: Adoption of Minutes 25.01.11 to Council 14.02.11
ITEM 4: Update of Vacant Council Premises
ITEM 5: Occupation of 24 Main St Lithgow
ITEM 6: Vacation of 27 Eskbank St Lithgow
ITEM 7: TRANSLINC 162 Mort St Lithgow
ITEM 8: Policy: Main St Façade Restoration Program
ITEM 9: General Business

The attached minutes of the committee meeting contain full details with recommendations for Council’s consideration.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

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

ATTACHMENTS
1. Minutes of the Economic Shopfront Committee Meeting held on 6 July 2011.

RECOMMENDATION
THAT Council adopt the minutes of the Economic Shopfront Committee held on 6 July 2011 and the reduction in rental of $50.00 per week for Translinc 162 Mort St, Lithgow for a period of six months.
ITEM-22 COMM - 22/08/11 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES 22ND JULY 2011

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE
Nil

SUMMARY
This report provides the minutes of the Economic Development Advisory Committee Meeting held on 22 July 2011.

COMMENTARY
At the Economic Development Advisory Committee Meeting held on 22 July 2011, there were (10) ten items discussed by the Committee:

ITEM 1: Attendance and apologies
ITEM 2: Confirmation of minutes from previous meeting
ITEM 3: Business arising from previous minutes
ITEM 4: Enterprise Connect project update
ITEM 5: Land Use Strategy update
ITEM 6: Future economic development projects
ITEM 7: General economic development update
ITEM 8: Review of terms of reference and membership of EDAC
ITEM 9: Other business
ITEM 10: Next meeting

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

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

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

ATTACHMENTS
1. Minutes of the Economic Development Advisory Committee Meeting held on 22 July 2011.
2. Summary table of Enterprise Connect projects in the Lithgow area.
3. Key milestones and timelines for the implementation of the Economic Development Strategy.
4. Spreadsheet of second tier action items to be prioritised.
5. Update of initial round or priority actions.
6. Nomination letter for Sebastian Caruso representing the University of Notre Dame.
7. EDAC Terms of Reference.

RECOMMENDATION

THAT Council:
1. Notes the minutes of the Economic Development Advisory Committee held on 22 July 2011.
2. Endorses the nomination of Sebastian Caruso from the University of Notre Dame as a new Economic Development Advisory Committee member representing the Education and Training Sector.
3. Changes the Economic Development Advisory Committee Terms of Reference as follows:
   - Lithgow Business Association (Retail representative) - be changed to Retail and Business Services representative.
   - The addition of a ‘Specialist, Micro or rural (general)’ representative.
   - The addition of a ‘health services’ sector representative.
4. Calls for expressions of interest for membership to the Economic Development Advisory Committee from the Retail and Business Services, Specialist, Micro and rural (general), and Health Services sectors.

BUSINESS OF GREAT URGENCY

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

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

ITEM-23 MAYORAL MINUTE - 22/08/11 - CONFIDENTIAL REPORT - GENERAL MANAGERS MID TERM PERFORMANCE REVIEW

REPORT FROM: COUNCILLOR NEVILLE CASTLE, MAYOR

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

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

RECOMMENDATION
THAT Council consider this report in closed Council pursuant to Section 10A(2)(Aa0 of the Local Government Act 1993.