



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

10 OCTOBER 2011

AT 7.00pm

AGENDA

APOLOGIES

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

PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES - NIL

NOTICE OF RESCISSIONS - NIL

NOTICES OF MOTION -

- Councillor M F Ticehurst - Update on BWS Liquor Development and Liquor Licence in Lithgow
- Councillor M F Ticehurst - Children's Fees and Charges for the 2011/12 Season at the Lithgow Swimming Pool
- Councillor M F Ticehurst - Audit of the Lithgow City Council Gifts and Benefits Register
- Councillor M F Ticehurst - Proposed purchase and installation of removable platforms in the 50M Lithgow Swimming Pool
- Councillor M F Ticehurst - Defamation and the right to political communication
- Councillor M F Ticehurst - Scrutiny of Australian Business Numbers (ABN's) provided by creditors to the Lithgow City Council

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

- Sports Advisory Committee
- Tourism Advisory Committee

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

CLOSED REPORTS - NIL

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NOTICE OF MOTIONS

ITEM-1 NOTICE OF MOTION - 10/10/11 - UPDATE ON BWS LIQUOR DEVELOPMENT AND LIQUOR LICENCE IN LITHGOW - COUNCILLOR M F TICEHURST

REFERENCE

Lithgow City Council Resolution 11 – 15 DA No 021/10 Retail Building of Two Units Cnr Main Street, Lithgow Street and Mort Street Lithgow.

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a updated report at this Council Meeting if it is correct that the NSW State Government Office of Liquor, Gaming and Racing some months ago approved a Liquor Licence for the proposed new Woolworths BWS Liquor Store (LCC DA 021/10) in Lithgow and secondly, when work on the Development Application is expected to begin?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a updated report at this Council Meeting that it is correct that the NSW State Government Office of Liquor, Gaming and Racing some months ago approved a Liquor Licence for the proposed new BWS Liquor Store (DA 021/10) in Lithgow and secondly, when work on the Development Application is expected to begin.

ITEM-2 NOTICE OF MOTION - 10/10/11 - CHILDRENS FEES AND CHARGES FOR THE 2011/12 SEASON AT THE LITHGOW SWIMMING POOL - COUNCILLOR M F TICEHURST

REFERENCE

Media Release Lithgow City Council 21 September 2011 'Lithgow Pool set to open.

COMMENTARY

On the 21 September 2011, the Lithgow City Council issued a Media Release that the Lithgow Pool was set to open. The Media Release stated,

“Lithgow City Council is hoping for a continuation in the current glorious weather to be able to carry out the final preparations for the opening of the Lithgow War Memorial Olympic Swimming Pool for the 2011/12 season, set down for Saturday 1st October 2011.

The Mayor of Lithgow, Councillor Neville Castle said “Council staff have spent the last few weeks preparing the pool and its facilities for the upcoming season opening. Minor maintenance has been carried out on the facilities over the off season, with the majority of capital works improvements being conducted behind the construction fencing”.

Councillors Castle added “Due to the commencement of construction of Stage 1 of the Lithgow Aquatic Centre Development, the Toddler and Wading Pools are unavailable for the use during the 2011/12 season. These works do not impact on the availability of the 50 meter Olympic Pool, however, patrons need to be aware that the shallowest depth of water in this pool is 1.1 metres”.

“The hours of operations have not changed from previous years, with the pool open between 7.00am and 7.00pm weekdays and between 8.00am and 7.00pm weekends and public holidays”, continued the Mayor.

Entry fee and charges for the 2011/12 season for casual visit entry for children / pensioner / concession will be \$2.30 and adults \$4.50. Council is once again offering some great specials with children costing \$70.00, adults costing \$100.00 and family pass costing only \$200 for all yearly season passes purchased before 31st October 2011.

A full list of the fees and charges can be found on Councils Website www.lithgow.nsw.gov.au or by contacting Councils Customer Service Division on 0263549999 during business hours.

As it is apparent that many young children 12 years of age and younger will not be in any position to fully utilise and enjoy the use of the 50 metre Olympic Swimming Pool and its surrounds due to the adjoining Construction works as indicated in the Councils recent Media Release, it is requested that Council, for the entire 2011/2012 Swimming Season at the Lithgow Swimming Centre, waive both the \$2.30 Children’s Casual Entry fee and the \$70.00 Season Pass for those children 12 years of age and younger.

RECOMMENDATION

THAT Council, for the entire 2011/2012 Swimming Season at the Lithgow Swimming Centre, waive both the \$2.30 Children’s Casual Entry fee and the \$70.00 Season Pass for those children 12 years of age and younger.

**ITEM-3 NOTICE OF MOTION - 10/10/11 - AUDIT OF LITHGOW CITY
COUNCIL GIFTS AND BENEFITS REGISTER - COUNCILLOR M F
TICEHURST**

REFERENCE

Lithgow City Council Resolution 11 – 284 at the Ordinary Meeting of the Lithgow City Council on the 11 July 2011. 'Internal Audit 2010/11 Procurement Contract and Project Management IAB Services Report.

Lithgow City Council Resolution 11 – 341 at the Ordinary Meeting of the Lithgow City Council on the 22 August 2011. 'Second Interim Audit for 2010/11 conducted by Council Auditors, Morse Group of Bathurst.

ICAC Guidelines for Managing Gifts and Benefits in the Public Sector.

COMMENTARY

Q. I would like the Lithgow City Council to request that their Internal independent Auditors, Internal Audit Bureau – IAB Services, conduct an urgent audit of the Lithgow City Councils Gifts and Benefits Register to ensure compliance with the Lithgow City Council Policy 9.7 Gifts and Benefits – Councillors and Staff and the ICAC Guidelines for Managing Gifts and Benefits in the Public Sector?

RECOMMENDATION

THAT Council request that their Internal independent Auditors, Internal Audit Bureau – IAB Services, conduct an urgent audit of the Lithgow City Councils Gifts and Benefits Register to ensure compliance with the Lithgow City Council Policy 9.7 Gifts and Benefits – Councillors and Staff and the ICAC Guidelines for Managing Gifts and Benefits in the Public Sector.

ITEM-4 NOTICE OF MOTION - PROPOSED PURCHASE AND INSTALLATION OF REMOVABLE PLATFORMS IN THE 50M LITHGOW SWIMMING POOL - COUNCILLOR M F TICEHURST

REFERENCE

Meeting Notes: Lithgow Aquatic Centre Tender Savings Discussions, Lithgow Council Committee Room, Wednesday, 13 July 2011 included in the Attachments to Item 12 at the Ordinary Meeting of the Lithgow City Council on 1 August 2011.

Lithgow Mercury of Thursday 22 September 2011 media report 'Learner Pool goes – Our new Pool project begins'.

COMMENTARY

As the Council, Councillors, ratepayers and residents would be aware, the Meeting Notes of the Lithgow Aquatic Centre Tender Savings Discussions held in the Lithgow Council Committee Room on Wednesday 13 July 2011 and which was included in the Attachments to Item 12 at the Ordinary Meeting of the Lithgow City Council on 1 August 2011, publicly stated the following:

“Councillor Ray Thompson enquired if a false floor could be installed in the 50m pool that would reduce the depth and allow adequate area for learn to swim to be conducted, as advice he received is that a depth of 700mm will still cater for swimming turns. Mr Stephen Johansson (Consultant, Design Facility Group) advised that this can occur, however, issues such as the manual installation and removal pose OHS risks and added issue of storage when not used. Mr Stephen Johansson further advised that a minimum depth of 900mm is required for swim turns to prevent risks.”

In the Lithgow Mercury of Thursday 22 September 2011, it was publicly reported in the media report 'Learner Pool goes – Our new Pool project begins', that, **“Council says this shortfall (removal of the Learners Pool) will be addressed by placing a removable underwater platform in the shallow end of the current 50 metre main pool to reduce water depth for learners.”**

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report on:

1. The proposed future Council and Public use and storage of any removable underwater platforms in the shallow end of the current 50 metre Swimming Pool at the Lithgow Aquatic Centre.
2. Independent Legal Advice that the use of any removable underwater platforms in the shallow end of the current 50 metre Swimming Pool at the Lithgow Aquatic Centre, will not pose any future personal public risk (i.e. Swim turns, Diving, etc.) to the users of the Council facility or any increased public liability insurance risk to the Lithgow City Council.
3. Confirmation or not of any other known previous Public Liability claims or reportable deaths to the Coroner involving the use of any underwater platforms in the shallow end of the Swimming Pools.

ITEM-5 NOTICE OF MOTION - DEFAMATION AND THE RIGHT TO POLITICAL COMMUNICATION - COUNCILLOR M F TICEHURST

REFERENCE

'Defamation and the Right to Political Communication' as published on the NSW State Parliament website at <http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/LABP03>

COMMENTARY

For the information of the Council, Councillors, ratepayers and residents, the following Briefing Paper titled, 'Defamation and the Right to Political Communication', as published on the NSW State Government website is set out below.

- * **There is no right to political communication but State and Federal Parliaments are not able to legislate to unreasonably restrict it.**
- * **Each member of the Australian community has an interest in disseminating and receiving information, opinions and arguments concerning government and political matters that affect the people of Australia.**
- * **That interest gives rise to a defence of qualified privilege for such communication against defamation, although such a defence may be defeated if the publication is unreasonable or actuated by malice.**

The High Court of Australia first recognised an implied guarantee of communication on political matters in the Constitution in the early 1990s (*Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106 and *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1). With regard to defamation, it has been established that the implied freedom of political communication in the Australian Constitution covers discussion of the conduct, policies or fitness for office of government members, political parties, public bodies, public officers and those seeking public office. In *Theophanous v Herald & Weekly Times Ltd* (1994) 182 CLR 104 at 140 it was held by the majority that:

There is implied in the Commonwealth Constitution a freedom to publish material:

- (a) discussing government and political matters;
- (b) of an concerning members of the Parliament of the Commonwealth of Australia which relates to the performance of their duties as members of the Parliament or parliamentary committees; and
- (c) in relation to the suitability of persons for office as members of the Parliament.

The majority (Mason CJ, Toohey and Gaudron JJ) also argued that any defence to an action in defamation based on the implied freedom of communication in the Constitution was subject to certain conditions. They held that such a defence was available even if the material published was proved to be false so long as the material was published in the course of political discussion, that the defendant was unaware of the falsity and did not publish recklessly, and that the publication was reasonable in the circumstances (at 137).

The case of *Stephens v West Australian Newspapers Ltd* related the freedom of communication defence to members of State Parliaments. In this case, Thomas Stephens and five other members of the Legislative Council of Western Australia, who were members of the Standing Committee on Government agencies, took an action in defamation against West Australian Newspapers Ltd for publishing assertions made by another member of the Council that the members had gone on an overseas trip without the knowledge of Parliament and that the trip was a "junket of mammoth proportions" (at 212-3).

In *Lange v Australian Broadcasting Corporation* (1997) CLR 520 the High Court revisited its decision in *Theophanous* and *Stephens* and held that qualified privilege attaches to statement made to the general public about matters of government, and specifically to political discussion which is discussion that, by developing and encouraging views upon government, bears upon the function of electors in a representative democracy.

As with *Stephens* the High Court considered that the extended category of qualified privilege embraced discussion of government or politics not only at a Federal level but also at a State or Territory level, and even at a local government level, whether or not it bore directly on matters at a Federal level. The judgment also recognised that the extension of qualified privilege could go beyond what was required for the law of defamation to be compatible with the freedom of communication required by the Constitution. It was held in this case that by reason of matters of geography, history and constitutional and trading arrangements, the discussion of matters concerning New Zealand may often affect or throw light on government or political matters in Australia.

In *Lange v Australian Broadcasting Corporation* the High Court also rejected the proposition that a right to free speech could be implied in the Constitution. It was held that the relevant sections of the Constitution do not confer personal rights on individuals but that it precludes the curtailment of the freedom of communication between the people of the Commonwealth concerning political or government matters, which enables the people to exercise a free and informed choice as electors. In other words, the freedom of political communication is not absolute but limited to what is necessary for the effective operation of representative and responsible government provided for by the Federal Constitution.

It should be noted that since *Lange v Australian Broadcasting Corporation* there has been a clear trend towards narrowing the coverage of the freedom of political communication defence in Australia. For example, in *Levy v Victoria* (1997) 189 CLR 579 the finding of the High Court departed from an earlier majority position that the defence would generally cover discussion of State political matters.

RECOMMENDATION

THAT the information be noted.

ITEM-6 NOTICE OF MOTION - 10/10/11 - SCRUTINY OF AUSTRALIAN BUSINESS NUMBERS (ABS'S) PROVIDED BY CREDITORS TO THE LITHGOW CITY COUNCIL - COUNCILLOR M F TICEHURST

REFERENCE

Australian Government Websites of www.business.gov.au and www.ato.gov.au.

COMMENTARY

Q. Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on what action the Lithgow City Council takes where it's Creditors, including Consultants, etc. undertake work for the Council whilst providing a long cancelled Australian Business Number or ABN?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report on what action the Lithgow City Council takes where it's Creditors, including Consultants, etc. undertake work for the Council whilst providing long-time cancelled Australian Business Number or ABN?

GENERAL MANAGERS REPORTS

ITEM-7 GM - 10/10/11 - COUNCIL MEETING DATES FOR 2012

REFERENCE

NIL

SUMMARY

This report outlines the proposed dates for the Ordinary Council Meetings for 2012.

COMMENTARY

Council has a program of holding Council meetings on a **three** weekly basis and on a Monday. The use of a three weekly meeting rotation involves a greater level of planning on the Council's behalf and a schedule of meetings needs to be made. Items that need to be considered when planning the council meetings include:

- Conferences
- Public holidays
- Possibly holidays - school

The two major conferences to be held involving Lithgow City Council are the Local Government Conference and the Shires Association Conference. Lithgow Council has traditionally been more reliant on the Local Government Conference. There is presently a proposal to amalgamate the Associations.

The Local Government elections are set for the second Saturday in September 2012, being Saturday 8th September.

The election of Mayor is to be held within 3 weeks after an ordinary election. This may be done at an Extra Ordinary Meeting.

Public Holidays in 2012 will include:

- News Year Day - Monday 2nd January
- Australia Day - Thursday 26th January
- Good Friday - Friday 6th April
- Easter Saturday - Saturday 7th April
- Easter Monday - Monday 9th April
- Anzac Day - Wednesday 25th April
- Queens Birthday - Monday 11th June**
- Bank Holiday - Monday 6th August**
- Labour Day - Monday 1st October**
- Christmas Day - Tuesday 25th December
- Boxing Day - Wednesday 26th December

** these public holidays are yet to be proclaimed.

With NSW School holidays to be held on:

| NSW Government School Holidays 2012 | | |
|--|-----------------------------------|--|
| Summer Holidays | Tuesday 20 December 2011 | Thursday 26 th January 2012 |
| Autumn Holidays | Friday 6 th April 2012 | Friday 20 April 2012 |
| Winter Holidays | Monday 2 July 2012 | Friday 13 July 2012 |
| Spring Holidays | Monday 24 September 2012 | Friday 5 October 2012 |
| Summer Holidays | Monday 24 December 2012 | Monday 28 January 2013 |

The proposed dates for the Ordinary Meetings of Council for 2012 are as follows:

Ordinary Council Meetings for 2012

- 23 January
- 13 February
- 5 March
- 26 March
- 23 April**
- 14 May
- 4 June
- 25 June
- 23 July**
- 13 August
- 3 September
- 8 October #
- 29 October
- 19 November
- 10 December

** Represents 4 weeks between meetings

being the first Ordinary Meeting after the 2012 local government elections.

The Ordinary Council Meeting will commence at 7pm.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council hold the Ordinary Council meetings during 2012 generally on Mondays on a three weekly basis on the following dates:

- 23 January
- 13 February
- 5 March
- 26 March
- 23 April**
- 14 May
- 4 June
- 25 June
- 23 July**
- 13 August
- 3 September
- 8 October #
- 29 October
- 19 November
- 10 December

ITEM-8 GM - 10/10/11 - OUTSTANDING NOTICE OF MOTIONS - 2008 TO PRESENT

REFERENCE

Min No 11-12: Ordinary Meeting of Council 24th January 2011

SUMMARY

Council previously request that a quarterly report be provided on Notices of Motion and the progress made in relation to those items.

COMMENTARY

Council resolved that:

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

Attached to the Business Paper is an updated table of notices of motion resolved by Council since October 2008 along with resolutions from Business of Great Urgency for Council consideration. Included in the tables is information on action taken to implement the Council resolutions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Table of Notices of Motion adopted by Council since October 2008.
2. Table of resolutions of Council from Business of Great Urgency since October 2008.

RECOMMENDATION

THAT Council note the report on Notices of Motion.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-9 ENVIRO - 10/10/11 - RESIDENTIAL DWELLING ALTERATIONS TO EXISTING STRUCTURE (DUAL OCCUPANCY) - FOUR TOURIST CABINS AND A SHED

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Nil

SUMMARY

To recommend determination of 058/10DA for the establishment of an additional dwelling from an existing farm building, a shed and four tourist cabins on land described as Lot 122 in DP 757063, 769 Jenolan Caves Road, Good Forest.

COMMENTARY

Council is in receipt of Development Application 058/10 from Mr. G. Kitchener for the proposal to establish an additional dwelling from an existing farm building, a shed and four tourist cabins on land described as Lot 122 in DP 757063, 769 Jenolan Caves Road, Good Forest.

The total area of the property is 16.2ha and contains an existing residential dwelling and farm building.

The development is proposed in 2 stages. The first stage would consist of the construction of a roadway (as per RTA conditions), the shed would be used for storage of maintenance equipment and the existing farm shed/homestead would be constructed into a residential dwelling. The second stage would consist of the construction of the four cabins.

The cabins will be one bedroom, lounge room, 30 square metres in size. The cabins will be spaced either side of the existing farm shed/proposed amenities.

The maximum number of guests in the facility would be approximately 16 at one given time, being a maximum of 4 people per cabin.

The farm shed/homestead is proposed to be altered to be used as a residential dwelling. This would be classed as a dual occupancy as one dwelling currently exists on the property.

The original application was submitted on 11 October 2010 and consisted of a new dwelling, garage, four cabins and ablutions block which was to be located within the existing farm shed/homestead. On 7 June 2011, the applicant amended the application, which involved the removal of the proposed new residential dwelling, instead changing the farm shed/homestead from an ablutions block to a residential dwelling.

Therefore, it is proposed that only two dwellings and a shed will be located on the property along with four cabins.

Two site meetings were held with Councillors and surrounding residents. The application was also sent to adjoining neighbours and placed on public display for two notification periods of 14 days each.

The main concerns raised within the notification periods and site meetings include:

- The dilapidated state of the old farm shed/homestead and the owners have been doing alterations without Council permission;
- The increase in noise, visual and safety impacts within the surrounding locality.
- The visual impact of the property on the public with shipping containers, pieces of metal and materials located in close proximity to the road and neighbouring land.
- The safety of the current access to the property. Also the safety of the access that the RTA has preferred off the Crown Road, due to limited views entering onto Jenolan Caves Road.
- The safety of large amounts of vehicles using the current Crown Road specifically including having road width for vehicle passing.
- The RTA conditions, if approved, regarding the widening of Jenolan Caves Road to accommodate a right hand turning lane into the Crown Road which is to be located in front of two other entrances where six families enter their properties and a school bus stop. To turn right into the properties vehicles would also have to cross two lanes of traffic.
- Other issues involve the speed limit being 100km/hr and the residents would like it changed to 80km/hr. This is due to the increase in traffic and fog being very thick with vision reduced.

Comment:

- Noise – if the development is approved Council would place noise restrictions in the conditions of consent.
- Visual Impact - The site where the cabins will be placed from adjoining properties will be significantly screened by trees. The cabins are designed to be compatible with the existing structure and the historical nature of other buildings in the district.
- Wind Reduction - The structures will be built off site and transported to the property. They will further be bolted and screwed to engineer specified designs. A significant wind break consisting of trees existing along the boundary of Jenolan Caves Road.
- Traffic – If approved the RTA has provided comment that the existing access onto the property is unsafe for the proposed application and therefore the new access will need to be constructed off the current Crown Road.
- Councils Engineers have recommended that Council take over the section of the Crown Road from Jenolan Caves Road to the new entrance that the RTA have conditioned if approved. This section of road is only a short distance from Jenolan Caves Road and would be conditioned that the construction of the road would be at the full cost of the applicant.

The RTA has assessed the proposed application and has provided comments and proposes conditions of consent. This includes improved visibility from the relocated access and conditioning that the road is to be widened to accommodate the extra vehicles that may enter and exit the property. A full report of the RTA comments and conditions has been included within the attached Section 79C Report.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

A Section 94 Contribution of \$4080 for Rural Roads and \$269 for Rural Fire will need to be paid to Council for the proposed dwelling. In addition Section 94 Contributions of \$500 per cabin will need to be paid to Council for Tourist Accommodation.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A complete Section 79C Report

RECOMMENDATION

THAT:

1. Council approve 058/10DA in accordance with the conditions outlined in the attached Section 79C Report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-10 ENVIRO - 10/10/11 - 008/11DA - PROPOSED HUNGRY JACKS
RESTAURANT - CAROLINE AVENUE / STEWART STREET,
LITHGOW**

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

REFERENCE

Min No 11-236 – Ordinary Meeting of 20 June 2011

SUMMARY

To recommend determination of a Section 96 (1A) Modification to Development Application 008/11DA for the development of a Hungry Jacks at the corner of the Great Western Highway, Caroline Avenue and Stewart Street, Lithgow. The Modification is recommended for approval, subject to amended conditions.

COMMENTARY

The Development Application for Hungry Jacks was approved at Council's Ordinary Meeting of 20 June 2011. As previously reported to Council, the development includes a restaurant, internal and external playground areas, standard Hungry Jacks signage, a 37 space car park, traffic management devices, and site landscaping and beautification.

The RTA consented to the development and the site was inspected by TALC with the developer on 26 May 2011. The requirements of the RTA and TALC were included in conditions for the development. However, TALC recommended the following condition:

70. The left turn movement from Caroline Avenue onto the Great Western Highway will be changed with a left turn arrow being installed in the traffic signalisation. This will replace the stop and turn on red signal.

This condition was imposed on the consent, however the RTA (who are represented on TALC) have now indicated that they do not support the changes to the signalised intersection of the Great Western Highway and Caroline Avenue as set out in Condition 70. They have requested the condition be removed from the consent. The RTA have confirmed in writing that they will not agree to the requirements of Condition 70. Therefore, the developer is unable to meet the requirements of this condition.

Council requested the RTA reconsider their position on this issue to allow the development to proceed as conditioned, however a response was received indicating they support the removal of Condition 70 on the basis that they will be monitoring the intersection once Hungry Jacks opens. The RTA also advised that there is a separate project underway to implement minor changes to the intersection however a detailed timeframe for the changes is not known at this stage.

Accordingly, as the RTA is the sole authority that may determine the need for improvements to traffic signals, it is considered that the condition should be removed from the consent as requested.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications of the proposed Modification.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Complete assessment in accordance with Section 96 the Environmental Planning & Assessment Act 1979.

RECOMMENDATION

THAT:

1. The proposed modification to Development Application 008/11DA be approved subject to the removal of Condition 70.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-11 ENVIRO - 10/10/11 - CLOSURE OF ANGUS PLACE LANDFILL

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-271 – Ordinary Meeting of 11 July 2011
Min No 11-364 – Ordinary Meeting of 12 September 2011

SUMMARY

To advise Council of the upcoming closure of Angus Place Landfill as indicated in the Draft Waste and Recycling Strategy.

COMMENTARY

As Councillors would be aware through recent reports in relation to the Draft Waste & Recycling Strategy, closure of the Angus Place Landfill was to occur in mid October.

Signage was placed at the facility in early August to advise users of this impending closure, as well as advertisements in the Lithgow Mercury in relation to the Draft Waste & Recycling Strategy and press releases.

Further to this, it has been determined that another small extension may occur at the facility; however, it is unlikely that the life could be extended much further than mid November 2011. With this in mind, correspondence has been provided to all residents between the intersection of Wolgan Road and Castlereagh Highway to Newnes and residents off adjoining roads, advising that the facility is now likely to close in mid November 2011.

Whilst usage of the facility is not significant in terms of tonnage, there of course may be some concern felt in the community as it has been a facility available for many years. With this in mind, there are two possible issues that Council may wish to consider. These being:

1. The placement of a skip bin on site at Angus Place Landfill, at least for a short period of time, to allow the local community to adjust.
2. Consideration be given in preparation of the Kerbside Waste & Recycling Tender to extend the kerbside waste and recycling service for the entire length of Wolgan Road.

Prior to determining whether to include Wolgan Road in the Kerbside Waste & Recycling Service for the new garbage contract, it would be appropriate to seek some feedback from the community as to whether the provision of such a service would be supported. If broad support was forthcoming then further feasibility would then need to be investigated, eg the number of services required to make the service economically feasible.

On another issue, closure of the facility and planning for its rehabilitation will now need to commence. In this regard, following some design and specification works, it will be necessary to call tenders for rehabilitation works. In accordance with Council policy, it will be necessary for Council to determine whether to undertake tendering via the open tender process or selective tender process. It is considered that it may be more advantageous to Council to implement the open tender process for the rehabilitation of the Landfill.

POLICY IMPLICATIONS

Council's Policy in relation to Tendering will need to be observed.

FINANCIAL IMPLICATIONS

Council has within its current budget, an amount of \$450,000 for the rehabilitation of the Angus Place Landfill. Furthermore, should Council wish to provide a skip bin service for a short period of time, it will cost approximately \$260 per pick up to supply the skip bin. It may be necessary to replace the skip more than once per week and the charge would apply on each occasion.

LEGAL IMPLICATIONS

Nil at this stage.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council note the final closure of the Angus Place Rural Landfill on or about 15 November 2011.
2. Council implement a temporary skip bin service at the site up until the end of December 2011.
3. Council write to all residents not currently serviced by a garbage and recycling service along Wolgan Road to Newnes to ascertain if there is interest in being included in a kerbside garbage and recycling service, when Council goes to tender on a new service.
4. Council utilise the open tender method to engage a contractor to undertake the rehabilitation of the Angus Place Landfill.

OPERATION REPORTS

ITEM-12 OPER - 10/10/11 - WATER REPORT

REPORT BY: GROUP MANAGER OPERATIONS, IAIN STEWART

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 30th September 2011 was 100%. Oberon Dam capacity on Tuesday 4 October 2011 was 58.91%.

CURRENT WATER USAGE FROM EACH SUPPLY

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

Table 1 - Oakey Park Monthly Output and Clarence Transfer

| Month Total | Oakey Park WTP (ML) | Clarence Transfer (ML) | Dam Yield (ML) |
|------------------------------|----------------------------|-------------------------------|-----------------------|
| January | 139 | 0 | |
| February | 121 | 0 | |
| March | 122 | 0 | |
| April | 140 | 0 | |
| May | 133 | 14 | |
| June | 122 | 19 | |
| July | 149 | 0 | |
| August | 119 | 0 | |
| September | 112 | 0 | |
| Month Average 2011 | 128.5 | 3.67 | |
| Monthly Average 2010I | 123.0 | 9.67 | |

Table 2 - Oakey Park Daily Output and Clarence Transfer

| Oakey Park WTP | Avg Daily Use kL | Avg Daily CWTS Transfer kL | FRWS Avg Daily Use kL |
|----------------|------------------|----------------------------|-----------------------|
| August | 3,847 | 0 | 1,788 |
| September | 3,727 | 0 | 1,900 |
| Last Week | 3,511 | 0 | |
| Previous Week | 3,940 | 0 | |

LITHGOW WATER QUALITY

No health-based Australian Drinking Water Guidelines guideline values were exceeded in September.

Commissioning of the South Bowenfels Water Reservoir continued during September.

Table 3 - Oakey Park Process Monitoring Clearwater Results September

| | |
|--------------------------|------|
| Colour Avg | 3 |
| Colour Max | 10 |
| Colour Min | 1 |
| Turbidity Avg | 0.15 |
| Turbidity Max | 0.82 |
| Turbidity Min | 0.02 |
| pH Avg | 7.9 |
| pH Max | 8.6 |
| pH Min | 7.5 |
| Chlorine Avg | 1.6 |
| Chlorine Max | 2.0 |
| Chlorine Min | 1.2 |
| Iron <0.3 Aesthetic | 0.08 |
| Aluminium <0.2 Aesthetic | 0.01 |
| Manganese <0.1 Aesthetic | 0.15 |

FISH RIVER WATER SCHEME WATER SUPPLY

No health based Australian Drinking Water Guideline values were exceeded in September.

CURRENT WATER RESTRICTIONS UPDATE

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

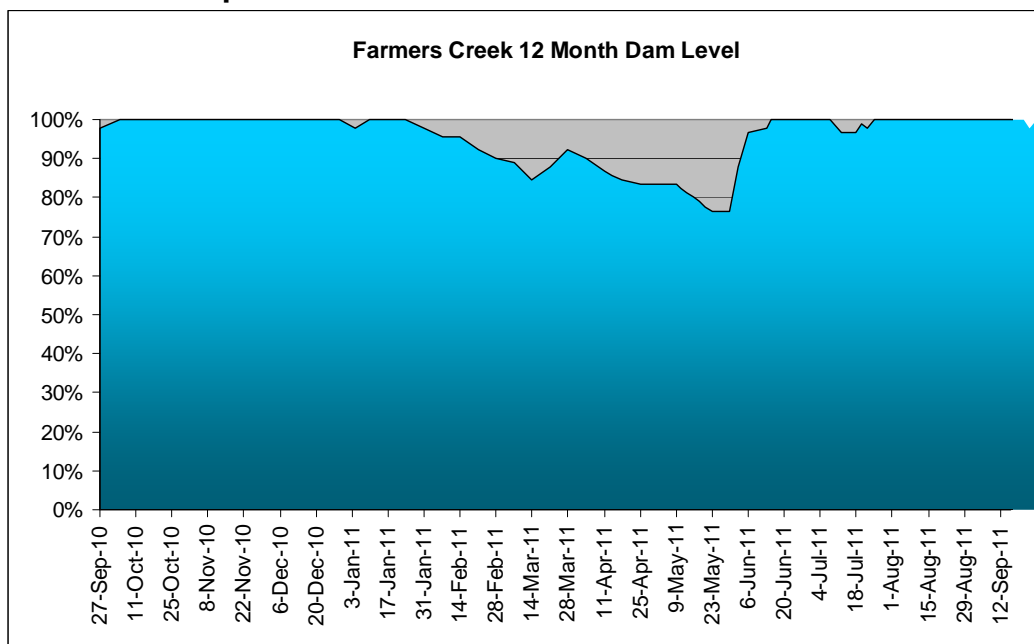
WATER SAVING SCHEMES OR PROCESSES UPDATE

Council’s Rainwater Tank and Domestic Appliance Rebate Program continued in September with Council approving 3 applications for a household appliance rebate and 1 application for a water tank rebate.

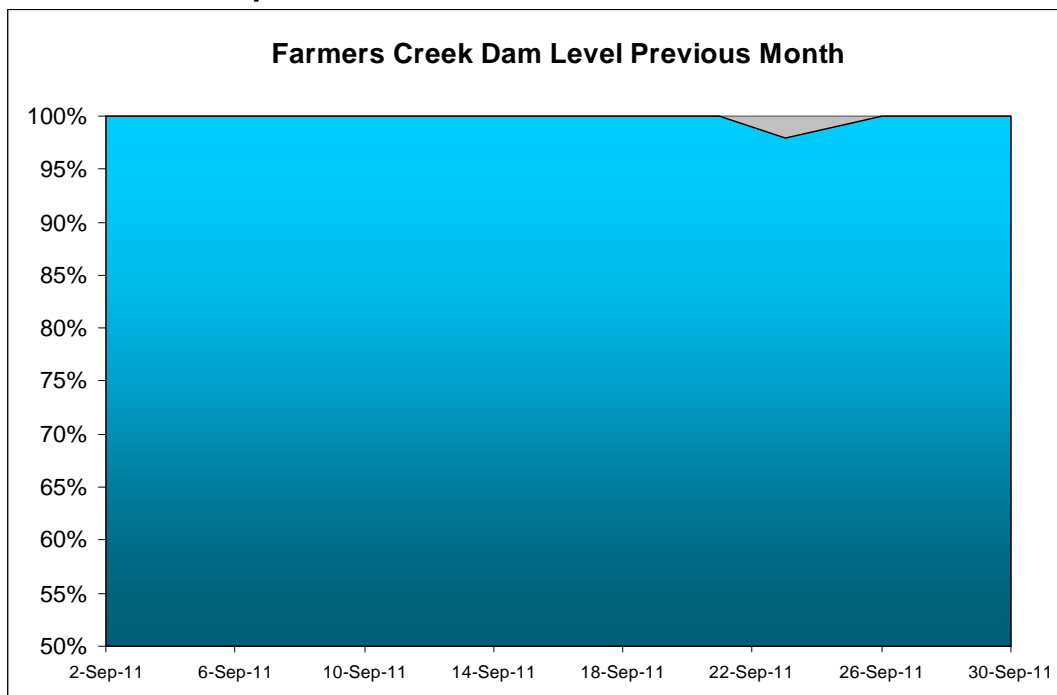
FARMERS CREEK DAM 12 MONTH LEVELS

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 2 Farmers Creek Dam #2 over 1 Month



ALTERNATE WATER SOURCES UPDATE

The Marrangaroo Zone continues being supplied from the Oakey Park Water Treatment Plant via Cook St High Level Reservoir.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

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

ITEM-13 OPER - 10/10/11 - YOUNG - ACQUISITION OF CLOSED ROAD, PART MORT STREET, LITHGOW

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

The finalisation of the purchase from Council of Lot 1 DP 1127335 (314square metres) in accordance with the agreement by Council to transfer to Mr Young in order to overcome property encroachment issues.

COMMENTARY

Council's solicitors Le Fevre and Co. have advised that a proposal to close an unused portion of Mort Street Lithgow and sell a portion of the closed road to a Mr Young whose property adjoins this portion of road has reached the stage of finalisation

The purpose of the closure was to enable Mr Young to legalise some encroachments of his property on the public road as shown on the attached copy of DP1127335P.

It should be noted that the road closure has been finalised and the title of the subject land has been issued in Council's name and that the land has been vested in Council as operational land able to be transferred to Mr Young as a purchaser.

Completion of the purchase from Mr Young has been left in abeyance for some considerable time and it has been hoped to incorporate the purchase by him from Council with adjoining property boundary adjustments and road exchange involving the developer A.J Velde Pty Limited. Council has previously granted an approval to AJ Velde Pty Ltd for a proposal as illustrated in the attached copy of Plan of Subdivision of Lots 1, 2,3 4, 5,6, and 7 section 1 DP416, lot 1 DP586524, and lots1 and 2 DP1127335.

This proposal has not proceeded.

Mr Young's immediate concern now is to simply finalise this purchase from Council, independently of any other proposal formerly approved for the application by A.J Velde Pty Limited or any modified proposal by Mr Thompson.

Council's solicitor is requesting that Council proceed to prepare appropriate transfer documentation from Council to Mr Young and to confirm a price which Council are prepared to transfer the small area, i.e (314m²) to Mr Young.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Correspondence received from Le Fevre & Co Solicitors and Attorney.

RECOMMENDATION

THAT Council proceed with the sale of land (314square meters) of a closed section of Mort Street Lithgow to Mr Young at a price to be determined.

ITEM-14 OPER - 10/10/11 - 2009/10 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report has recently been published by the Commissioner for the NSW Office of Water.

COMMENTARY

The report discloses performance indicators for all NSW water utilities comprising 106 non metropolitan local water utilities together with four metropolitan utilities.

The report is very detailed in regard to Performance Monitoring and is the latest in the series jointly developed by the NSW Office of Water and the NSW Local Government Association.

Action plans templates have been provided for both LCC's water and sewerage utilities for completion with the next performance monitoring report. It should be noted that Council has to date achieved 89% of the sewerage requirements and 80% of the water supply requirements of the NSW Best Practice Management Guidelines.:

The Best Practice Management Guidelines include such issues as Strategic Business Planning, Regulation and Pricing of Water Supply Sewerage and Trade Waste, Water Conservation, Drought Management Performance Monitoring and the Integrated Water Cycle Management. The outstanding issues are currently being addressed.

The report is extremely detailed and compares the performance of each water utility and copies are available for Councillors upon request.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. 2009/10 NSW Water Supply and Sewerage Performance Monitoring Report.

RECOMMENDATION

THAT the 2009-10 NSW Water Supply and Sewerage Performance Monitoring Report be referred to the newly formed Water Committee for detailed review and report to Council.

ITEM-15 OPER - 10/10/11 - ROADS TO RECOVERY PROGRAM

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To provide support to the Australian Local Government Association for increased and ongoing Roads to Recovery Program funding.

COMMENTARY

Correspondence has been received from the Mayor Genia McCaffery President of the Australian Local Government Association requesting Council's support for ensuring that the Federal Government continues with the Roads to Recovery Program and its funding to Local Government following its completion in 2014.

The Australian Local Government Association will be launching its Local Governments Road to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November and the campaign of the Australian Local Government Association requires the support of every Council in passing a resolution supporting the permanency of the Roads for Recovery Program at a rate that recognises the backlog of needs on Local Roads and a continuation of the current popular successful arrangements.

As part of the campaign the Australian Local Government Association is requesting that Councils write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Oppositions spokesperson for Transport and your Local Federal Member of Parliament to advise them of Council's support for a new Roads to recovery Program.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Correspondence received from Australian Local Government Association.

RECOMMENDATION

THAT Council write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Oppositions spokesperson for Transport and the Local Federal Member of Parliament seeking the continuation of the Roads to Recovery Program on a permanent basis to assist Local Government to meet its responsibility in providing rural road access for its communities.

**ITEM-16 OPER - 10/10/11 - RESTORATION OF FLOOD DAMAGE DECEMBER
2010 EVENT - LOCAL ROADS PROJECT NO. A/08835/IC**

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 11-21: Ordinary meeting of Council held 24 January 2011

SUMMARY

Correspondence has been received from the Roads and Traffic Authority in response to Council's request for assistance with regard to the Restoration of Flood Damage in December 2010 for Local Roads.

COMMENTARY

Council's request for assistance was submitted and assessed and the RTA has confirmed an Interim Grant of \$801,209 for Local Roads.

The attached Schedule of Works is inclusive of Council's \$29,000 contribution, hence the Roads and Traffic Authority's (RTA) contribution which is \$772,289.

The assessment does not include the work associated with remediation of the slope on Wolgan Valley Road. The Schedule of Works and the grant will be reviewed to include the slope remediation works once the final estimate for the slope remediation works is received.

Over expenditure will not be recognised for restoration work and the work should be completed before 30 April 2012.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter received from Roads and Traffic Authority

RECOMMENDATION

THAT the flood grant (exclusive of funds for restoration of Wolgan Gap slippage) of \$772,289 from the Roads and Traffic Authority be accepted.

ITEM-17 OPER - 10/10/11 - LITHGOW AQUATIC CENTRE - FUNDING APPLICATION FOR STAGE 2

REPORT FROM: LEANNE KEARNEY – ASSETS AND PROJECTS ENGINEER

SUMMARY

To advise Council that an application for funding of Stage 2 of the Lithgow Aquatic Centre from the the Regional Development Australia Fund should be submitted.

COMMENTARY

Council has been advised by the Department of Regional Australia, Regional Development and Local Government that an application for funding of Stage 2 of the Lithgow Aquatic Centre under Round 2 of the Regional Development Australia Fund could be submitted

Applications for funding of Round 2 projects will open in November 2011.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council submit an application for funding of Stage 2 of the Lithgow Aquatic Centre through Round 2 of the Regional Development Australia Fund.

**ITEM-18 OPER - 10/10/11 - GEOTECHNICAL MONITORING INSPECTION
 WOLGAN ROAD, WOLGAN GAP**

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To advise Council of a recent Geotechnical inspection of a section of the Wolgan Road at Wolgan Gap. This was the area affected by remedial work carried out in November 2009.

COMMENTARY

Golders Associates have completed a Geotechnical inspection of a section of the Wolgan Gap at Wolgan on 20 July 2011. This was completed as required by the Road Slope instability Management Plan dated 17 March 2009. This is the first Geotechnical inspection of the four slope Faces since the completion of remedial work in 2009.

Results of the inspection are presented on the attached Record of Slope Inspection form and the photographs as required by the Management Plan. As part of the remedial work completed in 2009, five survey monitoring prisms were installed by Council on the overhanging rocks above face 4 and the results of the monthly surveys completed between 14 December 2009 and 15 July 2011 were forwarded to Golder by Council. The results for all five points show the readings are within a survey tolerance of 5mm.

Outcomes from the July 2011 inspection include:

1. The removal of young tree growth from the 5m area behind the crest of Faces 2, 3 and 4 and the top of the dry stone wall below the road at Face 2.
2. Drainage at the crest of Face 1 and the intermediate bench be maintained to reduce the rainfall runoff over the face there by reducing erosion
3. Continue survey monitoring of the five survey points on overhanging rocks of Face 4 and that the frequency be changed to two monthly surveys and following prolonged rainfall.

It is further considered that the next geotechnical inspection be carried out in July 2012 and the results of the inspection are attached for Council's information.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from Golder Associates

RECOMMENDATION

THAT the monitoring inspection report from Golder Associates on Wolgan Road at Wolgan Gap be received and that the suggested improvements be implemented including:

1. The removal of Young tree growth from the 5m area behind the crest of Faces 2, 3 and 4 and the top of the dry stone wall below the road at face 2.
2. Drainage at the crest of Face 1 and the intermediate bench be maintained to reduce the rainfall runoff over the face there by reducing erosion
3. Continue survey monitoring of the five survey points on overhanging rocks of face 4 and two monthly intervals;
4. A further geotechnical report be commissioned in July 2012

ITEM-19 OPER - 10/10/11 - AGREEMENT FOR BLOCK GRANT ASSISTANCE TO COUNCIL FOR REGIONAL ROADS 2011/12

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To accept the Financial Assistance offered to Council for the Maintenance and Control of Regional Roads for 2011/12.

COMMENTARY

It should be noted that the grant from the Roads and Traffic Authority to the Council for the financial year - July 1, 2011 to June 30, 2012 for the maintenance of Regional Roads includes a Roads component of \$233,000, Traffic Facilities component of \$90,000 and a Supplementary component of \$99,000, totalling \$422,000.

It should be noted that the only Regional road under Council's care and control is Main Road 531 which extends from Barton Avenue to Cullen Bullen passing through Wallerawang and Portland.

Total Length of this Road is 23.28 kilometres.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from RTA

RECOMMENDATION

THAT Council accept the offer of Financial Assistance for the Maintenance of Regional Roads in 2011/12, to the total amount of \$422,000 and the General Manager be authorised to sign the necessary documentation on Council's behalf and affix the Council Seal if required.

ITEM-20 OPER - 10/10/11 - 2011/12 MANAGEMENT PLAN

REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS

REFERENCE

2011/12 Management Plan

SUMMARY

To submit detailed Works programs for undefined projects contained in the 2011/12 Management Plan.

COMMENTARY

The following items in the Capital Works section of the 2011/12 Management Plan were adopted with undefined works:

1. Bitumen Reseals Infrastructure Levy Program - \$101,365
2. Lithgow/Portland Lanes Bitumen Reseals Infrastructure Levy Programme - \$89,564.75
3. Portland Streets Bitumen Resealing - \$100,000

Total available program \$290,921.75 say \$291,000

The proposed works are as follows:

1. Portland

- (a) Carlon Street – Bitumen seal 2400sq.m - \$19,200
- (b) Paine Street from Portland Road to top of hill – Bitumen Reseal 800sq.m - \$6,400
- (c) Portland Road from Williwa Street to Dulhunty Street – Bitumen Reseal 300sq.m - \$24,000
- (d) Bate Street – Bitumen Reseal 2400sq.m - \$19,200
- (e) Piper Street from Portland Rd to Saville Street – Bitumen Reseal 4000sq.m - \$32,000
- (f) Purcell Street east of Paine Street – Bitumen Reseal 400sq.m - \$19,200
- (g) Thompson Street from Railway Ave to Rowsell Street – Bitumen Reseal 1250sq.m - \$10,000
- (h) Frankfort Road from Railway Ave to Purchas Street – Bitumen Reseal 2250sq.m - \$18,000

- (i) Jamieson Street from Long Street to Lidsdale Street – Bitumen Reseal 2000sq.m - \$16,000
- (j) High Street Shoulders from Lidsdale Street to Roxburgh Street – Bitumen Reseal – 2000sq.m - \$16,000
- (k) Roxburgh Street Shoulders adjacent to new kerb and gutter – Bitumen seal 600sq.m - \$4,800
- (l) Tramway Ave Northern Side – Bitumen Seal 800sq.m - \$6,400

Total Square Metres = 23900

Total cost - \$203,150

2. Wallerawang

- (a) Pied Piper Lane – Bitumen Reseal 480sq.m - \$3,840
- (b) Pindari Place, Koolyn Place and Curringa Place – Bitumen Reseal 4800sq.m - \$38,400

Total Square Metres = 5280

Total cost - \$44,880

3. Lithgow

- (a) Enfield Ave Lane Southern End – Bitumen Reseal 1350sq.m - \$10,800
- (b) Waratah Lane – Bitumen Reseal 200sq.m - \$1,700
- (c) Amiens Street – Heavy Patching 200sq.m - \$30,000

Total Square Metres = 1750

Total cost - \$42,500

Total programme cost - \$290,530

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

NIL

RECOMMENDATION

THAT the following works be adopted for completion during the 2011/12 Financial Year:

1. Portland

- (a) Carlon Street – Bitumen seal 2400sq.m - \$19,200
- (b) Paine Street from Portland Road to top of hill – Bitumen Reseal 800sq.m - \$6,400
- (c) Portland Road from Williwa Street to Dulhunty Street – Bitumen Reseal 300sq.m - \$24,000

- (d) Bate Street – Bitumen Reseal 2400sq.m - \$19,200
- (e) Piper Street from Portland Rd to Saville Street – Bitumen Reseal 4000sq.m - \$32,000
- (f) Purcell Street east of Paine Street – Bitumen Reseal 400sq.m - \$19,200
- (g) Thompson Street from Railway Ave to Rowsell Street – Bitumen Reseal 1250sq.m - \$10,000
- (h) Frankfort Road from Railway Ave to Purchas Street – Bitumen Reseal 2250sq.m - \$18,000
- (i) Jamieson Street from Long Street to Lidsdale Street – Bitumen Reseal 2000sq.m - \$16,000
- (j) High Street Shoulders from Lidsdale Street to Roxburgh Street – Bitumen Reseal – 2000sq.m - \$16,000
- (k) Roxburgh Street Shoulders adjacent to new kerb and gutter – Bitumen seal 600sq.m - \$4,800
- (l) Tramway Ave Northern Side – Bitumen Seal 800sq.m - \$6,400

Total Square Metres = 23900

Total cost - \$203,150

2. Wallerawang

- (a) Pied Piper Lane – Bitumen Reseal 480sq.m - \$3,840
- (b) Pindari Place, Koolyn Place and Curringa Place – Bitumen Reseal 4800sq.m - \$38,400

Total Square Metres = 5280

Total cost - \$44,880

3. Lithgow

- (a) Enfield Ave Lane Southern End – Bitumen Reseal 1350sq.m - \$10,800
- (b) Waratah Lane – Bitumen Reseal 200sq.m - \$1,700
- (c) Amiens Street – Heavy Patching 200sq.m - \$1,550

Total Square Metres = 1750

Total cost - \$42,500

COMMUNITY AND STRATEGY REPORTS

ITEM-21 **COMM - 10/10/11 - 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
Min No 11-339 Ordinary Meeting of Council 22 August 2011

SUMMARY

Council has received a request from Tarana Tanker Trailers Inc for \$950 Non-Recurrent Financial Assistance to assist with the registration of 12 fire fighting tanker trailers.

COMMENTARY

Council provides financial assistance to community organisations under Section 355 of the Local Government Act. Council has allocated \$53,900 in the 2011/12 budget for Non-Recurrent Financial Assistance.

There are two rounds of Non-Recurrent Financial Assistance, in April and October each year.

\$44,452 was allocated in Round 1 and a further \$850 has since been allocated by Council resolution, leaving \$8,598 for allocation in Round 2.

Applications from the community for Round 2 of 2011/12 Non-Recurrent Financial Assistance are currently open from 1 – 31 October 2011 and will be reported to Council on 12 December 2011.

Tarana Tanker Trailers submitted an application for Round 1 however as this application was received by Council some time before Round 1 applications opened, the application was overlooked. Tarana Tanker Trailers advises that their registration is due in November 2011 so they can't therefore wait until Round 2 applications are determined by Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance 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 \$45,302 has been allocated.

This leaves a further \$8,598 in Non-Recurrent Financial Assistance for distribution in Round 2 in October 2011.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

NIL

RECOMMENDATIONS

THAT the Council provides Tarana Tanker Trailers with \$950 Financial Assistance towards the cost of registration their fire fighting trailers.

ITEM-22 COMM - 10/10/11 - COMMUNITY BUILDING PARTNERSHIP 2011

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

The NSW Government is calling for applications from councils and community organisations for the 2011 round of Community Building Partnership (CBP) funding. This report provides details of the CBP guidelines, proposes a number of alternative project proposals for Council's consideration and recommends that one of these be submitted for funding.

COMMENTARY

The CBP program provides funds for councils and community groups to invest in community infrastructure. Councillors will recall that \$15,000 was received by Council from the CBP in 2010 for the Lithgow Men's Shed project.

\$400,000 is available in 2011 CBP funding for the Bathurst electoral district. Councils are required to match CBP funding dollar for dollar.

CBP guidelines aim to encourage more vibrant, inclusive, harmonious, cohesive and participatory communities through the provision of social infrastructure.

Projects must be ready for commencement in early 2012 and be completed by 31 March 2013.

The guidelines state that generally **only one project proposal for each council will be considered in each electorate**. For this reason, this report recommends that Council approve the lodging of one of the following projects.

Applications close on 31 October 2011.

A number of project ideas have been developed by Council staff for Council's consideration as follows. There are existing budget allocations for some of these projects as shown. Council budget allocations for the remaining projects could be included in Council's 2012/13 budget or allocated through the 2011/12 mid-year budget review.

Union Theatre Upgrade

Including disabled access, toilet upgrades and new change rooms. Estimated cost \$200,000. Council to request \$70,000 CBP funding matched by funds already allocated in Council budget.

Public Toilets Queen Elizabeth 11 Park

Estimated additional \$60,000 may be required to complete this project. Council to request \$60,000 CBP funding matched by funds already allocated in Council budget.

Play and Exercise Equipment - Brook Street park Lithgow and High Street park Portland

Install children's play equipment and exercise equipment with a focus on active ageing in both Brook Street park Lithgow and High Street park Portland. The Brook Street park falls within the Farmers Creek corridor and links with the work Council is currently undertaking to promote walking, cycling and community participation within the corridor.

Estimated cost \$80,000 combined. Council to request \$40,000 CBP funding matched by \$40,000 Council contribution not in current budget.

Disabled Access to Tony Luchetti Showground Grandstand

Estimated cost \$200,000. Council to request \$100,000 CBP funding matched by \$100,000 Council contribution, not in current budget.

Play Equipment Upgrade Lake Wallace

To replace vandalised play equipment. Estimated cost \$100,000. Council to request \$50,000 CBP funding matched by \$50,000 Council contribution not in current budget.

Toilet Facilities Blast Furnace Park

To enhance visitation to this historic site and to complement the works in planning as part of the Xstrata funded Lithgow History Avenue public sculpture project along Inch Street.

Estimated cost \$250,000. Council to request \$125,000 CBP funding matched by \$125,000 Council contribution, not in current budget.

South Littleton Hall Renovations

Works have commenced with toilet block slab poured and framing under construction. An additional \$50,000 is required to complete this Men's Shed project. Council to request \$25,000 CBP funding matched by \$25,000 contribution in current Council budget.

All of these projects have merit and fall within the funding guidelines. Taking into consideration the community benefit and start readiness of each project, it is recommended that Council submit a proposal for the Lake Wallace play equipment upgrade project, with a second preference being the Play and Exercise Equipment - Brook Street park Lithgow and High Street park Portland project.

It is further recommended that Council allocate matching funding for the submitted project in the 2011/12 mid year budget review.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council is required to match each project proposal dollar for dollar. There are funds allocated in Council's current budget for the following projects:

- Union Theatre Upgrade – \$130,000
- Public Toilets Queen Elizabeth 11 Park - \$60,000
- South Littleton Hall Renovations - \$25,000

There are no funds allocated in Council's current budget for the following projects. Council budget allocations for these projects could be included in Council's 2012/13 budget or allocated through the current year mid-year budget review.

- Play and Exercise Equipment Brook Street park Lithgow and High Street park Portland - \$40,000 required
- Disabled Access to Tony Luchetti Showground Grandstand - \$100,000 required
- Play Equipment Upgrade Lake Wallace - \$50,000 required
- Toilet Facilities Blast Furnace Park - \$125,000 required

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council submits funding applications under the Community Building Partnership program for the following projects in order of priority:

- a. Union Theatre upgrade to the value of \$200,000 including \$70,000 CBP funding and \$130,000 matching funding from Council.
- b. Lake Wallace play equipment upgrade to the value of \$100,000 including \$50,000 CBP funding and \$50,000 matching funding from Council.

ITEM-23 COMM - 10/10/11 - DIGITAL TELEVISION TRANSMISSION

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

This report details recent correspondence from the Digital Switchover Taskforce in the Department of Broadband, Communications and the Digital Economy concerning the introduction of digital only television.

COMMENTARY

Lithgow LGA forms part of southern regional NSW which will switch to digital only broadcasting on 5 June 2012. No analogue signal will be broadcast after that date.

Lithgow City Council currently manages four self-help retransmission towers under the Television Blackspot program servicing Hartley, Capertee, outlying areas of Portland and Glen Davis. These self-help towers retransmit television feed from primary towers on Hassans Walls and Garlands Hill, not managed by Council. Council also jointly manages a 5th tower in the Megalong Valley with Blue Mountains City Council.

The Minister for Broadband, Communications and the Digital Economy, Senator Conroy, wrote to Council in 2010 advising that commercial television broadcasters had at that stage identified the Capertee and Hartley towers as suitable for upgrade to digital and that they did not propose to upgrade the Glen Davis and Portland towers. The Minister's advice was subject to change depending on the engineering and commercial investigations to be undertaken by the commercial broadcasters.

Council has now received new written advice from the Digital Switchover Taskforce advising that none of the four (4) television retransmission towers that Council manages will be upgraded to digital. This decision has been made by the commercial television broadcasters which are responsible for decisions concerning digital upgrades. Megalong Valley falls within the Sydney Metropolitan switchover region and will switch to digital only transmission on 31 December 2013. It appears that the Megalong Valley tower will also not be upgraded to digital. Advice is being sought from Blue Mountains City Council in relation to the Megalong Valley Tower.

After 5 June 2012, residents within Lithgow urban area will receive digital transmission from an existing primary tower on Hassans Walls and residents of Wallerawang and Portland urban areas will receive digital transmission from the Garlands Hill primary tower. The Digital Switchover Taskforce advises that residents in these urban areas will receive a high quality signal.

Residents outside these urban areas who currently receive signal from one of Council's self-help towers will receive digital signals of varying quality, depending on location and local conditions and in many cases, will receive no signal at all.

These residents will have access to the Viewer Access Satellite Television (VAST) service from 5 December 2011 unless Council opts to upgrade a self-help tower to digital. A subsidy of \$400 will be provided per household to installers to assist these residents to install the required satellite dish and other equipment for one television per household.

Glen Davis forms part of the remote Australia region which will not switch to digital only transmission until 31 December 2013. The Taskforce is considering a request from Lithgow City Council to bring forward access to the VAST service and the availability of the satellite subsidy to October 2011 to Glen Davis and surrounding residents in view of the very poor reliability of the Glen Davis tower.

The VAST service features programs sourced from Southern Cross Seven, Imparja Nine and Ten, ABC 1 and SBS 1 together with the standard definition digital channels ABC 2, ABC 3, SBS TWO, 7_{TWO}, GO! and ELEVEN and the high definition channels ABC News 24, SBS HD, 7 mate, GEM and ONE. VAST will also provide local news services through Prime, Southern Cross and WIN as well as SBS news, ABC NSW news and ABC News 24.

Satellite installers will be contracted by the federal government to install the equipment required to receive digital satellite television with residents paying a pre-determined co-payment to the installer of \$200 - \$220 on top of the \$400 that the government will pay direct to installers.

The Digital Switchover Taskforce provides advice on the financial and other implications of a council choosing to upgrade self-help towers to digital. Council's attention is drawn in particular to the final point:

- The federal government will provide no financial assistance for the upgrade or for ongoing operation and maintenance.
- Upgrade costs are likely to be very high.
- Digital transmission equipment is significantly more complex than analogue equipment and is therefore likely to have significantly higher maintenance costs. The taskforce has estimated that over a ten (10) year period, maintenance costs could be in the order of \$200,000 per tower.
- There is a limited number of suitably trained digital technicians in regional areas which may result in higher maintenance costs and longer outage times.
- The cost of future technological changes will need to be taken into account.
- Licensees that operate digital retransmission sites will be required to transmit local news and any additional services introduced in future on the VAST service.
- Licensees will be responsible for costs associated with clearing digital dividend spectrum.
- Households in the area serviced by the upgrade site will not be eligible for assistance under the Satellite Subsidy Scheme even if they cannot receive signal from the upgraded site.

Councils considering self conversion of analogue transmission sites to digital also need to contact the Australian Communications and Media Authority (ACMA) to discuss the availability of suitable television spectrum and other technical matters and to apply for the appropriate license.

Councils would also be required to ensure that the transmission provided through a self-help tower is substantially the same as provided by a terrestrial service.

While the Hartley, Portland and Capertee self-help towers have generally provided reliable transmission, the Glen Davis tower operates by solar power with a battery and diesel backup system. It is very unreliable and costly to maintain and is currently operating on only two channels. From a cost benefit perspective, it would be the least suitable tower for upgrade. For residents of Glen Davis and surrounding areas, satellite television will be a significant improvement on the current situation.

There may be some community opposition to closure of the other self help transmitters and the move to satellite television. Residents of Hartley, Capertee and the outlining areas surrounding Lithgow, Portland and Wallerawang may be least disposed to the new arrangements, as analogue transmission through the self-help towers has worked reasonably well.

Further, were Council to upgrade some or all of the towers to digital, with considerable upfront and ongoing costs, it is not possible to predict what the quality of the digital transmission will be compared to the satellite alternative.

Council has recently been contacted by an officer of the Department of Broadband, Communications and the Digital Economy advising that the Department would like advice from Council by mid October 2011 as to whether Council proposes to self fund the upgrade of any of the 4 self-help towers. This officer is able to address Council at a later date if required. The Department will be writing to all affected residents and also offers funding to councils and others to employ community liaison officers to liaise with communities affected by the digital upgrade. Funding for one liaison officer only is available for each switchover area, which in Lithgow's case includes the large region from Lithgow to Cowra, Parkes and Coonamble.

Council has recently written to John Cobb MP asking that he make representations to the Minister for Broadband, Communications and the Digital Economy that that the analogue switchover date be delayed to allow more time for residents to upgrade to satellite TV.

In view of the very high upfront and ongoing costs to Council of upgrading the self-help towers to digital, and the availability of an alternative satellite service to all residents living in the areas these towers serve, it is recommended that Council not upgrade the self-help towers to digital. It is further recommended that the self-help towers be switched off on 5 June 2012, unless the Minister accedes to Council's request that the analogue switchover date be delayed to allow more time for residents to upgrade to satellite TV.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Tower maintenance costs are currently \$25,000 per year for the Hartley, Portland, Capertee, Glen Davis and Megalong Towers. This amount would be saved by Council in future years if Council decides not to upgrade towers.

The costs to Council of upgrading existing towers are unknown but are predicted by the Taskforce to be very high.

The digital task force estimates that ongoing maintenance costs will be in the order of \$200,000 over ten (10) years per tower.

Were Council to upgrade towers, residents in those areas would be ineligible for the satellite Subsidy Scheme of \$400 per household irrespective of whether they could receive good quality signal from the upgraded tower.

Were Council to decide not to upgrade the existing towers, Council could lease out or sell the associated equipment.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Letter from the Digital Switchover Taskforce Department of Broadband, Communications and the Digital Economy.

RECOMMENDATION

THAT Council:

1. Notes the report.
2. Not upgrade the Hartley, Portland, Capertee and Glen Davis towers to digital.
3. Advises Blue Mountains City Council that it no longer wishes to participate in the joint management of the Megalong Valley tower after 30 June 2012.
4. All towers be switched off on 5 June 2012 subject to the availability of analogue signal after that date.
5. All equipment be either disposed of in accordance with Council Policy.

FINANCE REPORTS

ITEM-24 FINAN - 10/10/11 - 2010/11 GENERAL PURPOSE FINANCIAL REPORTS

REPORT FROM: INTERNAL SERVICES MANAGER – C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of the completion of the 2010/11 General Purpose Financial Reports and seek authorisation as required by Chapter 13, Part 3, Division 2 of the Local Government Act 1993 to submit for final audit.

This report also recommends that Council invite our Auditors, The Morse Group, to present a formal report to the Ordinary Meeting of Council on 21 November 2011.

COMMENTARY

Council's 2010/11 Draft General Purpose Financial Reports are submitted for acceptance as required by Chapter 13, Part 3 and Division 2 of the Local Government Act 1993.

2010/11 GENERAL PURPOSE FINANCIAL REPORTS – OVERVIEW

Net Operating Result

The draft result for the 2010/11 financial year, including capital income and contributions, is a surplus of \$4,494,000 (09/10 surplus of \$7,200,000, 08/09 surplus of \$2,965,000).

The value of Total Assets is \$367,454,343 (09/10 \$341,007,100, 08/09 \$249,018,000) and Liabilities of \$34,896,282 (09/10 \$26,856,723, 08/09 \$18,866,000).

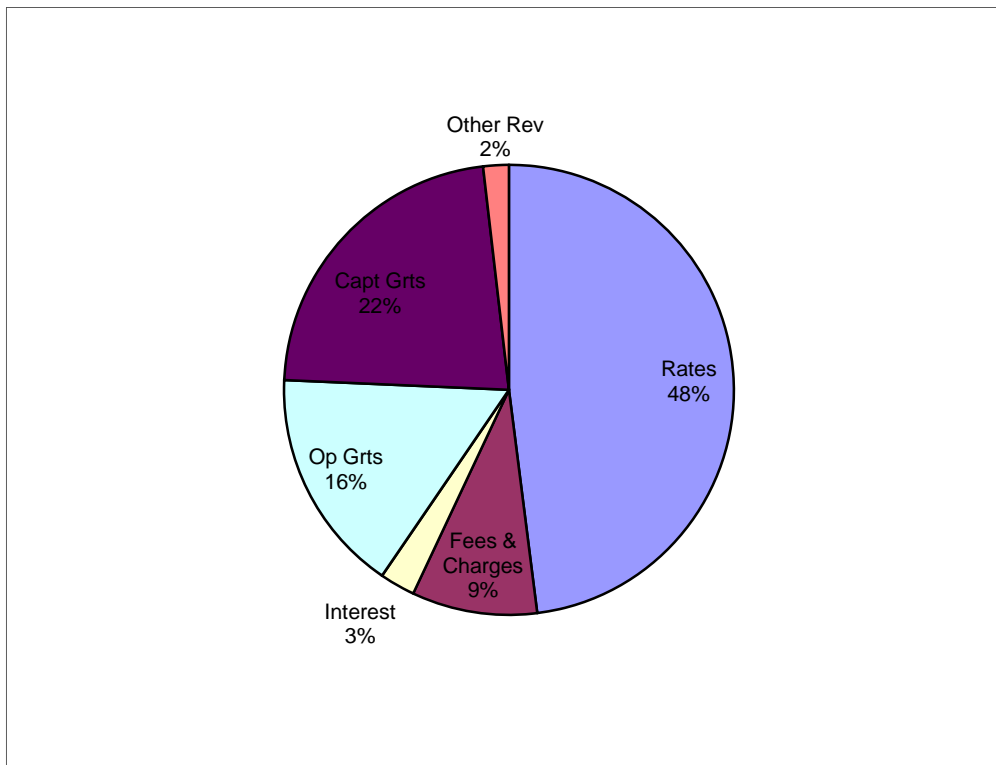
Net Operating Result before Capital Grants & Contributions

The 2010/11 operating result, before abnormal and capital items, is a deficit of \$3,079,000 mainly attributed to increased depreciation on assets following the revaluation of the road, bridges and footpath asset class to fair value in 2009/10 (09/10 surplus of \$651,000, 08/09 deficit of \$3,566,000).

Operating Revenue:

Operating Revenue increased by \$2,261,000 to \$39,730,000 compared to the 2009/10 result of \$37,469,000 (includes capital grants and contributions of \$8,917,000).

2010/11 REVENUE SOURCES \$'000



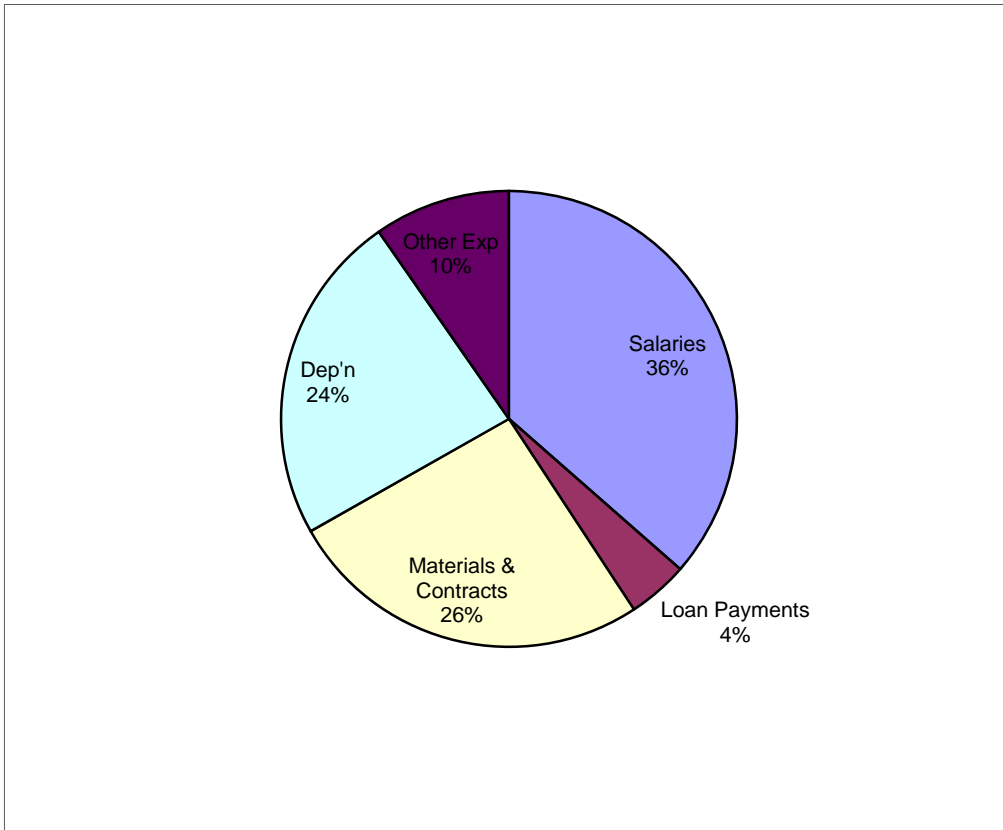
Revenue comparatives previous years:

| FINANCIAL YEAR | VALUE |
|-----------------------|--------------|
| 2010/11 | \$39,730,000 |
| 2009/10 | \$37,469,000 |
| 2008/09 | \$33,710,000 |
| 2007/08 | \$30,269,000 |
| 2006/07 | \$27,613,000 |
| 2005/06 | \$24,871,000 |
| 2004/05 | \$21,518,000 |
| 2003/04 | \$23,580,000 |
| 2002/03 | \$20,390,000 |
| 2001/02 | \$18,024,000 |

Operating Expenditure

Operating Expenditure increased by \$4,967,000 to \$35,236,000, depreciation alone by \$2,431,000 (08/09 \$30,269,000).

2010/11 EXPENDITURE SOURCES \$'000



Expenditure comparatives:

| FINANCIAL YEAR | VALUE |
|------------------------------|--------------|
| 2010/11 | \$35,236,000 |
| 2009/10 | \$30,269,000 |
| 2008/09 | \$30,745,000 |
| 2007/08 | \$25,690,000 |
| 2006/07 | \$24,266,000 |
| 2005/06 | \$23,912,000 |
| 2004/05 (Adjusted AIFRS*) | \$24,767,000 |
| 2003/04 | \$23,668,000 |
| 2002/03 | \$22,168,000 |
| 2001/02 | \$21,841,000 |

* Australian International Financial Reporting Standards

Capital grants and contributions:

Capital grants and contributions of \$7,573,000 contributed to the net operating result and are summarised as follows:

| | |
|----------------------------------|-------------|
| Lithgow STP Augmentation | \$4,459,900 |
| Wallerawang STP Augmentation | \$1,645,708 |
| Flood Mitigation | \$147,523 |
| RLCIP Round 3: Comm Partnerships | \$212,000 |
| RLCIP Round 2: 10/11 component | \$492,825 |
| RTA Cycleway | \$42,000 |
| Clarence Transfer | \$108,953 |
| Drought Relief | \$130,485 |
| Other | \$333,606 |

NB: Accounting Standards now classify the Road To Recovery grant and RTA grants as 'operating.'

A Council may use the funds for capital purposes but the classification of the grants, for reporting, is 'operating' income.

Acquisitions and Improvements to Infrastructure, Property Plant & Equipment:

Asset improvements and additions \$25,399,000 may be summarised as:

| | |
|-------------------------|--------------|
| Road & Ancillary | \$1,630,000 |
| Plant: Purchases | \$643,658 |
| Drainage | \$269,250 |
| Sewerage Infrastructure | \$17,119,000 |
| Water Infrastructure | \$2,401,000 |
| Buildings | \$2,605,000 |
| Other Structures | \$471,000 |
| Other Assets | \$259,777 |

Depreciation:

Assets have depreciated by \$8,275,000 for the 2010/11 financial year (2009/10 \$5,844,000).

The major contributing factor which has seen an increase in depreciation over recent accounting periods is the progressive revaluation of each asset class to fair value. During 2009/10 Roads, bridges, footpaths, K & G and drainage have been revalued and the effect on depreciation is noted in the 2010/11 financial reports.

In the 2010/11 financial year land classified as community has been revalued and increased by \$10,150,000.

Investments:

During 2010/11 Council's investment portfolio decreased from \$22,903,000 to \$15,767,000 due to expenditure on major infrastructure works.

Interest on investments of \$863,964 has been recognised which is an increase on the previous year by \$60,160 and can be attributed to the recovery of the financial market over a period of time following the economic crisis.

Investment comparatives:

| FINANCIAL YEAR | VALUE |
|-------------------|--------------|
| 2010/11 | \$15,767,000 |
| 2009/10 | \$22,903,000 |
| 2008/09 | \$18,452,000 |
| 2007/08 | \$14,432,000 |
| 2006/07 | \$14,905,000 |
| 2005/06 | \$10,091,000 |
| 2004/05 | \$11,154,000 |
| 2003/04 | \$10,222,000 |
| 2002/03 | \$8,714,000 |
| 2001/02 | \$7,813,000 |
| 2000/01 | \$6,957,000 |

Loans:

At 30 June 2011 \$17,003,175 remains outstanding as principal due on loans (2009/10 \$14,299,701). Council will recall the drawdown in June 2011 of the 2010/11 loan borrowing program of \$3,191,000 for the upgrade of the Lithgow & Wallerawang STPs and the Internal Loan between General and Wastewater funds of \$2,750,000. The Internal Loan is not shown in the consolidated General Purpose Financial Reports due to the fact that internal transactions are eliminated.

During 2009/10 Council was required to bring to account \$1,553,885 as the discounted interest component of the interest free loan which was received from NSW Planning during that year (Wallerawang STP interest free loan of \$4,897,000). This amount was disclosed on the annual Income Statement and now, in the subsequent years commencing 2010/11, this amount must 'wind down' as an expense. For 2010/11 \$354,987 is shown as an interest expense in the General Purpose Financial Reports.

Cash and Reserves

Note 6 'Cash Assets and Investment Securities' discloses cash and investments of \$15,767,037 (2009/10 \$22,903,000) which is held as restricted and unrestricted assets, both for internal and external purposes.

Externally restricted assets total \$4,983,702 and are held for specific purpose grants, unexpended loan funds, Section 94 developer contributions, water, wastewater and waste reserves.

\$9,346,975 (\$12,096,975 individually identified less \$2,750,000 for the Internal Loan General to Wastewater) is held as internally restricted assets for Council's owned identified purposes such as the election reserve, land and buildings and works in progress.

The Internal Loan, as at the end of June 2011 is utilising the following internally restricted reserves ELE, \$1,150,178, W/Comp \$500,000, 11/12 FAG \$1,116,455 and will be repaid as detailed previously to Council when an external loan for Wastewater fund is drawdown.

Council's unrestricted cash is \$1,436,360 compared to \$1,232,000 in 2009/10.

Cash reserved for employees leave entitlements currently stands at \$1,150,178 (2009/10 \$1,126,175) and provides for 25% of annual and long service leave entitlements for the majority of employees and 100% of the entitlements due to employees 58 years and over.

Financial Ratios:

Note 13 disclose the following ratios:

UNRESTRICTED CURRENT RATIO
LITHGOW 2010/11

| | | | | |
|-----------------------------------|---------------------|---------------|---------|--------|
| Current Assets (Less Ext Rest) | <u>\$17,434,000</u> | 1.76:1 | 2009/10 | 3.94:1 |
| Current Liabilities | \$9,878,000 | | | |

The unrestricted current ratio is to assess the adequacy of working capital and the ability to satisfy obligations in the short term for the unrestricted activities of Council. Council has \$1.76 for every \$1.00 of liability.

2009/10 DLG COMPARATIVE RATIOS:

| Group Ave | Bathurst | Mid West | Orange |
|------------------|-----------------|-----------------|---------------|
| 2.26:1 | 1.58:1 | 3.07:1 | 4.40:1 |

DEBT SERVICE RATIO
LITHGOW 2010/11

| | | | | |
|---------------------|----------------|--------------|---------|-------|
| Debt Service Cost | <u>\$4,000</u> | 0.01% | 2009/10 | 2.88% |
| Current Liabilities | \$29,279,000 | | | |

The debt service ratio excludes capital items, specific purpose grants and contributions. It provides a means to assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

2009/10 DLG COMPARATIVE RATIOS:

| Group Ave | Bathurst | Mid West | Orange |
|------------------|-----------------|-----------------|---------------|
| 7.66% | 6.16% | 2.65% | 7.31% |

RATE COVERAGE RATIO
LITHGOW 2010/11

| | | | | |
|------------------------|---------------------|---------------|---------|--------|
| Rates & Annual Charges | <u>\$19,046,000</u> | 47.94% | 2009/10 | 48.72% |
| Current Liabilities | \$39,730,000 | | | |

The rate coverage ratio is used to assess the degree of dependency upon revenues from rates and annual charges and to assess the security of Council's income.

2009/10 DLG COMPARATIVE RATIOS:

| Group Ave | Bathurst | Mid West | Orange |
|------------------|-----------------|-----------------|---------------|
| 42.34% | 40.10% | 36.39% | 35.08% |

RATES & ANNUAL CHARGES OUTSTANDING
LITHGOW 2010/11

| | | | | |
|----------------------------|------------------|--------------|---------|-------|
| Rates & Annual Charges O/S | <u>\$917,000</u> | 4.58% | 2009/10 | 6.63% |
| Current Liabilities | \$20,036,000 | | | |

The percentage of rates and annual charges outstanding is used to assess the impact of uncollected rates and annual charges on liquidity and the adequacy of Council' Debt recovery processes.

Council persistently pursues outstanding rates and charges by using a combination of internal and external processes. The current reduction in the percentage of rates outstanding compared to previous years proves our practice is successfully working.

It is interesting to note the improvement of the rates and charges outstanding over numerous financial years:

| FINANCIAL YEAR | VALUE |
|-----------------------|--------------|
| 2010/11 | 4.58% |
| 2009/10 | 4.64% |
| 2008/09 | 6.63% |
| 2007/08 | 7.18% |
| 2006/07 | 8.24% |
| 2005/06 | 7.65% |
| 2004/05 | 8.76% |

2009/10 DLG COMPARATIVE RATIOS:

| Group Ave | Bathurst | Mid West | Orange |
|------------------|-----------------|-----------------|---------------|
| 5.85% | 8.71% | 4.43% | 5.87% |

CURRENT REAGENDA - ORDINARY MEETING OF COUNCIL HELD ON 10TH OCTOBER 2011

Department of Local Government Circular 06-75 required Council to report on the revaluation of the following classifications of non current assets to 'fair value':

- 2006/07 - Water and Wastewater: Completed
- 2007/08 - Plant and Equipment: Completed
- 2007/08 - Buildings & Operational Land: Completed (The DLG has deferred the revaluation of community land at this stage)
- 2008/09 – Roads, Bridges, Footpaths, K & G and Drainage: (Deferred by the DLG to 30.06.10)
- 2009/10 – Roads, Bridges, Footpaths, K & G and Drainage: Completed
- 2010/11 – Other Structures & Library Assets to historical cost: Completed
- 2010/11 – Community Land to VG valuation: Completed

The revaluation of an asset to fair value applies to the entire class of the asset whether it be plant and equipment, buildings and operational land, roads and bridges etc. The value comprises the re valued amount less accumulated depreciation and accumulated impairment costs.

Fair Value is the best estimate of the price reasonably obtainable in the market at the date of valuation and is defined as "amount for which an asset could be exchanged between willing parties in an arms length transaction" in Accounting Standard, AASB 116. It is the most reasonable price obtainable by the seller as well as being the most satisfactory price to the purchaser. The estimate specifically excludes a price inflated or deflated by special terms or circumstances such as financing, sale and leaseback arrangements, or any concession which may be granted by the seller.

In 2006/07 Council re evaluated Water and Wastewater assets which are now reviewed annually using guidelines issued by the Dept Energy Utilities and Sustainability (DUES) and DLG. As a result Water and Wastewater assets have increased in 2010/11 by 3.2%, \$1,863,487 and \$2,172,062 respectively.

In 2010/11 Community Land has been revalued to fair value using valuations supplied by the Valuer General as at 30 June 2011 and as a result the fair of land owned and controlled is \$20,283,771 increasing by \$10,149,411 a value of \$10,134,360. Other Structures has been revalued to fair value using historical and actual costs as previously held.

DLG Compliance: General Purpose Financial Reports

The following information should be noted with regard to Council's compliance with the Local Government Act 1993:

- Council's financial reports are prepared and will be audited within 4 months after the end of the reporting year.
- As per Sec 428 (2) (a) the audited financial reports will be included in Council's Annual Report

- As per Sec 418 as soon as practicable after receipt of the auditors' report, no later than 7 November 2011, public notice will be given of presentation of the final report to Council at a public meeting with the auditor present.
- Council will invite the auditor to attend the Ordinary meeting of the 21 November 2011.
- Copies of Council's audited financial reports together with the auditors report will be made available for inspection.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council's final draft result for the 2010/11 financial year, including Capital Income and Contributions is a surplus of \$4,494,000.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Principal Notes:

1. Income Statement
2. Balance Sheet
3. Statement in Changes in Equity
4. Note 6 Cash Assets and Investment Securities
5. Note 13 Statement of Performance Measurement

RECOMMENDATION

THAT:

1. The draft accounts be referred to auditors, The Morse Group
2. Council advertise the accounts following receipt of the 2010/11 Audit Certificate.
3. Council state the following on the General Purpose Financial Reports for the year ended 30 June 2011:-

The Council's Annual General Purpose Financial Reports have been drawn up in accordance with:-

- a) *The Local Government Act 1993 (as amended) and the Regulations made there under;*
- b) *The Australian Accounting Standards and professional pronouncements;*
- c) *The Local Government Code of Accounting Practice and Financial Reporting;*
- d) *The Local Government Asset Accounting Manual.*
- e) *To the best of our knowledge and belief, these reports*
- f) *Present fairly the Council's financial position and operating result for the year and*
- g) *Accord with Council accounting and other records.*

The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.

4. Council state the following on the Special Purpose Financial Statements for the year ended 30 June 2011:-

The attached Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the:

- a) *NSW Government Policy Statement “Application of National Competition Policy to Local Government”*
- b) *Department of Local Government guidelines “Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality”.*
- c) *The Department of Energy, Utilities and Sustainability “Best Practice Management of Water Supply and Sewerage” guidelines.*

To the best of our knowledge and belief, these reports:

- a) *Present fairly the financial position and operating result for each of Council’s declared Business Units for the year, and*
- b) *Accord with Council’s accounting and other records*

The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.

5. Council invite the auditor, The Morse Group, to present a formal report of the results to the Ordinary meeting of the Council on the 21 November 2011.

**ITEM-25 FINAN - 10/10/11 - RETURNS UNDER SEC 449: LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED
PERSONS**

REPORT FROM - FINANCE MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of returns lodged with the General Manager under Section 449 of the Local Government Act 1993 for Councillors & Designated Person for the period 1 July 2010 to 30 June 2011 and seek confirmation of the positions noted as designated persons.

COMMENTARY

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449 for the period 1 July 2010 to 30 June 2011.

At the due date for the returns, all designated persons and eight of the elected Councillors have responded with the exception of Councillors Joseph McGinnes and Martin Ticehurst.

Section 449 states:

*Division 2 Disclosure of interests in written returns
Table of Provisions*

449 Returns disclosing interests of councillors and designated persons

- 1. A councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a councillor or designated person, a return in the form in Part 1 of Schedule 3.*
- 2. A person need not lodge a return within the 3-month period after becoming a councillor or designated person if the person lodged a return in the previous year or if the person ceases to be a councillor or designated person within the 3-month period.*
- 3. A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form in Part 1 of Schedule 3.*
- 4. A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.*
- 5. Nothing in this section prevents a councillor or designated person from lodging more than one return in any year.*
- 6. Nothing in this section or Schedule 3 requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.*

Section 450A requires the returns lodged under section 449 to be tabled at a meeting of Council and as such the returns are available at this meeting.

Section 441 defines designated persons as:

- *the general manager*
- *other senior staff of the council*
- *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*
- *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

In addition to the General Manager the following positions have been classified as designated persons:

- Group Manager Development & Environment
- Group Manager Operations
- Group Manager Community and Corporate
- Development Manager
- Finance Manager
- Water & Waste Manager
- Information Technology Manager
- Community & Culture Manager
- Tourism Manager
- Organisation Development Manager
- Works Engineer
- Team Leader Building
- Team Leader Planning
- Building & Development Officers (2)

Table of Provisions

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Tabled: Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 30 June 2011.

RECOMMENDATION

THAT:

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2010 to 30 June 2011 from all designated persons and eight Councillors
2. Note that as at the due date of the return 30 September 2011 Councillors Joseph McGinnes and Martin Ticehurst had not submitted a disclosure under Section 449 of the Local Government Act 1993 for the period 1 July 2010 to 30 June 2011
3. Reaffirm the following positions as 'designated persons' for the period 1 July 2010 to 30 June 2011
 - General Manager
 - Group Manager Development & Environment
 - Group Manager Operations
 - Group Manager Community and Corporate
 - Development Manager
 - Finance Manager
 - Water & Waste Manager
 - Information Technology Manager
 - Community & Culture Manager
 - Tourism Manager
 - Organisation Development Manager
 - Works Engineer
 - Team Leader Building
 - Team Leader Planning
 - Building & Development Officers (2)

**ITEM-26 FINAN - 10/10/11 - RENT OF 162 MORT ST, LITHGOW BY
 TRANSLINC**

REPORT FROM: FINANCE MANAGER C FARNSWORTH

REFERENCE

Min No 11-344: 22/08/11 Minutes of the Shopfront Committee Meeting of 6 July 2011

SUMMARY

To advise Council of rental charged to TRANSLINC for 162 Mort St Lithgow with a recommendation that Council provide a donation of \$5,550 in the 2011/12 Management Plan to TRANSLINC which is the equivalent of reducing the current market rental of 162 Mort St Lithgow, by \$150.00 per week from 1 October 2011 to 30 June 2012 to \$290.00 per week (GST inc).

The arrangement will be reviewed during 2012/13 Management Plan preparations.

COMMENTARY

BACKGROUND

Lithgow Community Transport, TRANSLINC Inc has occupied Council premises, 162 Mort St Lithgow, since September 2009. At the commencement of the lease subsidised rental of \$213.50 (GST Inc) was negotiated being 50% of the market rental and allowed management time to seek a government agency to sublease rooms within the premises.

At that time the organisations vehicles were housed at commercial premises in Donald St Lithgow, for weekly rental of \$100.00. In July 2010 Council improved 162 Mort St by constructing a fence to house the vehicles and provided new kitchen appliances and heating. Due to the capital outlay Translinc agreed to pay an additional \$50.00 per week and then full market rent of \$440 per week (GST Inc) from November 2010.

In May 2011 Translinc advised Council that State Government funding for the organisation may be reduced and requested Council to consider reducing their rental.

At the meeting of 22 August 2011 Minute 11-344 resolved:

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.

Council also requested at the meeting that Translinc be invited to a future Information Session to advise their current funding arrangements.

This meeting took place on the 26 September, 2011 and representatives of the organisation advised Councillors present of their funding difficulties, rising operating costs and the unexpected need for them to purchase a new transport vehicle to be comply with government standards.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council provide a donation of \$5,550 in the 2011/12 Management Plan to TRANSLINC which is the equivalent of reducing the current market rental of 162 Mort St Lithgow, by \$150.00 per week from 1 October 2011 to 30 June 2012 to \$290.00 per week (GST inc). The arrangement be reviewed during 2012/13 Management Plan preparations.

ITEM-27 FINAN - 10/10/11 - COUNCIL INVESTMENTS HELD 30 SEPTEMBER 2011

REPORT FROM: FINANCE MANAGER C FARNSWORTH

REFERENCE

Min No 11-342: Ordinary Meeting of Council 22 August 2011 (July 2011)
Min No 11-374: Ordinary Meeting of Council 12 September 2011 (Aug 2011)

SUMMARY

To advise Council of investments held as at 30 September 2011 for the 2011/12 financial year.

COMMENTARY

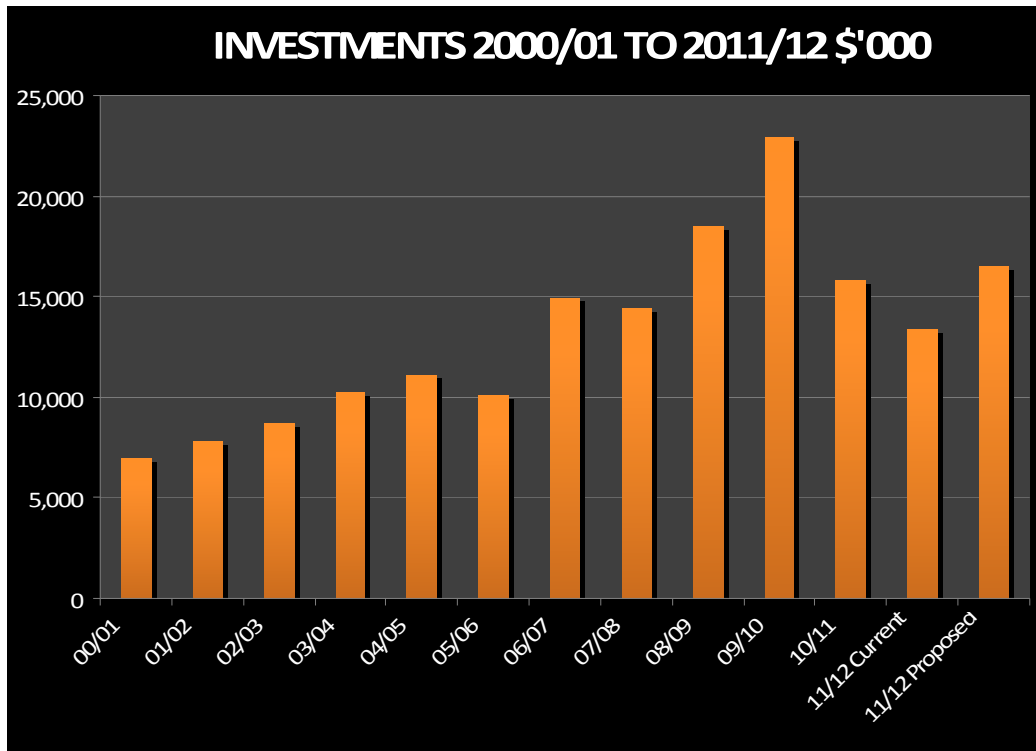
Council's total investment portfolio, as at 30 September 2011 when compared to 31 August 2011, has increased by \$644,693.56 from \$12,716,925.31 to \$13,361,618.87.

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

| INVESTMENT REGISTER 2011/12 | | | | | | | | |
|--|-----------------|--------------------|------------------------------|-------------|------------|-----------------------|-----------------------|-------------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 31.08.11 | VALUE 30.09.11 | % OF TOTAL |
| ANZ | TD | 14.09.11 | 13.12.11 | 90 | 5.80 | 794,179.98 | 806,060.04 | 6.03% |
| | TD | 15.08.11 | 14.10.11 | 60 | 5.74 | 504,646.03 | 504,646.03 | 3.78% |
| CBA | On Call | | | | 4.70 | 1,643,438.86 | 1,243,438.86 | 9.31% |
| | | 30.08.11 | 30.09.11 | 30 | 5.73 | 1,000,000.00 | 1,000,000.00 | 7.48% |
| | | 02.09.11 | 05.10.11 | 30 | 5.71 | 0.00 | 500,000.00 | 3.74% |
| | | 02.09.11 | 01.11.11 | 60 | 5.71 | 0.00 | 500,000.00 | 3.74% |
| IMBS | TD | 30.08.11 | 28.11.11 | 90 | 5.80 | 1,076,452.37 | 1,076,452.37 | 8.06% |
| | TD | 01.09.11 | 30.11.11 | 90 | 5.80 | 703,164.38 | 713,798.54 | 5.34% |
| | TD | 15.09.11 | 14.12.11 | 90 | 5.85 | 1,000,000.00 | 1,014,871.23 | 7.60% |
| NAB | TD | 10.08.11 | 11.11.11 | 91 | 5.91 | 1,066,672.63 | 1,066,672.63 | 7.98% |
| WESTPAC | TD | 08.07.11 | 08.01.12 | 182 | 6.00 | 276,407.00 | 276,407.00 | 2.07% |
| | TD | 08.07.11 | 08.01.12 | 182 | 6.00 | 552,814.03 | 552,814.03 | 4.14% |
| | TD | 29.04.11 | 29.10.11 | 212 | 5.90 | 1,107,581.64 | 1,107,581.64 | 8.29% |
| ST GEORGE | On Call | | | | 4.75 | 557,230.19 | 557,230.19 | 4.17% |
| | | 27.09.11 | 04.01.12 | 94 | 5.81 | 506,640.13 | 513,948.24 | 3.85% |
| | TD | 19.02.11 | 19.10.11 | 241 | 6.05 | 800,805.14 | 800,805.14 | 5.99% |
| SUNCORP | TD | 10.08.11 | 08.11.11 | 90 | 5.85 | 1,126,892.93 | 1,126,892.93 | 8.43% |
| | | | TOTAL | | | 12,716,925.31 | 13,361,618.87 | 100.00% |
| INTERNAL LN (Commercial Loan Int Rate) | Gen to Sew | 15.01.11 | On Receipt of Ext Loan | | 7.31 | 2,750,000.00 | 2,750,000.00 | |

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

On the graph below historical and current investments are shown for 2011/12 to 30 Sept 2011.



S:

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 September 2011 is \$68,940 of an estimated \$550,802 shown in the 2011/12 Management Plan. Interest is paid on the maturity date of the investment. Accrued interest to 30 June 2011 of \$112,617 has been reversed for the 2011/12 financial year as part of 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 \$13,361,618.87 for the period ending 30 September 2011 be noted.

COMMITTEE MEETINGS

ITEM-28 OPER - 10/10/11 - SPORTS ADVISORY COMMITTEE MEETING - MINUTES 26TH SEPTEMBER 2011

REPORT BY: ASSETS AND PROJECTS ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 26 September 2011 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 26 September 2011, there were seven (7) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards – August 2011
- Booking requests for
 - Lithgow Public School
 - Central Tablelands Mountain Bike Club
 - Portland Touch Association
 - Lithgow Touch Football Association
- General Business including:
 - Proposed venue for 2011 / 2012 Indoor Hockey competition
 - Resignation of Mr Ray Hamment
 - Naming of Tony Luchetti Sportsground / Lithgow Showground
 - Lithgow District Cricket Association – maintenance requests (synthetic wickets inspections and weed spraying)
 - Lithgow Golf Club – request for advice on location of proposed garden beds

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 26 September 2011.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 26 September 2011.

ITEM-29 COMM - 10/10/11 - TOURISM ADVISORY COMMITTEE MEETING MINUTES - 6TH SEPTEMBER 2011

REPORT FROM: TOURISM MANAGER – KELLIE BARROW

REFERENCE

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

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

Min No 11-217: Ordinary Meeting of Council 30 May 2011

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 6 September 2011.

COMMENTARY

At the Tourism Advisory Committee held on 6 September 2011, there were nine (9) items discussed by the Committee:

1. Present and Apologies
2. Confirmation of Minutes from the Previous Meeting
3. Business Arising from Previous Meeting
4. Report from BMLot Regional Tourism
5. Report from Blue Mountains City Council
5. Tourism Strategy
6. Blue Mountains, Lithgow and Oberon Tourism Awards
7. Tourism Manager's Report
8. General Business

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting held 6 September 2011

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held 6 September 2011
2. Notes that the Lithgow Visitor Information Centre won the Visitor Information Services Category of the Blue Mountains, Lithgow and Oberon Tourism Awards and will automatically be a finalist in the NSW Tourism Awards to be held 17 November 2011.
3. Notes that Ms Kellie Barrow received one of the 2012 Regional Tourism Ambassador Awards for the Blue Mountains, Lithgow and Oberon region.
4. Congratulates Lithgow Tourism staff on hosting the 2011 Blue Mountains, Lithgow and Oberon Tourism Awards and in winning the above category awards.

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.*