



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

17 DECEMBER 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 NOVEMBER 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES

CONFIDENTIAL REPORT - General Managers Performance Appraisal

Late Mayoral Minute - Meeting Minutes

NOTICE OF RECISSIONS

Footpath Trading Policy - Councillors F Inzitari, J McGinnes and M Ticehurst

NOTICES OF MOTION

Perilous unsafe condition of Wattle Mount Road, Portland - Councillor M Ticehurst

Update on proposed council meetings in towns and villages - Councillor M Ticehurst

Update on Council Resolution 12-433 - ICAC Report on Operation Jarek - Councillor M Ticehurst

Public concerns over development subdivision off Hassans Walls Road, Lithgow - Councillor M Ticehurst

Update on Access Industries Mort Street, Lithgow - Councillor M Ticehurst

Council vehicles be sourced locally - Councillor F Inzitari

Current or proposed coal seam gas activities in Lithgow LGA - Councillor M Ticehurst

CORRESPONDENCE AND REPORTS

General Managers Reports

Environment and Development Reports

Operation Reports

Community and Strategy Reports

Finance Reports

COMMITTEE MEETINGS

Sports Advisory Committee - Minutes - 19 November 2012

Traffic Authority Local Committee - Minutes - 15 November 2012

Youth Council Committee - Minutes - 27 November 2012

Disability Access Committee - Minutes - 13 November 2012

Commemoration of the Blue Mountains Crossing Bicentenary Committee - Minutes - 5 December 2012

Lithgow Flash Gift Committee - Minutes - 28 November 2012
Crystal Theatre Management Committee - Minutes - 6 November 2012
Environmental Advisory Committee - Minutes - 7 November 2012

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

CLOSED REPORTS

Mayoral Minute - General Managers Performance Appraisal
Lithgow Masonic Hall

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ITEM- 41 LATE MAYORAL MINUTE - 17/12/12 - COUNCIL MINUTES

REPORT FROM: MAYOR MAREE STATHAM

REFERENCE

Public Forum: Ordinary Meeting of Council held on 5 November 2012

SUMMARY

The purpose of the report is to acknowledge an error in the recording of the Council minutes from the Council meeting held on Monday 5 November 2012.

COMMENTARY

As part of the Public Forum at the Council meeting held on Monday 5 November 2012 Mr Bill Shute utilised the opportunity to make several comments. Amongst other items Mr Shute was recorded as having stated:

PF – 5/11/12 – BILL SHUTE

Mr Shute expressed his appreciation to Council's Rural Overseer and made a statement in relation to the line marking at the intersection of Wolgan and Firth Streets Portland and the lack of a Give Way sign at Sunny Corner Road, Portland.

Mr Shute then handed up to me a copy of the comments made by him. Regrettably I did not recognise the importance of this document. Had I done this then it may have been identified that Mr Shute was in fact concerned about Give Way 'lines' not 'signs'. Mr Shute's concerns related to the intersection of Wolgan and Firth Streets, Portland, plus Sunny Corner Road and Green Street, Portland.

I understand that Council is required to review the Council's Code of Meeting Practice as such I would be proposing that a review of the operation Public Forum section be part of that. Specifically I would like to see that Council record the topic of matters raised in the Public Forum rather than a precis of issues.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Acknowledge the error in the recording of the Council minutes for the meeting held on Monday 5 November 2012 wherein Mr Bill Shute raised concerns about the Give Way 'line' at Sunny Corner Road Portland; and
2. Review its Code of Meeting Practice with a view to recording in the Council minutes the 'topic' raised by persons utilising the Public Forum section of Council meetings.

RECISSION MOTIONS

ITEM-1 NOTICE OF RECISSION MOTION - 17/12/12 - FOOTPATH TRADING POLICY

At the Ordinary Meeting of the Lithgow City Council on Monday 26 November 2012, the Council resolved as follows:-

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

RESOLVED

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.
4. All renewals before the 30th June 2013 to expire on the 30th June 2014.
5. Council review this draft policy by 31st December 2013.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higgle

We the undersigned 3 Lithgow City Councillors lodge this formal notice for the above resolution of the Lithgow City Council relating to Item 13, Footpath Trading Policy as made out at the Ordinary Meeting of Council on Monday 26 November 2012 to be immediately rescinded and re-submitted before the next Ordinary Meeting of the Lithgow City Council on Monday 17 December 2012 for further consideration by the Council.

We say that given the Councillors vote was only 4 to 3 in the affirmative, the Council as a whole may determine otherwise given that there were two other remaining Councillors absent with approved leave from the Council Meeting.

This Notice of Rescission has been duly signed by 3 Lithgow City Councillors

Frank Inzitari

Martin Ticehurst

Joe McGinnes

General Managers Comments:

Councillor McGinnes at the last Council meeting referred to a record payout for public liability. This decision occurred earlier in 2012. The case related to an incident that occurred in October 2008 with a total payout reportedly of \$8 million.

NOTICE OF MOTIONS

ITEM-2 NOTICE OF MOTION - 17/12/12 - PERILOUS UNSAFE CONDITION OF WATTEMOUNT ROAD, PORTLAND - COUNCILLOR M TICEHURST

REFERENCE

Min No 12 – 291: Ordinary Meeting of Council on 13 August 2012.
Public Forum: Ordinary Meeting of Council on 26 November 2012.

COMMENTARY

At the Ordinary Meeting of the Lithgow City Council on Monday 13 August 2012, the Council resolved:

12-291 RESOLVED

THAT:

1. Council apply for the dedication of the section of Wattlemount Road to the end of the subdivision approximately 2.55 kilometres from Main Road 531;
2. Council authorise the affixing of the Council Seal;
3. On completion of transfer Council maintain the road; and
4. Council seek the ownership of the right of carriageway that provides access to Wattlemount Road.

MOVED: Councillor H Fisher

SECONDED: Councillor G Danaher

At the Ordinary Meeting of the Lithgow City Council on Monday 26 November 2012, the Minutes record that Mrs Velma McFadden from the Public Forum asked the following question and the

Councils response:

PF – 26/11/12 – MRS VELMA MCFADDEN

There was a resolution on 4th August 2012 to grade Wattlemount Road. When will this occur?

Acting Group Manager Operations advised that this road is yet to be finalised as a public road and until this is resolved the road remains Crown and therefore not Council's responsibility.

Mrs McFadden asked if anything could be done in the meantime?

Acting Group Manager Operations took this matter on notice and will look into possible options for improvement

I also Mrs McFadden indicating that her motor vehicle was damaged by the current perilous and unsafe condition of the Wattlemount Road, Portland.

RECOMMENDATION

THAT the information be received.

ITEM-3 NOTICE OF MOTION - 17/12/12 - UPDATE ON PROPOSED COUNCIL MEETING IN TOWNS AND VILLAGES - COUNCILLOR M F TICEHURST

REFERENCE

Min No 12 – 341: Ordinary Meeting of Council on 15 October 2012.

COMMENTARY

Q. Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on Council resolution 12 – 341; arrangements that will enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings annually in Portland and Wallerawang and once in each of all of the other Towns and Villages in the next four years of this term of Lithgow City Council?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on Council resolution 12 – 341; arrangements that will enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings annually in Portland and Wallerawang and once in each of all of the other Towns and Villages in the next four years of this term of Lithgow City Council.

General Managers Comments:

Clarification was sought from Councillor Ticehurst on 19 October 2012.

Further clarification was sought from Councillor Ticehurst on 22 October 2012 in relation to locations for possible meetings. No response was received to this request and a follow up was done on 29 October 2012. Still no response was received and a further follow up was done on 7 November 2012.

Councillor Ticehurst responded on Sunday 11 November 2012.

ITEM-4 NOTICE OF MOTION - 17/12/12 - UPDATE ON COUNCIL RESOLUTION 12 - 443 - ICAC REPORT ON OPERATION JAREK - COUNCILLOR M TICEHURST

REFERENCE

Min No 12 – 443: Ordinary Meeting of Council on 26 November 2012.

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on Council resolution 12 – 443; **specifically** point 2 that the General Manager provide the next meeting of Council with a report on what steps it has taken to make sure the over ordering of goods will be monitored and corrected once detected?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on Council resolution 12 – 443; specifically point 2 that the General Manager provide the next meeting of Council with a report on what steps it has taken to make sure the over ordering of goods will be monitored and corrected once detected.

General Managers Comments:

See item 13

**ITEM-5 NOTICE OF MOTION - 17/12/12 - PUBLIC CONCERNS OVER
DEVELOPMENT SUBDIVISION OFF HASSANS WALLS ROAD,
LITHGOW - COUNCILLOR M TICEHURST**

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on whether they are aware of any current public concerns over a Development Subdivision off Hassans Walls Road, Lithgow?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on whether they are aware of any current public concerns over a Development Subdivision off Hassans Walls Road, Lithgow.

**ITEM-6 NOTICE OF MOTION - 17/12/12 - UPDATE ON ACCESS INDUSTRIES
MORT STREET LITHGOW - COUNCILLOR M TICEHURST**

COMMENTARY

- Q.** Could the Mayor, General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on recent Meetings held between the Council, Access Industries and local residents?

RECOMMENDATION

THAT the Mayor, General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on recent Meetings held between the Council, Access Industries and local residents.

**ITEM-7 NOTICE OF MOTION - 17/12/12 - COUNCIL VEHICLES BE SOURCED
LOCALLY - COUNCILLOR F INZITARI**

COMMENTARY

All Council vehicles are to be purchased in Lithgow. Only trucks and machinery that can't be supplied can be purchased from out of town.

RECOMMENDATION

THAT Council, when leasing or purchasing vehicles, source them from Lithgow motor dealers in order to help encourage and stimulate jobs in both the dealerships in Lithgow.

**ITEM-8 NOTICE OF MOTION - 17/12/12 - CURRENT OR PROPOSED COAL
SEAM GAS ACTIVITES IN LITHGOW LGA - COUNCILLOR M F
TICEHURST**

COMMENTARY

- Q.** Could the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on whether they are aware of any current or proposed Coal Seam Gas Exploration Licences or activities in the Lithgow Local Government Area?

RECOMMENDATION

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on whether they are aware of any current or proposed Coal Seam Gas Exploration Licences or activities in the Lithgow Local Government Area.

GENERAL MANAGERS REPORTS

ITEM-9 GM - 17/12/12 - CLARENCE COLLIERY WATER TRANSFER SCHEME

REFERENCE

Min No 12-365: Ordinary Meeting of Council 15 October 2012

SUMMARY

It was previously reported to Council that due to delays in the delivery of some of the milestones, in particular Milestone 10, that a Deed of Variation to the original Agreement had been sought by the Federal Department that provided for a reduced level of funding.

Negotiations have been continuing with the Government agency in relation to this issue and it appears that if Council can proceed to tender before the end of the calendar year, the opportunity exists for the full level of funding to be retained.

COMMENTARY

In May 2010 Council resolved to accept a funding offer of \$3,895,728 from the Federal Government for the Clarence Colliery Water Transfer System Upgrade. Later that month a Deed of Agreement was signed between the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) and the Lithgow City Council for the upgrade of the Clarence Colliery Water Transfer System. The upgraded system will be capable of delivering up to 14ML per day hence improving the safe yield of the Farmers Creek catchment during drought periods. The funds offered totalled \$3,895,728 exclusive of GST. The activity period for the Agreement commenced from date of signing i.e. 31 May 2010 terminating on 13 March 2012. During this activity period a number of significant milestones had to be achieved.

This project is considered critical to the drought proofing of Lithgow and its surrounding villages through increasing the flexibility of the Farmers Creek Dam source of water. During the peak of the drought the Oberon Dam, the second major water source for Lithgow area reached critical levels and bordered on complete failure. Should this failure have occurred the Lithgow Local Government Area would have been placed in a very precarious position.

Whilst Stage 1 (being the upgrade of the pipeline from the Council storage tanks to Farmers Creek Dam bypassing the threatened swamps) was completed well within the milestones, Stage 2 being the upgrade from the Clarence Colliery Dam to Council's receiving reservoirs has been considerably delayed due to a range of factors including lack of available technical details and unexpected environmental issues.

Due to these delays in the delivery, in particular Milestone 10, after the June 30 deadline passed, the Department of Sustainability, Environment, Water, Population and

Communities (SEWPAC) requested a deed of variation to the funding agreement in relation to the project indicating that the total funds payable under this Agreement were being reduced to \$3,143,493. This request was based on their need to meet Federal Financial requirements.

The proposed reduction in the funds was considered unacceptable due to the significant importance of the Clarence Transfer System and its impact on the ability of the Farmers Creek Catchment to cope with drought conditions.

As a result of this Council resolved at its' October 2012 Council meeting (12-365) that:

1. Council seek the reinstatement of the original funding offered for this project being \$3,895,728 in a negotiated variation to the original Deed of Agreement; and
2. Council seek an urgent delegation of the Mayor, Deputy Mayor and General Manager the assistance of the Federal Member for Calare John Cobb and the assistance of Senator Doug Cameron to make representations on Council's behalf in regard to this matter to the Federal Minister the Hon Tony Burke.

While Council has not had success in obtaining a deputation to the Minister, discussions have been continuing with the Department at officer level and it now appears that if Council is able to commence the tender process prior to the end of the calendar year, the opportunity may exist to retain the funding.

To achieve this, following positive discussion with Colliery management on how to accelerate the project, it has been separated into two parts that can be run concurrently. Part 1 is outside the mine site, Part 2 is inside Clarence Colliery. Tenders are now being called for works for Part 1 of the project. Part 1 of the project will see the completion of the pipeline from the Council holding dams to the Farmer's Creek No.2 Dam. This will overcome the issues surrounding the scouring of the swamp that water flows presently travel through to reach the Dam.

Whilst tenders are underway for Part 1 work will progress on preparing for Part 2 of the project. Part 2 will involve the pumping of water from the Clarence Colliery Dam to the Council's holding dams. This section of pipeline will now be constructed independently of the Clarence Colliery pipeline hence reducing the reliance on Clarence operating the system. Separating the project into two parts is expected to achieve improved energy efficiency and a greater level of independence for Council. Furthermore it will also provide Council with a greater quantity of water.

It is still expected that Council will be in a position to have the project substantially completed by June 2013.

A further report will be provided that will outline the direction for the completion of works for Part 2 of the project.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It is expected that the above will place Council in a greater position to retain the full grant funding.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Confirm the action taken to separate the construction works for the Clarence Colliery Water Transfer Scheme into separate parts;
2. Authorise the General Manager to negotiate and finalise a variation to the existing funding arrangements for the Clarence Colliery Water Transfer Scheme; and
3. Authorise the affixing of the Council seal to the necessary documentation, if required.

REFERENCE

Min No 12-341: Ordinary Meeting of Council 15 October 2012

SUMMARY

Council previously requested that a report be provided on arrangements that will enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings annually in Portland and Wallerawang and once in each of all of the other Towns and Villages in the next four years of this term of Lithgow City Council.

COMMENTARY

Council resolved at its 15 October 2012 meeting:

12-341 RESOLVED

THAT the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on arrangements that will enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings annually in Portland and Wallerawang and once in each of all of the other Towns and Villages in the next four years of this term of Lithgow City Council.

In accordance with Clause 5 of its Code of Meeting Practice Council presently holds its meetings in its Council Chambers at 180 Mort St Lithgow. Clause 5 states:

5 FREQUENCY OF MEETINGS OF THE COUNCIL

- (i) The Council is required to meet at least 10 times each year, each time in a different month.
- (ii) **The Council will, by resolution, set the time, date and place of ordinary meetings of the Council. Ordinary meetings of the Council will be held in the Lithgow City Council Chambers, 180 Mort Street, Lithgow unless otherwise resolved by the Council.**
- (iii) The Council may, by resolution, vary the time, date and place of ordinary meetings should extenuating circumstances exist which would prevent the ordinary meetings of the Council being held in accordance with clause (ii).

Through clarification of the proposal the following was offered by Councillor Ticehurst:

- That a May Council meeting be alternated annually between Portland (Crystal Theatre) and Wallerawang (Wallerawang Public Hall)
- That two Council meetings be held annually, usually in February and November, from amongst the following locations; Hartley (Hartley School); Hampton (Hampton Hotel); Rydal (Rydal Showground Canteen); Tarana (Tarana Fire

Shed); Meadow Flat (Meadow Flat Hall); Capertee (Capertee Hall) and Cullen Bullen (Cullen Bullen Community Hall).

Council has for a number of years been presenting at various locations throughout the local government area in relation to its Management Plan. At some locations it would not be unusual to see some 20-25 people in attendance at most however few people attend to hear about the proposed works and programs that Council is undertaking. At times there have been no people attend.

Council regularly has 30-40 people in attendance in its current meetings and obviously at times many more when there are certain issues to be discussed at meetings.

Whilst a proposal to hold meetings away from the Chambers itself is on the surface a credible suggestion there are many concerns about such a proposal, including:

- The appropriateness of some of the locations being suggested – whilst some of the locations may be appropriate for fire meetings they would be highly inappropriate for Council meetings particularly in terms of space or having alcohol served on the premises during a meeting
- Sound – would often be a problem. The Chambers has a sound system installed thus providing a greater opportunity for those in attendance to hear the debate. Meetings away from the Chambers would not have the capacity to have such sound systems.
- It was suggested that it purposefully be arranged that when holding meetings away from the Chambers that “light agendas” agendas be arranged. This proposal is practically not possible Council will need to attend to business as and when it falls, to defer items such as development applications would place undo barriers to those developing or deferring items such as tenders would impact on Council business.
- Some of the locations would probably deny people access to Council meetings, particularly the elderly. Not all locations would provide for disability access and in some cases be unsafe those wishing to attend e.g. as a result of narrow roads and cars parking on verges etc. This would be particularly so at the conclusion of the meeting when people are exiting in darkness.
- Disruptive behaviour – regrettably Council has had a history of disruptive behaviour necessitating the Police being called to a number of Council meetings. A move to other locations will limit the ability of Police to attend in a timely manner
- No assessment has been done of lighting conditions inside these premises. Whilst many of them will be suitable for their present uses it will be questionable whether there will be sufficient lighting to conduct a Council meeting
- Confidential sessions – from time to time Council conducts some of its business in Closed Council necessitating that members of the public be removed from the Chamber and not be within sight or sound of the meeting. It would be questionable whether all of the proposed locations would have the ability of providing this, other than asking the public to wait outside of the buildings.

Council may wish to hold one Council meeting away from the its Chambers to gauge an indication of the effectiveness of the proposal. Further Council may wish to expand upon its consultation sessions as part of the Community Strategic, Delivery and Operational plans.

POLICY IMPLICATIONS

NIL at this stage.

FINANCIAL IMPLICATIONS

Some additional costs will be incurred, particularly in relation to the setting up of the meeting and then retrieval of equipment etc.

LEGAL IMPLICATIONS

By Council resolution under Clause 5 of Council's Code of Meeting Practice Council may hold meetings at alternative locations.

RECOMMENDATION

THAT Council trial the holding of a Council meeting at alternative locations with the Council meeting scheduled for Monday 25 February 2013 be held at the Portland Crystal Theatre and a report be provided on this at a subsequent meeting.

ITEM-11 GM - 17/12/12 - NEPEAN BLUE MOUNTAINS MEDICARE LOCAL - MEMBERSHIP

SUMMARY

To nominate a representative for the Nepean-Blue Mountains Medicare Local Group.

COMMENTARY

The Nepean-Blue Mountains Medicare Local is a not for profit organisation established in January 2012 which works to improve health for the communities of Blue Mountains, Hawkesbury, Lithgow and Penrith.

Wentworth Healthcare Limited trading as Nepean-Blue Mountains Medicare Local is currently seeking membership in this group. At a meeting between the General Manager and the CEO of Medicare Local on November 16th 2012 an expression of interest to become a member of the group was put forward.

The nominated representative will be the Lithgow City Council contact person for Nepean-Blue Mountains Medicare Local to share information and may be required to attend the groups annual general meetings.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Consent to become a member
2. Wentworth Healthcare Limited Constitution
3. Wentworth Healthcare Limited Company Structure

RECOMMENDATION

THAT Council nominate a representative of Lithgow City Council on the Nepean-Blue Mountains Medicare Local Group.

REFERENCE

Min No 12-314: Ordinary Meeting of Council 3 September 2012
Min No 12-411: Ordinary Meeting of Council 5 November 2012

SUMMARY

Council resolved previously to advertise a proposal to provide a loan of up to \$150,000 to the Portland Golf Club to allow it complete a subdivision of land that would allow Club operations to continue. A decision is now required from Council to complete this arrangement.

COMMENTARY

The Portland Golf Club has suffered financial difficulties in recent years and as a result has sold several of its poker machines to assist keeping the club afloat. More recently the Club has made the decision to reduce the number of holes that the Club maintains and is reverting to the old nine hole course. The Club has further reduced operating expenditure by reducing its paid positions to two part-time bar staff. The Club currently has approximately 200 members.

To assist the Club Council had resolved to provide financial assistance to the Club and in March 2011 resolved:

THAT Council provide financial assistance in 2010/11 in to the Portland Golf Club of up to \$10,000 in in-kind works to generally assist with the maintenance of areas of the Portland golf course and car parking areas.

The Club is now attempting to develop seven (7) housing blocks that would face Bell St, Portland, and a residual allotment for the club. Council had granted approval in 21 March 2012 (DA016/12) for these allotments to be developed. The Club has since applied for a modification of consent to permit the staging of the subdivision. This modification was granted on 8 October 2012.

The blocks are presently unserviced and the consent requires that these parcels be serviced before the individual parcels may be separately titled. It may be possible for allotments to be sold 'from the plan' prior to their registration as separate allotments, however the Club would need to obtain its own advice in this regard. The Club does not have the financial capabilities to service all of the allotments fully and is therefore attempting to stage the work to enable it to sell some and then progress to the next stage and the modified consent is designed so this staging may occur.

The Club is now seeking a loan of \$150,000 to allow it to complete the subdivision and has indicated that the water and sewer costs are estimated at \$50,000 and electricity costs at \$100,000. It is proposing that the monies would be repaid as they sell the land

with a proportion going to the Club to assist with ongoing operations and the remainder repaying the Council loan.

The Club is in a poor financial position and to overcome this and the Club has taken serious action over recent years to improve this. Unfortunately the main issue is the lack of patronage of the Club resulting in poor revenue for the Club. In addition to this one of the biggest hurdles with the land development is that the Club has limited experience in developing land.

At the Council meeting held on Monday 5 November 2012 Council resolved (12-411) to:

1. Assist the Portland Golf Club in exploring opportunities for the ongoing management and operations of the Club;
2. Advertise a proposal to provide an interest free loan of up to \$150,000 to allow the Portland Golf Club to continue operating; and
3. Re-confirm that in-kind funds of \$9,000 are available to assist it with maintenance.

The proposal was advertised from 15 November 2012 with submissions closing on 14 December 2012

No submissions were received in relation to this proposal.

Council may now resolve to provide assistance of a loan of up to \$150,000 to assist the Portland Golf Club in accordance with Section 356 of the Act.

Discussions have been held with a representative of the Portland Golf Club in relation to entering into a mortgage; loan agreement; draw down of the loan and repayment schedule. Repayment of the loan would be based upon 50% of the sale price with a minimum of \$30,000 being repaid for each allotment sold until the loan is repaid.

Council was advised at the previous meeting on this issue that it may be difficult for Council to provide a loan of \$150,000 with no fixed date for its repayment. Council's own financial position is currently considered satisfactory and would have the capacity to lend this money to the Club however this would then limit Council's capacity to provide assistance in other areas, particularly at a time when there are other possible pressures on Council eg. Senior Citizens, Zig Zag Railway, Infrastructure spending etc.

Further there are also a number of community groups that are suffering similar financial difficulties and it would not be possible to provide such financial assistance to all organisations.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

For each year of a loan of \$150,000 being made then at an interest rate of 5% per annum Council would forego interest of \$7,500 annually.

LEGAL IMPLICATIONS

Council has complied with the requirements of Section 356 of the New South Wales Local Government Act 1993 which requires:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) **A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.**
- (3) However, public notice is not required if:
 - (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

ATTACHMENTS

1. Letter from Portland Golf Club - 26 September 2012

RECOMMENDATION

THAT Council:

1. Formally provide a loan of up to \$150,000 at NIL interest to the Portland Golf Club to allow the Club to develop land in Bell Street Portland;
2. Enter into a mortgage and loan arrangement with the Portland Golf Club in relation to these monies with the Club being responsible for all legal and associated costs of the arrangement;
3. Authorise the General Manager to negotiate and finalise the draw down and repayment schedules of the loan along with any documentation; and
4. Authorise the Council seal to be affixed to any documentation requiring the seal.

ITEM-13 GM - 17/12/12 - ICAC REPORT - OPERATION JAREK - INVESTIGATION OF ACCEPTING BENEFITS FROM SUPPLIERS PROGRESS REPORT

REFERENCE

Min12-443: Ordinary Meeting of Council held on 26 November 2012

SUMMARY

The purpose of this report is to provide Council with a response to Minute No: 12-443 on the progress of ICAC's recommendations into Operation Jarek which involved employees accepting secret benefits from suppliers. A recommendation is included that the report be received and Council respond to ICAC's recommendations.

COMMENTARY

Council at the meeting of 26 November 2012 acknowledged a report from ICAC with regard to Operation Jarek, an investigation into employees accepting benefits from suppliers.

Minute 12-443 from the meeting resolved:

THAT:

- 1. Council note the Investigation Report released by ICAC in October 2012 in relation to Operation Jarek;*
- 2. The General Manager provide the next meeting of Council with a report on what steps it has taken to make sure the over ordering of goods will be monitored and corrected once detected; and*
- 3. A copy of the response prepared for ICAC be provided to Council.*

BACKGROUND

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 outlined in the inquiry to the various employees

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.

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.

ICAC RECOMMENDATIONS & LITHGOW CITY COUNCILS RESPONSE & ACTIONS TAKEN:

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.

In compliance with ICAC recommendations and Min No 12-443 of 26 November 2012, Council will provide ICAC the following information with regard to progress to the recommendations.

Recommendation 1:

ICAC:

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

LCC Response & Action:

1. Governance Policy 9.3 Business Ethics is publically available on the internet, available on request by phone, Admin Centre which states:

Council Expects Tenderers, Suppliers, Consultants & Contractors to:

Respect the conditions expressed in Council documents supplied;
Respect the obligation of Council to abide by its policies and procedures;
Prevent the misuse or disclosure of privileged information, including confidential Council information;
Refrain from offering councillors or staff inducements which may give any impression of unfair advantage;
Abstain from collusive practices;
Avoid the disclosure of potential conflicts of interest;
Provide accurate information where required;
Not to act fraudulently or secretively

2. Letter will be sent to all existing creditors individually advising of Business Ethics Policy
3. On engaging a creditor 'supplier documentation' will refer to 'Policy 9.3 Business Ethics'
3. 'Suppliers Purchase Order' will refer to 'Policy 9.3 Business Ethics'

Recommendation 2:

ICAC:

That Councils develop a proactive and comprehensive supplier engagement framework.

LCC Response & Action:

1. Governance Policy 9.3 Business Ethics is publically available on the internet, available on request by phone, Admin Centre which states:

Council Expects Tenderers, Suppliers, Consultants & Contractors to:

Respect the conditions expressed in Council documents supplied;
Respect the obligation of Council to abide by its policies and procedures;
Prevent the misuse or disclosure of privileged information, including confidential Council information;
Refrain from offering councillors or staff inducements which may give any impression of unfair advantage;
Abstain from collusive practices;
Avoid the disclosure of potential conflicts of interest;
Provide accurate information where required;
Not to act fraudulently or secretively

2. Letter will be sent to all existing creditors individually advising of Business Ethics Policy
3. On engaging a creditor 'supplier documentation' will refer to 'Policy 9.3 Business Ethics'
3. 'Suppliers Purchase Order' will refer to 'Policy 9.3 Business Ethics'

Recommendation 3:

ICAC:

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.

LCC Response & Action:

1. The Internal Audit Bureau (IAB) conducted an internal audit on our Gifts & Benefits policy, register and practices on site in Dec 2011
2. An associated IAB Gifts & Benefits Action Plan was developed in Dec 2011
3. Policy 9.7 Gifts & Benefits was reviewed January 2012
4. Training was provided to all employees (Feb 2012) and Councillors (Oct 2012)
5. Reporting of gift declarations has been completed to EMT as required on a six monthly basis, namely Feb & Nov 2012

Recommendation 4:

ICAC:

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

LCC Response & Action:

1. Policy 9.7 Gifts & Benefits states:

Token Gifts & Benefits:

You may accept gifts or benefits of a nominal or token value that is less than \$30 that does not create a sense of obligation on your part

2. Council may need to reconsider Clause 4.3 Token Gifts & Benefits in Policy 9.7 Gifts & Benefits and state in Policy 9.7 that all staff holding financial delegations are prohibited from receiving gifts of any kind.

Recommendation 5:

ICAC:

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

LCC Response & Action:

1. Policy 9.7 Gifts & Benefits states:

Non Compliance with Gifts & Benefits Policy:

Failure to comply with the terms of this policy may result in one or more of the follow:

*Disciplinary action
Dismissal
Criminal prosecution
Investigation by ICAC*

2. Training provided to all employees (Feb 2012) follow up training will continue on a regular basis

Recommendation 6:

ICAC:

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.

LCC Response & Action:

1. Policy 9.7 Gifts & Benefits states:

Gifts of Value:

Council employees regarded as being employed in areas of 'high risk' including rangers, building inspectors, inspectorial staff, plant or machinery purchase officers. Positions such as these must be especially aware that they cannot accept gifts and benefits.

2. Training provided to all employees (Feb 2012) follow up training will continue on a regular basis

Recommendation 7:

ICAC:

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.

LCC Response & Action:

1. Purchasing Standard Working Procedure (SWP) reviewed in Dec 2011 and again in Feb 2012 following IAB Audit
2. Training provided to all employees (Feb 2012) follow up training will regularly continue
3. Orders monitored on a monthly basis for compliance and reported to GM
4. Disciplinary action taken by GM as required.

Recommendation 8:

ICAC:

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

LCC Response & Action:

1. All purchases are completed using e-procurement since 2003.
2. No purchases are completed without an electronic order authorised by the correct personnel;
3. Orders are monitored on a monthly basis for compliance and reported to GM
4. Disciplinary action taken by GM as required.

Recommendation 9:

ICAC:

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.

LCC Response & Action:

1. Reports available and can be produced by Managers as required

Recommendation 10:

ICAC:

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

LCC Response & Action:

1. Stores listing provided to EMT and available at any time
2. Operations Manager to review stock and quantities held and report back to EMT
3. Operations Manager to prepare a list of non stock items stockpiled at work sites
4. Stocktakes are conducted annually in Dec & Jan by two administration personnel with assistance of the storeman, relief store person and Depot Manager.

Recommendation 11:

ICAC:

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

LCC Response & Action:

1. Operations Manager to request all Overseers and Supervisors to record items purchased, received and stockpiled but not currently in use or listed as a stock item

Recommendation 12:

ICAC:

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.

LCC Response & Action:

1. Organisation of store items to be reviewed and ensure that they are clearly labelled by location, bin and product number
2. Investigation to be completed with regard to bar coding and bar code readers in the store

Recommendation 13:

ICAC:

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

LCC Response & Action:

1. Stocktakes are conducted annually in Dec & Jan by two administration personnel with assistance of the storeman, relief store person and Depot Manager. In future only administration personnel will be involved

Recommendation 14:

ICAC:

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.

LCC Response & Action:

1. Administration Officers to conduct spot checks on a regular basis each year at random intervals

Recommendation 15:

ICAC:

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.

LCC Response & Action:

1. Internal Audits conducted in past year:

Procurement, Project & Contract Management
Sec 94 / Sec 64 and Development Applications
Gifts & Benefits Register (LCC only)
Asset Management
Records Management

2. Lithgow Council is committed to the CTA Internal Audit Committee and the continuation of the effective Internal Audit program

3. Policies & SWP reviewed in past year and will be completed annually:

Code of Conduct
9.3 Business Ethics
9.7 Gifts & Benefits
SWP Purchasing including Delegations

ICAC advise that the corruption prevention recommendations will provide assistance to all NSW Councils and public authorities.

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.

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 actions taken in relation to the ICAC Operation Jarek report.

REFERENCE

NIL

SUMMARY

This report provides additional reporting of the Senior Staff under the New South Wales Local Government Act 1993.

COMMENTARY

The provisions of Section 339 of the New South Wales Local Government Act 1993, requires that;

339 Annual reporting of contracts for senior staff [The general manager](#) must, at least once annually, report to the council on the contractual [conditions](#) of senior staff.

This information was reported to Council at its last meeting through the Annual Report however for clarity on the provision of this information this report is also provided.

Under the Act Council is required to:

332 Determination of structure

(1) A council must determine:

- an organisation structure
- those positions within the organisation structure that are senior staff positions
- the resources to be allocated towards the [employment](#) of staff.

(2) A council may not determine a [position](#) to be a senior staff position unless:

- (a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and
- (b) the total remuneration [package](#) payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3A of the [Statutory and Other Offices Remuneration Act 1975](#)) payable with respect to senior executive office holders whose positions are graded Level 1 (General Management).

(3) For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:

- (a) the total value of the salary component of the package, and

- (b) the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and
- (c) the total value of any non-cash benefits for which the holder of the position may elect under the package, and
- (d) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.

As from 1 October 2012 the minimum total remuneration for SES Level 1 is now \$163,000 per annum.

The only staff position that is appointed by the governing body of Council is that of the General Manager. The position of General Manager is a senior staff position under Section 334(1) of the Local Government Act (1993).

The General Manager is responsible for the appointment of all other staff (including senior staff) in accordance with the organisation structure and resources approved by the Council's governing body.

Currently the only position apart from the position of General Manager presently identified as Senior Staff under the New South Wales Local Government Act 1993 is that of Group Manager Community and Strategy. This position is presently vacant and awaiting a review of the organisation structure before arrangements are made to fill the position.

Each senior staff member is employed on a five year fixed term performance based contract. Employment Contracts are in accordance with the Department of Local Government's Standard contracts for General Managers and Senior Staff.

Performance of Senior Staff is reviewed annually by the General Manager. A sub-committee of Council undertakes the performance review of the General Manager, which is reported to the full Council.

The positions of Senior Staff are employed under the Standard Contract providing four (4) weeks annual leave (cumulative), three (3) weeks sick leave (cumulative), long service leave in accordance with the Local Government Award, public holidays as gazetted. A motor vehicle is also available to the person contracted to the position whereby a leaseback fee is paid.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

Staff costs are provided for in the Council's adopted budget.

LEGAL IMPLICATIONS

As outlined in the report.

Also see:

http://www.dpc.nsw.gov.au/data/assets/pdf_file/0003/146352/2012_CES_SES_report_and_determination.pdf

RECOMMENDATION

THAT Council note the report on Senior Staff contracts.

ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-15 ENVIRO - 17/12/12 - 057/11DA - PROPOSED DUAL OCCUPANCY/
BED AND BREAKFAST - LOT 51 IN DP 1131349, 79 JERRYS
MEADOW ROAD SODWALLS**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NIL

SUMMARY

To assess and recommend determination of DA057/11 Recommendation will be for approval subject to conditions/refusal. The application was 'called in' by Councillor Hunter on 27 November 2012.

COMMENTARY

Council is in receipt of Development Application 057/11 for a proposed dual occupancy to be used for a bed and breakfast on Lot 51 in DP 1131349, 79 Jerry's Meadow Road, Sodwalls. The application was called in by Councillor Hunter on 27 November 2012 and is accordingly reported to Council for determination.

The subject lot currently retains a dwelling and garage onsite with established driveway from Jerry's Meadow Road. The site is relatively clear retaining minimal trees. The proposed bed and breakfast (short term accommodation) will have a maximum of 6 adults and 2 children including the permanent residents. One sign is proposed within the property visible from Jerry's Meadow Road and car parking will be available onsite.

The single storey dwelling to be used as a bed & breakfast includes two guest bedrooms with ensuites, one managers bedroom, managers bathroom, 2 laundries, managers living, guest sitting/dining, kitchen/dining and a garage with shower and laundry with total area 314m² as shown in proposed plan attached to the Business Paper.

The proposal was notified to adjacent and adjoining land owners with one submission received during the 14 day period. The submission raised the following planning related concerns:

- That Jerry's Meadow Road is not suitable for any additional traffic;
- That the patrons of the bed & breakfast should not be able to raise complaints about noise or odour issues pertaining to everyday agricultural life of the area.

It is noted that Jerry's Meadow Road is a public road controlled and maintained by Council and is the responsibility of Council. The impact of short stay accommodation of a

maximum of 5 patrons is not a significant enough increase to require the applicant to upgrade Jerry's Meadow Road.

In regards to patrons of the bed & breakfast raising complaints about agricultural land uses, Council cannot legally restrict persons from making such complaints. Whilst the likelihood of such complaints being made is probably low given the short term nature of the accommodation, it may be appropriate for the operator of the Bed & Breakfast to provide an information package to guests which outlines that the property is in a rural area surrounded by agricultural pursuits.

CONCLUSIONS

The application has been assessed in accordance with the relevant planning instruments that relate to the land. The proposal has an acceptable impact on the surrounding neighbourhood and environment and can be approved subject to conditions.

LEGAL IMPLICATIONS

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979.

POLICY IMPLICATIONS

Called in under Policy 7.7 Calling In Of Development Applications By Councillors.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.
2. Proposed Plans

RECOMMENDATION

THAT:

1. Development Application 057/11 be approved with conditions of consent as detailed in the 79C report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-16 ENVIRO - 17/12/12 - ROAD RE-NAMING - RYDAL/HAMPTON ROAD
AND WALLERAWANG/RYDAL ROAD - SUBMISSIONS RECEIVED
FOR PROPOSED CHANGES/OUTCOMES**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 10-526: Ordinary Meeting of 13 December 2010
Min No 11-372: Ordinary Meeting of 12 September 2011
Min No 12-92: Ordinary Meeting of 26 March 2012
Min No 12-312: Ordinary Meeting of 3 September 2012

SUMMARY

To advise Council of the proposed renaming of roads in accordance with previous Council resolutions and provide a summary of submissions from advertising, notification to property owners and authorities.

COMMENTARY

Background

At Council's Meeting of **13 December 2010** information on duplicate named roads, similar road names and problem road names was reported and the following resolved:

That possible names for destination roads be referred to Council's Recognition Committee;

At Council's Meeting **12 September 2011** a report was put forward to update Council's Recognition Committee progress of the above resolutions and the following resolved:

Seek comment on Duplicate and problem names (including destination names)

At Council's Meeting **26 March 2012** information of proposed names were put forward for renaming, Rydal/Hampton Road to Morton Road and Wallerawang/ Rydal Road to Fulton Road, with the following resolutions:

*That Council advertise and notify owners and authorities of the road name changes calling for submissions
That if no submissions are received for any of the suggested names, Council proceed with Government Gazette and advise Emergency Services and land owners.*

Advertising and notification to land owners and authorities was undertaken from 16 August 2012 to 31 August 2012 which included 21 submissions for Rydal/Hampton Road and 9 submissions for Wallerawang/Rydal Road.

At Council's Meeting **3 September 2012** it was resolved that the proposed road names be modified:

That Council advertise the following proposed name change:

1. *Rydal-Wallerawang Road from Wallerawang to Rydal as Rydal Road*
2. *Hampton- Rydal Road from Hampton to Rydal as Hampton Road*

Advertisement and notification to owners and authorities was undertaken with the results outlined below.

Summary of submissions - Wallerawang/Rydal Road to Rydal Road:

3 submissions for the proposal:

- If you must rename the road it is considered that Rydal Road is a better alternative.
- This road name has been used for many years with Wallerawang left off the front of it.
- Agree to the Rydal Road as it was previously

Conclusion

All submissions agree that the road name should be changed to Rydal Road. Additionally, there are fewer submissions made in regards to this name which gives the impression that residents accept this proposal. Therefore, it can be concluded that the road should be named Rydal Road.

Summary of submission of Rydal/ Hampton Road to Hampton Road:

5 submissions for the proposal:

- This name is a fair compromise
- This name respects both the history and the desire of many residents.
- If you must rename the road it is considered that Hampton Road is a better alternative.
- We do not want a road name that is named after any one and agree with Hampton Road.
- The road name is simpler and will cause less confusion than such a major change. People can easily identify with the name Hampton as it leads to the village of Hampton.

1 submission for alternative name:

- Changing the name to Morten Road is a good idea as the Morten Family have long been associated with this area and their decedents still own land along both sides of the road. AEG Morten was also Blaxland Shire president and would be nice to see him honoured in this way. The name change to Hampton Road would be confusing and regardless of the name change the cost and hassle would be the same for landowners. A completely different name would alleviate all confusion.

2 submissions against the proposal:

- Do not want the road name changed at all.
- Currently use Rydal Road Hampton and do not have issues with mail etc. The address changes would be a huge in cost for our personal and business details and we do not want any change.

Conclusion

That majority of the submissions agree that the road name should be changed to Hampton Road. Additionally, there are substantially less submissions made in regards to this name which gives the impression that more residents are happier with this proposal. Therefore, it can be concluded that the road should be changed to Hampton Road to alleviate any further confusion.

POLICY IMPLICATIONS

These roads will be named in accordance with Council's Road Naming Policy.

FINANCIAL IMPLICATIONS

Council will incur some costs of new signage and advertisement costs for the Government Gazette.

ATTACHMENTS

1. Location of Wallerawang/Rydal Road
2. Location of Rydal/Hampton Road

RECOMMENDATION

THAT Council:

1. Support the road names 'Rydal Road' and 'Hampton Road';
2. Notify all residents on Wallerawang/Rydal Road of its intention to adopt the name 'Rydal Road';
3. Notify all residents on Rydal/Hampton Road of its intention to adopt the name 'Hampton Road';
4. Proceed to the Government Gazette for the proposed road naming and advise Emergency Services and land owners of these road name changes following gazettal.

ITEM-17 ENVIRO - 17/12/12 - MODIFICATION OF DEVELOPMENT APPLICATION/CONSTRUCTION CERTIFICATE 046/11DACC - REDEVELOPMENT OF LITHGOW AQUATIC CENTRE - GEORGE COATES AVE LITHGOW

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 11-307: Ordinary Meeting of 1 August 2011
Min No 12-186: Ordinary Meeting of 4 June 2012

SUMMARY

To recommend determination of Modification of Development Application/Construction Certificate 046/11DACC for the re-development of the Lithgow Aquatic Centre. The application is recommended for approval, subject to conditions.

COMMENTARY

The modification seeks to delete Conditions 44, 47, 50 and amend Condition 46 and 49 on the original Consent.

These Conditions originally state:

44. Appropriate signage is to be erected in George Coates Avenue and Barton Street clearly highlighting to traffic the changed traffic conditions. Such signage is to be erected in conjunction with the closure of part of Barton Street.

The modification application proposes to delete this condition.

46. Fifty (50) new ninety (90) degree car parking spaces are to be constructed prior to the Occupation Certificate being issued for Stage 1, along the closed section Barton Street (including 2 disabled spaces). These car spaces are to be clearly signposted and line-marked, and are to be constructed in accordance with Council's Off Street Parking Development Control Plan and AS 2890.6.

The modification application proposes that this condition be re-numbered so that it is inserted under the post occupation heading and is to be amended to read as:

Fifty (50) new forty five (45) degree car parking spaces are to be constructed along the northern edge of Barton Street. These car spaces are to be clearly signposted and line-marked and are to be constructed in accordance with Council's Off Street Parking Development Control Plan and AS 2890.6.

47. Barton Street is to be permanently closed off to all through traffic by constructing a permanent barrier at the western end, in conjunction with the construction of the new car park.

The modification application proposes to delete this condition.

49. The eastern end of Barton Street that is currently signposted as “one-way”, accommodating only for eastern travelling vehicles is to be converted to “two-way” to accommodate for vehicles travelling in either direction, in conjunction with the closure of Barton Street.

The modification application proposes to amend this condition to be read as:

The eastern end of Barton Street that is currently signposted as “one-way”, accommodating only for eastern travelling vehicles is to be converted to “two-way” to accommodate for vehicles travelling in either direction.

50. The intersection of George Coates Avenue and Barton Street adjacent to the showground is to be widened to accommodate increased traffic movements, and the turning movements of vehicles turning left from George Coates Avenue into Barton Street. This is to be in accordance with specifications provided in the RTA Road Design Guide. Appropriate line marking and signposting is to be installed at the intersection where necessary. These works are to be undertaken in conjunction with the closure of Barton Street.

The modification application proposes to delete this condition.

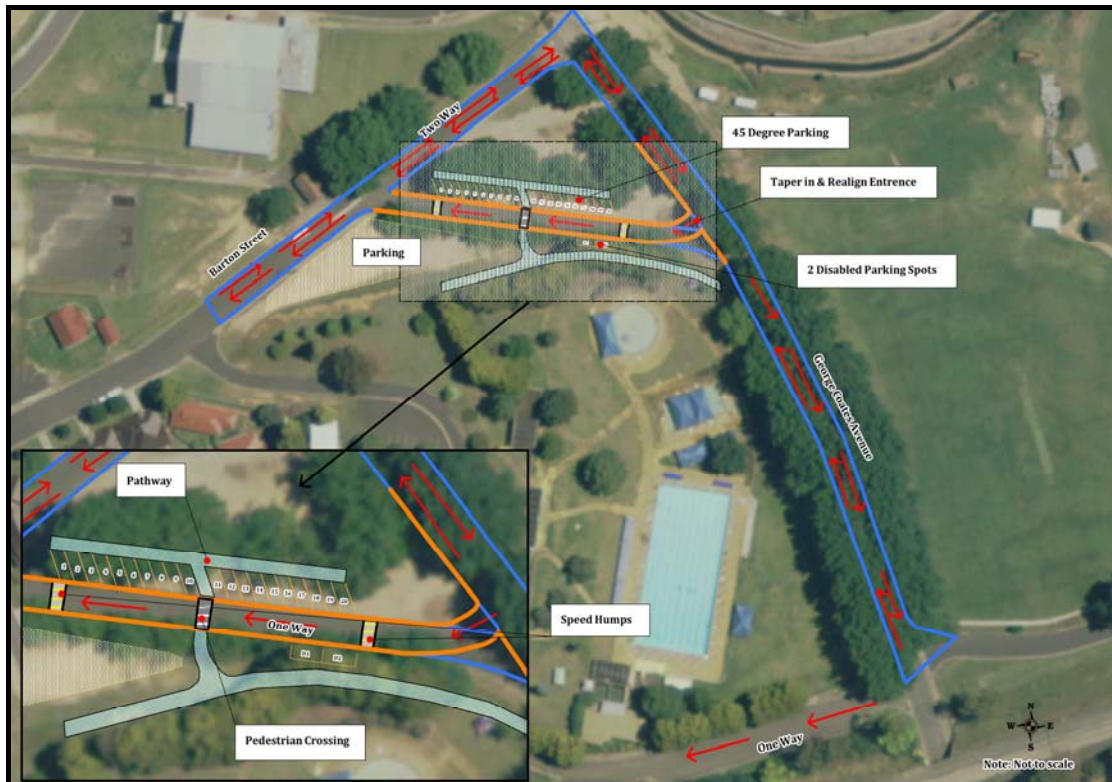
The reasoning for the amended condition and deletions is that Barton Street would remain open for vehicles to exit the carpark. This would create a better traffic flow than the original traffic layout plan and would increase the safety in the area by providing better site vision for vehicles.

The north eastern side of Barton Street (near the show ground entry) would be constructed for two way traffic (currently 2 lanes for a one way direction). This would provide road access for vehicles that are not using the pool facilities and would provide a safer access for pedestrians between the carpark and the pool entry.

The following additional Conditions are also proposed to be added to the Consent which were recommended by TALC:

1. *There is to be a 40km/h speed zone on George Coates Avenue,*
2. *A shared 10km/h pedestrian and vehicle speed zone on Barton Street shall be implemented,*
3. *That two speed humps are to be constructed in Barton Avenue,*
4. *There is to be a realignment to the corner of George Coates Avenue and Barton Street,*
5. *No Stopping zones are to be created on both sides of the George Coates Avenue,*
6. *There shall be two disabled parking spaces and drop off pick up parking spaces on the aquatic centre site.*

The north eastern side of Barton Street (near the show ground entry) would be constructed for two way traffic (currently 2 lanes for a one way direction). This would provide road access for vehicles who are not using the pool facilities and would provide a safer access for pedestrians between the carpark and the pool entry.



Map 1: showing carparking and road design

An additional condition is also proposed which includes two disabled car spaces to be constructed adjacent to the northern edge of the new administration building to meet the requirements for accessibility for persons with disabilities.

CONCLUSION

The modification for the amendment and deletion of conditions has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979*. It is therefore recommended that the modification application be approved.

POLICY IMPLICATIONS

Council's *Policy 7.6 - Development Applications by Councillors and Staff and Relatives or on Council Owned Land* is applicable to the site. The policy indicates that "where the development application is on Council owned land, that such an application be referred to Council for consideration and determination and that no aspect of the application be dealt with under delegated authority." Whilst the land where the facilities are situated is Crown land, the application is referred to Council for determination in the context of it being a 'Council development'. It should be noted that the Crown has given its approval to the lodgement of an application.

FINANCIAL IMPLICATIONS

The cost of construction must be considered independently of Council's assessment of the modification application. There are no other financial implications of the development.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 96 of the *Environmental Planning*

and Assessment Act 1979. A full assessment of these matters is provided as an attachment to this report.

ATTACHMENTS

1. A Section 79C modification report pursuant to the Environmental Planning and Assessment Act 1979

RECOMMENDATION

THAT:

1. Modification of Development Application 046/11DACC be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

ITEM-18 ENVIRO - 17/12/12 - PROPOSED ROAD RE-NAMING- WESTERN SECTION OF GUY STREET

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 10-526: Ordinary Meeting of 13 December 2010
Min No 11-372: Ordinary Meeting of 12 September 2011
Min No 12-360: Ordinary Meeting of 15 October 2012

SUMMARY

To progress the road re-naming process for the western section of Guy Street, Lithgow.

COMMENTARY

At Council's meeting of 15 October 2012 it was advised that the proposed renaming of the western section of Guy Street, Lithgow be deferred to allow for further community consultation. This road was raised as having problems from a resident given that the road is split by Farmers Creek resulting in two disconnected roads with the same name.

It was proposed that Council consider the re-naming of the western section of Guy Street and re-notify all residents to come to a more agreeable solution on the matter.

ISSUES/ PUBLIC PARTICIPATION

As a result of the re-notification Council received four submissions as follows:

- 1 Support the renaming of the section of road.** If the street is to retain its name of Guy Street, then it should be one street and not two streets as current. A bridge should be built across Farmers Creek to enable continuity of the street. If the street is to retain its name, I would expect the quality of the recent resealing and kerb and guttering to be upgraded to match that of the eastern side.
- 2 Suggesting a new name.** Suggesting the west section of Guy Street be renamed after William Harvey Blanchard Snr who had a long association with Lithgow Council and served our community as Independent Alderman for 25 years and Deputy Mayor for 8 years. He was a valued member of the Lithgow community until his passing on 28 May 2006 and should be recognised in the community.
- 3 Suggesting new name.** Suggesting west section of Guy Street be renamed to Crowle Street after Samuel and Mary Crowle who lived on triangle of land fronted by Guy Street and Macauley Streets. This house has since been demolished and is now vacant. Mary Crowle was a member of the pioneering Doggett and Featherstone family from Rydal area (see attachment 2).
- 4 Against proposed name change.** There is no need to change our portion of Guy Street, we do not want to change our addresses and have never had problems with emergency services finding our house. We proposed that a sign

for each section of Guy Street with house numbers would certainly stop any confusion.

CONCLUSION

It is considered that given the problems have still exists for some residents on this road, that the name of Crowe Street be proposed. This name is considered more suitable for this specific area.

FINANCIAL IMPLICATIONS

There will be minor costs for signage and advertisement.

ATTACHMENTS

1. Location of west section of Guy Street
2. Death notice of Lithgow paper 29 May 1961- Mary Crowle

RECOMMENDATION

THAT Council Support the name 'Crowle Street' for the western section of the current Guy Street and undertake an Expression of Interest notification with residents and emergency services of the proposed naming. If no objection is raised then Council shall proceed to notification of the proposed road name and advise the Emergency Services and Government Gazette of this road name.

ITEM-19 ENVIRO - 17/12/12 - REQUEST FOR EXEMPTION/REDUCTION OF SECTION 94A LEVY - LITHGOW WORKMENS CLUB

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-437: Ordinary Meeting of 26 November 2012

SUMMARY

To advise Council of a request received from the Lithgow Workmens Club initially for Council to exempt it from the payment of a Section 94 A Contributions for its motel development. Following further discussions this request is now for a reduction of contributions to \$20,000.

COMMENTARY

Council is in receipt of a request 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. Following further discussions this request is now for a reduction of contributions to \$20,000. Councillors would be aware of grounds put forward by the Workmen's Club reported to Council on 26 November 2012. Following this, further correspondence was received which culminated in discussions taking place on 4 December 2012.

From these discussions, it was evident that the Club was reluctant to proceed with an option that involved building over the 'laneway' before having ownership over that land. The delays involved in resolving the final road closure was something outside their control. Whilst the Club is still willing to fulfil its obligations and make a contribution, it believes that the extenuating circumstances warrant a reduction in the contribution and an amount of \$20,000 has been offered.

General Comments

Part C7 of the Contributions Plan provides that Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

- g) An application for development associated with providing infrastructure funded by Section 94 levies;
- h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas of car parks;
- i) An application for or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;
- j) An application for development that involves rebuilding or repair after natural disasters such as flooding or bushfires;

- k) An application for privately funded community infrastructure, such as education facilities, universities, private hospitals etc:
- l) An application for alterations and additions to an existing single dwelling.
- m) An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building;
- n) Any other development for which Council considers an exemption is warranted, where the decision is made by formal resolution of council at an Ordinary Council meeting.

In the case of points g to n above, such application will need to include a comprehensive submission arguing the case for exemption.

The Club has requested a reduction in the contribution from \$34,706.79 to \$20,000 utilising the provisions of sub-clause n). This would not actually be an exemption as such and the Plan does not provide for a 'reduction' in contributions.

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 Voluntary 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:

- 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 normally envisage Council negotiating a contribution any less than the Section 94A levy, however it would provide a mechanism for the Club to make a contribution of a lesser amount following an exemption under Part C7, subclause n). Therefore, should Council agree to a 'reduced contribution' then the most appropriate process would be to exempt the Section 94A Contribution and enter into a Voluntary Planning Agreement which provides for a monetary contribution of \$20,000.

Finally, the Club has also requested that the unmade lane situated in their car park be transferred to the Club for the sum of \$1.00. The Club feels that this reflects the situation where it has paid for the costs associated with the lane's closure and will pay any further expenses in this process. Normally, a valuation of the land would be undertaken and compensation determined on that basis. However, in this instance the 'laneway' has been practically part of the Clubs land for many years and in fact a wall is constructed on part of it. The land is only 160 square metres in area and it is unlikely that the value will be significant. Therefore, a nominal sum of \$1.00 would not be unreasonable.

POLICY IMPLICATIONS

No specific policy implications arise in the context of Council's Policy Register, however the Lithgow City Council Section 94A Development Contributions Plan 2012 is in essence a Council Policy.

FINANCIAL IMPLICATIONS

Should Council decide to reduce the contributions to \$20,000 in this instance, it would forgo \$14,706.79.

LEGAL IMPLICATIONS

The Contributions Plan has been duly made under the provisions of Section 94A of the Environmental Planning and Assessment Act. A Voluntary Planning Agreement may be made under the provisions of Section 93F of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Email from the General Manager of the Lithgow Workmen's Club dated 5 December 2012.

RECOMMENDATION

THAT:

1. Council provide an exemption to the Lithgow Workmen's Club for the levy of a contribution under Council's Section 94A Contribution Plan in accordance with the provisions of Part C7, subclause n) of the Plan.
2. Council enter into a Voluntary Planning Agreement with the Lithgow Workmen's Club for its Motel development (DA178/12) agreeing to a contribution of \$20,000 that may be expended on Community Facilities or Infrastructure and allocated at Council's discretion.
3. The land occupied by the unmade laneway situated within the Club's car park be transferred for the sum of \$1.00 and the use of the common seal be authorised for any documentation.
4. The Lithgow Workmen's Club be responsible for all legal, survey and administration costs associated with the sale of the unmade laneway.

OPERATION REPORTS

ITEM-20 OPER - 17/12/12 - TENDER 10/12 UPGRADE TO FUEL STORAGE FACILITIES AT LITHGOW & WALLERAWANG WORKS DEPOTS

REPORT BY: C SCHUMACHER – WORKS MANAGER OPERATIONS

SUMMARY

This report provides details of Open Tender recently called in November for the decommissioning of existing underground storage tanks and infrastructure, and the supply/installation of new fuel storage facilities at Lithgow & Wallerawang Works Depots in accordance with EPA regulations.

COMMENTARY

Tenders for the supply and installation upgrades to fuel storage facilities at Lithgow & Wallerawang Works Depots, Tender No 10/12, has now closed, with six (6) tenders being received.

Tenders received were assessed against specific criteria and previous abilities to undertake complete fueling upgrade facilitation in accordance with set EPA regulations.

Six (6) Tenders were received at the closing date 6th November 2012. Five (5) conforming tenders and one (1) non-conforming tender. The non-conforming tender received from Best Western Petroleum Services Pty Ltd was deemed as incomplete and unable to be assessed appropriately. The tender received did not include certain civil works required for the installation including concrete footings/pads. The 6 Tenders received are listed below in alphabetical order with lump sum pricing:

1. Best Western Petroleum Services Pty Ltd	\$ 153,950.00 Ex.GST
2. EMA Consulting Engineers	\$ 423,600.00 Ex.GST
3. Moore Management	\$ 387,710.00 Ex. GST
4.OTEK Australia Pty Ltd	\$ 446,000.00 Ex. GST
5.Priority Fuel Management	\$ 284,930.00 Ex. GST
6.Synergy Resource Management Pty Ltd	\$ 380,366.00 Ex. GST

From the assessment of the conforming tenders and the submitted pricing it is conclusive that there is quite a significant difference in pricing (\$161,070) and an indication from the assessment that additional costs may be borne should further contaminated material be found at the stage of underground fuel tank removal.

Preliminary testing of the two sites indicate very little sub-surface and surface contamination, and it is expected costs will be very minimal having no detrimental impact to the budgeted project figure. Additional pressure testing of the existing underground storage tanks also revealed them to be in good order, no leaks and having passed pressure testing.

It is noted that all complying tenderers have flagged this potential issue within their tenders reflecting subsequent tabled rates for the removal of contaminated soil (if apparent). Notably further testing is mandatory to comply with EPA regulations during the course of construction works, standard practice.

Further to the pricing and assessment of individual tenders, it is considered that the abilities to undertake the works and notably fair value for money was received from Priority Fuel Management tender of \$ 284,930.00 Ex. GST.

Priority Fuel Management have undertaken many fuel projects nation wide with examples and references from corporations including BP Australia, BHP Billiton, Rio Tinto Australia, Delta Electricity, Pacific National, and Sydney Ports.

It is therefore recommended that Council accept the tender from Priority Fuel Management with the objective to commencing works early January/February 2013. It is further understood that work at both Lithgow & Wallerawang Depots can be completed within an estimated 12 week period. This will further assist Councils immediate needs to comply with the new fuelling requirements and regulations as set out by the Environmental Protection Authority.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds are available in the 2012/13 Management Plan for the various Depot Improvement works.

LEGAL IMPLICATIONS

The tendering procedure has been undertaken pursuant to the provisions of Sec 55, Local Government Act 1993 and the Local Government (General) Regulations 2005.

ATTACHMENTS

1. Tender TEN10/12 Priority Fuel Management - Upgrade to Fuel Storage Facilities Lithgow & Wallerawang Works Depots.

RECOMMENDATION

THAT Council accept the tender received from Priority Fuel Management, in the sum of \$284,930.00 ex GST for the upgrade to fuel storage facilities at Lithgow & Wallerawang Works Depots.

ITEM-21 OPER - 17/12/12 - WATER REPORT - DECEMBER 2012

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 Thursday 6 December was 83.4%. Oberon Dam capacity on Monday 3 December was 96.75%

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 Water Transfer System (CWTS) for 2012/13. The CWTS was activated on the 28th November 2012.

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
November	140	5	607
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,357	20	1,337

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
December	3,658	4,931
November	4,655	155
Last Week	5,055	2,817
Previous Week	4,275	0

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 November. 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*.

Fluoridation commenced on 10th December for the Lithgow distribution zones. The Fluoridation Commencement Communication Plan was successfully completed with only two formal enquiries being made for information. One of these was a complaint in opposition to fluoridation.

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 November. One total Coliform sample exceeded guidelines.

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.

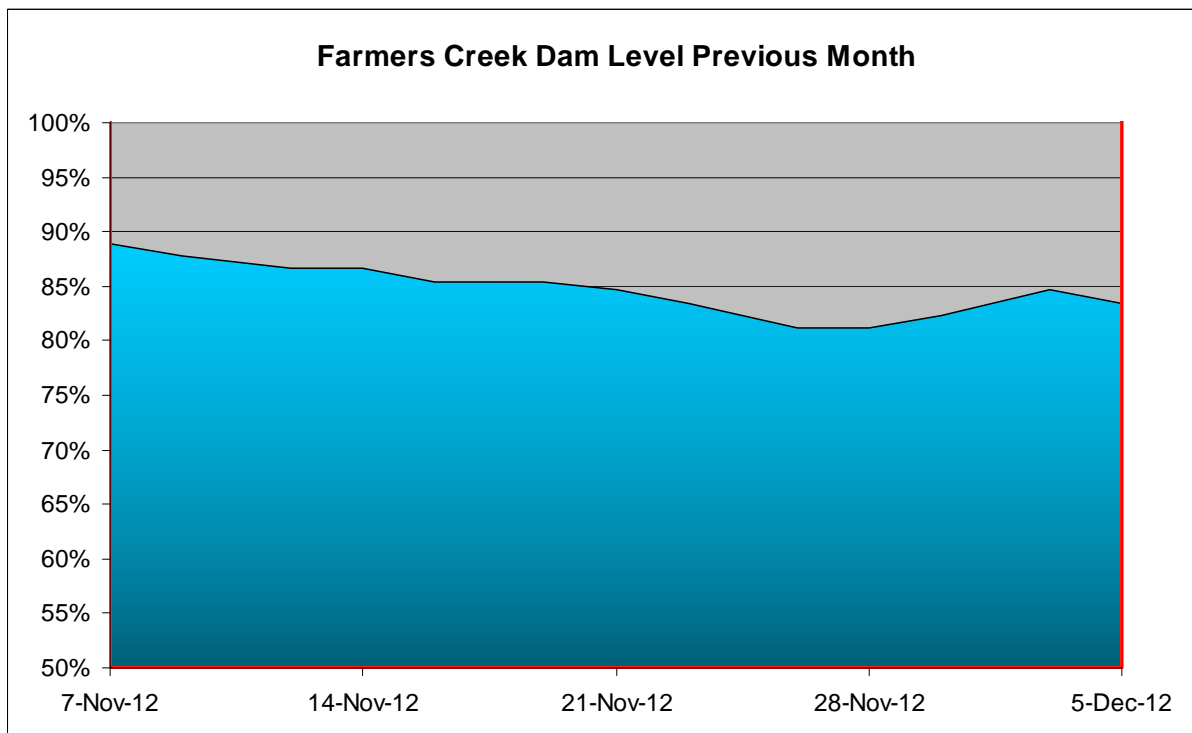
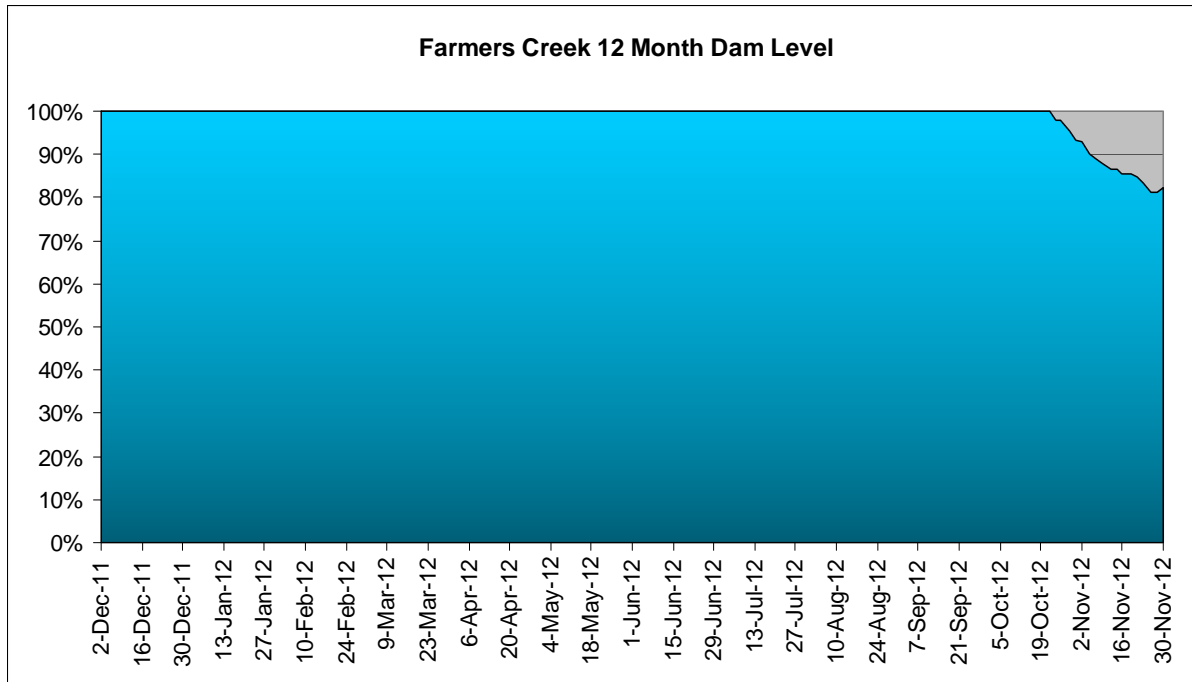
WATER SAVING SCHEMES OR PROCESSES UPDATE

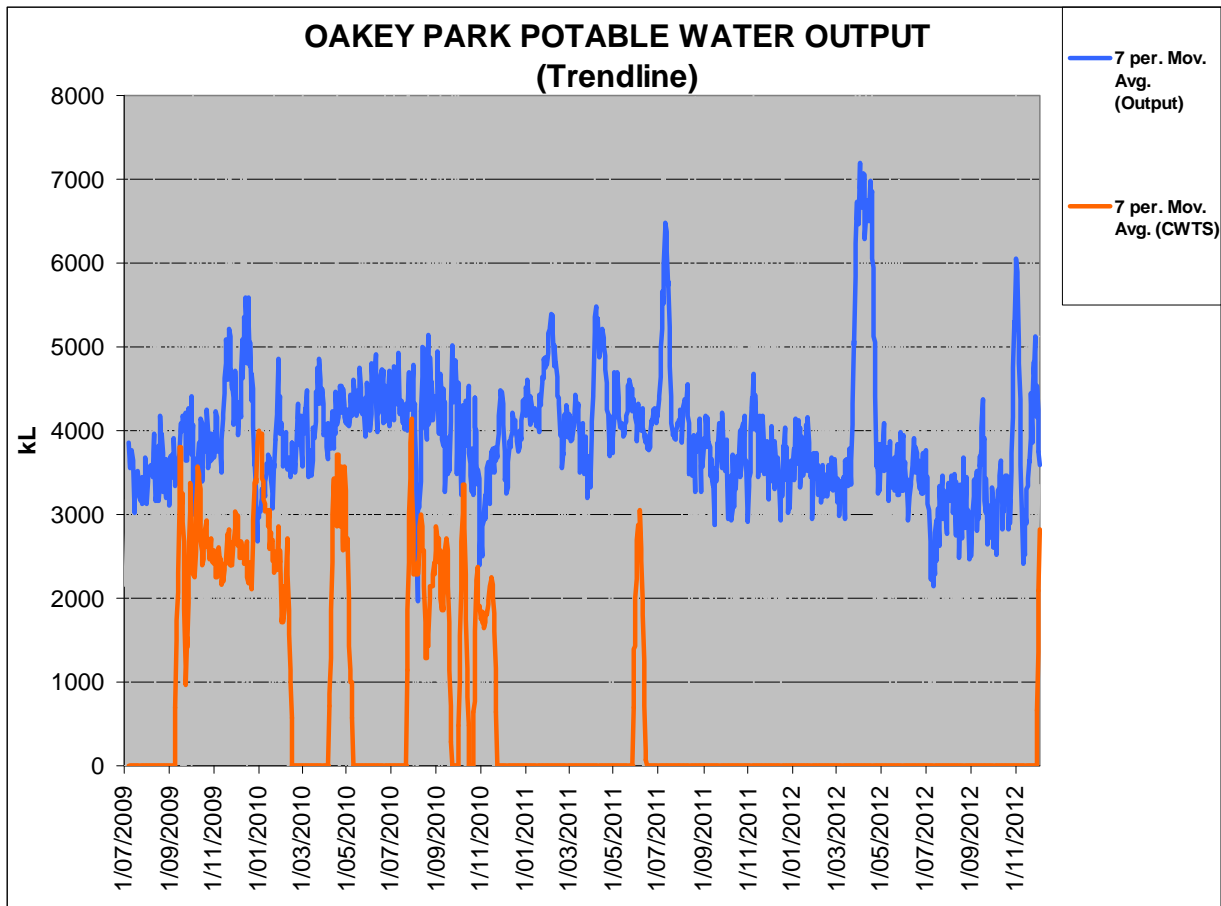
Council's Rainwater Tank and Domestic Appliance Rebate Program continued in November with Council approving two applications for a household appliance rebate and one application for a water tank rebate.

FARMERS CREEK DAM 12 MONTH LEVELS

The attached chart shows the storage data to date for the last twelve months.

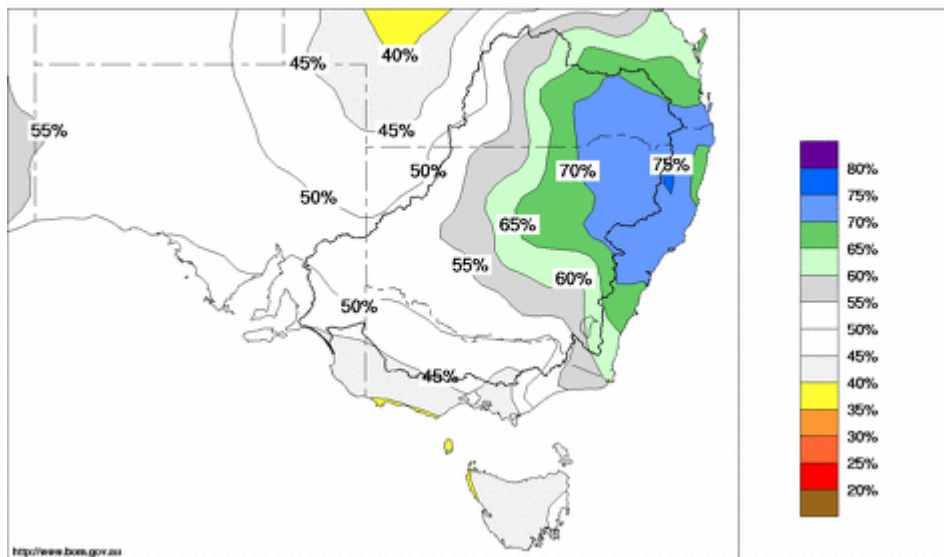
Graph 1 Farmers Creek Dam #2 over 12 Months





Low rainfall in the past month has impacted on the dam level. The southeast Australian outlook for December 2012 to February 2013 indicates that a wetter than normal season is more likely for parts of northern and eastern NSW. This outlook is mostly a result of warmer than normal waters in the Indian Ocean; warmer than normal waters in the Pacific Ocean had a lesser impact.

Chance of exceeding the median Rainfall December 2012 to February 2013
Product of the National Climate Centre



The chances of receiving above median rainfall during summer are between 60 and 75% across most of eastern NSW, with the highest odds in the northeast of the state.

ALTERNATE WATER SOURCES UPDATE

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

**ITEM-22 OPER - 17/12/12 - UPGRADE OF WOLGAN ROAD -
ANNOUNCEMENT OF FUNDING**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Agreement has been reached that major road works should be executed to upgrade the Wolgan Valley Road from the base of the Wolgan Gap to the Emirates Resort in the Wolgan Valley. Council will undertake the road works subject to the RMS (Roads and Maritime Services) and Emirates making the necessary financial contributions. The total estimated cost of the proposed works is \$4.2 million.

COMMENTARY

The Minister for Tourism the Hon George Souris announced on site on Thursday 6 December 2012 that the State Government will contribute \$2.1 million dollars to the upgrade and sealing of 14.2km of the Wolgan Road subject to this contribution being matched by Emirates, with Council assuming control and execution of the works. The proposed works include providing a 9 metre wide road pavement with a 7.0 wide metre bitumen seal for the 14.2 kilometres from the end of the existing seal to the low level causeway adjacent to the main entrance to the Emirates Resort. Other works include additional drainage, sight distance improvements and associated earthworks. The work is to be completed by April 2014 subject to some possible variation depending upon weather conditions

Due to the size of the project and the level of commitment that will be required in order to comply with timetable and ensure quality assurance some of Council's other projects may incur delays during this period due to lack of resource allocation.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

It is considered appropriate that Council should allocate \$350,000 for contingencies which may be required on this project. In particular repairs to the Gap Section may be required as considerable quantities of materials will need to be transported via the Gap Road, putting additional heavy loads on this section of road

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Accept the \$4.2m funding from the Roads and Maritime Service and Emirates for the upgrade of 14.2 kilometres of the Wolgan Road;
2. Allocate \$350,000 in the 2013/14 budget to this project; and
3. Note that this project will impact on Council's existing works programs.

COMMUNITY AND STRATEGY REPORTS

ITEM-23 COMM - 17/12/12 - SECTION 356 FINANCIAL ASSISTANCE TO COMMUNITY ORGANISATIONS

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 11-02:	Ordinary Meeting of Council 24 January 2011
Min No 11-74:	Ordinary Meeting of Council 7 March 2011
Min No 11-211:	Ordinary Meeting of Council 30 May 2011
Min No 11-212:	Ordinary Meeting of Council 30 May 2011
Min No 11-339:	Ordinary Meeting of Council 22 August 2011
Min No 11-405:	Ordinary Meeting of Council 10 October 2011
Min No 11-468:	Ordinary Meeting of Council 21 November 2011
Min No 12-193:	Ordinary Meeting of Council 4 June 2012
Min No 12-267:	Ordinary Meeting of Council 23 July 2012
Min No 12-425:	Ordinary Meeting of Council 5 November 2012

SUMMARY

This report considers requests for Round 2 of 2012/13 Non-Recurrent Financial Assistance.

COMMENTARY

Council provides financial assistance to not-for-profit community groups and organisations under Section 356 of Local Government Act, 1993.

Financial assistance is provided on the basis of the relative merits of each application and the benefits to the community from the project.

1. Recurrent Financial Assistance

Council allocated a total of \$134,400 Financial Assistance in the 2012/13 Management Plan for distribution to community organisations. Of this amount, \$80,500 has been allocated for Recurrent Financial Assistance to the following organisations:

Lithgow Tidy Towns	\$2,000
Portland Tidy Towns	\$1,000
Cullen Bullen Tidy Towns	\$1,000
Wallerawang Tidy Towns	\$1,000
Ironfest	\$11,400
Lithgow Business Association	\$11,400
Arts OutWest	\$11,750
Solid Fuel Rebate	\$9,600

Lithgow Show	\$8,000
White Ribbon Day	\$850
LINC Rental Assistance	\$15,000
Western Region Academy of Sport	\$1,700
Lithgow Golf Club Sponsorship	\$2,000
Portland Golf Club Sponsorship	\$800
Portland Art Show	\$2,250
School Presentations	\$750
Total Recurrent	\$80,500

2. Non-Recurrent Financial Assistance

Council also allocated \$53,900 Non-Recurrent Financial Assistance in the 2012/13 Management Plan for distribution throughout the 2012/13 Financial Year.

This is for allocation in two funding rounds, in April and October 2012.

Council called for applications from the community for Round 1 of 2012/13 Non-Recurrent

Financial Assistance from 1 – 30 April 2012. Council allocated \$57,140 at this time to 28 projects.

A further \$6,020 has subsequently been allocated by Council to the Lithgow Show Society, Lithgow Private Hospital and PCYC leaving a shortfall of \$9,260.

Council then allocated a further \$20,000 to the financial assistance budget at the Ordinary Meeting of Council held 5 November 2012 (Min 425). This amount met the \$9,260 shortfall, leaving \$10,740 available for allocation in Round 2.

Council called for applications from the community for Round 2 of 2012/13 Non-Recurrent Financial Assistance from 12 – 30 November 2012. This report considers those Round 2 requests as follows. Included in the recommended projects is an allocation of \$1,000 for the development of PCYC scholarships for disadvantaged young people, as recommended by Lithgow Youth Council. Youth Council recommended that Council offer 16 scholarships, each for a period of one year at a cost of \$250 each. The full year cost of this program would be \$4,000 with \$1,000 required in the current year.

Organisation and Project Name	Amount Requested	Amount Recommended	Comment
Wallerawang Lidsdale CWA Rate reimbursement	\$800	\$485	Base rate only
Lithgow District Garden Club Logo and stationery	\$1,000	\$500	
Lithgow District Kennel Club Inc. Gazebos, lawn mower and tables	\$2,906	\$500	
Central Tablelands Life Education Supporters Group	\$2,970	\$2,000	

Organisation and Project Name	Amount Requested	Amount Recommended	Comment
Life Education workbooks for Children			
Friends of St. John's Building maintenance	\$981	\$800	
Cullen Bullen Progress Association Rate reimbursement	\$681	\$455	Base rate only
The First Australian Muzzle Loading Gun Rifle Pistol Club Rate reimbursement	\$1,000	\$500	
Lithgow Community Orchestra Operating costs	\$1,100	\$500	
St. Vincents Parish Portland Upgrade of parish centre	\$3,000	\$1,000	
Glen Alice Community Association Glen Alice Community Noticeboard	\$3,000	\$2,000	
PCYC Scholarships		\$1,000	
Lithgow Musical Society Demountable change room hire	\$2,000	\$1,000	
LINC Home and Community Care Carers support group	\$3,000	\$0	Recommended for consideration in Round 1 2013/14
LINC Communities and Kids Bowenfels Hub fun days	\$2,710	\$0	Already funded in Round 1 2012/13
Fatima Hall Security fencing around environmental tanks	\$3,800	\$0	Recommended for consideration in Round 1 2013/14
Bridget Cama Talented Development Project	Not stated	\$0	Ineligible - Council only provides financial assistance to not-for-profit community organisations not to individuals
Lions Club of Lithgow Seating and Tables at Lake Wallace	Not stated	\$0	To be considered for funding from Council's recreation budget.
Veronica Milroy Overseas tour/National Cultural Choir	\$500	\$0	Ineligible - Council only provides financial assistance to not-for-profit community organisations not to individuals
Isabelle Radburn NSW PSSA girls hockey team/ Junior state sporting representation	\$300	\$0	Referred to Sports Council for consideration
Rene Hunter Junior national sporting representation/all schools under 16 hockey	\$500	\$0	Referred to Sports Council for consideration

Organisation and Project Name	Amount Requested	Amount Recommended	Comment
Combined Nepean-Blue Mountains Local Health District and Medicare Local Consumer Committee The establishment of the Inaugural Lithgow Health Consumers Working Group	\$2,000	\$0	Already funded in Round 1 2012/13
Uniting Care Sponsorship of overnight and weekend respite service	\$2,600	\$0	Recommended for consideration in Round 1 2013/14
Total	\$34,848	\$10,740	

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups and allocated a total of \$154,400 in the 2012/13 year.

Council allocated \$80,500 in the 2012/13 Management Plan for Recurrent Financial Assistance.

The Council has allocated \$73,900 in Non-Recurrent Financial Assistance for distribution throughout the 2012/13 Financial Year of which \$10,740 remains and is recommended for allocation in Round 2.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

RECOMMENDATION

THAT Council provides Round 2 2012/13 Non-Recurrent Financial Assistance to the following organisations:

Organisation and Project Name	Amount Recommended
Wallerawang Lidsdale CWA Rate reimbursement	\$485
Lithgow District Garden Club Logo and stationery	\$500
Lithgow District Kennel Club Inc. Gazebos, lawn mower and tables	\$500
Central Tablelands Life Education Supporters Group Life Education workbooks for Children	\$2,000
Friends of St. John's Building maintenance	\$800
Cullen Bullen Progress Association Rate reimbursement	\$455
The First Australian Muzzle Loading Gun Rifle Pistol Club Rate reimbursement	\$500

Organisation and Project Name	Amount Recommended
Lithgow Community Orchestra Operating costs	\$500
St. Vincents Parish Portland Upgrade of parish centre	\$1,000
Glen Alice Community Association Glen Alice Community Noticeboard	\$2,000
PCYC Scholarships	\$1,000
Lithgow Musical Society Demountable change room hire	\$1,000
Total	\$10,740

ITEM-24 COMM - 17/12/12 - ESTABLISHMENT OF ALCOHOL FREE ZONES IN LITHGOW, PORTLAND AND WALLERAWANG CENTRAL BUSINESS DISTRICTS

REPORT FROM: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Lithgow Alcohol Free Zone

Min 05-503: Ordinary Meeting of Council 4 October 2005
Min 09-24: Ordinary Meeting of Council 27 January 2009
Min 09- 101: Ordinary Meeting of Council 9 March 2009

Portland and Wallerawang Alcohol Free Zones

Min 05-503: Ordinary Meeting of Council 4 October 2005
Min 09-24: Ordinary Meeting of Council 27 January 2009
Min 09-138: Ordinary Meeting of Council 30 March 2009
Min 09-191: Ordinary Meeting of Council 11 May 2009

SUMMARY

This report proposes that, following completion of a public notice period, the Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD areas be established for a further 4 years under Section 644 of the Local Government Act 1993.

COMMENTARY

The current Alcohol Free Zones in the Lithgow CBD and surrounding areas was established following a resolution of Council at the Ordinary Meeting of Council on 9 March 2009 (Min 9-101).

The current Alcohol Free Zones in the Portland and Wallerawang CBD areas were established following a resolution of Council at the Ordinary Meeting of Council on 11 May 2009 (Min 9-191).

Alcohol Free Zones may operate for a maximum period of 4 years after which Councils are required to consider whether they are still required or if they should be re-established for a further period.

Council has powers under Sections 644 of the local Government Act 1993 to establish Alcohol Free Zones on roads, footpaths and public carparks. The establishment of an Alcohol Free Zone gives powers to the Police to seize, tip out or otherwise dispose of open containers of alcohol. The Police may also issue a warning or where a person does not cooperate with the Police, they can be charged with obstruction under Section 660 of the Local Government Act 1993.

Council may also establish Alcohol Prohibited Areas under Section 632A of the Local Government Act in public places (other than roads, footpaths and public carparks) such

as parks, as for example Council has done in Queen Elizabeth Park and a number of other parks. Alcohol Prohibited Areas may operate without time limit. Offences and penalties are consistent with those that apply in Alcohol Free Zones. This report does not deal with the establishment of Alcohol Prohibited Areas.

The Lithgow Alcohol Free Zone

The public areas included in the proposed re-established Lithgow CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Main Street (from Bridge Street to Laurence Street)
- Main Street Lane and Burns Lane between Bridge Street and Bank Lane)
- Tank Street (from Bridge Street to Read Avenue)
- Bridge Street (from Tank Street to Main Street Lane)
- Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)
- Eskbank Street (from Mort Street to Railway Parade)
- Cook Street Plaza
- Bank Lane
- Tatts Lane
- Collins Laneway
- Exchange Walkway
- Bank Street between Main Street and Gray Street.

The Lithgow Alcohol Free Zone will expire on 8 March 2013.

The Portland Alcohol Free Zone

The public areas included in the proposed re-established Portland CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street
- Scheidel Lane
- Cox Street from Villiers Street to Vale Street.
- Vale Street from Lett Street to Wolgan Street
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street
- Wallerawang Road from Cullen Street to Wolgan Street
- Cullen Street from Wallerawang Road to Williwa Street

The Wallerawang Alcohol Free Zone

The public areas included in the proposed re-established Wallerawang CBD Alcohol Free Zone are unchanged from those in the existing Alcohol Free Zone and include the following:

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane.

The Portland and Wallerawang Alcohol Free Zones will expire on 10 May 2013.

Council has received correspondence from Inspector Sammutt of Chifley Command indicating that he fully supports this extension as Alcohol Free Zones are a major part of the Police's crime fighting arsenal in tackling anti social behaviour and alcohol related crime in the CBD.

The Ministerial Guidelines on Alcohol Free Zones require that in establishing an Alcohol Free Zone, Councils consider:

- The success of the previous zone in achieving a reduction in unacceptable street drinking.
- Police statistics
- Other possible measures for addressing street drinking such as community education
- Community perceptions on the safety benefits

These matters will be canvassed during the consultation process.

The attached proposal to establish the Lithgow, Portland and Wallerawang Alcohol Free zones for a further 4 years will be publicly advertised with the community asked to make comment by within 30 days. All Liquor Licensees within or adjoining the Alcohol Free Zones together with the Police and Mingaan Aboriginal Corporation will be provided with a copy of the proposal and invited to make comment.

The matter, with community comments will then be brought back to Council on 25 February 2013 for its consideration.

The establishment of the Alcohol Free Zones will come into effect 7 days after Council resolves to adopt the proposal, publishes a notice to that effect and once the areas included in the zones are adequately signposted.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

There will be minimal cost in altering the dates of operation on existing signage.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Draft Proposal to establish the Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD areas for a further 4 years.
2. Map of Lithgow alcohol free zone
3. Map of Wallerawang alcohol free zone
4. Map of Portland alcohol free zone

RECOMMENDATION

THAT:

1. Council resolves to adopt the attached proposal to establish Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644 of the Local Government Act 1993.
2. Council advises the Police, all affected liquor licensees and the general community by way of publication of a notice of the proposed establishment of the Alcohol Free Zones in these areas and calling for comment by 30 January 2013.

FINANCE REPORTS

ITEM-25 FINAN - 17/12/12 - REVIEW OF POLICY 9.2 RECORDS MANAGEMENT

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

NIL

SUMMARY

This report is to advise Council the Draft Policy 9.2 Records Management has been reviewed as Version 4 and includes a recommendation that it be publically advertised for a period of 28days prior to final consideration by Council.

COMMENTARY

Draft Policy 9.2 Records Management has been reviewed and is submitted to the business paper as Version 4.

The objective of the policy are to:

- Establish the framework for, and accountabilities of, Lithgow City Council's Records Management program;
- Ensure compliance with relevant legislative requirements.

A records management program is a planned, co-ordinated set of policies, procedures, people, systems and activities that are required to manage records. Lithgow City Council's Records Management Program seeks to ensure that:

- it has the records it needs to support and enhance ongoing business and customer service, meet accountability requirements and community expectations
- these records are managed efficiently and can be easily accessed and used for as long as they are required
- records are stored as cost-effectively as possible and, when no longer required, they are disposed of in a timely and efficient manner
- all staff are educated on their responsibilities under legislation and Government directives.
- this policy applies across a number of corporate systems (e.g. those used for storing property and finance information) and to information in applications such as email and faxes. The changing nature of the corporate information systems requires the ability to deliver records management in an adaptive manner.
- as a significant part of Lithgow City Council's corporate memory, records enable informed decisions based on precedents and organisational experience. Records

management principles support consistency, efficiency and productivity in program delivery, management and administration.

- the Council is committed to managing its records effectively and efficiently to promote informed decision-making, better performance of business activities, improved customer service, and protection and support in litigation and management of risk.
- Council complies with all requirements concerning records and records management practices including the NSW Government's objectives for recordkeeping (see Appendix A)
- records of longer term value are identified and protected for historical and other research.

POLICY IMPLICATIONS

Policy 9.2 Records Management Version 4.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Policy 9.2 Records Management Version 4.

RECOMMENDATION

THAT Council advertise the revised Policy 9.2 Records Management Version 4, for a period of 28 days.

**ITEM-26 FINAN - 17/12/12 - 2010/11 DLG COMPARATIVE INFORMATION ON
NSW COUNCILS**

REPORT FROM - C FARNSWORTH - FINANCE MANAGER

REFERENCE

NIL

SUMMARY

To advise Council of the release of the 2010/11 Comparative Information on NSW Councils by the Division of Local Government with a recommendation that the report be received.

COMMENTARY

The Division of Local Government has recently released the 2010/11 Comparative Information on NSW Councils.

The publication provides comparative information on the performance of all local councils in NSW and is designed to help both the community and Council assess a broad range of activities across a diverse range of local government areas.

The Australian classification of local government classifies each council into one of 22 categories according to their socioeconomic characteristics and their capacity to deliver a range of services to the community.

Councils are firstly classified as either urban or rural. Urban councils are then divided into four categories, capital city, metropolitan developed, regional town / city or fringe and rural councils into three categories, significant growth, agricultural or remote. The final classification for both urban and rural councils is based upon population.

In the publication the DLG have combined all NSW Councils into 11 groups instead of 22 because some of the categories contained only one or two councils making it difficult to compare performance in a meaningful way. It should be noted that the groupings are based on broad demographic variables and as a result there are often large differences between councils in the same group. It is recommended that the information should not be relied upon by a Council in isolation to argue for policy change.

Lithgow City Council is classified in 'Group 4,' defined as a medium, urban, regional town or city with a population density of less than 30 persons per square kilometre, or a total population of up to 30,000.

Lithgow is described as having a population of 21,094 and covers 4,513.80 sq kms. The population density per sq km is 4.7 persons and the five year population growth is shown as 0.57%

There are 31 councils in Group 4 and include areas such as Orange, Bathurst Regional, Mid Western Regional, Dubbo, Ballina, Eurobodalla, Kempsey, Goulbourn Mulwaree, Lismore, Tamworth Regional and Singleton.

The following summary compares the neighbouring Councils of Lithgow, Bathurst, Orange, and Mid Western Regional as well as the average for Group 4 councils and the average for all NSW councils.

DIVISION OF LOCAL GOVERNMENT - COMPARATIVE INFORMATION NSW COUNCILS 2010/11

Category/Indicator	Lithgow	Bathurst	Orange	MWRC	Group 4 Average	NSW Average
RATING						
Average Rate per Assessment						
- Residential	\$574	\$783	\$1,057	\$731	\$818	\$672
- Farmland	\$1,043	\$1,268	\$1,530	\$2,218	\$1,507	\$1,930
- Business	\$2,966	\$3,814	\$4,762	\$1,961	\$3,008	\$2,099
Outstanding rates, charges & fees	4.58%	9.71%	7.97%	3.73%	5.90%	6.3%
% movement in rates & annual charges revenue from previous year	4.34%	4.70%	6.92%	4.15%	4.78%	4.8%
% movement in user charges and fees revenue from previous year	13.62%	-0.35%	8.92%	-10.2%	-0.66%	3.8%
FINANCIAL						
Sources of revenue from continuing operations as a percentage of total continuing operations revenue						
	47.97%	41.51%	31.14%	37.27%	40.75%	39.5%
- rates and annual charges	9.01%	26.16%	21.09%	17.74%	20.48%	16.2%
- User chargers and fees	2.55%	4.44%	6.55%	3.16%	4.37%	4.0%
- Interest	35.15%	16.97%	25.41%	21.91%	20.83%	21.9%
- Grants	3.48%	6.04%	8.49%	16.96%	8.33%	7.3%
- Contributions and donations	1.84%	4.88%	7.32%	2.96%	5.24%	3.0%
- Other revenues	\$39,701	\$69,071	\$93,709	\$54,550	\$69,729	\$38,736
- Total Revenue (\$000)	\$1,083	\$1,423	\$1,618	\$1,782	\$1,342	\$1,427
Total contributing operations revenue per capita						
Dissection of expenses from continuing operations as a percentage of total expenses from continuing operations						
	36.37%	35.12%	34.56%	35.31%	33.16%	35.7%
- Employee costs	25.98%	30.33%	36.83%	21.23%	27.38%	25.8%
- Materials and contracts	4.29%	1.06%	1.18%	1.09%	3.25%	1.2%
- Borrowing costs	23.48%	20.00%	19.25%	31.17%	24.79%	23.9%
- Depreciation	0%	0%	0%	1.59%	1.53%	0.0%
- Impairment of Total Expenditure	9.88%	13.50%	8.17%	9.60%	9.89%	10.3%
- Total Expenses (\$000)	\$35,236	\$71,588	\$70,019	\$48,360	\$64,753	\$37,794
	\$1,142	\$1,463	\$1,271	\$1,839	\$1,440	\$1,580
Total Expenses from continuing operations per capita						
	2:07	1.75:1	5.48:1	3.45:1	2.58:1	3:1
Unrestricted Current ratio	6.25%	6.36%	5.99%	2.56%	9.27%	3.2%
Debt service ratio	332%	34%	14%	84%	52%	60.1%
Building & Infrastructure renewal ratio						
CORPORATE						
Number of equivalent full time staff	189	350	336	275	308	200
ENVIRONMENTAL MANAGEMENT & HEALTH SERVICES						
Environmental management expenses per capita	\$169	\$203	\$161	\$224	\$203	\$184
NET RECREATION AND LEISURE SERVICES						
Net recreation and leisure expenses per capita	\$160	\$229	\$197	\$210	\$180	\$176
COMMUNITY SERVICES						
Community Services expenses per capita	\$31	\$75	\$171	\$101	\$79	\$51

PUBLIC ORDER AND SAFETY							
Public Order and Safety expenses per capita	\$56	\$35	\$61	\$53	\$47	\$56	
HEALTH EXPENSES							
Health Expenses per capita	\$0	\$0	\$0	\$5	\$10	\$12	
HOUSING & COMMUNITY SERVICES							
Housing and community expenses per capita	\$86	\$51	\$46	\$72	\$88	\$75	

It is interesting to note that Lithgow has the lowest 'Residential' and 'Farmland' rates. Neighbouring Councils may have applied for and been successful with Special Rate Variations over the years. Annual Rate Pegging restricts rate increases every year and the only exception would be an increase from a Special Rate Variation.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council acknowledge the 2010/11 Comparative Information on NSW Councils recently released by the Division of Local Government.

**ITEM-27 FINAN - 17/12/12 - AMENDED 2011/12 GENERAL PURPOSE
FINANCIAL REPORTS**

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 12-371: Draft 2011/12 General Purpose Financial Reports

SUMMARY

To advise Council of an amendment to the 2011/12 General Purpose Financial Reports and seek authorisation as required by Chapter 13, Part 3, Division 2 of the Local Government Act 1993 to resubmit the reports for final audit.

This report also recommends that Council invite our Auditors, The Morse Group, to present a formal report to the Ordinary Meeting of Council on 4 February 2013.

COMMENTARY

The Draft 2011/12 General Purpose Financial Reports were submitted to Council at the meeting of 15 October 2012 and subsequently audited. The statements contained a report on the 'Revaluation of Water Assets' requested by Councils Asset Manager of Water and Wastewater, Operations Department to Consultants CPE & Associates. CPE were provided GIS Maps by the Water & Wastewater Manager and it was not until the final report was uploaded to the GIS system, after the completion of the statements, that it was revealed the main Fish River pipeline, which runs through Wallerawang & Lithgow, had been incorrectly valued as a Lithgow City Council asset.

Council's Finance Manager regarded the incorrect asset value to be of a significant nature and the Asset Manager of Water and Wastewater requested consultants, CPE Associates to amend the water revaluations. The amended report was received on 30 November 2012 and amendments have been made to the 2011/12 General Purpose Financial Reports, Special Purpose Financial Reports & Special Schedules. They will be resubmitted to the Morse Group for finalisation.

As a result of the amended water revaluations the primary changes to the original statements is a decrease of annual water depreciation by \$849,048 from \$1,885,362 to \$1,036,314 which has improved the net operating result of \$4,200,000 to \$4,892,000. Total Net Assets decreased from \$389,435,000 to \$369,201,000.

The amended statements are now submitted for acceptance, by Council, as required by Chapter 13, Part 3 and Division 2 of the Local Government Act 1993.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council's Draft 2011/12 General Purpose Financial Reports which disclose a surplus of 4,892,000 including Capital Grants and Contributions.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. The amended 2011/12 General Purpose Financial Reports be referred to auditors, The Morse Group
2. Council advertise the accounts following receipt of the 2011/12 Audit Certificate
3. Council state the following on the General Purpose Financial Reports for the year ended 30 June 2012:

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

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

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

4. Council state the following on the Special Purpose Financial Statements for the year ended 30 June 2012:-

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

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

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

- a) *Present fairly the financial position and operating result for each of Council's declared Business Units for the year, and*

b) Accord with Council's accounting and other records

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

5. Council invite the auditor, The Morse Group, to present a formal report of the results to the Ordinary meeting of the Council on the 4 February 2013.

ITEM-28 FINAN - 17/12/12 - COUNCIL INVESTMENTS HELD 30 NOVEMBER 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
 Min 12- 462: Investments as at 31 Oct 2012

SUMMARY

To advise Council of investments held as at 30 November 2012 in the 2012/13 financial year.

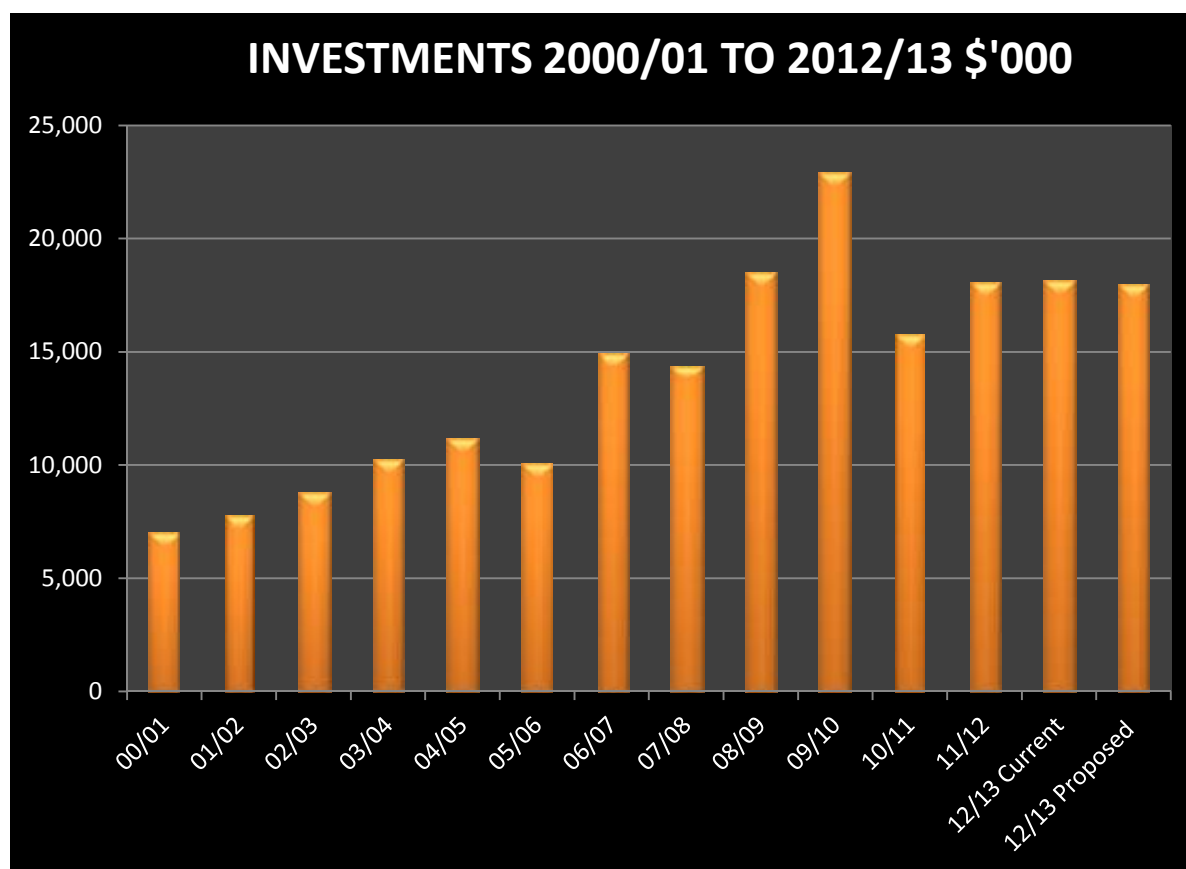
COMMENTARY

Council's total investment portfolio, as at 30 November 2012 when compared to 31 October 2012, has decreased by \$449,348.90 from \$17,629,107.28 to \$18,078,456.18

INVESTMENT REGISTER 2012/13								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.10.12	VALUE 30.11.12	% OF TOTAL
ANZ	TD	10.09.12	10.12.12	91	4.60	848,782.23	848,782.23	4.69%
	TD	11.09.12	11.12.12	90	4.60	505,732.88	505,732.88	2.80%
	TD	28.11.12	26.02.13	90	4.31	505,300.97	511,156.92	2.83%
	TD	05.09.12	04.12.12	90	4.75	1,000,000.00	1,000,000.00	5.53%
CBA	On Call				3.45	1,035,304.55	1,435,304.55	7.94%
IMBS	TD	26.10.12	25.01.13	90	4.50	1,146,636.72	1,146,636.72	6.34%
	TD	26.10.12	25.01.13	90	4.50	760,021.59	760,021.59	4.20%
NAB	TD	04.09.12	04.12.12	90	5.00	1,133,080.52	1,133,080.52	6.27%
	TD	25.07.12	25.01.13	182	5.07	1,029,469.05	1,029,469.05	5.69%
	TD	11.09.12	10.12.12	90	4.94	506,238.36	506,238.36	2.80%
WESTPAC	TD	09.07.12	07.01.13	179	5.05	585,942.01	585,942.01	3.24%
	TD	30.05.12	30.11.12	180	5.10	1,179,546.09	1,209,871.74	6.69%
	TD	11.07.12	09.01.13	179	5.05	257,190.41	257,190.41	1.42%
	TD	12.06.12	11.12.12	179	5.00	411,279.92	411,279.92	2.27%
	TD	13.06.12	12.12.12	179	5.00	1,000,000.00	1,000,000.00	5.53%
	TD	05.09.12	05.03.13	180	4.90	500,000.00	500,000.00	2.77%
ST GEORGE	On Call				3.50	21,510.27	21,510.27	0.12%
	TD	04.10.12	04.01.13	92	4.66	543,823.15	543,823.15	3.01%
	TD	19.10.12	19.04.13	180	4.00	882,288.54	882,288.54	4.88%
	TD	12.10.12	12.04.13	182	4.47	524,496.33	524,496.33	2.90%
	TD	09.08.12	11.02.13	186	4.81	518,803.81	518,803.81	2.87%
	TD	19.11.12	24.05.13	186	4.42	509,386.62	522,553.92	2.89%
	TD	25.10.12	25.01.13	91	4.35	500,000.00	500,000.00	2.77%
SUNCORP	TD	08.08.12	07.02.13	92	4.45	1,204,335.49	1,204,335.49	6.66%
	TD	22.10.12	21.01.13	91	4.08	519,937.77	519,937.77	2.88%
			TOTAL			17,629,107.28	18,078,456.18	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 30 November 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 30 November is \$225,013.82 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 \$18,078,456.18 for the period ending 30 November 2012 be noted.

ITEM-29 FINAN - 17/12/12 - RATE PEGGING FOR 2013/14 OPERATIONAL PLAN AND DELIVERY PROGRAM

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

SUMMARY

To advise Council of the Minister for Local Government approval of 3.4% as the maximum increase in general income that Council can receive from rate pegging with a recommendation that Council include the increase in the 2013/14 Operational Plan and Delivery Program.

COMMENTARY

All NSW Councils have had their general rate income regulated due to rate pegging legislation since 1977.

General rate income includes some annual charges but not water, sewerage, waste collection or stormwater management charges. The rate peg determines the maximum percentage amount that a Council may increase its general income for the year. It was previously set by the Minister for Local Government but since 2011/12 it has been determined by IPART under a delegation by the Minister for Local Government. To increase general rate income by more than rate peg percentage, a Council must obtain approval for a 'special rate variation' from IPART.

The rate peg is based on the Local Government Costs Index (LGCI) which measures price movements over the past year for goods, materials and labour used by average Councils. A productivity factor is also deducted.

The rate peg was 2.8% in 2011/12, 3.6% in 2012/13 and as announced for 2013/14 3.4%.

In setting the rate peg IPART seeks to determine a balance between ensuring that increased costs can be met and ensuring that productivity gains are provided to ratepayers,

The 3.4% rate peg for 2013/14 was calculated by:

- Taking the increase in the LGCI for the year to September 2012 of 3.7%
- Deducting a productivity factor of 0.2% and
- Deducting 0.1% to remove part of the carbon price advance of 0.4% that was included in the rate peg last year

The carbon price advance was included in the 2012/13 rate peg because the LGCI in the year to Sept 2011 did not include the impact of the carbon price on Council costs, it was based on price data up to the Sept 2011 quarter and carbon pricing was introduced from July 2012. IPART included the carbon price advance to allow Council's rate revenue to increase in line with expected cost movements in 2012/13.

IPART are now removing 0.1% from the rate peg in 2013/14 to reverse part of the 0.4% carbon price advance included in the rate peg for 2012/13. By making this adjustment to the rate peg it avoids double counting the impact of the carbon price which will eventually be reflected in the LGCI. IPART will also remove 0.3% from the rate peg in 2014/15.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council acknowledge the IPART recommendation for the 2013/14 maximum rate peg limit of 3.4%.

**ITEM-30 FINAN - 17/12/12 - RETURNS UNDER SEC 449 LG ACT 1993 FOR
NEWLY ELECTED COUNCILLORS**

REPORT BY - C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 12-370: Returns under Sec 449: LG Act 1993

SUMMARY

To advise Council of returns lodged with the General Manager under Section 449 of the Local Government Act 1993 for the four newly elected Councillors at the Local Government Election of 8 September 2012 with a recommendation that the returns be acknowledged.

COMMENTARY

Section 449 of the Local Government Act requires Councillors and designated persons to lodge returns under Section 449. All newly elected Councillors, at the Local Government Election of 8 September 2012, were required to complete returns within three months of the election and this report is to advise that all Councillors have responded.

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Tabled: Register of Disclosures by Councillors and Designated Persons Section 449 Local Government Act 1993 as at 30 June 2012.

RECOMMENDATION

THAT Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the four newly elected Councillors at the Local Government Election of 8 September 2012.

COMMITTEE MEETINGS

ITEM-31 OPER - 17/12/12 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 19 NOVEMBER 2012

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 19 November 2012 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 19 November 2012, there were 11 items discussed by the Committee, with all items except items 4, 7 and 10 being actioned under the Committee's delegated authority.

Items discussed included:

- Booking requests
- General Business

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Item 4 – A request for financial assistance has been received for a total of \$500.00 for Renee Hunter to represent the Australian Hockey team and travel to New Zealand and South America.

Item 10 – Kimberly Platts has requested a fee of \$1.10 per child be charged for pool admission for children participating in the Learn to Swim lessons.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 19 November 2012.

RECOMMENDATION

THAT Council:

1. Council refund the \$250.00 bond to the Portland Touch Association for the hire of Saville Park Portland during the 2011/2012 touch season

2. Council grant \$500.00 financial assistance to Renee Hunter, to represent Australia in the Under/16 All Schools Hockey competition
3. Council adopt a reduced fee of \$1.10 for learn to swim students
4. Council note the minutes of the Sports Advisory Committee meeting held on Monday, 19 November 2012.

**ITEM-32 OPER - 17/12/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE
MEETING MINUTES - 15 NOVEMBER 2012**

REPORT BY: I STEWART - GROUP MANAGER OF OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 15 November 2012.

COMMENTARY

At the Traffic Authority Local Committee held on 15 November 2012, there were several items discussed by the Committee.

1. Business arising from the previous minutes.
 - Aquatic Centre car park- revised plan
 - Ordnance Avenue Lithgow Family First Credit Union -disabled parking zone
2. Ongoing business from previous meeting held on 18 October 2012.
 - Main Street lane way- Centrelink Mort Street car park- request for traffic mirror
 - Request for concealed driveway signage- Jenolan Caves Road Western Road
 - 19m B- Double increased tonnage route assessment application- various roads
 - Review of parking zones- Main Street Lithgow
 - Speed zone review- Barton Avenue and George Coates Avenue Lithgow
 - Request for bus zone- Whitton Street Lithgow
 - Request for convex traffic mirror Lithgow Street and Kirkland Link intersection Lithgow
 - Main Street laneway review of lane from the rear of the Grand Central Hotel through to the rear of the Courthouse Hotel Lithgow
 - Tour de Range charity push bike challenge-traffic management plan
3. New Business
 - Request for temporary taxi zone adjacent to the Courthouse Hotel Main Street Lithgow
 - Traffic issue at the intersection of Methven Street and Hassan's Walls Road Lithgow
 - Lithgow Aquatic Centre car park signage
 - Request for extended access- higher mass limit on Oakey Forest Road at Marrangaroo
4. General Business
 - Crossing of the Blue Mountains bicentennial Blue Wave route and schedule
 - Landa Street Lithgow- corner between Daruk and Jingai Crescents
 - Thankyou to Council
 - Oyster Bay Motorcycle Events 2013
 - Local Traffic Authority Committee guidelines

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 15 November 2012

RECOMMENDATION

THAT Council notes the minutes of the Traffic Authority Committee held on 15 November 2012 and;

1. Undertake the following changes to traffic flow and signage at the aquatic centre-
 - The eastern end of Barton Street that is currently signposted as “one-way” accommodating only for eastern travelling vehicles to be converted to “two-way” to accommodate vehicles travelling in either direction
 - A Give way or Stop sign be installed at the intersection of Fred Burley Drive and Barton Street depending on the site distance requirements
 - A median strip be installed at the eastern end of Barton Street to define the two way street
 - Double centre lines be installed along Barton Street adjacent to the showground
 - No Stopping zones be installed along the three sides of the parking area (Barton Street and George Coates Avenue)
 - Bollards be installed along the eastern face of the car parking area in George Coates Avenue
2. Remove the existing disabled parking zone located adjacent to Family First Credit Union in Ordnance Avenue Lithgow.
3. Install a ‘silent cop’ be installed at the intersection of Methven Street and Hassan’s Walls Road Lithgow.
4. Install the appropriate signage under section 650 of the Local Government Act in the car parks located at the Lithgow Aquatic Centre so that parking restrictions can be enforced.
5. Provide all Councillors with a copy of the guide to the Delegation to Council for the regulation of traffic (local traffic committee guidelines) for their information.

ITEM-33 COMM - 17/12/12 - YOUTH COUNCIL MINUTES - 27 NOVEMBER 2012

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

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
Min – 12-465:	Ordinary Meeting of Council 26 November 2012

SUMMARY

This report details the minutes of the Youth Council meeting held on 27 November 2012.

COMMENTARY

At the Youth Council meeting held on 27 November 2012 various items were discussed by the committee including:

- Development of sporting scholarships for disadvantaged young people. Youth Council recommended that Council offer a scholarship program to enable disadvantaged young people to access a variety of programs at PCYC, to build self confidence and esteem in young people.

Youth Council recommended that Council offer 16 scholarships, each for a period of one year at a cost of \$250 each. This would enable participants to attend a variety of programs of their choice throughout the year. If supported by Council, the scholarship program could commence in the first half of 2013.

- Planning for Youth week 2013 events.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The full year cost of the scholarship program would be \$4,000 and the current year cost would be in the order of \$1,000. These allocations can be funded from the Financial Assistance budget.

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of Youth Council meeting held 27 November 2012.

RECOMMENDATION

THAT:

1. Council notes the minutes of the Youth Council meeting held 27 November 2012.
2. Council establishes a PCYC scholarship program for up to 16 disadvantaged youth.

**ITEM-34 COMM - 17/12/12 - DISABILITY ACCESS COMMITTEE - MINUTES 13
NOVEMBER 2012**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min – 12-224: Ordinary Meeting of Council 25 June 2012.
Min – 12-271: Ordinary Meeting of Council 23 July 2012
Min – 12-429: Ordinary Meeting of Council 5 November 2012

SUMMARY

This report details the minutes of the Disability Access Committee meeting held on 13 November 2012.

COMMENTARY

At the Disability Access Committee meeting held on 13 November 2012, various items were discussed including Current proposals to address issues with footpath pavers in Main Street Lithgow and the development of the Disability Access Plan.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Minutes of the Disability Access Committee meeting held 13 November 2012.

RECOMMENDATION

THAT Council notes the minutes of the Disability Access Committee meeting held 13 November 2012.

**ITEM-35 COMM - 17/12/12 - COMMEMORATION OF THE BLUE MOUNTAINS
CROSSING BICENTENARY COMMITTEE MEETING - MINUTES 5
DECEMBER 2012**

REPORT BY: W HAWKES - CULTURAL DEVELOPMENT OFFICER

REFERENCE

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 12-331: Ordinary Meeting of Council held 3 September 2012
Minute 12-463: Ordinary Meeting of Council held 26 November 2012

SUMMARY

This report details the Minutes of the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 5 December 2012.

COMMENTARY

At the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 5 December 2012, various items were discussed by the Committee including:

- Report on the 23 October 2012 Western Crossings Committee Meeting
- Crossings Website
- Signage for Cox's Road
- Committee Meeting Schedule for 2013
- Proposed Lithgow Projects

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 5 December 2012

RECOMMENDATION

THAT Council Notes the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 5 December 2012.

**ITEM-36 COMM - 17/12/12 - LITHGOW FLASH GIFT COMMITTEE MEETING
MINUTES - 28 NOVEMBER 2012**

REPORT FROM: R PARK - EVENTS CO- ORDINATOR

REFERENCE

Min No 12-142: Ordinary Meeting of Council 23 April 2012
Min No 12-143: Ordinary Meeting of Council 23 April 2012

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 28/11/2012

COMMENTARY

At the Lithgow Flash Gift Committee Meeting held on 28/11/2012

1. Present and Apologies.
2. Confirmation of Minutes from the Previous Meeting.
3. Business Arising from Previous Minutes
4. Research on NSW Athletics League Carnivals
5. Lithgow Little Athletics Clinic
6. Eric Arnold Perpetual Trophy
7. High Achieving Australian Athlete Guest Coach/ Motivator
8. Memorandum of Understanding
9. 2014 Regional Little Athletics Carnival
10. Regional Flagship Events Funding
11. Report from NSW Athletics League
12. Report from Lithgow Little A's
13. Lithgow Triathlon
14. 2013 Lithgow Flash Gift Sponsorship Packages
15. General Business

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 from the Lithgow Flash Gift Committee meeting of 28 November 2012

RECOMMENDATION

THAT Council:

1. Notes that the committee will approve the allocation of funds available for prize money and the running of the event that meets the objectives of the Lithgow Flash Carnival over the next few committee meetings.
2. Notes the information provided by Mr Ray Stoneley on the Little Athletics Clinics and the recommendations from the committee that athletes and coaches coming to the Lithgow Flash Carnival should be encouraged to support the Friday 22 February Lithgow Little Athletics training and attended the Sports Awards Night.
3. Notes the proposal of a perpetual trophy and the naming of the 100 metre sprint for boys and 100 metre girls sprint, The 'Eric Arnold Sprint'
4. allocates funds 2013/2014 Delivery Program to have the survey completed for the 2013 Lithgow Flash Carnival to be ready for the 2014 Little Athletics Regional Carnival
5. Notes the 2013 Lithgow Flash Carnival Sponsorship Pack will be sent to potential sponsors

**ITEM-37 ENVIRO - 17/12/12 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES 6 NOVEMBER 2012**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report seeks Council's ratification of the minutes of the Crystal Theatre Management Committee Meeting held on 6 November 2012.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 6 November 2012, there were a number of items discussed.

No matters considered require a Council resolution and the minutes are presented to Council for its information.

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 6 November 2012.

RECOMMENDATION

THAT Council note the minutes of the Crystal Theatre Management Committee Meeting held on 6 November 2012.

**ITEM-38 ENVIRO - 17/12/12 - ENVIRONMENTAL ADVISORY COMMITTEE
MINUTES 7 NOVEMBER 2012**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report details the minutes of the Environmental Advisory Committee meeting held 7 November 2012.

COMMENTARY

At the Environmental Advisory Committee held on 7 November 2012 a number of items were discussed including:

- Hassans Walls Boardwalk Plans
- Management Plan for Hassans Walls
- Hunting in State Forests
- Australia Day BBQs
- Developing Sustainable Energy Efficiency Plans
- Walking Track & Bike Trail Plan
- Save Our Swamps Program
- Bicentenary Crossings Events

One (1) matter discussed require a formal Council resolution being:

RECOMMENDATION

THAT the Committee recommend Council:

1. Consider allocating an amount of \$60,000 in line with the next budget for a plan of management for Hassans Walls.
2. Contact Crown Lands to see if funding can be sought for a plan of management for Hassans Walls.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Environmental Advisory Committee held 7 November 2012.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Environmental Advisory Committee Meeting held on 7 November 2012.
2. Consider allocating an amount of \$60,000 in line with the next budget for a plan of management for Hassans Walls.
3. Contact Crown Lands to see if funding can be sought for a plan of management for Hassans Walls.

BUSINESS OF GREAT URGENCY

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

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

CLOSED COUNCIL

ITEM-39 GM - 17/12/12 - CONFIDENTIAL REPORT - LITHGOW MASONIC HALL

Reason for Confidentiality

This report is **CONFIDENTIAL** and should be considered in Closed Council in accordance with Section 10(A)(2)(c) and/or 10A(2)(d)(ii) of the New South Wales Local Government Act 1993:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (ii) confer a commercial advantage on a competitor of the council

SUMMARY

This information is provided to update Council as a result of its previous decision to write expressing an interest in the Lithgow Masonic Hall.

RECOMMENDATION

THAT Council consider this report in Closed Council pursuant to Section 10(A)(2)(c) and/or 10A(2)(d)(ii) of the Local Government Act 1993.

**ITEM-40 MAYORAL MINUTE - 17/12/12 - CONFIDENTIAL REPORT -
PERFORMANCE REVIEW OF THE GENERAL MANAGER**

Reason for Confidentiality

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

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

SUMMARY

This report outlines the outcomes of the General Manager's 2011/12 performance review.

RECOMMENDATION

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