



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

26 NOVEMBER 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 NOVEMBER 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS

Audit Presentation of the 2011/12 General Purpose and Special Purpose Financial Reports - Item 26

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Council offer of the use of the Tony Luchetti oval for Major Community functions - Councillor M Ticehurst

Location for Community Banners in Lithgow Towns and Villages - Councillor M Ticehurst
New Swimming Pool Laws - Councillor M Ticehurst

Possible relocation of the Small Arms Museum to the Bowenfels Railway Stations Site - Councillor M Ticehurst

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

Commemoration of the Blue Mountains Crossing Meeting
Lithgow Indoor Aquatic Centre Advisory Committee Meeting
Youth Council Meeting

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

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NOTICE OF MOTIONS

**ITEM-1 NOTICE OF MOTION - 26/11/12 - COUNCIL OFFER OF THE USE OF
THE TONY LUCHETTI OVAL FOR MAJOR COMMUNITY FUNCTIONS
- COUNCILLOR M F TICEHURST**

COMMENTARY

- Q.** Could the General Manager and or Internal Services (Finance) Officer provide a report to the Council, Councillors, ratepayers and residents on what arrangements could be made to allocate up to 4 packages, each to the value of up to \$2,500 in kind Council financial support, to non-profit community groups, either individually or with other groups, to allow them each to utilise and hold a major community function at or in the Tony Luchetti Showground, including the hire and use of the Civic Ballroom?

RECOMMENDATION

THAT the General Manager and or Internal Services (Finance) Officer provide a report to the Council, Councillors, ratepayers and residents on what arrangements could be made to allocate up to 4 packages, each to the value of up to \$2,500 in kind Council financial support, to non-profit community groups, either individually or with other groups, to allow them each to utilise and hold a major community function at or in the Tony Luchetti Showground, including the hire and use of the Civic Ballroom?

ITEM-2 NOTICE OF MOTION - 26/11/12 - LOCATION FOR COMMUNITY BANNERS IN LITHGOW, TOWNS AND VILLAGES - COUNCILLOR M F TICEHURST

COMMENTARY

- Q.** Could the General Manager and/or Senior Council Officers provide a report to the Council, Councillors, ratepayers and residents on suitable locations on Council Land for the erection and display of Community Event Banners in both Lithgow and Towns and Villages?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to the Council, Councillors, ratepayers and residents on suitable locations on Council Land for the erection and display of Community Event Banners in both Lithgow and Towns and Villages.

**ITEM-3 NOTICE OF MOTION - 26/11/12 - NEW SWIMMING POOL LAWS -
COUNCILLOR M F TICEHURST**

REFERENCE

Swimming Pools Amendment Act 2012.
Division of Local Government Circular 12 – 40.

COMMENTARY

Q. Could the General Manager and/or the relevant Senior Council Officer provide a report to the Council, Councillors, ratepayers and residents on the recent commencement of the Swimming Pools Amendment Act 2012, which includes: -

For Councils:

1. Councils are required to:
 - develop and implement a swimming pool barrier inspection program in consultation with their communities
 - report annually on the number of pool inspections undertaken and the level of compliance with the requirements
 - inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals
 - at the request of a pool owner, inspect pools prior to sale or lease
 - issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
2. A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
3. Councils may inspect any swimming pool that is subject to a complaint to the council.
4. Council powers of entry will be consistent with the *Local Government Act 1993*.
5. Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one reinspection resulting from the first inspection).

For Pool Owners:

1. Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.

2. Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
3. There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
5. Accredited certifiers under *the Building Professional Act 2005* may conduct swimming pool inspections initiated by the pool owner.

Staged implementation:

The Act includes a staged implementation process to facilitate:

- the development and implementation of the Swimming Pools Register (to commence by no later than 29 April 2013)
- registration by pool owners of pools (after the register commences and by no later than 29 October 2013)
- councils' inspection programs (to be developed in consultation with the community, adopted and commenced by no later than 29 October 2013)
- mandatory inspections by councils of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014).

ATTACHMENTS

1. Division of Local Government Circular 12 – 40.

RECOMMENDATION

THAT the General Manager and/or the relevant Senior Council Officer provide a report to the Council, Councillors, ratepayers and residents on the recent commencement of the Swimming Pools Amendment Act 2012.

ITEM-4 NOTICE OF MOTION - 26/11/12 - POSSIBLE RELOCATION OF THE SMALL ARMS MUSEUM TO THE BOWENFELS RAILWAY STATIONS SITE - COUNCILLOR M F TICEHURST

REFERENCE

Lithgow Mercury 10 January 2012 – ‘Threat to Small Arm Museum’s future’.

COMMENTARY

- Q.** Could the Council organise a meeting between the Lithgow City Council, the Federal and State Members, the Small Arms Museum in Lithgow and Rail Corp, the owners of the Bowenfels Railway Station and former Caddie’s Restaurant and substantial nearby railway land, to establish if it is possible to relocate the Small Arms Museum Tourist complex utilising funding under the Federal Government Regional Infrastructure Fund to the Bowenfels Railway Station site opposite the Lithgow Gateway Tourist Centre?

RECOMMENDATION

THAT Council organise a meeting between the Lithgow City Council, the Federal and State Members, the Small Arms Museum in Lithgow and Rail Corp, the owners of the Bowenfels Railway Station and former Caddie’s Restaurant and substantial nearby railway land, to establish if it is possible to relocate the Small Arms Museum Tourist complex utilising funding under the Federal Government Regional Infrastructure Fund to the Bowenfels Railway Station site opposite the Lithgow Gateway Tourist Centre?

GENERAL MANAGERS REPORTS

ITEM-5 GM - 26/11/12 - ICAC REPORT OPERATION JAREK - INVESTIGATION OF ACCEPTING BENEFITS FROM SUPPLIERS

SUMMARY

The purpose of this report is to advise Council of the Independent Commission Against Corruptions release of the report on Operation Jarek during October 2012 that involved staff from a number of local Councils and other public authorities accepting secret benefits from suppliers. A recommendation is included that the report be received and Council respond to ICAC's recommendations.

COMMENTARY

In October 2012 ICAC released its report into the findings of Operation Jarek, the investigation into employees of numerous local councils and other public authorities in NSW who accepted secret benefits, including gift vouchers and other gifts from companies that supplied goods to the public authorities. In return the employees placed orders and continued a favourable business relationship with the companies.

In NSW, most local Councils including Lithgow City Council and other public authorities have 'Code of Conduct' and a 'Gift Register.' A Policy also exists banning the receipt of gift to staff. Despite the policy, the investigation by the Independent Commission Against Corruption, ICAC, ***found that a large number of public officials across 110 agencies*** accepted gifts without declaring them, contrary to such policy and training.

The gifts, in the majority of cases, were delivered directly to the employee's place of residence rather than the office of employment, and all gifts far exceeded any reasonable concept of token value. The gifts included holidays, television sets, camcorders, DVD players, iPads, iPhones, coats and gifts vouchers.

ICAC found that many employees engaged in corrupt conduct by receiving gifts and benefits from companies as an inducement to continue placing orders for goods.

ICAC investigated allegations against three employees of Lithgow City Council. It was determined that they had received gifts and benefits from NCH, a Chemical Supplier used by the Lithgow, Wallerawang and Portland Wastewater Treatment Plants in return for placing orders. Two employees were found to have engaged in corrupt conduct as a benefit for continuing to place orders. These two employees are no longer employed by Council.

ICAC ruled that a third Council employee, had also accepted a gift, but has not engaged in corrupt conduct because it was a one off occurrence. This employee is still employed by Council.

Lithgow Council disclosed the practice following concerns in increasing expenditure compared to previous year's actual expenditure and current year budgets. It must be noted that in Lithgow no funds were misappropriated the problem was the large quantities of chemicals ordered and stockpiled for use at the Lithgow, Wallerawang and Portland Treatment Plants. Since the issue has come to light chemical orders were suspended and all supplies on site have been used at the plants.

Following the investigation ICAC Commissioner has set out a prevention response to ALL NSW Councils. Fifteen corruption recommendations have been made because it was evident that the conduct uncovered in this investigation is systemic and all Council's should take action to mitigate these risks.

Whilst the recommendations are mainly aimed at local council's, the Commission considered that other public authorities can also learn from this investigation.

ICAC RECOMMENDATIONS:

Chapter 4 of the ICAC Investigation Report sets out the Commission's corruption prevention response to the investigation making the following fifteen corruption prevention recommendations to all NSW Councils.

Recommendation 1

That Councils communicate to suppliers a clear set of supplier behaviour expectations and the associated consequences for non-compliance.

Recommendation 2

That Councils develop a proactive and comprehensive supplier engagement framework.

Recommendation 3

That Councils review their codes and policies on gifts and benefits to ensure they effectively communicate expected behaviour in a way that the intended audience can easily grasp.

Recommendation 4

That Councils ensure that their policy provides that all staff who hold financial delegations are prohibited from receiving gifts of any kind.

Recommendation 5

That Councils ensure that staff training on gifts has a focus on the disciplinary consequences of accepting gifts.

Recommendation 6

That Councils assess which of their staff members operate in an environment where relational selling is commonplace, and equip these staff members to recognise and respond to these sales tactics, including the offer of gifts.

Recommendation 7

That Councils, if they have not already done so, analyse their procurement processes to identify points of corruption risk and take steps to improve the design of their procurement processes.

Recommendation 8

That Councils, if they have not already done so, consider introducing e-procurement as an efficient method of controlling possible vulnerabilities in their system.

Recommendation 9

That Councils, if they have not already done so, review which reports are available to the managers of stores and ensure they (councils) can generate a report showing the orders placed by any individual across all cost centres.

Recommendation 10

That Councils, if they have not already done so, analyse inventory management systems with a view to improving controls and reducing waste.

Recommendation 11

That Councils examine options for control of their pull-based inventory and implement an option that is suitable for their operations.

Recommendation 12

That Councils, if they have not already done so, organise their stores so that all items are labelled clearly, stock is securely stored and movement of all goods in or out of the store is recorded on an integrated inventory management system.

Recommendation 13

That Councils ensure stocktakes are conducted independently of store officers and by staff knowledgeable about the principles of stocktaking.

Recommendation 14

That Councils management assesses the residual risk in its store and, if appropriate for the organisation, conducts random spot checks or cycle counts of select aspects of inventory management.

Recommendation 15

That Councils, if they have not already done so, consider the risks highlighted by this report, namely:

- *Relational selling and gift giving*
- *Procurement processes*
- *Inventory management*

and, where they consider the council is at risk, add these topics to their internal audit programs.

The corruption prevention recommendations will provide assistance to all NSW Councils and public authorities. The Commission has formally directed the recommendations to the 14 Councils who provided evidence at the public inquiry to implement and report on the recommendations. The recommendations are made pursuant to section 13(3)(b) of the ICAC Act and, as required by section 111E of the ICAC Act, and will be provided to the relevant Councils and the Minister for Local Government.

As required by section 111E(2) of the ICAC Act, the Councils must inform the Commission in writing within three months (or such longer period as the Commission may agree to in writing) after receiving the recommendations whether they propose to implement a plan of action in response to the recommendations.

In the event a plan is prepared, the Councils are required to provide a written report to the Commission of the progress in implementing the plan 12 months after informing the Commission of the plan. If the plan has not been fully implemented by then, a further written report must be provided 12 months after the first report.

The Commission will publish the response to its recommendations, any plans of action and progress reports with regard to implementation on the Commission's website, www.icac.nsw.gov.au, for public viewing.

As a proactive step prior to the release of the ICAC report, Lithgow Council reviewed policies and practices with regard to many of the recommendations and as required by section 111E(2) of the ICAC Act, a report will be prepared for the Commission within three months after receiving notice of the formal recommendations.

It should also be pointed out that prior to this work had been commenced on improving the systems. Further improvements have been done since as a result of the inquiry.

A full copy of the report may be viewed on ICACs website at <http://www.icac.nsw.gov.au/investigations/past-investigations/article/4172>

POLICY IMPLICATIONS

Code of Conduct

Policy 9.7: Gifts and Benefits

Policy 9.3: Business Ethics

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

ICAC Act Section 13(3)(b)

ICAC Act Section 111E

ICAC Act Section 111E(2)

RECOMMENDATION

THAT Council note the Investigation Report released by ICAC in October 2012 in relation to Operation Jarek.

SUMMARY

A Partnership Agreement between the NSW SES and Lithgow City Council has been prepared and approval is being sought for the signing of the agreement.

COMMENTARY

In June 2012 the NSW Government announced a \$96 million Strategic Disaster Readiness Package for the future of the NSW State Emergency Service (SES) in the 2012-13 State Budget.

This funding is over five years is designed to help the NSW SES prepare for, prevent and respond to flood and storm events. Within this there is in excess of \$48 million over 5 years to be invested to standardise and centralise the NSW SES Operational Vehicle Fleet, presently 533 vehicles. This is to ensure that the NSW SES, like other emergency services, has a standard vehicle design and consistent operational usage of vehicles across the State. As part of this package the Budget will also provide up to \$6 million a year to support the 228 local SES units in their day to day running costs.

This new direction by the SES has come, in part, from the recommendations of the Commission of Inquiry established by the Queensland Government into the devastating floods that affected the State in December 2010 - January 2011.

As part of the announcement it was proposed that the NSW SES would be developing a Partnership Agreement between the NSW SES and Councils across New South Wales. This document has now been finalised and a copy of the Partnership Agreement between the NSW SES and Lithgow City Council is attached and the SES is seeking the signing of the agreement.

This Partnership Agreement sets out the agreed mutual support each organisation will give the other under the SRDP funding arrangements in place from July 2012. Council will continue to provide NSW SES Units in its area with a building or buildings and ancillary facilities fit for NSW SES operational purposes. NSW SES will assume responsibility for liabilities associated with the direct costs of operation of NSW SES Units previously paid by Council, including the costs of operation of the building.

This will mean a net saving to Council of approx \$4,890 per annum.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Savings to Council will occur of approx \$4,890 per annum.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Partnership Agreement between Lithgow City Council and the NSW SES.

RECOMMENDATION

THAT Council authorise the signing of the NSW State Emergency Service (SES) Partnership Agreement.

ITEM-7 GM - 26/11/12 - QUARTERLY PERFORMANCE REPORT ON 2012/2013 OPERATIONS PLAN FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2012

REPORT FROM: FINANCE MANAGER C FARNSWORTH AND CORPORATE STRATEGY AND COMMUNICATIONS OFFICER D MCGRATH

REFERENCE

Min No 12-182: Ordinary Meeting of Council 4 June 2012

SUMMARY

This report provides the Quarterly Performance Report on the 2012-2013 Operations Plan for the period of 1 July to 30 September 2012 with a recommendation that the adjusted surplus \$11,000 be noted.

COMMENTARY

The September Quarterly Performance Report on the 2012-2013 Operations Plan has been prepared and details are provided with the attachment to the Business Paper.

This report does not provide a detailed summary of achievements against the Delivery Program 2012-2016, but does identify minor slippages and/or variations within the following programs:

1.1 – Planning Our Community

Development of a Disaster Management Plan for Eskbank House Museum will commence in the 3rd quarter.

1.2.8 – Library Programs

The pilot outreach program for housebound and isolated residents will commence in the 2nd quarter.

5.2.6 – Information Systems Management

Investigation, purchase and implementation of Corporate Reporting Software to commence in the 3rdquarter.

2012/13 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	61,979	61,979	0
September Quarter	70,313	70,302	11

The revised September quarter of the 2012-2013 Operations Plan has been adjusted as detailed in the following table with the major adjustment being works in progress brought forward from 2011/12 to 2012/13. Funds were placed in reserve at the end of 2011/12 to be brought forward to match expenditure in 2012/13.

2012/13 Quarterly Budget Variations		
		Variation (\$'000)
EXECUTIVE		
Insurance incentive rebates (Additional)	Additional Inc	-11,000
Executive Promotion	Transfer 11/12 Res	20,000
Corporate Training	Transfer 11/12 Res	11,500
TOURISM		
Tourism Promotion Material	Transfer 11/12 Res	7,780
Tradeshows	Transfer 11/12 Res	5,371
Signage Tourism	Transfer 11/12 Res	34,478
Flash Gift	Transfer 11/12 Res	4,978
Marketing	Transfer 11/12 Res	3,500
Online Resources	Transfer 11/12 Res	8,000
Shade Shelters	Transfer 11/12 Res	14,694
TV Advertising	Transfer 11/12 Res	12,480
Photographic Library	Transfer 11/12 Res	45,770
Tourism Promotion Strategy	Transfer 11/12 Res	27,362
Signage Tablelands Way	Transfer 11/12 Res	10,640
Forto Funding	Transfer 11/12 Res	25,000
OPERATIONS		
ELE (Funded ELE Reserve)	Additional Exp / Inc	40,000
RFS Shed – Bogee (Funded by Cont RFS)	Additional Exp / Inc	9,900
RMS Disabled Access Grt	Transfer Grt Res	10,000
RMS Dev 40k Speed Grt	Transfer Grt Res	10,238
RMS Bridge Improvement Grt	Transfer Grt Res	5,914
Dept Transport Upgrade Shelters Grt	Transfer Grt Res	21,388
Rural Road Construction	Transfer 11/12 Res	247,608
RTA Cox's River Rd	Transfer 11/12 Res	67,951
Browns Gap Remediation (Ln)	Transfer 11/12 Res	392,962
Infrastructure Improvements – Rds	Transfer 11/12 Res	296,806
Infrastructure Improvements – Blds	Transfer 11/12 Res	141,067
Lithgow Fuel Bowsers	Transfer 11/12 Res	197,318
Wallerawang Fuel Bowsers	Transfer 11/12 Res	197,318
Lithgow Depot Store Floor	Transfer 11/12 Res	7,500
Lithgow Depot Seal	Transfer 11/12 Res	60,000
Lithgow Depot 2 way radios	Transfer 11/12 Res	80,000
Master key System	Transfer 11/12 Res	200,000
Lithgow Workshop light hoist	Transfer 11/12 Res	15,000
Lithgow Depot Improvements	Transfer 11/12 Res	53,000
Flood Mitigation Part Grt	Transfer 11/12 Res	195,758
Hassans Walls Reserve Improvements	Transfer 11/12 Res	233,217
Lithgow Cemetery Improvements	Transfer 11/12 Res	25,000
Rydal Toilets	Transfer 11/12 Res	50,000
Crystal theatre	Transfer 11/12 Res	20,000
Main St Cameras	Transfer 11/12 Res	8,475
Hartley Bld Painting	Transfer 11/12 Res	11,000

QE Toilet Construction	Transfer 11/12 Res	135,000
DEVELOPMENT		
Interpretive Sign Grt	Transfer Grt Res	7,070
POLICY & PLANNING		
NSW Industry & Dev Cluster Program Grt	Transfer Grt Res	4,406
NSW Industry & Dev Innovative Grt	Transfer Grt Res	2,007
NSW Dept Trad Invest Pros Grt	Transfer Grt Res	8,477
Dept Innovation Grt	Transfer Grt Res	15,262
LEP / DCP	Transfer 11/12 Res	15,073
Floodplain Risk	Transfer 11/12 Res	85,000
Review 149 system	Transfer 11/12 Res	10,000
Community Banners Program	Transfer 11/12 Res	3,000
Open Space & Rec Study	Transfer 11/12 Res	61,164
Heritage Strategy & Policy	Transfer 11/12 Res	63,000
Community Plans of Management	Transfer 11/12 Res	48,000
Xmas Decorations	Transfer 11/12 Res	1,200
Land Use & Property	Transfer 11/12 Res	27,587
Economic Dev implementation Strategy	Transfer 11/12 Res	24,835
Economic Promotion Strategy	Transfer 11/12 Res	59,084
Marketing Strategy	Transfer 11/12 Res	3,280
State of Environment	Transfer 11/12 Res	10,000
Corporate Publications	Transfer 11/12 Res	8,506
INFORMATION TECHNOLOGY		
Email Archiving	Transfer 11/12 Res	3,770
Asset Management	Transfer 11/12 Res	25,496
COMMUNITY		
Eskbank House heritage Grt	Transfer Grt Res	3,527
Cultural Precinct Grt	Transfer 11/12 Res	118,114
Cultural Precinct Grt	Transfer 11/12 Res	28,600
Xstrata Coal Improvements	Transfer 11/12 Res	50,000
Museum Advisor	Transfer 11/12 Res	11,000
Crime Prevention	Transfer 11/12 Res	42,378
Library Development Grt	Transfer 11/12 Res	16,000
Library Books (Inc Special Grt)	Transfer 11/12 Res	11,772
Library Homework Centre	Transfer 11/12 Res	10,000
TV Transmission Towers (Funded Equip Sales)	Additional Exp / Inc	7,000
WATER		
Strategic Water Plans	Transfer 11/12 Res	12,092
Delta Water Saving	Transfer Grt Res	2,321
Reservoir Improvements	Transfer 11/12 Res	120,000
Backwash Return System	Transfer 11/12 Res	200,000
Lithgow Water Shared Mains	Transfer 11/12 Res	83,000
Desludge Lagoons	Transfer 11/12 Res	5,000
Pumping Stations	Transfer 11/12 Res	80,000
Trunk Pipeline Sth Bowenfels Res	Transfer 11/12 Res	7,500
Treatment Plant Improvements	Transfer 11/12 Res	415,000
WASTEWATER		
Strategic Wastewater Plans	Transfer 11/12 Res	12,092
Portland Desludge Lagoons	Transfer 11/12 Res	11,773
Sewerage Land Acquisition	Transfer 11/12 Res	150,000
Mains Root Cut and Foam	Transfer 11/12 Res	10,000
Pumping Station Access Upgrades	Transfer 11/12 Res	200,000
Pumping Stations Upgrades	Transfer 11/12 Res	100,000
Pumping Stations Safety upgrades Port / Wang	Transfer 11/12 Res	10,000

Portland STP Buildings	Transfer 11/12 Res	20,000
Plant 4wd	Transfer 11/12 Res	40,000
Lithgow Shared Mains Renewal	Transfer 11/12 Res	200,000
Wallerawang T/ Plt STP	Transfer 11/12 Res	1,418,502
Telemetry	Transfer 11/12 Res	93,000
Pumping Stations	Transfer 11/12 Res	225,000
Equipment – Jet Spray	Transfer 11/12 Res	70,000
WASTE		
Lithgow Tip Weighbridge	Transfer 11/12 Res	80,000
Tip Cameras	Transfer 11/12 Res	16,391
Waste & Recycle Strategy	Transfer 11/12 Res	1,991
New Waste & Recycle Contract	Transfer 11/12 Res	20,000
Angus Place Tip	Transfer 11/12 Res	441,678
Tarana Transfer Station	Transfer 11/12 Res	22,700
Rydal Tip	Transfer 11/12 Res	20,000
Lithgow Resource Recovery	Transfer 11/12 Res	200,000
Waste Education and Promotion	Transfer 11/12 Res	16,921
Weighbridge Lithgow (Offset Res Recovery)	Additional Exp	35,000
Lith Resource Recovery (Offset Weighbridge)	Reduce Exp	-35,000

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the September Quarterly Performance Report on the 2012-2013 Operations Plan.

In accordance with Clause 203(2) of the Local Government (General) Regulations 2005 it is my opinion that the quarterly budget review Statements for the quarter ended 30 Sept 2012 indicates that Council's projected final position as at 30 June 2013 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

LEGAL IMPLICATIONS

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

ATTACHMENTS

2012/13 September Quarter:

1. Income & Expenditure Budget Review Statement
2. Cash & Investment Budget Review Statement
3. Key Perform Indicators Budget Review Statement
4. Contract Budget Review Statement – Contracts entered
5. Consultancy & Legal Expenses Budget Review Statement

RECOMMENDATION

THAT:

1. The surplus of \$11,000 for the 2012-2013 Operations Plan as detailed in the Quarterly Performance Report for the period 1 June to 30 September 2012 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2012-2013 Operations Plan has been reviewed and the financial position of Council is satisfactory.

SUMMARY

The next funding rounds for the Regional Development Australia Fund (RDAF) have been called. It is proposed that Council make applications for these rounds.

COMMENTARY

The Regional Development Australia Fund is a national infrastructure program that is designed to support regions in Australia and to enhance their wellbeing and economic development. The \$1 billion program is administered by the Department of Regional Australia, Local Government, Arts and Sport. The RDAF is part of the Government's larger \$4.3 billion package for regional infrastructure, including the Regional Infrastructure Fund.

Rounds One and Two of the RDAF have delivered significant benefits to regional communities providing \$350 million to support 81 projects with a total value of \$1.2 billion. New and upgraded infrastructure includes upgrades to transport and tourism infrastructure new and upgraded arts and performance facilities and sports infrastructure.

There have been four important messages for potential applicants from Rounds One and Two:

- Proponents and projects should leverage funds, not just from government, but also from the private sector, business and community groups.
- Proponents should be persistent
- Proponents should think strategically and innovatively. Projects should be creative and innovative
- Regional impact is important. Projects should reach beyond town or local government area, and offer real benefits to a number of communities.

Round Three of RDAF will provide \$50 million to support small towns across rural and regional Australia. Grants of between \$50,000 and \$500,000 are available for projects in towns with a population of 30,000 or less in rural, remote, regional and peri-urban areas.

The Government has also opened Round Four of the RDAF, which will provide \$175 million in grants to infrastructure projects in regional Australia. A maximum grant of \$15 million will be provided. Applicants can submit Expressions of Interest (EOI) to Round Three and Round Four, although the **EOI must be for different projects. Applicants may only submit one EOI for Round Three and one EOI for Round Four.**

Strong preference will be given to projects that have partnership contributions. Preference will also be given to projects where these partner contributions include cash. In-kind contributions will be accepted as partner contributions.

Full applications for the selected projects under Round 3 must be submitted by Wednesday, 27 March 2013 whilst selected projects under Round 4 are to be submitted by 11 April 2013.

Funding from Round Three will be provided to the highest priorities of smaller towns and municipalities, and seek to improve liveability and the sense of community. Regional Development Australia committees will again play a key role, identifying up to five projects to proceed to full application. These projects will meet the needs of local communities and address priorities of local councils by aligning with local government strategic or community plans, or other published priorities.

Both funding rounds opened on Friday, 26 October 2012 with both closing at 5.00pm on Thursday 6 December 2012. Applicants are to submit an Expression of Interest (EOI) for their project to the department. Once received, the department will forward all EOIs to the relevant RDA committee. Following review of EOIs, each of the 55 RDA committees will select the five highest priority and viable projects in their region to proceed to full application for round three and up to three highest priority EOI's for round four.

A Round Five will also become available and will support strategic projects in the regions of Australia.

Applications

At this stage the most likely application possibilities would be for future stages of the Lithgow Aquatic Centre including Stages 2 and 4. Stage 2 is the proposal to construct the 25 metre multi-purpose pool at an estimated price of \$2.6M whilst Stage 4 is the refurbishment of the 50metre pool at an estimated cost of \$1.3M. It should be emphasised that no detailed investigation has taken place in relation to Stage 4 at this point and that this figure is an estimate only.

These rounds of funding have been brought to the attention of both Zig Zag Railway and the Lithgow Community Private Hospital. Zig Zag Railway has requested that Council make the application on its behalf for both rounds Three and Four. This may be possible however it will mean that Council becomes responsible for the completion of the projects and also Council will be unable to submit its own EOIs for the pool development.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

Commitments will be required for partnership funding.

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. RDAF Round Three Guidelines
2. RDAF Round Four Guidelines
3. RDAF Round Four Frequently Asked Questions

RECOMMENDATION

THAT Council:

1. Submit an Expression of Interest for Round Three of the Regional Development Australia Fund (RDAF) for the Lithgow Aquatic Centre Stage 4, the refurbishment of the 50 metre pool seeking grant funding of \$500,000;
2. Submit an Expression of Interest for Round Four of the Regional Development Australia Fund (RDAF) for the Lithgow Aquatic Centre Stage 2, the construction of the 25 metre multi-purpose pool seeking grant funding of \$1.3M;
3. Provide support to Expressions of Interest by Zig Zag Railway for funding from the Regional Development Australia Fund, and any other funding opportunities; and
4. Provide support to the Lithgow Community Private Hospital for any funding opportunities.

SUMMARY

This report is to present the Draft Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors Version 5, for adoption.

COMMENTARY

Draft Policy 9.9 for the 'Payment of expenses and Provision of Facilities to Councillors' has been reviewed and was submitted to the Council on Monday 15 October 2012. Subsequently the document was advertised from Thursday 18 October 2012 for public comment. No comments were received.

Through their role councillors are entitled to be provided with the necessary resources and facilities including the reimbursement of expenses in order to enable them to fully perform the role of a Councillor.

Council's services, as detailed in this Policy, are available to Councillors while carrying out the functions of civic office. These services, unless specified, are not available for use by a spouse, partner or members of a Councillor's family.

Where possible councillors are encouraged to pool or share facilities where possible in order to make the best use of Council's resources. Councillors are also encouraged to limit their use of the expenses and resources provided for in this Policy to the minimum required whilst still allowing them to effectively and efficiently discharge the functions of their civic office.

Expense limits apply to several categories of expenditure. If an expense limit applies it will be shown against that item. Councillors who exceed an annual limit will be required to reimburse Council. Please note that all expense limits are exclusive of GST.

Facilities supplied to Councillors are not to be converted or modified in any way and may only be used for carrying out the functions of civic office.

This Policy is to be read in conjunction with the Council's Code of Conduct.

The Policy deals with:

Part 1 – PAYMENT OF EXPENSES

- Responsibility and Accountability
- Travel (Inside and outside of the Lithgow City Council LGA and overseas travel)
- Official Engagements and Functions
- Annual Councillor Professional Development Discretionary Vote
- Expenses Associated with Councillors Attending, at their Discretion, Conferences, (including the Annual Local Government Association or Shires Conferences) Seminars, Councillor Professional Development and Training

Programs, Elected Member Courses and Local Government and Shires Associations Industry Working Groups.

- Legal and insurance expenses and obligations

Part 2 - FACILITIES

- Stationery
- Postage
- Communications
- Secretarial Services
- Training
- Resource Centre and Office Accommodation
- Additional Expenses and Facilities for the Mayor
- Expenses and Facilities for Councillors with Disabilities
- Carer Expenses

POLICY IMPLICATIONS

Replacement of Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors' Version 4.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Draft Policy 9.9, Version 5, for the 'Payment of Expenses and Provision of Facilities to Councillors'

RECOMMENDATION

THAT Council:

1. Adopt Draft Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 5;
2. Advise the Division of Local Government that the Policy has been publically advertised and adopted.

SUMMARY

The Long Term Strategic Corridor Plan has been prepared and released by the Roads and Maritime Services (RMS). This now sets the direction for the future direction for the possible development of the Bells Line of Road.

COMMENTARY

Lithgow City Council and the councils of the Central West of New South Wales have been lobbying for some time for the development of the Bells Line of Road as a major road up to expressway standard for some time. In November 2009, the Australian and NSW governments jointly announced the commencement of a Long Term Strategic Corridor Plan for the Bells Line of Road by the New South Wales Roads and Maritime Services (RMS).

In March 2010, the Terms of Reference (TOR) were published outlining the scope of the Plan. The TOR also provide a series of outputs that are to be developed through extensive community and stakeholder consultation. The expected outcomes from the TOR included:

- Outline of the study methodology.
- Summary of findings from relevant past studies pertaining to the Bells Line of Road corridor.
- Forecast traffic growth along the route – 25 year horizon.
- Identified priorities for the development of the Bells Line of Road corridor.
- Identification of broad options that meet long term corridor requirements, project objectives and project design standards.
- Summary of additional work required.
- Schedule of tasks for selection of a preferred corridor.
- Recommended timeframe for further development.
- Recommended sequencing of implementation.

The RMS has now prepared and released this Long Term Strategic Corridor Plan. It outlines a process to guide the development and reservation of a road corridor for a future upgraded Bells Line of Road. It also recommends measures and priorities for the short, medium and long term future development of this important road corridor.

The Report outlines:

The Bells Line of Road Long Term Strategic Corridor Plan involved analyses of transport, constraint and engineering factors to identify a strategic direction for the corridor in the short, medium and long term. Key findings and Plan outcomes are listed below.

Key transport analysis findings

- *The central and western sections of the Bells Line of Road are generally operating at good levels of service.*
- *The portion of Bells Line of Road in the vicinity of North Richmond is currently performing poorly, with high levels of traffic congestion in peak periods.*
- *Forecast traffic numbers based on an optimistic growth trend plus potential induced demand do not reach the levels that would trigger a need (from a traffic perspective) to upgrade the full length of Bells Line of Road to four-lanes in any foreseeable planning horizon.*
- *Forecast traffic numbers suggest that there may be a need to upgrade a portion of Bells Line of Road (east of approximately Kurrajong Heights) to four-lanes in the long term.*

Key constraint analysis findings

- *Any major road upgrade through the central and western parts of the Bells Line of Road corridor would be extremely challenging from an environmental, approvals and construction cost perspective. This area (particularly the central section) includes the Greater Blue Mountains World Heritage Area, which has a wide range of ecological and cultural values. It also coincides with challenging terrain which would be likely to add greatly to the cost of construction.*

Key engineering analysis findings

- *The Bells Line of Road from North Richmond to Lithgow features a wide variety of road characteristics and changing speed limits.*
- *There are many locations where the existing horizontal and vertical road geometry falls below current new road standards and guidelines. In particular this includes tight horizontal curves, steep grades, and sharp crest curves affecting sight distance.*
- *Overtaking opportunities are restricted by the horizontal and vertical geometry and there are few overtaking lanes. In particular, there is a 25 kilometre-long section between Kurrajong Heights and Mount Tomah where there is no overtaking lane in either direction.*
- *For most of the corridor the road cross-section is also below current standards and guidelines for the design of new sections of road. This includes lane widths, sealed shoulder widths and clear zone widths.*
- *The Bells Line of Road has a poor crash record. At about 54 crashes per 100 million vehicle kilometres travelled or 21 casualty crashes per 100 million vehicle kilometres travelled, the crash rates are about twice typical rates for rural roads in NSW.*

Key Plan outcomes

- *A major upgrade of the entire corridor is not warranted in the foreseeable future.*
- *Other opportunities have been considered in previous studies, including a route across the Newnes Plateau to the north of Lithgow and routes through the Hartley Valley. These previous studies have found these routes to have limited feasibility. The analyses conducted as part of the preparation of this Plan reaffirm these outcomes, particularly in terms of*

- environmental constraints, and they are not regarded as strategic opportunities for the purposes of corridor planning.*
- The need for the reservation of an upgraded road corridor connecting the Bells Line of Road corridor at Kurrajong Heights with the Sydney motorway network is established in this Plan. The commencement of planning for the identification of a preferred route and reservation on councils' Local Environment Plans is identified as a short term priority (0–5 years), and could be expected to continue into the medium term (5–20 years).*
 - Any option to connect Kurrajong Heights to the Sydney motorway network would require extensive and rigorous investigations to identify a cost effective route that efficiently negotiates the change in elevation while minimising socio-economic and environmental impacts.*
 - In addition to the need to reserve an upgraded road corridor between Kurrajong Heights and the Sydney motorway network, a range of other short, medium and long term improvements including safety improvements have been identified as being required to address the ongoing function and needs of the corridor.*

This is a mixed result for the future development of the road, whilst it identifies the need for the reservation and upgrade of the corridor the proposed speed at which this proposed is very disappointing. In short the identification of the proposed route and reservation of the road corridor needs to occur immediately. A failure to do this will see further development occur in the area thus making it more and more difficult for the work to occur.

Lithgow City Council and the councils of the Central West of NSW will need to continue to lobby for the urgent identification and reservation of a proposed Bells Line of Road route from the M7 to Kurrajong Heights.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Roads and Maritime Services – Long Term Strategic Corridor Plan, October 2012

RECOMMENDATION

THAT Council, through the local State Member for Parliament, Mr Paul Toole:

1. Expresses its disappointment in the outcome of the Bells Line of Road Long Term Strategic Corridor Plan; and
2. Calls for the urgent identification and reservation of a proposed Bells Line of Road route from the M7 to Kurrajong Heights.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-11 ENVIRO - 26/11/12 - REPRESENTATION ON WESTERN JOINT REGIONAL PLANNING PANEL

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 09-260: Ordinary Meeting of 22 June 2009
Min No 12-260: Ordinary Meeting of 23 July 2012

COMMENTARY

Correspondence has been received from The Hon Brad Hazzard MP, Minister for Planning and Infrastructure and Minister Assisting the Premier on Infrastructure NSW regarding the operation of the Joint Regional Planning Panels. Revised Operational Procedures, Code of Conduct and Complaints Handling Policy for the regional panels have recently been approved.

Council is required to nominate two (2) persons as Council nominees to the Regional Panel. In accordance with Schedule 4 of the Environmental Planning & Assessment Act 1979, at least one (1) of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. At its Ordinary Meeting of 23 July 2012, Council resolved as follows:

12-260 RESOLVED

THAT:

1. For the period up until the Council elections in September 2012, the following Councillors be nominated to the Western Joint Regional Planning Panel:
 - Mayor Neville Castle
 - Councillor Graham Danaher (alternate)
 - Councillor Col Hunter (alternate)
2. The Panel Secretariat be advised that Council will provide fresh nominees to the Western Joint Regional Planning Panel following Council elections in September 2012.
3. The Group Manager Environment and Development, Andrew Muir, be nominated to the Western Joint Regional Planning Panel for the requisite term.

As such, following the recent local government elections, Council is now required to review and confirm its members to the regional panel secretariat. Council nominees need to be appointed for a minimum of 14 days before attending a panel meeting at which they will act as a panel member.

POLICY IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Joint Regional Planning Panels are established through the provisions of the Environmental Planning & Assessment Act.

FINANCIAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from The Hon Brad Hazzard MP dated 25 September 2012.

RECOMMENDATION

THAT Council nominate one (1) Councillor and one (1) Alternate to the Western Joint Regional Planning Panel.

ITEM-12 ENVIRO - 26/11/12 - LITHGOW GASWORKS SITE

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-175: Ordinary Meeting of 9 May 2011
Min No 11-206: Ordinary Meeting of 30 May 2011

SUMMARY

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

COMMENTARY

At Council's Ordinary Meeting of 5 November 2012 a report was requested on the current status of the former Lithgow Gasworks Site in Mort Street, Lithgow.

Some years ago, Council sought to rehabilitate and offer for sale the former Gasworks Site in Mort Street, Lithgow. This land adjoins the Council Works Depot and rehabilitation had taken place to a point where it was believed the site could be offered for conditional sale. However, in 2008 the Environment Protection Authority Contaminated Sites Section contacted Council with concerns that not enough information was available to provide satisfaction that groundwater contamination was not moving off the site. In response to this, the EPA assisted Council in gaining two rounds of funding through the NSW Environmental Trust to allow further investigation and monitoring. The second round investigation concluded that any significant groundwater impact is unlikely, primarily due to the less mobile nature of contaminants and clays present which provide a relatively impermeable barrier. There were some recommendations made, primarily in relation to site management as well as suggestions for possible further remediation action and a specification for remedial works. The EPA Contaminated Sites Section subsequently responded that they were satisfied with the report and had no further interest in the site.

Since this time, certain developments have taken place such as the necessity to move equipment from the compound adjacent to the old Hoskins Institute Building which will now be used for car parking by the University of Western Sydney. This has also necessitated a new entry/exit point further to the East that will be used for the Council Works Staff entering and exiting the site. The storage of material is currently taking place on part of the former Gasworks Site and this would not be a use that is inconsistent with the status of the site. It is known from previous investigations that part of the site, adjacent to Henry Plant Hire, may be potentially sold free of encumbrances as it has been able to be remediated to a high standard. It may be that a use associated with the University of Western Sydney could be appropriate for the site, however at this stage no formal discussions have taken place. The land further to the West would likely require further remediation unless the use proposed to the site was relatively minor, e.g. storage, car parking etc.

Council could make enquiries with the University of Western Sydney to ascertain their interest in the land, however any interest may be dependent on the success of the Lithgow Campus. Given these circumstances, it may be appropriate to hold any further action on the site in the short term except perhaps with the exception for some general housekeeping.

POLICY IMPLICATIONS

NIL at this stage.

FINANCIAL IMPLICATIONS

No specific financial implications arise if Council agrees that no further action should occur in the short term.

LEGAL IMPLICATIONS

Council has previously undertaken investigations to ensure that any works are consistent with the requirements of the Contaminated Lands Management Act.

RECOMMENDATION

THAT the information contained in the report on the former Lithgow Gasworks Site be noted.

ITEM-13 ENVIRO - 26/11/12 - FOOTPATH TRADING POLICY

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-68: Ordinary Meeting of 5 March 2012
Min No 12-158: Ordinary Meeting of 14 May 2012
Min No 12-395: Ordinary Meeting of 5 November 2012

SUMMARY

To advise Council of the results of consultation in regard to its proposed Footpath Trading Policy and to recommend adoption.

COMMENTARY

Council will be aware of this issue involving the preparation of a new Footpath Trading Policy to replace the previous policy 5.4 'Footpaths – Use of Public Footpaths for Restaurant Seating and Display of Goods'.

At its Ordinary Meeting of 14 May 2012, Council resolved to place the draft Policy 5.4 Footpath Trading on public exhibition for a period of 28 days; provide a copy of the draft Policy to local businesses in Lithgow, Portland and Wallerawang; and provide a copy to the Lithgow Business Association. Council also wished to charge no fees in relation to Footpath Trading and this intention has been advertised in the local press as required by the provisions of the Local Government Act.

In relation to the exhibition of the draft plan, 5 submissions were received. These are attached to the business paper with the names removed for privacy purposes. The main points raised in submissions were:

- Thank you for withdrawing the fees
- Public Liability should be left at \$10 million
- Keep insurance at \$10 million but re-instate fees
- Claims no success in finding other Councils that charge \$10 million
- Claims other councils covered by Statewide Mutual only require \$10 million
- Oberon only require \$5 million public liability
- Happy to pay fee of say \$50 for an application but keep insurance at \$10 million

Whilst the number of submissions received was small, the common theme of concern relates to the potential impact on business proprietors with the requirement for \$20 million public liability insurance. This issue has been one which, Statewide Mutual, who purchases the insurance and Jardine, Lloyd Thompson, Council's insurance brokers, have brought to Council's attention as the relevant amount that should be required.

In relation to insurance, a survey was sent to NSW Councils to ascertain the level of public liability insurance for each Council that responded. 46 responses were received. 22 Councils indicated they require \$10 million public liability insurance for footpath trading activities whilst 24 indicated they require \$20 million. Of the respondent Councils which require \$10 million cover, 8 were insured through Statewide Mutual and of the Councils requiring \$20 million public liability, 9 were insured through Statewide Mutual. A table indicating the results of the survey is attached to the business paper. Council's insurance broker Jardine, Lloyd Thompson, has previously advised Council should not accept public liability insurance of less than \$20 million unless there are sound objective reasons for doing so. There is a concern that court awards have been known to exceed \$10 million to a plaintiff and if it is deemed that Council has accepted a lower limit of liability, in the face of high risk, then there may be an avenue to decline indemnity. Should this be the case then Council may have to fund the value of a claim.

Further correspondence was subsequently received from the Executive Officer of Statewide Mutual indicating that 'it would seem only reasonable that Council should require businesses which seek to occupy Council's property (i.e. the footpath) should hold a minimum of \$20 million cover. To suggest otherwise would be irresponsible'.

Council officers also made enquiries regarding possible increase in premiums that could occur for a business should the level of public liability insurance be raised from \$10 million to \$20 million. However, as this is based on the type of business; the location; and an apparent range of individual circumstances it was not possible to obtain any clearer information. In the face of the advice through Council's insurer it is difficult to recommend other than the requirement for \$20 million public liability insurance. It is noted that when the previous Council sought to reduce the fees to zero for footpath trading applications and renewals, that this demonstrated an attempt to try and offset any possible increase in public liability insurance.

POLICY IMPLICATIONS

The draft Policy 5.4 Footpath Trading, if adopted by Council, will replace the existing Policy 5.4 Footpaths – Use of Footpaths for Restaurant Seating and Display of Goods.

FINANCIAL IMPLICATIONS

The previous Council indicated that it did not wish to impose fees and charges for Footpath Trading and this intent has been duly advertised in the local press pursuant to the provisions of the Local Government Act. Should Council wish to alter its position in this regard, then this again would require advertising for a period of 28 days.

LEGAL IMPLICATIONS

Section 125 of the Roads Act provides a regime where a person may seek an approval to use a footway for restaurant purposes and Section 126 of the Roads Act defines how a Council may authorise the holder of approval to erect and maintain structures on a footway. Section 139A of the Roads Act provides for street vending. Section 68 of the Local Government Act requires approval in relation to the exposure of any article on any part of the road or outside a shop window abutting the road. Councillors should also be aware of the provisions of Section 731 of the Local Government Act whereby a Council or Council Committee, Councillor or an employee acting in good faith is provided protection from any action, liability, claim or demand with respect to matters or things done under the direction of the Council.

ATTACHMENTS

1. Draft Policy 5.4 – Footpath Trading
2. Submissions received in relation to the advertising and exhibition of the draft Policy
3. Details of Council insurance survey
4. Correspondence from Statewide Mutual in relation to Council footpaths

RECOMMENDATION

THAT:

1. Draft Policy 5.4 – Footpath Trading as attached to the business paper and previously publically exhibited be formally adopted.
2. No fee be charged for an application for footpath trading and/or renewal during the 2012/13 financial year, however this be reviewed as part of the draft 2013/14 Fees & Charges.
3. The adopted Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to the Lithgow Business Association for their information.

**ITEM-14 ENVIRO - 26/11/12 - REQUEST FOR EXEMPTION OF SECTION 94A
LEVY - LITHGOW WORKMENS CLUB**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of a request received from the Lithgow Workmens Club for Council to exempt it from the payment of a Section 94 A Contributions for its motel development.

COMMENTARY

Council is in receipt of a submission from the Lithgow Workmens Club seeking an exemption of Section 94A Contributions of \$34,706.79 which will be required as a result a motel development. A copy of the submission is attached THAT seeks an exemption on the following grounds.

Delay Caused By Land Ownership/Closure of Laneway Issue

The Workmens Club claims due to the delay that they experienced in relation to what was thought to be unclosed section of laneway in their car park, which later turned out to be land held in a DP dating back to the late 1800's, that they would have otherwise been in a position to lodge their development application prior to the adoption of the Section 94A Plan. In response to this, Council first resolved to provide its consent as the 'landowner' to the lodgement of an application on 11 July 2011. However, subsequent to this it was found that the section of laneway was not in fact public road but rather a Lot in a DP. On 23 January 2012, the Council resolved to dedicate the said land as a public road and confirm that it provides land owners consent to allow lodgement of a development application over land. On 16 March 2012 the land was vested in Council as a road. Subsequently on 23 August 2012 the Department of Primary Industries (Catchments and Lands) approved the closure of the road and the vesting in Council as Operational Land. On 22 October 2012 the Department of Primary Industries (Catchments and Lands) signed off on the plan that needs to be registered to create the title. The plan has since been lodged at the Land Titles Office on 13 November 2012. The process should be complete within the next 4-6 weeks. Consequently, Council had provided its landowners consent to the Workmens Club well before the adoption of the Section 94A Plan. On this basis, it is difficult to fully accept the argument that the delay experienced in resolving this issue resulted in a situation where the Workmens Club could not have lodged a development application prior to the adoption of the Section 94A Plan.

The Club Organised & Paid for Surveying of The Other Laneways That Apparently Were Never Transferred to Council

Council has never asked the Workmens Club to pay for any surveying for the other laneways, other than what was thought to be a laneway within the car park.

The Club Will Be Contributing a Substantial Amount of Money to Repair Adjacent Laneways in Association with Their Development

This is strictly be a development cost which would be expected of any developer.

The Clubs Contribution to the Local Community

Whilst the contributions the Workmens Club provides to the local community is admirable, it has no relationship to providing a contribution relating to the demand on infrastructure in relation to a development.

Finally, Part C 14 of the Section 94A Contributions Plan indicates that there are alternatives to the payment of the Levy. For example, where Council agrees to negotiate a Planning Agreement with the applicant. This is not an exemption to the contribution but rather an alternative and the Plan indicates that Council will seek to negotiate a Planning Agreement for major development, including but not limited to development as outlined below in accordance with Council's Planning Agreements Policy:

- Having a development cost in excess of \$1 million; or
- Being development for the purpose of a mine or extractive industry and associated infrastructure development, including extensions to existing approved developments; or
- Subdivisions involving 20 or more Lots in any one or more stages

The intention of this provision would not envisage that Council would negotiate a contribution any less than the Section 94A Levy. Consequently, there would not appear to be any benefit in Council negotiating a Voluntary Planning Agreement in relation to this matter.

POLICY IMPLICATIONS

No specific policy implications arise.

FINANCIAL IMPLICATIONS

Should Council decide to exempt the Lithgow Workmens club in this instance, it would forgo \$34,706.79.

LEGAL IMPLICATIONS

The Contributions Plan has been duly made under the provisions of Section 94 A of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Correspondence from the Lithgow Workmens Club.

RECOMMENDATION

THAT Council advise the Lithgow Workmens Club that it is NOT able to provide an exemption to a Section 94 A levy in relation to its Motel development.

**ITEM-15 ENVIRO - 26/11/12 - CENTENNIAL COAL - VARIOUS PROJECTS -
SPRINGVALE, ANGUS PLACE, AIRLY COAL, NEUBECKS**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No. 12-414: Ordinary Meeting of 5 November 2012
Min No. 12-415: Ordinary Meeting of 5 November 2012
Min No. 12-357: Ordinary Meeting of 15 October 2012
Min No. 12-130: Ordinary Meeting of 23 April 2012

SUMMARY

To update Council on a number of Major Developments that have been submitted to the Department of Planning and Infrastructure (the Department) by Centennial Coal Pty Ltd.

COMMENTARY

As Council is aware, Centennial Coal operate a number of underground coal mines in the Lithgow Local Government Area, those being Clarence Colliery, Springvale Coal, Angus Place and Airly Coal. There is supporting infrastructure associated with Springvale Coal and Angus Place mines, such as the Lidsdale Siding Coal loader in Wallerawang, haul roads to Mount Piper and Wallerawang power stations, overland conveyors and the Coal Services site at Blackmans Flat where coal from various sites can be processed.

Council was previously advised of Centennial Coal’s proposals to upgrade their Lidsdale Siding coal loading facility and the Blackmans Flat Coal Services site to cater for a larger throughput of coal. It was also reported recently of the proposed additional bore for Springvale Coal and the proposed additional ventilation shaft for Angus Place, both located on Newnes Plateau. All of these proposals will enable the ongoing operation and expansion of Centennial Coal’s operations. In particular the Lidsdale Siding and Coal Services upgrades will enable Centennial Coal to more efficiently access export markets.

Proposals

Centennial have now submitted another four Major Development proposals to the Department which have received Director General’s Requirements to enable them to commence preparation of Environmental Impact Statements. The proposals are as follows:

The Neubeck Coal Project

The Neubeck Coal Project is a proposed new open cut mine to be located north of the Mount Piper Power Station and west of the existing Pinedale operations. The proposal would be located in an existing semi-cleared valley which adjoins the Castlereagh Highway, the Ben Bullen State Forest and is traversed by an existing haul road (see Attachment 1). The project is proposed to be connected to the Coal Services site (to the

south east) via a link road over the Castlereagh Highway. The site was previously undermined between 1915 and the 1970's.

Amount of coal proposed to be mined: 1.2 Million tonnes per annum (Mtpa).

Number of years to continue: It is proposed that the site be allowed to accept up to 1Mtpa of washery reject from the Coal Services site. Accordingly, there is no specific time limit proposed for the mine, rather it may operate for as long as the Coal Services site requires an additional reject emplacement area, which could be linked to the length of time that Springvale and Angus Place operations utilise the Coal Services site. That is, up to 25 years.

Proposed Mine method: Open cut, blasting, highwall and auger mining.

Proposed Hours of operation: Mining 24 hours Monday – Friday, 12am-10pm Saturday, no mining Sunday or Public Holidays; Blasting 9am-3pm Monday to Friday only; no blasting Saturday, Sunday or Public Holidays; Clearing 7am-5pm Monday to Saturday; Processing, Drilling and Transport 24hours.

Proposed Staff: 65 Full time equivalent workers

Springvale Mine Extension Project

The proposal for Springvale Mine is to expand the existing underground operations under the Newnes State Forest, and provide additional associated infrastructure. See Attachment 2 for a site plan of the proposed expansion.

Current amount of coal mined: 3.4Mtpa

Current consent due to expire: 28 September 2014

Amount of coal proposed to be mined: 4.5Mtpa

Number of years to continue: An additional 13 years

Mine method: Longwall mining

Proposed Hours of operation: Continue 24 hours a day, 7 days a week

Proposed Staff: Full time workforce of up to 310 persons comprising 280 existing personnel and an additional 30 full time employees

Angus Place Mine Extension Project

The proposal for Angus Place Mine is to expand the existing underground operations under the Newnes State Forest and provide additional associated infrastructure. See Attachment 3 for a site plan of the proposed expansion.

Current amount of coal mined: 4Mtpa

Consequences of not proceeding: Likely closure in March 2016

Amount of coal proposed to be mined: 4Mtpa

Number of years to continue: An additional 25 years

Mine method: Longwall mining

Proposed Hours of operation: Continue 24 hours a day, 7 days a week

Proposed Staff: No additional – to continue with a full time workforce of 225 persons plus contractors

Airly Mine Extension Project

The proposal for Airly Mine is to expand the existing underground operations under the Mugii Murum-ban State Conservation Area in the Glen Davis Valley, and provide additional associated infrastructure. See Attachment 4 for a site plan of the proposed expansion.

Current amount of coal mined: 1.8Mtpa

Current consent due to expire: 12 October 2014

Amount of coal proposed to be mined: 3Mtpa

Number of years to continue: An additional 17 years

Mine method: Various partial extraction methods

Proposed Hours of operation: Continue 24 hours a day, 7 days a week

Proposed Staff: Full time workforce of up to 135 persons comprising 120 existing personnel and an additional 15 full time employees, plus contractors

FINANCIAL IMPLICATIONS

Council officers are endeavouring to hold discussions with Centennial Coal for a Voluntary Planning Agreement (VPA) or Agreements which will cover multiple projects, and provide funding for community facilities.

LEGAL IMPLICATIONS

All of these proposals fall within Part 4, Division 4.1 (State Significant Development), of the *Environmental Planning and Assessment Act 1979*, due to the repeal of Part 3A. Accordingly, the Department of Planning and Infrastructure will be the consent authority for each project. The Director General's Requirements have now been issued for each project. The next step in the process is for the applicant to prepare an Environmental Impact Statement for each project to enable the public exhibition process to occur.

ATTACHMENTS

1. The Neubeck Coal Project Site Plan.
2. The Springvale Coal Mine Project Site Plan.

3. The Angus Place Coal Mine Project Site Plan.
4. The Airly Coal Mine Project Site Plan.

RECOMMENDATION

THAT:

1. The report on the Centennial Coal projects be noted.
2. The General Manager be authorised to negotiate a Voluntary Planning Agreement or Agreements in relation to the projects.

**ITEM-16 ENVIRO - 26/11/12 - HARTLEY RYOLITE QUARRY - MODIFICATION
OF DEVELOPMENT CONSENT APPLICATION**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-173: Ordinary Meeting of 3 May 2010
Min No 10-351: Ordinary Meeting of 23 August 2010
Min No 10-476: Ordinary Meeting of 22 November 2010
Business of Great Urgency: Ordinary Meeting of 3 September 2012

SUMMARY

To determine a modification of development consent application to extend the life of the Hartley Quarry for a further five years. Approval of the modification application will be recommended.

COMMENTARY

Council is in receipt of a modification of development consent application submitted by Hy-Tec Industries on behalf of Hartley Pastoral Co P/L, for DA 103/94. The modification seeks to extend the life of the Hartley Quarry for a further five years.

The applicant is proposing to modify Condition 3 of the original development consent (103/94 DA), which states:

3. This consent shall lapse 20 years from the date of endorsement.

The endorsement date of this consent was issued on the 22 March 1995.

By March 2015, Hy-Tec estimates there will be approximately 4.5 million tonnes of recoverable rock remaining within the approved footprint. This modification, if approved, would enable the approved resource to be extracted, processed and dispatched from site.

It is proposed that the existing extraction area will continue to be expanded in surface area to the east and will be deepened from the current floor level of 745m AHD to the previously approved depth of 730m AHD. This would involve the development of one further 15m bench.

The operations of the quarry will continue to be the same that was originally approved in 1995. This is noted within the statement of environmental effects and involves the following:

- 1. Ongoing rhyolite extraction through blasting and haulage to the primary crushing station near the northern boundary of the extraction area.*

2. *Ongoing placement of overburden within the defined overburden emplacement south of the extraction area.*
3. *Ongoing processing of primary-crushed rock in the processing plant with products relocated to defined product stockpile areas.*
4. *Ongoing product loading and despatch via Jenolan Caves Road and the Great Western Highway.*

CONCLUSION

The modification application for the extension of life of the Hartley Quarry for a further five years has been thoroughly assessed under Section 96(2) and Section 79C of the *Environmental Planning and Assessment Act 1979*. It was referred to the relevant government authorities and placed on public display. It is therefore recommended that the development be approved.

POLICY IMPLICATIONS

The modification application was called in under Policy 7.7 – Calling in of Development Applications by Councillors by Councillor Ticehurst at Council's Ordinary meeting of 3 September 2012. Accordingly, this application is submitted for determination to the elected Council.

FINANCIAL IMPLICATIONS

NIL

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*.

The development is considered to have an impact on the environment, adjoining land uses and traffic, therefore, the application is to be assessed under Section 96 (2). Although the continuation of the quarry-related activities within the quarry's existing footprint is proposed to be in the same manner that was originally approved as part of DA 103/94, the modification still relates to all of the quarry activities and operations being undertaken at the site. Therefore, the proposed modification has been sent to a number of government authorities who were notified of the original development application and previous modification. The authorities that were notified include: the Environment Protection Authority, Blue Mountains City Council, NSW Department Primary Industries & Investment, Department of Environment and Heritage, NSW Department of Planning & Infrastructure, Roads and Maritime Services, NSW Office of Water and Sydney Catchment Authority. The application was also referred to adjoining neighbours, placed on public display and advertised for a period of 30 days. During this time one submission was received in regard to noise and upgrades to the Glenroy Bridge. During the assessment process works were undertaken with signs to reduce noise on either side of the bridge. This was further conditioned within the previous modification.

ATTACHMENTS

1. A complete Section 79C report for the modification in regards to the extension of the quarry lifespan for DA 103/94.

RECOMMENDATION

THAT:

1. The Section 96 Modification of Consent application S96 023/12 associated with DA 103/94 be approved in accordance with the conditions outlined in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-17 ENVIRO - 26/11/12 - NOTICE OF PROPOSED STATE HERITAGE LISTING RAILWAY PROPERTIES LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of a proposal by the State Government to include a number of Lithgow Railway items on the State Heritage Register.

COMMENTARY

A Notice of Intention letter, pursuant to the provisions of the Heritage Act 1977, has been received from the Heritage Council of NSW advising that they are giving consideration to including three existing Lithgow railway items on the State Heritage Register.

These items are:

- Lithgow (James Street) Underbridge
- Lithgow Coal Stage Signal Box
- Lithgow Railway Station Group and Residence.

The Notice of Intention is to allow any member of the community, owners, managers, organisations or other interested parties to make written submissions regarding the proposed listing and significance. State Heritage listings are aimed at protecting significant items that are considered to be an important part of the heritage of NSW. This may result in funding opportunities for owners and ensure that the item is protected from demolition, removal or inappropriate change.

Council currently leases the old railway ticket office in Eskbank Street as a parents room and accessible toilet facility. The proposed listing will not impact on this facility as Council's lease only involves internal use of the building.

Responses to the Notice of Intention close on 13 November 2012 but an extension of time has been negotiated until 30 November 2012 for Council to make a submission.

It is considered that the proposed listing of the identified Lithgow Railway items should be supported as a means of protecting an important part of our rail heritage.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Heritage Council of NSW Notice of Intention letter and associated documentation.

RECOMMENDATION

THAT Council advise the Heritage Office of NSW that it has no objections to the proposed heritage listing of the identified Lithgow Railway Items.

OPERATION REPORTS

ITEM-18 OPER - 26/11/12 - WATER REPORT

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 12-423: Ordinary Meeting 5/11/12.

SUMMARY

This report provides an update on various water management issues as per Minute Number 12-423.

COMMENTARY

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

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Monday 12 November was 87.8%. Oberon Dam capacity on Tuesday 13 November was 98.41%

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 (CWTS) for 2011/12.

Table 1 - Oakey Park Monthly Output and Clarence Transfer

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)	Dam Accumulative Yield (ML)
July	107	0	107
August	106	0	213
September	115	0	327
October	140	0	467
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,349	0	1,349

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
November	4,557	0

October	4,521	0
Last Week	3,886	0
Previous Week	4,845	0

Table 3 2011/2012 Water Consumption for Fish River Water Scheme

Week Ending	Oberon Dam Level	Oberon Dam Volume in ML	Oberon Dam % Corrected for Carryover	Total Use	Total Carryover balance
2/07/2012	98.04%	43885	91.47%	9.987	355.6
9/07/2012	98.78%	44218	92.22%	16.143	355.6
16/07/2012	100.00%	44763	93.44%	11.264	355.6
23/07/2012	100.00%	44763	93.44%	12.9	355.6
30/07/2012	100.00%	44763	93.43%	12.729	355.6
6/08/2012	99.91%	44721	93.34%	12.881	355.6
13/08/2012	99.91%	44721	93.34%	11.951	355.6
20/08/2012	100.00%	44763	93.43%	12.502	355.6
27/08/2012	100.00%	44763	93.50%	12.026	343.6
3/09/2012	100.00%	44763	93.44%	13.429	355.6
10/09/2012	99.81%	44679	93.25%	16.17	355.6
17/09/2012	99.81%	44679	93.25%	11.067	355.6
24/09/2012	99.81%	44679	93.25%	14.645	355.6

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in October. Total Aluminium exceeded recommended aesthetic levels once.

Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

Fish River Water Scheme Water Quality Summary

The FRWS is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG guideline values were exceeded in October.

Current Water Restrictions Update

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

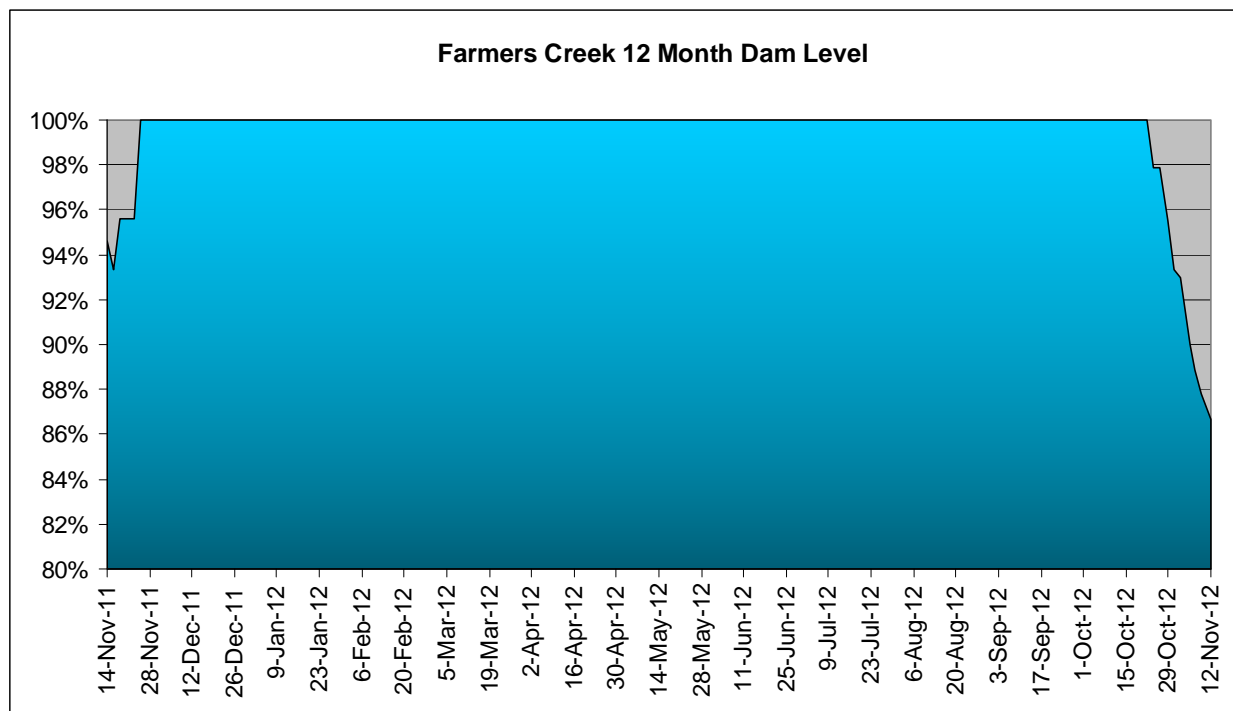
Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in November with Council approving no applications for a household appliance rebate and no applications 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.

Graph 1 Farmers Creek Dam #2 over 12 Months



Low rainfall in the past month has impacted on the dam level.

ALTERNATE WATER SOURCES UPDATE

The Lithgow villages and Marrangaroo Zone are currently being supplied from Fish River Water Scheme (FRWS).

RESERVOIRS

After sealing of the walls and joints of South Bowenfels Reservoir has been emptied and awaiting repairs for a leak which requires rectification.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

ITEM-19 OPER - 26/11/12 - AQUATIC CENTRE CARPARK

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

An onsite meeting was held at the Lithgow Aquatic Centre Carpark on Monday 12th November 2012 to discuss current traffic issues. In attendance were the Mayor of Lithgow City Maree Statham, Clr Ray Thompson, Clr Ross Higlett, Clr Col Hunter, Clr Frank Inzitari, Clr Wayne McAndrew, Clr Joe McGinnes, Clr Peter Pilbeam, Clr Martin Ticehurst, Council's General Manager, Group Manager Operations, Group Manager Environment and Development, Development Planner, and the Road Safety Officer.

COMMENTARY

At the on-site meeting held on Monday 12 November, it was agreed that the following actions be implemented at the Aquatic centre site:

1. Barton Street (adjacent to the Showground) is to be changed from the existing one-way street to a two-way street;
2. A Give Way or Stop sign is to be installed at the intersection of Fred Burley Drive and Barton Street (depending on the RMS warrant);
3. A median strip is to be installed at the intersection of Barton Avenue and George Coates Avenue to stop vehicles from crossing lanes when turning right into George Coates Avenue;
4. No Stopping zones are to be installed along all three sides of the overflow parking area (triangle section); and
5. Double lines (centre lines) are to be painted along Barton Street from Fred Burley Drive through to the intersection of Barton Street and George Coates Avenue.
6. Give Way signage is to be installed at the exit of the car park (triangle section).

These proposed actions were endorsed by TALC on Thursday 15 November. A further recommendation for the site proposed by TALC's members was that bollards be installed along one side of the triangle overflow car-parking section to prohibit use by through traffic.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council adopt the following proposed changes for action:

1. Barton Street (adjacent to the Showground) is to be changed from the existing one-way street to a two-way street;
2. A Give Way or Stop sign is to be installed at the intersection of Fred Burley Drive and Barton Street (depending on the RMS warrant);
3. A median strip is to be installed at the intersection of Barton Avenue and George Coates Avenue to stop vehicles from crossing lanes when turning right into George Coates Avenue;
4. No Stopping zones are to be installed along all three sides of the overflow parking area (triangle section); and
5. Double lines (centre lines) are to be painted along Barton Street from Fred Burley Drive through to the intersection of Barton Street and George Coates Avenue.
6. Give Way signage is to be installed at the exit of the car park (triangle section).
7. Bollards are to be installed along one side of the triangle overflow car-parking section.

ITEM-20 OPER - 26/11/12 - TENDERS FOR THE DESIGN AND CONSTRUCTION OF HASSANS WALLS BOARDWALK

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report seeks approval from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the design and construction of a boardwalk facility at Hassans Walls Lookout.

COMMENTARY

Lithgow City Council sought tender submissions from five (5) companies for the design and construction of a disabled access boardwalk at Hassans Walls Reserve through the selective tender process in June 2012. The scope of work was to design and construct a boardwalk which complied with Australian Standards for disabled access. The Boardwalk was to commence at the picnic shelter and run approximately 25m south, concluding at a viewing platform. Council received submissions from all five companies, being:

1. Australian Built Urban Designs tender price being \$69,168.00
2. Steel Works Engineering tender price being \$90,062.34 (Option A) or \$148,221.69 (Option B)
3. Wagner Pty Ltd tender price being \$198,756.35
4. Scully Pty Ltd tender price being \$59,290.00 (Option A) or \$60,335 (Option B)
5. Fleetwood Urban Pty Ltd tender price being \$55,346.50 (Option A) or \$58,602.50 (Option B).

At the ordinary meeting of Council on 3/09/2012, it was resolved that:

1. Council not accept any tenders;
2. Further discussion take place with Tidy Towns and affected parties regarding the design; and
3. Council call for further tenders.

Following consultation with Tidy Towns and the Environmental Advisory Committee, it is proposed to extend scope of works such that the proposed boardwalk extends from the existing picnic shelter and terminates with a viewing platform at Padley's Trig Station. The boardwalk will be constructed to disabled access standards. It is anticipated that this work can be completed within the proposed budget, though this single project will fully expend the budget.

The preferred method of procurement, due to the nature of the specific works to be undertaken, being the design and construction of an environmentally sensitive boardwalk, is the selective tendering method.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It should be noted that, based on current estimates of cost, the modified extended project will fully expend the available funds allocated to this project.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the design and construction of Hassans Walls Boardwalk.
2. Invite tenders submissions for the design and construct of the modified Boardwalk at Hassans Walls Lookout from the following five companies;
 1. Australian Built Urban Designs
 2. Steel Works Engineering
 3. Wagner Pty Ltd
 4. Scully Pty Ltd
 5. Fleetwood Urban Pty Ltd

COMMUNITY AND STRATEGY REPORTS

ITEM-21 **COMM - 26/11/12 - DELEGATIONS AND CHANGES TO THE LOCAL PLAN MAKING PROCESS**

REPORT FROM: S HANRAHAN - STRATEGIC LAND USE PLANNER

SUMMARY

The purpose of this report is to:

- advise Council about new delegations and independent reviews related to plan-making under Part 3 of the Environmental Planning and Assessment Act 1979;

and to;
- obtain a Council resolution to accept such delegations and to sub-delegate this function to the General Manager in accordance with Section 381 of the Local Government Act, 1993.

COMMENTARY

On 2 November 2012 amendments were made to Part 3 of the Environmental Planning and Assessment Act 1979 that increases Council's role and responsibilities in plan making by:

- delegating the making of some (those of local significance) local environmental plans (LEPs) to councils, and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

LEP Delegations

The Minister has delegated the following plan-making powers back to councils:

- (a) to make – and determine not to make – an LEP
- (b) to defer inclusion of certain matters in an LEP
- (c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to re-submission if the Council defers the proposal or if a matter is deferred from the LEP.

The delegations will operate in respect of a draft LEP on receipt by Council of a written authorisation to exercise delegation that will be issued as part of the Gateway determination. When submitting a planning proposal, councils will be required to identify whether they wish to exercise the authorisation for each planning proposal.

Some LEPs will be routinely delegated to councils to prepare and make following Gateway determination that the planning proposal can proceed, such as those that involve:

- Mapping alterations
- Amending references to documents/agencies, minor errors and omissions
- Reclassifications of land
- Heritage LEPs related to specific local heritage items supported by an Office of Heritage endorsed study
- Spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- Other matters of local significance as determined by the Gateway.

Note: **Gateway** — The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.

Issuing Delegation

To be able to exercise the delegations Council must write to the Department advising that they are accepted. If Council chooses to accept the delegation it may sub-delegate the function (only in accordance with Section 381 of the Local Government Act 1993) to an officer within Council (the General Manager) who will exercise the function.

Independent review of LEP decisions

The government has also formalised two administrative review processes:

Pre-gateway reviews – which may be requested by a proponent before a planning proposal has been submitted to the department for a gateway determination. These reviews are informed by advice from regional planning panels or the Planning Assessment Commission (PAC).

Gateway reviews – which may be requested by a Council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC.

CONCLUSION

The delegated plan-making powers will streamline the LEP process for those LEP's of local significance and provide Council with a greater level of responsibility and control over local matters.

The proposed delegations will enable Council and the community to respond more effectively to local issues.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Exercising full delegation will require an increased level of staff and time resources.

LEGAL IMPLICATIONS

These changes are implemented through the legislative requirements of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993.

ATTACHMENTS

1. NSW Planning and Infrastructure Planning Circular PS 12-006
2. Letter from NSW Minister for Planning and Infrastructure – The Hon Brad Hazzard MP

RECOMMENDATION

THAT:

1. Council accept the Ministers delegated plan making powers under Section 59(2) – (4) of the Environmental Planning and Assessment Act, 1979 and advises the Minister for Planning and Infrastructure of such acceptance.
2. Council sub-delegate these functions to the General Manager in accordance with Section 381 of the Local Government Act, 1993 and provides the Minister with Mr Roger Bailey's name and position.

ITEM-22 COMM - 26/11/12 - DARGAN CREEK RESERVE TRUST

REPORT BY: K LUKA - LAND USE AND PROPERTY OFFICER

SUMMARY

Council has received information from the Department of Primary Industries (DPI) regarding nomination for the appointment of a new Trust Manager for the Dargan Creek Reserve, located at Clarence within the Lithgow local government area.

The DPI is encouraging Council to consider taking on the role of Trust Manager of the Dargan Creek Reserve or alternatively, nominating a Council representative as a Trust Board member.

COMMENTARY

The Dargan Creek Reserve R.1014490 comprises 19 lots in the Parish Lett County Cook, having an area of 591.6ha. The area is accessed off the Chifley Rd at Clarence and is known locally as the "Clarence Dams", which was a popular swimming hole for locals for many years. In 2007, the DPI closed the site after being made aware of high risk issues related to the dams. See location map of the reserve as attachment 1.

The DPI has finalised the Dargan Creek Reserve Plan of Management, which has established management objectives and a detailed implementation action plan for the ongoing use and operation of the reserve. This plan of management has been developed following extensive community consultation and key stakeholder input. The key objectives and actions highlighted in the plan include:

- Provide reserve management and administration in terms of the Trust Handbook
- Maintain reserve access for public and emergency services in a controlled manner
- Protect public safety while providing areas for public recreation
- Provide access for sustainable commercial recreation in a controlled manner including climbing and canyoning
- Conservation of natural values
- Protection of Upland swamp
- Protection of threatened flora
- Control of weeds
- Protection of threatened fauna
- Control vertebrate pests
- Bush fire control and management
- Identify and protect cultural heritage
- Consolidate additional Crown lands
- Erosion control and biodiversity protection
- Prevent littering
- Protection of water quality

The DPI is now seeking nominations to form a new trust board to take on the management of the Dargan Creek Reserve and implement the management objectives and actions established under the plan of management.

The DPI has however advised that little public interest has been shown in this regard, and the Department is requesting that Council consider taking on the role of Trust Manager of Dargan Creek Reserve, or nominating a representative of Council to be appointed as an ex-officio member of the Dargan Creek Reserve Trust.

It is important to note that Lithgow City Council is already appointed as the Trust Manager of thirty six (36) crown reserve trusts, which are required to be administered under the requirements of the Crown Lands Act 1989.

A full list of the crown reserves of which Council is Trust Manager can be found in the attachment to this report, but include such areas as Hassans Walls Reserve, Hyde Park, Blackfellows Hands, Tony Luchetti Sports Ground, Kremer Park, Wallerawang Oval and Glen Alice Recreation Reserve to name a few.

The management of Council's public land portfolio, including the crown land under its control, extends to some four hundred and seventeen (417) parcels (approx 3000ha). This portfolio comprises seventy eight (78) crown parcels which are under Council's control, thirty six (36) of which we are Trust Managers. Council's total crown holding comprises an area of approx 1518ha.

Council's resources in the management and operation of its existing public lands portfolio, including owned and controlled lands, are at capacity.

The high risk nature of the activities encouraged to be undertaken within the Dargan Creek Reserve, including canyoning and climbing, increases Council's exposure to civil liability claims. The policing of forbidden activities like swimming, for which the area is renowned, would be extremely difficult under Council's current resourcing strategy.

Without additional funding, it would appear unwise to volunteer Council's resources to manage and operate another large tract of crown land, and commit Council legally to the delivery of the management objectives and implementation action plan specified in the plan of management adopted for the reserve.

POLICY IMPLICATIONS

1.2 Asset Acquisition

1.5 Asset Management

9.19 Risk Management Policy

Community Strategic Plan – no identified community need for additional Council acquisition or management of bushland reserves.

FINANCIAL IMPLICATIONS

No allocation for the management, improvement and operation of the reserve in 2012-16 Delivery Plan or 2012-22 Long Term Financial Plan

LEGAL IMPLICATIONS

Risk and liability associated with the use of a reserve of this nature that involves water bodies, endangered flora and fauna, adventure activities, bush fire hazard.

ATTACHMENTS

1. Location Map
2. List of crown reserve trusts of which Lithgow City Council is Trust Manager
3. Extract of 3.15 Summary of Management Objectives and 4.2 Implementation Action Plan from Dargan Creek Plan of Management
4. http://www.lpma.nsw.gov.au/crown_land/crown_reserves/management/adopted_plans_of_management

RECOMMENDATION

THAT Council advise the Department of Primary Industries;

1. that it does not wish to seek appointment as Trust Manager of the Dargan Creek Reserve
2. that Council is not seeking to nominate a representative of Lithgow City Council as an ex-officio member of the Dargan Creek Reserve Trust at this time.

ITEM-23 COMM - 26/11/12 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS

REPORT FROM: D MCGRATH - CORPORATE STRATEGY AND COMMUNICATIONS OFFICER

REFERENCE

Min 07-541:	Ordinary Meeting of Council 17 December 2007.
Min 008-194:	Ordinary Meeting of Council 18 November 2008
Min 09-505:	Ordinary Meeting of Council 23 November 2009
Min 10-487:	Ordinary Meeting of Council 22 November 2010
Min 11-469:	Ordinary Meeting of Council 21 November 2011

SUMMARY

This report provides copies of the Annual and State of the Environment Reports to Council for its information.

COMMENTARY

The Local Government Act 1993 states:

Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.

It goes on to also state:

*A report must contain the following:
(c) a report as to the state of the environment in the area*

The Annual and State of the Environment Reports for the year 2011/12 have been prepared and will be forwarded to the Department of Local Government. A copy of both Reports has been provided to Councillors within their Business Paper Packages. In addition, the Reports will be placed on Council's website and a hard copy will be available for viewing at the Council's Administration Centre and the Lithgow Library and Learning Centre.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Annual and State of Environment Reports were produced internally and funded from the Policy and Planning recurrent budget.

LEGAL IMPLICATIONS

The Annual and State of the Environment Reports were prepared in accordance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Freedom of Information Protection Act 1998, Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

ATTACHMENTS

1. Annual Report 2011/12
2. State of the Environment Report 2011/12

RECOMMENDATION

THAT the Council:

1. Receive the Lithgow City Council Annual Report 2011/12.
2. Receive the Lithgow City Council State of the Environment Report 2011/12.

ITEM-24 COMM - 26/11/12 - CHRISTMAS PROMOTIONS

REPORT FROM: M BREWSTER – ECONOMIC DEVELOPMENT OFFICER

REFERENCE

Minute no 12-396: Ordinary Meeting 5/11/12
Minute no 12-353: Ordinary meeting 15/10/12

SUMMARY

The purpose of this report is to clarify the status of the Promotional Committee and outline a pilot program of activities by Council to celebrate Christmas in 2012.

COMMENTARY

At Council's meeting of 5 November 2012, it was resolved that the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report to the next Council meeting on the current status of Council Resolution 12 -03: that Council form a Committee to provide a promotional plan for 2012 to Include Christmas/New year lights and other promotions through 2012 which can include Easter, Celebrate Lithgow, Lithgow Flash Gift and any other notable events.

Council resolved at its meeting of 15 October 2012 to form a number of Advisory Committees of Council. A Promotional Advisory Committee was not formed at this time. However the intent of the resolution of the previous Council to develop an annual promotional plan has been recognised and therefore included within the revised terms of reference for the Tourism Advisory Committee.

Proposed Christmas celebrations for 2012 - LithGLO

Council staff have been working with a number of local community, business and educational stakeholders to develop a pilot program of innovative Christmas celebrations for 2012. The objectives of the pilot program include:

- Delivering a free "whole of family" celebratory experience
- Making the people of Lithgow feel safer when using public spaces after dark
- Supporting the economy of our main streets
- Creating mainstream media interest and positive reporting of Lithgow
- Providing opportunities for coverage by social media formats
- Showcasing the talent of young creatives in Lithgow

Proposed LithGLO components

1. ShopGLO

To comprise a Christmas Shopfront Competition open to main street business operators in Lithgow, Wallerawang and Portland that incorporates the use Councils

Facebook page. Winners will be determined by the number of likes posted against photographs of shopfront window displays submitted by the entrants.

2. HoskinsGLO

To comprise celebratory lighting of Hoskins Church, Lithgow Courthouse and the Union Theatre to form an eastern gateway to Lithgow town centre.

3. ParkGLO

To comprise celebratory lighting of the mature trees and rotunda structure in Queen Elizabeth Park to form a western gateway to Lithgow town centre.

4. ProjectART

To comprise activation of dormant shopfront windows in Mian St Lithgow with light projections of senior school student artwork, short films and videos

Other celebratory lighting components are also under investigation with stakeholders and potential sponsors.

POLICY IMPLICATIONS

The LithGLO pilot program will assist in the delivery of relevant revitalisation objectives and actions set out Councils adopted Economic Development Strategy (2010-2014) and Business and Retail Strategy Final Report.

FINANCIAL IMPLICATIONS

Council has identified a budget allocation of \$25,700 in the Delivery Program 2012-2016 and Operations Plan 2012-2013 which will be used to fund the LithGLO pilot program. Council is currently seeking quotations from specialist lighting and projection contractors to ensure a value for money outcome.

LEGAL IMPLICATIONS

Contractors providing services will comply with Councils Public Liability and Workers Compensation requirements.

RECOMMENDATION

THAT Council note the Christmas Promotion Report

FINANCE REPORTS

ITEM-25 FINAN - 26/11/12 MULTIPLE UNIT WATER PRICING

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 12-346: Ordinary Meeting of 15 October 2012

SUMMARY

The purpose of this report is to advise Council of options in relation to the water pricing structure at Treeview Estate with a recommendation that no changes be considered to the adopted 2012-13 Operational Plan and Delivery Program at this time.

COMMENTARY

Council at the meeting of 15 October 2012 considered a Notice of Motion from Councillor C Hunter in relation to water pricing at Treeview Estate.

The Notice of Motion stated:

As Treeview Estate is a single title, only one access fee is charged of \$125.00 then consumption is charged at \$2.70 for the first 250kl and \$4.05 for the consumption above 250 kl to the total usage of the 42 units of approximately 9000kl charge mainly at the \$4.05 rate.

Residents cannot claim the pensioner rebate of \$87.50 with the DLG requirement of 1 rebate per property.

As each unit is fitted with a water meter, as a condition of the DA, and storm water is collected and re used on garden beds and lawns, best practice is being achieved.

The General Manager made comment to the Notice of Motion:

There are a number of single title deed properties that have multiple units. It is not known how many are fitted with individual water meters. If the motion is successful then it would be appropriate to also apply the access charge for each meter. All charges would be the responsibility of the owner of the property.

Minute 12-346 resolved:

THAT a report be provided to Council on Single title deed, multiple units fitted with individual water meters be charged at the residential rate of \$2.70 per kl.

Treeview Estates is a single title deed, being Lot 50 DP 1107410, which currently houses 42 units occupied for residential accommodation, offices and a community centre. Councils Development and Planning Department advise that an additional 120 units have been approved and a further 20 units are still proposed at this stage. Council has no involvement with the tenants of the units the majority who are believed to be aged pensioners.

Under Council's current water pricing structure, adopted in the 2012-13 Operational Plan and Delivery Program, Treeview are charged a single water access fee of \$125.00 and water consumption of \$2.70 per kl for the first 250kl and \$4.05 per kl for all water consumed above 250kl.

Treeview residents have at times requested that those that are eligible pensioners should be provided the opportunity to claim a pension rebate on their strata units.

A pension rebate is granted on the water access charge of a property under s575 3) of the Local Government Act 1993 which makes provision for a Council to grant one pension rebate to a maximum of \$87.50 per property:

Local Government Act 1993:

S 575 Reductions for eligible pensioners:

- (3) The total amount by which:
 - (a) all ordinary rates and charges for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250, and
 - (b) **all water supply special rates or charges so levied are reduced is not to exceed \$87.50**, and
 - (c) all sewerage special rates or charges so levied are reduced is not to exceed \$87.50

The original development application on the property, conditioned that all units be individually metered at the developers expense. This was a requirement to comply with the Department of Water & Energy's 'Best Practice Management of Water Supply and Sewerage' ensuring that all residential consumers are aware of the quantity of water they are consuming and with this knowledge they are given the opportunity to monitor and reduce high water consumption through education.

Council is reading all the meters on a quarterly basis and providing the owner of the property, Treeview Estates Pty Ltd, an itemised list of meter readings. The water on the account is charged at \$2.70 per kl for the first 250kl and \$4.05 per kl for all water consumed above 250kl as per 2012/13 adopted water usage charges. As previously mentioned as sales and rental agreements happen Council has no knowledge or relationship with the individual residents of the units in the Estate and it is assumed that Treeview Management disperse the water account as per signed Strata agreements.

Officers contacted Bathurst & Parkes Councils, who also management local water utilities to determine their water pricing structure on similar units.

The results were as follows:

Council	Access	Tier 1	Tier 2
Lithgow	1 per property	< 250kl	> 250kl
Bathurst	1 per property	< 250kl	> 250kl
Parkes	1 per property	< 400kl	> 400kl

As previously stated Minute 12-346 resolved:

THAT a report be provided to Council on Single title deed, multiple units fitted with individual water meters be charged at the residential rate of \$2.70 per kl.

Using the current average consumption of **16.83kl per quarter per resident**, the following table details the current charges that apply to the Estate of 42 current units and of the 140 future and proposed units, one access charge and water consumption totalling \$47,804.30. Also shown is the charge for an individual resident using 16.83kl pre quarter which will equal a total annual water bill of \$272.65.

Should the pricing structure for the Estate be changed to a **flat rate of \$2.70 per kl for all water** used and an **access charge of \$125.00 per unit** (all residential properties in the Lithgow LGA pay an access charge) the total Treeview account would be \$54,707, for the 42 current units and 140 future units. The total average account for a resident would be \$306.76 because the resident would now pay an access of charge of \$125.00 and \$2.70 for all water consumed.

As previously stated Council has no knowledge of individual residents and all water accounts will still be issued in the name of 'Treeview Estate Pty Ltd.' Council has no guarantee, or control, to ensure that an account for a particular unit will be distributed to the individual residents.

WATER CHARGES - TREEVIEW ESTATE

WATER CHARGES - TREEVIEW ESTATE												
	CURRENT PRICING STRUCTURE						PROPOSED CHANGE TO PRICING STRUCTURE					
	*** Access Charge \$125 + Usage <250kl \$2.70 > 250kl \$4.05						*** All Units Charged Access Charge \$125 + Usage all water \$2.70					
	Access	Consumption		\$ Charged			Access	Consumption		\$ Charged		
	Charge one only	Avg kl/ Qrt	Avg kl/ Annum	<250k	>250kl	Total	\$125 per unit	Avg kl/ Qrt	Avg kl/ Annum	<250kl	>250kl	Total
	\$125 only			\$2.70	\$4.05		\$125 ea			\$2.70	Nil	
40 Current	\$125	684	2,736	\$675	\$10,068	\$10,868	\$5,000	684	2,736	\$7,387	-	\$12,637
140 Future		2284	9,120		\$36,936	\$36,936	\$17,500	2280	9,120	\$24,570	-	\$42,070
TOTAL						\$47,804						\$54,707
Per unit		17	67		\$273	\$273	\$125 ea	17	67	\$181	-	\$306

Should Council consider a change in the pricing structure at Treeview the following may need to be considered with regard to the community at large:

- Council's relationship is with the owner of the land only
- Council has no knowledge of who occupies a unit
- Strata units, under agreement may not be solely purchased by pensioners they may be occupied by families, young singles etc
- Not all strata title units are individually metered, one meter at the front of the property services all units

Council's property database records approximately 53 Strata Title properties in the LGA, all containing a multiple number of individual units, which is estimated at approximately 800 using the number of garbage bins allocated. It is again mentioned that Council has no knowledge of the occupants whether they are pensioners, families or single persons but should the pricing structure at Treeview be changed a precedent may be set and all water consumed on strata titles would need to be charged the flat rate. As a flow on effect Council's proposed income for water sales, which has been determined and budgeted to ensure all infrastructure is maintained and replaced, would be affected and additional income would need to be found.

The elimination of the second residential tier water usage charge, that is water consumed above 250kl, would increase the first tier charge across all residential properties to ensure the required level of income is maintained to meet the demands of the expenditure.

The age of the existing Strata units has dictated that the majority have only one meter servicing the properties. The one meter is read by Council and one account issued. Individual metering of each of the 800 units is not physically possible at this time and therefore the issue of individual water usage accounts by unit is not possible.

In the future the metering of individual units, on all residential accommodation will be regulated by DA approval in order to comply with the Best Practice Water Management Guidelines.

POLICY IMPLICATIONS

2012 – 2013 Operational Plan & Delivery Program: Water Pricing / Water Financial Plan

FINANCIAL IMPLICATIONS

2012 – 2013 Operational Plan & Delivery Program: Water Pricing / Water Financial Plan

LEGAL IMPLICATIONS

Compliance with the Local Government Act 1993

Compliance with Department of Water & Energy's 'Best Practice Management of Water Supply and Sewerage'

RECOMMENDATION

THAT No change be made to the 2012 – 2013 Operational Plan & Delivery Program: Water Pricing / Water Financial Plan.

**ITEM-26 FINAN - 26/11/12 - AUDIT PRESENTATION OF THE 2011/12
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

REPORT FROM – C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 12-371: Ordinary Meeting of Council 15 October 2012

SUMMARY

To advise Council that Auditors, The Morse Group, will be at the meeting of 26 November 2012 to make a presentation of the 2011/12 General Purpose Financial Reports, Special Purpose Financial Reports and special Schedules.

COMMENTARY

In compliance with Section 418 (3) of the Local Government Act due notice has been provided in the local media, at the Administration Centre, Libraries and on Council's website that Auditors, The Morse Group, will present the 2011/12 audited reports to the meeting of the 26th November 2012. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions, in writing, for a period of seven days following the audit address. Submissions will close at 4.30pm on the 3 December 2012.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The 2011/12 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules represent Council's position as at 30 June 2012.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council thank Ms Leanne Smith of the Morse Group for her presentation
2. Council accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 3 December 2012.

ITEM-27 FINAN - 26/11/12 - COUNCIL INVESTMENTS HELD 31 OCT 2012

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 12-330: Investments as at 31 July 2012
 Min 12-372: Investments as at 30 Aug 2012 & Sept 2012

SUMMARY

To advise Council of investments held as at 31 October 2012 in the 2012/13 financial year.

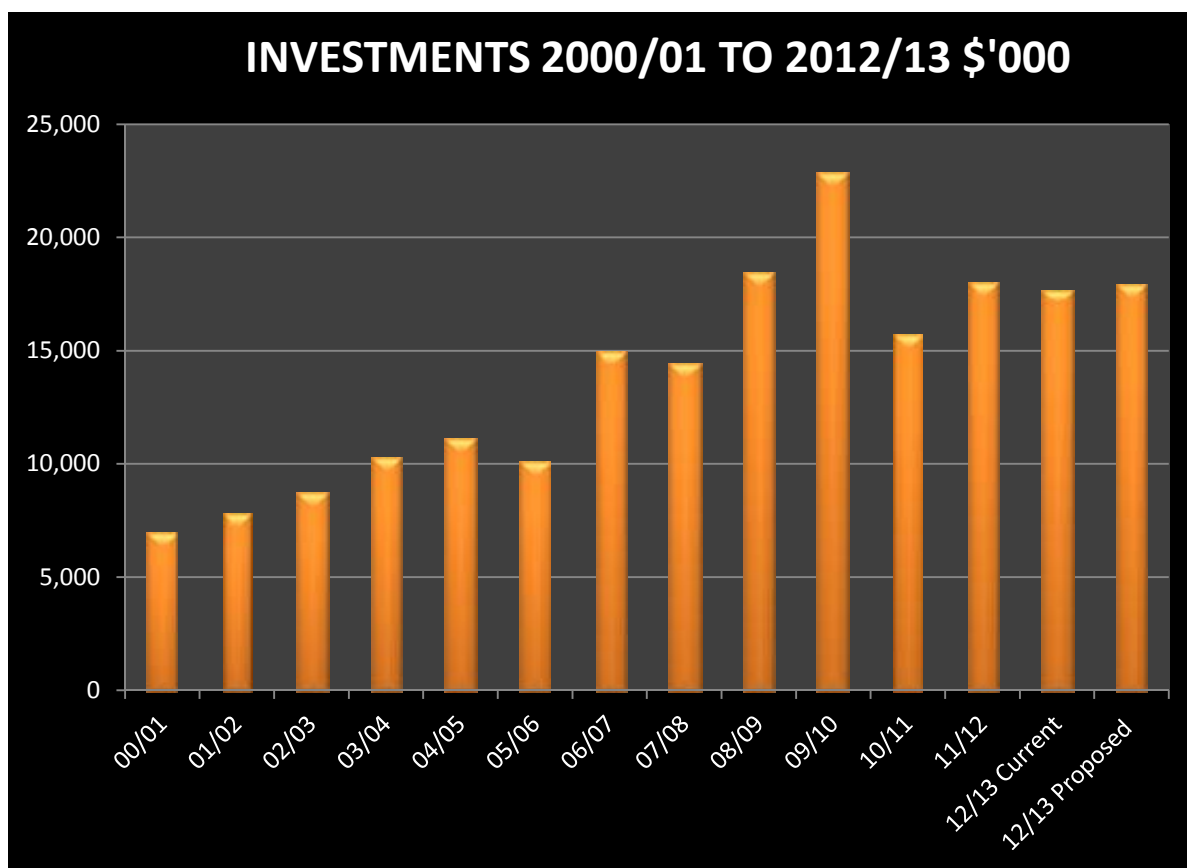
COMMENTARY

Council's total investment portfolio, as at 31 October 2012 when compared to 30 September 2012, has decreased by \$1,735,009.62 from \$19,364,116.90 to \$17,629,107.28

INVESTMENT REGISTER 2012/13								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.09.12	VALUE 31.10.12	% OF TOTAL
ANZ	TD	10.09.12	10.12.12	91	4.60	848,782.23	848,782.23	4.81%
	TD	11.09.12	11.12.12	90	4.60	505,732.88	505,732.88	2.87%
	TD	30.08.12	28.11.12	90	4.70	505,300.97	505,300.97	2.87%
	TD	05.09.12	04.12.12	90	4.75	1,000,000.00	1,000,000.00	5.67%
CBA	On Call				3.45	1,926,078.64	1,035,304.55	5.87%
	TD	14.09.12	15.10.12	30	4.60	400,000.00	0.00	0.00%
IMBS	TD	26.10.12	25.01.13	90	4.50	1,137,660.11	1,146,636.72	6.50%
	TD	26.10.12	25.01.13	90	4.50	754,071.65	760,021.59	4.31%
NAB	TD	04.09.12	04.12.12	90	5.00	1,133,080.52	1,133,080.52	6.43%
	TD	25.07.12	25.01.13	182	5.07	1,029,469.05	1,029,469.05	5.84%
	TD	11.09.12	10.12.12	90	4.94	506,238.36	506,238.36	2.87%
WESTPAC	TD	09.07.12	07.01.13	179	5.05	585,942.01	585,942.01	3.32%
	TD	30.05.12	30.11.12	180	5.10	1,179,546.09	1,179,546.09	6.69%
	TD	11.07.12	09.01.13	179	5.05	257,190.41	257,190.41	1.46%
	TD	12.06.12	11.12.12	179	5.00	411,279.92	411,279.92	2.33%
	TD	13.06.12	12.12.12	179	5.00	1,000,000.00	1,000,000.00	5.67%
	TD	05.09.12	05.03.13	180	4.90	500,000.00	500,000.00	2.84%
ST GEORGE	On Call				3.50	21,510.27	21,510.27	0.12%
	TD	04.10.12	04.01.13	92	4.66	537,509.69	543,823.15	3.08%
	TD	19.10.12	19.04.13	180	4.00	857,565.97	882,288.54	5.00%
	TD	12.10.12	12.04.13	182	4.47	506,930.96	524,496.33	2.98%
	TD	09.08.12	11.02.13	186	4.81	518,803.81	518,803.81	2.94%
	TD	18.05.12	19.11.12	180	5.10	509,386.62	509,386.62	2.89%
	TD	25.10.12	25.01.13	91	4.35	1,029,070.14	500,000.00	2.84%
SUNCORP	TD	08.08.12	07.02.13	92	4.45	1,189,360.95	1,204,335.49	6.83%
	TD	22.10.12	21.01.13	91	4.08	513,605.65	519,937.77	2.95%
			TOTAL			19,364,116.90	17,629,107.28	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 Finance 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 to 31 October 2012 are shown.



POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 21 November 2011 Council adopted a draft of the Investment Policy as Policy 8.2 which includes the Ministers Investment Order of 12 January 2011.

FINANCIAL IMPLICATIONS

Interest received to 31 October 2012 is \$177,283.32 of an estimated \$519,045 for the 2012/13 financial year.

Interest is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 November 2011 Council adopted a draft of the Investment Policy as Policy 8.2 and investments will comply with this Policy which includes the following:

- 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 \$17,629,107.28 for the period ending 31 October 2012 be noted.

COMMITTEE MEETINGS

**ITEM-28 COMM - 26/11/12 - COMMEMORATION OF THE BLUE MOUNTAINS
CROSSING MEETING MINUTES 3 OCTOBER 2012**

REPORT FROM: W HAWKES - CULTURAL DEVELOPMENT OFFICER

REFERENCE

Minute 11-338: Ordinary Meeting of Council held 22 August 2011
Minute 11-507: Ordinary Meeting of Council held 12 December 2011
Minute 12-52: Ordinary Meeting of Council held 13 February 2012
Minute 12-140: Ordinary Meeting of Council held 23 April 2012
Minute 12-225: Ordinary Meeting of Council held 25 June 2012
Minute 11-338: Ordinary Meeting of Council held 22 August 2011

SUMMARY

This report details the Minutes of the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 3 October 2012.

COMMENTARY

At the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 3 October 2012, various items were discussed by the Committee including:

Item 3 Funding from Council - The Hartley District Progress Association has requested that \$10,000 Council funding be allocated for a Monument project, Fair and Exhibition and that a further \$10,000 in-kind support be allocated for Council services related to transporting and installing the monument and the Fair.

Item 4 Report on the 17 August 2012 Western Crossings Committee Meeting
Item 5 Crossings Website
Item 6 Signage for Cox's Road
Item 7 Visit to Wiradjuri Council of Elders
Item 8 Proposed Projects

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council has allocated \$10,000 funding and \$10,000 in-kind support in the 2012/13 budget for Blue Mountains Crossing Bi-Centenary events.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 3 October 2012
2. Letter from Hartley District Progress Association detailing Bi-centenary plans.

RECOMMENDATION

THAT Council notes the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 1 August 2012.

**ITEM-29 OPER - 26/11/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY
COMMITTEE MINUTES - 1 NOVEMBER 2012**

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee Meeting held on 1 November 2012.

COMMENTARY

At the Lithgow Aquatic Centre Advisory Committee meeting held on 1 November 2012, there were various items discussed by the Committee, including.

1. Appointment of Councillors;
2. Draft Business Plan;
3. Operating Issues at Aquatic Centre;
4. Heating of the Splash Pool;
5. Funding of Stage 2 and Future Works; and

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Lithgow Aquatic Centre Advisory Committee meeting of 1 November 2012.

RECOMMENDATION

THAT:

1. Council note the Minutes of the Aquatic Centre Working Party Meeting held on 23 August 2012.
2. proceed with the installation of the necessary equipment for the heating of the splash pool at a quoted cost of \$10817.00 (ex-GST).
3. The open day be held on 24 November 2012 with free entry to the pool.
4. The tree located at Barton Street adjacent to the exit driveway from the pool be pruned or removed to facilitate bus movements entering the site, dropping off patrons and exiting the site.

5. The lining of the existing pool and Stage 2 of the Aquatic Centre be considered for the RDAF funding Rounds 3 and 4.

REFERENCE

Min – 12-54:	Ordinary Meeting of Council 13 February 2012
Min – 12-100:	Ordinary Meeting of Council 26 March 2012
Min – 12-138:	Ordinary Meeting of Council 23 April 2012
Min – 12-198:	Ordinary Meeting of Council 4 June 2012
Min – 12-222:	Ordinary Meeting of Council 25 June 2012
Min – 12-305:	Ordinary Meeting of Council 13 August 2012
Min – 12-431:	Ordinary Meeting of Council 5 November 2012

SUMMARY

This report details the minutes of the Youth Council meeting held on 30 October 2012.

COMMENTARY

At the Youth Council meeting held on 30 October 2012 various items were discussed by the committee including:

- A report on the Union Rock event held at the Union Theatre on 29 September.
- A report on development of annual sports and cultural scholarships for low income and disadvantaged young people
- Planning for Youth week 2013 activities.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Youth Council meeting held 30 October 2012.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 30 October 2012.

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.*

ITEM **MAYORAL MINUTE – 26/11/12 – CENTROC MEETING IN GRENFELL ON 22 NOVEMBER 2012**

REPORT FROM: MAYOR MAREE STATHAM

COMMENTARY

I attended the Centroc Board meeting and AGM in Grenfell on 13th November 2012 and provide the following report for noting. Please note this is my feedback from the meeting where the minutes will be ratified at the next meeting in February and will be provided to the Council at this time.

Speakers in attendance were Professor Vann and Mr Mark Burdack of Charles Sturt University (CSU). They provided an update on advocacy for a medical school in regional NSW including a campus at Orange. A request was made for advocacy from both Centroc and this Council where follow-up advice will be provided from Centroc in due course. Media from Centroc through members will also occur where it should be noted that the numbers of doctors remaining in regional areas when they are based full time in the regions are much more compelling than when they spend shorter times as part of outreach programs from city based institutions.

The Board meeting considered reports including the following:

- **Bells Line of Expressway** where members expressed their disappointment at the outcomes of the Long Term Corridor Plan and resolved to undertake further advocacy and support the Bells Line of Expressway Group particularly its efforts to work with Councils in Western Sydney.
- **Transport Infrastructure** where members expressed concern regarding the Infrastructure NSW “First Things First” strategy advice to the State Government. They resolved to provide a regional response. Please find advice on all submissions lodged by Centroc in the past quarter below.
- **Water Infrastructure** where the substantial activity of the Centroc Water Utilities’ Alliance was noted and it was resolved to do further advocacy regarding Local Water Utilities being included in the Local Government Review Process. It was also resolved to invite the Local Government Review Panel to the next Board meeting.
- **Regional Development** where the region has commenced a review of population data with a view to challenging the Department of Planning’s long term projections for decline in Central NSW
- **Member Council operational support** where Centroc is currently running regional contracts in fuel, road signs, bitumen emulsion, load shifting training and assessment, of which most members are participating in all. Four Councils (Bathurst, Oberon, Orange with Lithgow now joining in) are also participating in a trial of online training with the hopes that this technology will be rolled out regionally late 2013 as part of the ongoing cost savings of the Centroc Training service. The regional contract for Internal Audit which some members are involved in is due to expire in June 2013 and Centroc will go to tender for a new contract early in the new year. A new meeting of all Directors of Corporate Services will occur early in the new year to continue to explore cost savings opportunities for all members. Members have collectively saved

a net total of \$1,266,425 in the last three years with all of the aforementioned projects.

- **Planning** – where the Board resolved to continue its advocacy around local government reform where special mention was made of issues members have been experiencing regarding procurement.
- **A Federal Tourism Industry Region Funding** grant opportunity building on the work outlined at the Centroc Summit which the Board resolved to progress.
- **Late reports** were tabled. Firstly on support for apprentices, particularly through the Skill Set model where further advice will be provided to Council from Centroc. Secondly a request for cross ROC support for the engineering school proposal being mooted by CSU. There are meetings being held across regional NSW to progress this proposal.

Centroc has lodged a number of submissions on behalf of the region in the past quarter:

- Centroc Submission on Red Tape Review Local Government Compliance and Enforcement November 2012
- Centroc Submission on the Draft NSW Transport Masterplan October 2012
- Centroc Submission on Macquarie River to Orange Pipeline October 2012
- Centroc Submission to the Green Paper on Planning Reforms in NSW October 2012
- Centroc Submission on Funding our Emergency Services October 2012
- Centroc Submission on Strengthening your Community Independent Local Government Review Panel Consultation Paper September 2012

These and the Centroc business papers are available on the Centroc website at centroc.com.au or contact Centroc staff through the General Manager.

There are a number of significant events coming up on the Centroc calendar and Councillors are encouraged to keep an eye out for them where firm dates will be provided in due course:

- An event showcasing the innovation and value for money of the Centroc Water Utilities' Alliance.
- A workshop that determines the region's response to be facilitated by Mr Alan McCormack, recently retired General Manager of Parkes Shire Council who has a lot of experience in Local Government in this region.
- A Board meeting at Parliament House being co-ordinated by Mr Andrew Gee, Member for Orange.

I have asked Ms Bennett, Executive Officer of Centroc to attend a meeting of Council to provide a more comprehensive update on the activities of Centroc in the near future.

At the Centroc AGM the new Executive was welcomed:

- Cr Ken Keith (Mayor Parkes) as Chair
- Cr B West (Mayor Cowra) as Deputy Chair
- Cr P Miller (Councillor Forbes) as immediate past chair
- Cr J Davies (Mayor Orange) Centroc Executive Member
- Cr M Statham (Mayor Lithgow) Centroc Executive Member
- Cr Morse (Mayor Bathurst) Centroc Executive Member
- Mr K Boyd Secretary/Treasurer and Chair of GMAC

Messers Sherley, Bailey, Styles, Devery and Steffen forming the balance of the Executive.

Cr Miller, outgoing Chair was thanked for her vigorous advocacy on behalf of the region. The Annual Report and Statements were provided and will be sent to all Councillors in due course. I commend these to you as they provide a good overview of what is happening in the region.

I think you can see from the above that there is a lot of valuable collaborative activity going on in this region, and I commend this report to you for noting.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information from the Centroc meeting and AGM in Grenfell on 22 November 2012 be noted.