



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

07 SEPTEMBER 2015

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 17 AUGUST 2015

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

ELECTION OF MAYOR

STAFF REPORTS

General Managers Reports
Environment and Development Reports
Operation Reports

COUNCIL COMMITTEE MINUTES

Rural Lands Study Project Steering Committee Minutes - 22 July 2015
Environmental Advisory Committee Meeting Minutes - 12 August 2015
Tourism Advisory Committee Meeting - 18 August 2015
Community Development Committee Minutes of 19 August 2015 Including Financial Assistance Recommendations
Traffic Advisory Local Committee - 20th August 2015
Operations Committee Meeting - 20th August 2015
Sports Advisory Committee Meeting Minutes - 25th August 2015

DELEGATES REPORTS

Centroc Meeting - 12 August 2015

NOTICES OF MOTION

Blackfellows Hand Aboriginal Place Installation of Signage - Councillor Martin Ticehurst
Proposed Culling of Kangaroos Surrounding Marrangaroo Fields and Lithgow Golf Course - Councillor Martin Ticehurst
Proposed (Interimpolicy) Public Donations - Councillor Martin Ticehurst

Installation of Speed Camera on Victoria Pass, Mt Victoria - Councillor Martin Ticehurst

QUESTIONS WITH NOTICE - NIL

NOTICE OF RECISSIONS - NIL

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 07/09/15 - MAYOR - NOMINATIONS FOR AND ELECTION FOR THE POSITION FOR 2015/16

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

Council is, each year, to elect a Mayor. This report provides the procedure for the election of Mayor for the coming 12 month period.

COMMENTARY

Where the Mayor is elected by the councillors the Council is required each year to elect a Mayor to preside over the Council for the ensuing 12 month term.

As described by Section 230(1) a mayor elected by councillors holds office for one year, subject to the Act.

Section 290(1)(b) of the Act requires the election of the mayor to be conducted at a meeting held during the month of September.

290 When is an election of a mayor by the councillors to be held?

- (1) *The election of the mayor by the councillors is to be held:*
 - (a) *if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
 - (b) *if it is not that first election or an election to fill a casual vacancy-during the month of September, or*
 - (c) *if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
 - (d) *if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*
- (3) *For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The Mayoral Fee presently paid by Lithgow City Council is **\$21,330pa** plus private use of a motor vehicle plus **\$10,070pa** Councillor Fee totalling **\$31,400pa**.

Nominations

Nominations are now invited for the Office of Mayor for the 2015/16 term (until September 2016). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Ordinary Council Meeting scheduled for Monday 7th September 2015 **OR** at this Ordinary Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(b) of the Local Government Act requires Council to hold the election for the position of Mayor by the Councillors during the month of September. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Local Government Act.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Nomination Forms (blue)

RECOMMENDATION

THAT Council proceed with the election of the Mayor using the Open Voting method.

ITEM-2 GM - 07/09/15 - DEPUTY MAYOR - NOMINATIONS FOR AND ELECTION FOR THE POSITION OF DEPUTY MAYOR FOR 2015/16

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

Council may, each year, elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor for the coming 12 month period.

COMMENTARY

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for a term of 12 months, i.e. September to September.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are to be **deducted** from payments to the Mayor. **No fees** are presently paid by Lithgow City Council for the holder of the position of Deputy Mayor.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Extra-Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

Section 231 of the Local Government Act 1993 provides that the Councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Lithgow City Council for the position of Deputy Mayor to be exactly the same length of time as the position of Mayor as determined in Section 231 (2) of the Local Government Act 1993.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Nomination Forms - Green

RECOMMENDATION

THAT Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determines the fee that is to be paid to the Deputy Mayor, if any.

ITEM-3 GM - 07/09/15 - COUNCIL COMMITTEES AND EXTERNAL BODIES**REPORT BY: R BAILEY - GENERAL MANAGER**

SUMMARY

The purpose of this report is for Council to consider the re-appointment of councillors to s355 committees of Council and delegates to external committees, organisations and other working groups.

COMMENTARY

Currently the following councillors represent Council on S355 Committees and External Committees and Organisations.

Committees	2014/15 Representative
Environmental Advisory	Councillor Ticehurst Councillor Hunter
Operations Committee	Councillor Pilbeam Councillor Hunter Councillor Higlett General Manager
Traffic Advisory Local (TALC)	Councillor Pilbeam Councillor Ticehurst (Alternate)
Sports Advisory Committee	Councillor Inzitari Councillor Thompson
Internal Audit Committee	Councillor Statham Councillor Pilbeam (Alternate)
Lithgow Tourism Advisory	Councillor Higlett Councillor Statham
Economic Development Advisory	Councillor Higlett Councillor Inzitari
Community Development	Councillor Statham Councillor McGinnes
Youth Advisory Committee	Councillor Inzitari Councillor McAndrew
Lithgow Crime Prevention	Councillor Inzitari Councillor McAndrew
Disability Access	Councillor McGinnes Councillor Statham
Crystal Theatre	Councillor Hunter Councillor Statham
Union Theatre	Councillor McGinnes Councillor Hunter
Meadow Flat Hall	Councillor Hunter Councillor Statham
CBD Revitalisation Action Plan Committee	Councillor Statham Councillor Higlett

	Councillor Inzitari Councillor Pilbeam Councillor Hunter General Manager
Howard & Sons Pyrotechnics Committee	Councillor Statham
Local Lithgow Heritage Advisory Committee	Councillor Statham Councillor Hunter Councillor Pilbeam
Rural Lands Study Project Steering Committee	Councillor Thompson Councillor McAndrew
Mining Taskforce	Councillor Statham Councillor Thompson Councillor McAndrew
Business Taskforce	Councillor Statham Councillor Thompson Councillor McAndrew
External Committees and Organisations	
Arts Out West Committee	Councillors Statham
Bells Line of Road Group	Councillor Statham General Manager (Alternate)
Blue Mountains Tourism Limited	Councillor Statham Councillor Higlett (Alternate)
NSW Rural Fire Service Senior Management Team	Councillor Hunter
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor Thompson Councillors Statham (Alternate)
Upper Macquarie County Council	Councillor Hunter Councillor Thompson
Centroc	Mayor General Manager
Pine Dale Coal Mine Community Committee	Councillor Hunter
Cullen Valley Coal Mine Community Committee	Councillor Inzitari
Invincible Coal Mine Community Committee	Councillor Statham
Clarence Coal Mine Community Committee	Councillor Pilbeam
Angus Place Coal Mine Community Committee	Councillor Statham
Association of Mining Related Councils	Councillor Statham Councillor Thompson (Alternate)
Lithgow Correctional Centre Committee	Councillor Ticehurst
Airly Mine Community Consultative Committee	Councillor Hunter
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Hunter
Inglenook Exploration Community Liaison Committee	Councillor Thompson

Eskbank Rail Heritage Centre Committee	Councillor Inzitari Councillor Hunter (Alternate)
Wolgan Valley Wilderness Railway Committee	Councillor Hunter Councillor Inzitari (Alternate)
Rural Fire Service Lithgow District Liaison Committee	Councillor Statham Councillor Hunter
Wallerawang Quarry Consultative Committee	Councillor Hunter

Council resolved at the Ordinary Meeting of Council held on 1 June 2015 to terminate the following Committees:

- Indoor Aquatic Centre Committee
- Lithgow Flash Gift Committee
- Blue Mountains Crossing Committee

Delegates on the Lithgow Aged Care Committee are no longer required following constitutional changes to the board.

POLICY IMPLICATIONS

- Policy 4.1 Community Representatives – Appointment to Committees or Working Groups
- Code of Meeting Practice

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulations 2005

RECOMMENDATION

THAT Council reconfirms the councillor appointments made to the s355 Committees of Council and External Committees and Organisations.

Committees	2015/2016 Representative
Environmental Advisory	Councillor Ticehurst Councillor Hunter
Operations Committee	Councillor Pilbeam Councillor Hunter Councillor Higlett General Manager
Traffic Advisory Local (TALC)	Councillor Pilbeam Councillor Ticehurst (Alternate)
Sports Advisory Committee	Councillor Inzitari Councillor Thompson
Internal Audit Committee	Councillor Statham Councillor Pilbeam (Alternate)
Lithgow Tourism Advisory	Councillor Higlett

	Councillor Statham
Economic Development Advisory	Councillor Higlett Councillor Inzitari
Community Development	Councillor Statham Councillor McGinnes
Youth Advisory Committee	Councillor Inzitari Councillor McAndrew
Lithgow Crime Prevention	Councillor Inzitari Councillor McAndrew
Disability Access	Councillor McGinnes Councillor Statham
Crystal Theatre	Councillor Hunter Councillor Statham
Union Theatre	Councillor McGinnes Councillor Hunter
Meadow Flat Hall	Councillor Hunter Councillor Statham
CBD Revitalisation Action Plan Committee	Councillor Statham Councillor Higlett Councillor Inzitari Councillor Pilbeam Councillor Hunter General Manager
Howard & Sons Pyrotechnics Committee	Councillor Statham
Local Lithgow Heritage Advisory Committee	Councillor Statham Councillor Hunter Councillor Pilbeam
Rural Lands Study Project Steering Committee	Councillor Thompson Councillor McAndrew
Mining Taskforce	Councillor Statham Councillor Thompson Councillor McAndrew
Business Taskforce	Councillor Statham Councillor Thompson Councillor McAndrew
External Committees and Organisations	
Arts Out West Committee	Councillors Statham
Bells Line of Road Group	Councillor Statham General Manager (Alternate)
Blue Mountains Tourism Limited	Councillor Statham Councillor Higlett (Alternate)
NSW Rural Fire Service Senior Management Team	Councillor Hunter
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor Thompson Councillors Statham (Alternate)
Upper Macquarie County Council	Councillor Hunter Councillor Thompson
Centroc	Mayor General Manager
Pine Dale Coal Mine Community	Councillor Hunter

Committee	
Cullen Valley Coal Mine Community Committee	Councillor Inzitari
Invincible Coal Mine Community Committee	Councillor Statham
Clarence Coal Mine Community Committee	Councillor Pilbeam
Angus Place Coal Mine Community Committee	Councillor Statham
Association of Mining Related Councils	Councillor Statham Councillor Thompson (Alternate)
Lithgow Correctional Centre Committee	Councillor Ticehurst
Airly Mine Community Consultative Committee	Councillor Hunter
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Hunter
Inglenook Exploration Community Liaison Committee	Councillor Thompson
Eskbank Rail Heritage Centre Committee	Councillor Inzitari Councillor Hunter (Alternate)
Wolgan Valley Wilderness Railway Committee	Councillor Hunter Councillor Inzitari (Alternate)
Rural Fire Service Lithgow District Liaison Committee	Councillor Statham Councillor Hunter
Wallerawang Quarry Consultative Committee	Councillor Hunter

ITEM-4 GM - 07/09/15 - REVIEW OF POLICY 9.5 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

This report is to advise Council the Draft Policy 9.5 for the 'Payment of Expenses and Provision of Facilities to Councillors' has been reviewed as Version 6 and includes a recommendation that it be publically advertised for a period of 28 days prior to final consideration by Council.

COMMENTARY

Draft Policy 9.5 for the 'Payment of expenses and Provision of Facilities to Councillors' has been reviewed and is submitted to the business paper as Version 6.

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

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

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

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

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

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

The Policy deals with:

PART 1 – PAYMENT OF EXPENSES

- Responsibility and Accountability
- Travel (Inside and outside of the Lithgow City Council LGA and overseas travel)
- Official Engagements and Functions
- Annual Councillor Professional Development Discretionary Vote

- Expenses Associated with Councillors Attending, at their Discretion, Conferences, (including the Annual Local Government Association or Shires Conferences) Seminars, Councillor Professional Development and Training Programs, Elected Member Courses and Local Government and Shires Associations Industry Working Groups.
- Legal and insurance expenses and obligations

PART 2 FACILITIES

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

There are no changes proposed.

POLICY IMPLICATIONS

Policy 9.5 for the 'Payment of Expenses and Provision of Facilities to Councillors' Version 6.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Council is required to comply with the provisions of Section 253 of the NSW Local Government Act 1993 in relation to this matter which requires:

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and

- (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
 - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

ATTACHMENTS

1. Draft Policy 9.5, Version 6, for the 'Payment of Expenses and Provision of Facilities to Councillors'.

RECOMMENDATION

THAT Council advertise the revised Draft Policy 9.5 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 6, for a period of 28 days.

ITEM-5 GM - 07/09/15 - FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) are seeking support for advocacy from Council in relation to the announcement by the Commonwealth Government to freeze Financial Assistance Grants (FAGs) at the 2014/15 levels which could compromise the long term financial sustainability of Council.

COMMENTARY

The Commonwealth recently decided to freeze indexation of its Financial Assistance Grants and keep them at the 2014/15 levels. This threatens to compromise Local Government's ability to provide adequate levels of infrastructure and services with a permanent 13% reduction in the FAGs base.

Council has been approached by Local Government NSW for support for advocacy in maintaining adequate funding for locals roads, parks, swimming pools and libraries. LGNSW along with the Australian Local Government Association have mounted a campaign to have FAGs indexation restored immediately and requested that the Commonwealth Government consider both their adequacy and indexation methodology moving forwards.

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such.

Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Assuming that the Financial Assistance Grant rises by 3% per annum to keep the level of the grant in line with changes in inflation (CPI) Lithgow City Council would expect the level of the Financial Assistance Grant to be \$5,021,611 by 2016/17. Due to the freezing of the Financial Assistance Grant indexation, the grant is expected to remain close to the 2013/14 levels or \$4,595,486

Year	Financial Assistance Grant - No Indexation	Expected Financial Assistance Grant	Indexation	Difference	Cumulative Difference
2013/14	\$4,595,486	\$4,595,486	-	-	-
2014/15	\$4,621,575*	\$4,733,350	3%	\$111,775	\$111,775
2015/16	\$4,621,575	\$4,875,351	3%	\$253,776	\$365,551
2016/17	\$4,621,575	\$5,021,611	3%	\$400,036	\$765,587

*Note the 2013/14 FAGS were adjusted.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Acknowledge the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure
2. Acknowledges that Council received \$4,621,575 in 2014/15
3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-6 ENVIRO - 07/09/15 - REVIEW OF SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-123: Ordinary Meeting of Council held on 23 April 2012
Min No 12-217: Ordinary Meeting of Council held on 25 June 2012
Min No 12-315: Ordinary Meeting of Council held on 3 September 2012

SUMMARY

The purpose of this report is to seek Council endorsement to publicly exhibit a revised Draft Lithgow Section 94A Development Contributions Plan which includes administrative changes and a new works schedule.

COMMENTARY

Council's current Section 94A Development Contributions Plan was adopted in June 2012 and commenced on 19 July 2012. The Plan applies to the whole Local Government Area and provides for a contribution rate (expressed as a percentage of estimated cost of development) as determined by the Environmental Planning and Assessment Regulations, 2000 as follows:

Estimated Cost of Development	Percentage (%) Contribution/Levy
All development types valued at \$100,000 or less	Nil
All development types valued at \$100,001 and up to \$200,000	0.5%
All development types valued in excess of \$200,000	1%

The Plan repealed and replaced all other contributions plans and expressly authorises the expenditure of unspent monies collected through those plans on works identified in the works schedule attached to the Plan.

REVIEW OF CURRENT SECTION 94A PLAN

A review of this Plan and its operation since July 2012 has been undertaken by Council officers. The review became necessary to reflect an adjustment to the revenue forecast for the Plan and to reflect changes to the capital funding mechanisms for the Lithgow Aquatic Centre. This will ensure that the Plan remains current and aligns with Council's current Delivery Plan and 10 year Long Term Financial Plans.

This review has recommended that the Plan be amended to update and modify the works schedule and at the same time make some administrative changes to the Plan.

The current Plan may only be amended by the making of a subsequent new Plan in accordance with the provisions of the Environmental Planning and Assessment Regulations, 2000. The making of a new plan will require the revised draft plan to be publicly exhibited for a period of at least 28 days.

All submissions received will be considered and reported back to Council before any new plan is recommended for adoption.

ADMINISTRATIVE CHANGES

The following key administrative changes are proposed to be incorporated into the new Draft Section 94A Development Contributions Plan:

- The original plan has been altered to make it clearer that certain developments are exempted from the levy and not that “Council may consider exempting” certain developments, eg development that requires rebuilding after natural disasters. Also the proposed new plan exempts the payment of the levy for the demolition or rebuilding of an existing dwelling.
- The requirement for a Quantity Surveyor to certify the cost of works is proposed to be increased from \$500,000 to \$1,000,000. Given the general increase in development costs it was considered that requiring an applicant to provide a Quantity Surveyors report for development over \$500,000 represented an unreasonable impost and cost, for example, to some new homes.
- Allowing the negotiation of a Voluntary Planning Agreement in lieu of a Section 94A Contribution where the terms of the VPA would provide a greater monetary contribution than the Section 94A Contributions Plan. The current \$1,000,000 development cost before a VPA may be entered into is proposed to be removed thus providing greater flexibility where a VPA may achieve a more beneficial result.

REVENUE REVIEW AND FORECAST

The original revenue projections that were utilised for the 2012 Contributions Plan were not realised. A target of \$200,000 per annum is more realistic and it is necessary to prepare a works schedule that can be sustained in accordance with this reviewed revenue target. Ongoing revenue will be combined with the existing funds held in reserve.

NEW WORKS SCHEDULE

The proposed new works schedule features the following works over the 10 year life of the plan. In many cases, Section 94A contributions will be additional to funding from other sources.

- Rural Road Rehabilitation - \$150,000 per annum over the 10 year life of the plan. Funding is proposed to be allocated to Wattlemount Road, Cullenbenbong Road, Glen Alice Road, Curly Dick Road, Hartley Vale Road, Thompsons Creek Road, Mount Horrible Road, Ganbenang Road, Fields Road and Hartley Vale Road.
- A contribution of \$100,000 per annum between 2014/2015 and 2023/2024 toward the Lithgow Aquatic Centre.

- \$200,000 toward the Main Street Revitalisation project.
- \$100,000 toward CCTV enhancements in the Lithgow CBD area.
- A total of \$240,000 to a Village improvement program.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The new contributions plan outlines the allocation of funds over the 10 year life of the plan.

LEGAL IMPLICATIONS

Section 94A of the Environmental Planning and Assessment Act provides the legislative basis of the plan and the making of the Plan is governed by the Environmental Planning and Assessment Regulations.

ATTACHMENTS

1. Draft Section 94A Contributions Plan 2015.

RECOMMENDATION

THAT the Draft Section 94A Contributions Plan 2015 be placed on public exhibition for a period of 28 days.

OPERATION REPORTS

ITEM-7 OPER - 07/09/15 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-196: Ordinary Meeting of Council held on 17th August 2015

SUMMARY

This report provides an update on various water management issues as per Minute Number 15-196.

COMMENTARY

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam # 2 capacity on Monday, 24th August 2015 was 100%. Oberon Dam capacity on Monday, 24th August 2015 was 60%.

Current Water Usage from Each Supply

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2015/2016. Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2013/2014 & 2014/2015.

Table 1 - Oakey Park Monthly Output and Clarence Transfer 2015/2016

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	50	0	113
TOTAL	50	0	113

Table 2 - Oakey Park Monthly Output and Clarence Transfer 2013/2014 & 2014/2015

Month	2013/14			2014/15		
	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
July	93	0	44	80	0	63

August	96	0	67	145	0	45
September	102	0	73	105	0	66
October	130	0	58	112	0	61
November	106	0	61	120	0	65
December	100	0	47	84	0	36
January	111	0	109	89	0	100
February	93	0	73	95	0	66
March	62	0	68	143	0	67
April	105	0	61	99	0	71
May	118	0	59	105	0	55
June	101	0	67	131	0	74
TOTAL	1,217	0	787	1,308	0	769

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG values were exceeded for the period 8/8/2015 to 28/8/2015.

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

Fish River Water Scheme Water Quality Summary

Fish River Water Supply is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG values were exceeded for the period 8/8/2015 to 28/8/2015.

There was a coliform detection of 6 CFU/100mL at sample site 225, being Glen Davis amenities block, on 19th August 2015. No E Coli was detected. Following these results, the site was resampled on 24th August 2015, where the coliform reading was found to be 1 CFU/100mL. Chlorine residual testing has indicated that there is adequate disinfection in the system. Council Officers have been working with Water NSW and NSW Health to determine the cause of the coliform detection and at this stage there is no concern over the safety of the water.

Current Water Restrictions Update

Level 1 restrictions are effective from Monday, 17th March 2014.

Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued with Council approving four (4) applications for household appliance rebates and no applications for water tank rebates for the period 8/8/2015 to 28/8/2015.

Water Reticulation Complaints

Five (5) varying complaints were received during the period 8/8/2015 to 28/8/2015 concerning water quality issues in the following areas:

Locality	Concern	Notes
Lemnos Street, Lithgow	Caller advised that the water was clear earlier but now is coming out a dark coffee colour.	Discoloured water caused by burst main in Rabaul Street.
Laidley Street, Lithgow	Dirty water.	Discoloured water caused by burst main in Atkinson Street.
Atkinson Street, Lithgow	Customer advised that his water quality and colour has deteriorated over the past week and is now a very dark rusty colour. Can Council investigate and flush the mains to the clear this problem.	Discoloured water caused by burst main in Atkinson Street.
Vickers Street, Lithgow	Caller reported that tenant has had dirty water today.	Discoloured water caused by burst main in Vickers Street.
Sandford Avenue, Lithgow	Caller advised dirty water.	Discoloured water caused by burst main in Sandford Avenue.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

**ITEM-8 OPER - 07/09/15 - CONSTRUCTION OF STAGE 2 AND 3 OF THE
INDOOR AQUATIC CENTRE CONTRACT**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 14-154: Ordinary Meeting of Council held 14 April 2014

SUMMARY

To advise Council of the final costs associated with the construction of stages two and three of the Indoor Aquatic Centre

COMMENTARY

At an Ordinary meeting of Council held on 28 October 2013, Council accepted Facility Design Groups fee proposal for \$161,500 ex GST for consultancy services including technical design and contract administration. Council also accepted a fee proposal from the same company, Facility Design Group for \$50,000 ex GST for the project management for Stages 2 and 3 of the Lithgow Aquatic Centre

At the Ordinary meeting of Council held on 14 April 2015, Council accepted a tender from Icon Building group for the construction of Lithgow Aquatic centre stage 2 and 3 for the sum of \$3,085,300 ex GST (\$3,393,830 inclusive of GST). The final cost of the contract totalled \$3,445,209.30 including variations and schedule of rates commitments

The attached schedule of variations confirms the total variations paid on this contract and include:

Variation 2 - Service Relocation - \$26,239

Relocation of services was required due to the proposed pad footings and piers interfered with a number of existing services from Stage 1 and unknown services from the old works. Due to the location of services from stage 1 this compromised the intent of Stages 2 and 3 footings and steel placement. Essential modification was required to adjust pier locations and structural steel components.

Variation 6 - Upgrade heating system - \$20,174

After a close examination of Stage One works it was found that the Hydronic heating systems had major design issues, main feeder pipe sizes and length of run from headers, control issues which required redesign by Smarheat to provide the intended service to the stage one zones. Whilst there was a cost for those works the improved efficiency of the system will pay dividends in the long run.

Variation 7 - Additional piers - \$24,918

Additional pool piercing was required due to the depth variation above that stated in the contract. A preliminary survey after excavation indicated varying heights for the

foundations the depth variation being was caused by the need to remove some unsuitable material in the foundations.

Variation 3 - Additional steel - \$30,036

After a value engineering session with the builder and sub consultants a number of improvements were identified and implemented to improve the outcome of the building in terms of roof line and ventilation flow. This required the addition of some extra steel to achieve the desired result and was also influenced by the location of the new piers.

Variation 5 - Insulation - \$28,578

To improve retention of heat the slab and walls of the structural component of the pool were insulated. This was not provided in the original contract.

Variation 20 - External Siteworks - \$169,558

External site decisions were made by Council towards the finalisation of this project in an effort to provide an opening to the centre with all things external being completed.

The original Provisional Sum of \$25K was only meant for the disabled car parking slabs. What was decided to be undertaken as extra works included new slab under existing rainwater tank - requiring removal then relocation, extended service driveway works with best case scenario of the hill being re shaped and considerable quantities of spoil being taken away, and large areas of extra concrete to the western side.

The footpath to front of aquatic hall was not able to be readily reused due to level changes and interface with ramp to street. It was decided that a new security fence be installed plus landscaped vegetation strip - providing extra safety and security to the louvre system on wall of pool hall.

A drainage system was installed under the new landscape strip - providing more quality drainage back to the drainage pit installed on western side. This pit also picks up all of the subsurface water under and around the pool - thus making this site perhaps one of the best drained aquatic centres. Given the troublesome water run off from the hill located behind this building, expenditure on this item will assist in maintaining a well drained and healthy site for the life of the facility.

Extent of new external concrete works exceeded some 500m² in area = \$60,000 just in concrete supply and lay. Water taps have also been provided to landscape areas.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The funding available for this project totalled \$3,602,000

The final cost of the project was \$3,445,209 exclusive of GST

LEGAL IMPLICATIONS

Council is committed contractually to pay the contractor approved variations to the contract price

ATTACHMENTS

1. Details of variations approved.

RECOMMENDATION

THAT Council:

1. Note that the contract for the construction of Stages 2 and 3 of the Indoor Aquatic Centre is now finalised at a total cost of \$3,445,209.30 exclusive of GST;
2. Confirm the variations to the contract payments made to Icon Building Group totalling \$359,909.30.

ITEM-9 OPER - 07/09/15 - CONTRACT FOR THE FARMERS CREEK FLOOD MITIGATION SCHEME CONSTRUCTION - STAGE 2

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 14-257: Extraordinary Meeting of Council held on 24 June 2014

SUMMARY

To report on the finalisation of the contract undertaken by Peters Earthmoving Pty Ltd for the construction of stage 2 of the Farmers Creek Flood Mitigation Project.

COMMENTARY

At the extraordinary meeting of Council held on 24 June 2014 Council accepted a tender from Peters Earthmoving Pty Ltd for the construction of Stage 2 of the Farmers Creek Flood Mitigation Scheme in an amount of \$2,165,141.20 exclusive of GST.

Council had been successful in obtaining a grant from the NSW Office of Environment and Heritage (OEH) for the Stage 2 works on a 2:1 funding ratio. Council was required to contribute \$2,138,335 and the OEH contribute \$4,276,670. Whilst the tender accepted appeared well below the original estimate of construction costs, the tender did include a number of schedule of rates whose actual cost would be subject to measurement on the job and inclusion in contract payments. (For example, excavation in non rippable rock).

During the course of the project a number of significant problems were encountered, the most significant being the discovery of loose asbestos material in the existing fill adjacent to the Creek. This material had to be excavated under qualified supervision and disposed of in an approved method. This resulted in the need to import from offsite clean fill to backfill the new retaining walls.

Another significant variation was the discovery of non rippable rock located below the alignment of the new retaining walls, which had to be excavated and removed. This require additional fill to be imported and compacted at the base of the retaining wall

These two variations significantly increased the contract cost bringing to a total of \$3,345,781.52 ex GST. Details of other significant variations are attached on the schedule of variations.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds are available from the grant funds provided by OEH including Council contribution to the project. The total funds available for this project include \$4,276,670 for OEH with

Council's contribution to be \$2,138,335 totalling \$6,415,005. Total expenditure for the project is \$3,345,781.52 with OEH contributing \$2,230,521 and \$1,115,260.52 being contributed by Council

LEGAL IMPLICATIONS

Council is committed contractually to pay the contractor approved variations to the contract price

ATTACHMENTS

1. Details of cost adjustments and variations to contract

RECOMMENDATION

THAT Council:

1. Note that the contract for the construction of Stage 2 of the Farmers Creek Flood Mitigation Scheme is now finalised at a total cost of \$3,345,781.52 exclusive of GST; and
2. Confirm the variations to the payments made to Peters Earthmoving Pty Ltd totalling \$1,180,640.32.

COUNCIL COMMITTEE MINUTES

**ITEM-10 ENVIRO - 07/09/15 - RURAL LANDS STUDY PROJECT STEERING
COMMITTEE MINUTES - 22 JULY 2015**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report presents the minutes of the Rural Lands Study Project Steering Committee Meeting held on 22 July 2015.

COMMENTARY

At the Rural Lands Study Project Steering Committee Meeting held on 22 July 2015, there were several items on the agenda with discussion outlined in the attached minutes. No matters discussed require a Council resolution.

ATTACHMENTS

1. Minutes of the Rural Lands Study Project Steering Committee Meeting held on 22 July 2015.

RECOMMENDATION

THAT Council note the minutes of the Rural Lands Study Project Steering Committee Meeting held on 22 July 2015.

**ITEM-11 ENVIRO - 07/09/15 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 12 AUGUST 2015**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

This report details the Minutes of the Environmental Advisory Committee Meeting held on 12 August 2015.

COMMENTARY

At the Environmental Advisory Committee meeting held on 12 August 2015 there were 4 items on the agenda which are outlined in the attached minutes. None of the items require a resolution of Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Environmental Advisory Committee meeting held on 12 August 2015.

RECOMMENDATION

THAT Council note the minutes of the Environmental Advisory Committee held on 12 August 2015.

**ITEM-12 CORP - 07/09/15 - TOURISM ADVISORY COMMITTEE MEETING - 18
AUGUST 2015**

REPORT BY: K BARROW – TOURISM MANAGER

REFERENCE

Min No 14-372: Ordinary Meeting of Council held on 8 September 2014
Min No 14-436: Ordinary Meeting of Council held on 27 October 2014
Min No 15-21: Ordinary Meeting of Council held on 9 February 2015
Min No 15-65: Ordinary Meeting of Council held on 23 March 2015

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 18 August 2015

COMMENTARY

At the Tourism Advisory Committee held on 18 August 2015, there were numerous items discussed by the Committee:

- Visitor Information Centre upgrade
- Lithgow Halloween – Including Overview, plans, sponsoring, workshops, sponsors, workshops, marketing, Traffic Management Plan, working with children checks, Provision of candy, sale and consumption of alcohol, event controls, entertainment.
- Consumer Shows

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 18 August 2015

RECOMMENDATION

THAT Council note the minutes of the Tourism Advisory Committee held on the 18 August 2015.

**ITEM-13 CORP - 07/09/15 - COMMUNITY DEVELOPMENT COMMITTEE
MINUTES OF 19 AUGUST 2015 INCLUDING FINANCIAL
ASSISTANCE RECOMMENDATIONS**

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 15-92: Ordinary Meeting of Council held on 20 April 2015
Min No 15-83: Ordinary Meeting of Council held on 20 April 2015
Min No 15-155: Ordinary Meeting of Council held on 29 June 2015

SUMMARY

This report details the minutes of the Community Development Committee meeting held on 19 August 2015.

COMMENTARY

At the Community Development Committee meeting held 19 August 2015 various items were discussed by the committee, including:

Adventure Playground - Work will commence shortly on the adventure playground concept design.

Recognition of Charlie Pinch - At the Ordinary Meeting of Council held 20 April 2015 (Min 15-83), Council considered a proposal to rename either Park Street or Park Avenue Portland to avoid confusion from the similar names and to rename one of these streets after the late Charlie Pinch. Council resolved however not to proceed with the renaming of these streets and to ask the Community Development Committee to investigate the possibility of renaming a facility or road in the Portland area in honour of the late Mr Charlie Pinch.

The Committee discussed this matter and recommends that Council liaises with AWJ Civil, the owners of the Portland Cement Works site, regarding naming a suitable building within the redeveloped site after Charlie Pinch.

Blast Furnace - An update on works at Blast Furnace Park.

Current Projects - An update on the WW11 Memorial in Queen Elizabeth Park and the Lithgow Gun Emplacement.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

RECOMMENDATION

THAT Council:

1. Note the minutes of the Community Development Committee meeting held 19 August 2015.
2. Liaise with AWJ Civil, the owners of the Portland Cement Works site, regarding naming a suitable building within the redeveloped site after Charlie Pinch.

ITEM-14 OPER - 07/09/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 20TH AUGUST 2015

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 20th August 2015.

COMMENTARY

At the Traffic Advisory Local Committee meeting held on 20th August 2015, the following items were discussed by the Committee:

- Glen Alice Community Association Requests
- Psyfari Music Festival
- Resident Request – Footpath Adjacent to Lake Wallace Near Forest Ridge Road
- Resident Request – Improved Lighting in the Carpark of Railway Parade, Lithgow
- Resident Request – Black Ice Signage
- Proposed Crown Road Closures in the Lithgow LGA
- Disabled Parking Outside Eskbank Surgery
- Traffic Control Plan – Halloween 2015
- Post Event Report from Australian Skateboard Racing Association

The following items were outside the Committee’s delegations and require Council to formally approve the recommendation:

- Resident Request – Caution Signage for Horses

THAT Council install a W5243 Caution Horse Advisory Sign on Sir Thomas Mitchell Drive, South Bowenfels.

- Resident Request – Signage Replacement

THAT Council investigate existing signage on Hartley Vale Road and if required install length restrictive signage.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Traffic Advisory Local Committee meeting held on 20th August 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 20th August 2015;
2. Install a W5243 Caution Horse Advisory Sign on Sir Thomas Mitchell Drive, South Bowenfels; and
3. Investigate existing signage on Hartley Vale Road and if required install length restrictive signage.

ITEM-15 OPER - 07/09/15 - OPERATIONS COMMITTEE MEETING - 20TH AUGUST 2015

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Operations Committee Meeting held on 20th August 2015.

COMMENTARY

At the Operations Committee Meeting held on 20th August 2015, there were a number of items discussed by the Committee including:

- Review Of Major Projects
- Recreation Facilities Asset Management Plan
- Rural Roads Issues

The following items were outside the Committee’s delegations and require Council to formally approve the recommendation:

- Unformed Road Over Mount Sandy

THAT Council enters negotiations with the affected land owner to close the unformed road known as Mount Sandy Road in the Kanimbla Valley.

- Lake Wallace Arboretum – Request for Assistance

THAT Council agree to provide two second hand drainage pipes and one days slashing as requested by the organisers of the Lake Wallace Arboretum.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Operations Committee meeting of 20th August 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Operations Committee held on 20th August 2015;
2. Enters negotiations with the affected land owner to close the unformed road known as Mount Sandy Road in the Kanimbla Valley; and
3. Agree to provide two second hand drainage pipes and one days slashing as requested by the organisers of the Lake Wallace Arboretum.

**ITEM-16 OPER - 07/09/15 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 25TH AUGUST 2015**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 15-200: Ordinary Meeting of Council held on 17th August 2015

SUMMARY

This report details the Minutes of the Sports Advisory Committee Meeting held on 25th August 2015.

COMMENTARY

At the Sports Advisory Committee held on 25th August 2015, there were numerous items discussed by the Committee, including:

- 2015 LJ Hooker Reg Cowden Sports Star of the Year Awards
- Booking Requests

The following items were outside the Committee's delegations and require Council to formally approve the recommendation:

- Financial Assistance Requests

ATTACHMENTS

1. Minutes of the Sports Advisory Committee meeting held on 25th August 2015.

RECOMMENDATION

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 25th August 2015;
2. Provide Ethan Howard with \$500 toward the cost of participating in the UK cricket tour;
3. Provide Emily Thompson with \$300 toward the cost of participating in the NSW U/13s State Girls Hockey Team Nationals; and
4. Provide Emily Watts with \$300 toward the cost of participating in the NSW Cycle Team National Champs; and

DELEGATES REPORTS

ITEM-17 DELEGATES REPORT - 07/09/15 - CENTROC MEETING - 12 AUGUST 2015

REPORT FROM: COUNCILLOR MAREE STATHAM, MAYOR

REFERENCE

Min No 15-70: Ordinary Meeting of Council held on 23 March 2015

SUMMARY

This report outlines the discussions from the Centroc meeting held at Parliament House, Canberra on Thursday 28 May 2015.

COMMENTARY

With the Deputy Mayor, Clr Thompson, and Council's General Manager I attended the Centroc Board meeting at Parliament House Canberra 12 August 2015. In attendance were representatives from Central West RDA, the Department of Premier and Cabinet and Mayors and General Managers from across the region.

The Centroc Executive also met prior to the Board the evening before. Centroc representatives also met with several Parliamentary Officials for meetings the day before.

Federal Member for Hume, Angus Taylor co-ordinated the Parliament visit, the Board is very grateful for all his support and efforts to bring issues facing regional councils forward at the Federal level. The Board unanimously agreed Mr Taylor be thanked formally. His staff should also be commended for their commitment to the event.

We were fortunate to have the following Ministers and Parliamentary Secretaries address the Board:

- The Hon Sussan Ley, Minister for Health
- Mr Adam Fitzgibbons, Advisor to the Deputy Prime Minister Warren Truss
- The Hon Jamie Briggs, Assistant Minister for Infrastructure and Regional Development
- The Hon Malcolm Turnbull, Minister for Communications
- The Hon Ian Macfarlane, Minister for Industry and Science
- The Hon Bob Baldwin, Parliamentary Secretary to the Minister for Environment
- The Hon Kelly O'Dwyer, Parliamentary Secretary to the Treasurer
- Senator Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture
- Federal Members Angus Taylor, John Cobb and Mark Coulton

Prior to our Board meeting, on the Wednesday the Chair, Cr Bill West, Mayor of Cowra, met with:

- The Hon Julie Collins, Shadow Minister for Regional Development & Local Government, Shadow Minister for Employment Services;
- Mr Richard Hyett, Policy advisor to the Minister for Agriculture Barnaby Joyce;
- Senator Fiona Nash, Assistant Minister for Health; and
- Mr Adam Fitzgibbons, Deputy Prime Minister Warren Truss's Advisor for Local Government.

Our ongoing presence at Parliament House was encouraged by Federal Ministers who were keen to impress on the Board the Federal Government's enthusiasm for working with Local Government, especially Local Government working collaboratively at the regional level.

Note: Whilst in Canberra the opportunity was used to meet with the Minister for the Environment, the Hon. Greg Hunt in relation to the Springvale Mine EPBC application.

I provide the following report for Council's information:

Transport Infrastructure - Centroc Members resolved to advocate for a second crossing over the Hawkesbury River as part of its approach to the Bells line of Road.

Centroc will be working closely with TfNSW regarding the timing and next steps for the securing of the Bells line of Road between M7 and Kurrajong. On 16 July the Chair and a small delegation attended a consultation meeting on securing the corridor for the Bells line of Road.

At the Board meeting it was suggested that we reengage with appropriate stakeholders, along with Western Sydney Councils for further work in this space.

The Melbourne to Brisbane Inland Rail project was discussed with various Ministers throughout the day and the Board resolved to ramp up advocacy in support of this project.

Further follow up will be undertaken with Minister Truss's office regarding support for navigating the funding framework for our priority projects.

Water Security –The final report for the CEEP 2, Nexus between Water and Energy Program and the Water Loss Management Toolkit was adopted by the Board. Copies were provided as attachments.

Health – The Health Workforce Group will be asked to provide policy advice with regard to optimising the role of Local Government with the new Public Health Network in Western NSW, with this advice to recognise the limitations of the role that Local Government can play in the Health sector.

The issue of the drug ice affecting many of our regional communities was raised with the Minister for Health Sussan Ley, where further follow up in regards to education on the drug through the Life Education program as a suggested step to tackling early prevention.

The matter of change to the funding framework for radiology was also raised and Centroc will be providing further advocacy.

Telecommunications – Advice was received by the Minister for Communications Malcolm Turnbull regarding the rollout of the NBN, by 2020.

Advice regarding the current campaign by Regional TV stations was provided to the Board by the Minister. Various concerns regarding TV reception and towers were raised with the Minister. The Minister undertook to provide follow-up.

Regional Development – A Regional Roundtable will be progressed through the Executive with support from DPC and RDA. This will be informed by the opportunities and other feedback provided by the meetings in Canberra.

Further advice will be circulated to interested members in due course regarding this event.

Planning - The Regional Growth Plan has progressed very well and Planning staff involved through the process have engaged extremely well within the short timeframe.

A recommendation to the Department of Planning will be that elected members make up 50% of representation for the region in future Growth Plan committees.

The Joint Organisation (JO) Pilot progress – The Board will receive copies of the Mid Pilot report, a survey on the JO Pilot to date for feedback and the State Standing Committee into Local Government Reform first transcript for review. Please request JO updates which have been sent out between Board meetings and provide more detailed advice.

Operational – Centroc staff continue to maintain savings for the Region. To date a total Net Savings of \$2,929,713 has been achieved for councils for its operational support program since its inception in 2009.

Financial – The Board gave permission for the accounts to be signed under the auspices of the Treasurer if the financial result after the audit does not differ greatly from the figures presented in the Board report dated 30 June 2015.

A budget for the 2015/2016 financial year was provided; please see the Board paper for the full list of financials. Centroc activities and projects are tracking well to date.

There is a lot of valuable collaborative activity going on in this region supported at both the State and Federal levels. Centroc members should be congratulated for their collaborative efforts, which as mentioned above were recognised by Federal Members of Parliament, for better outcomes for the region.

RECOMMENDATION

THAT the Delegates Report from the Centroc Board Meeting held on 12 August 2015 at Parliament House be noted.

NOTICES OF MOTION

ITEM-18 NOTICE OF MOTION - 07/09/15 - BLACKFELLOWS HAND ABORIGINAL PLACE INSTALLATION OF SIGNAGE - COUNCILLOR MARTIN TICEHURST

REFERENCE

Lithgow City Council Blackfellows Hands Reserve (Maiyingu Marragu) – Management and Biodiversity Plan.

NSW Office of Environment and Heritage website.

COMMENTARY

The Blackfellows Hand Aboriginal Place has Aboriginal rock shelters with painted art, a teaching site and occupation site.

Why is it important to Aboriginal people?

Blackfellows Hand Aboriginal Place was an important meeting and educational place and holds special meaning for Wiradjuri people. The place is also highly valued by the wider Aboriginal community, including Gandangara, Dharug and Dharkinjung people. The area is regarded for its richness in wild resources and its natural beauty - the vegetation, rock formations, ochres and waterfalls create an aesthetic ambience. Blackfellows Hand Aboriginal Place was also important as an occupation site and includes a men's and a women's area. There is a women's birthing area in a secluded part of the complex.

Blackfellows Hand holds special meaning to Wiradjuri people because of their continuing cultural connection to the place. The site complex includes culturally significant rock shelters and stencil-art which provide a physical and spiritual link to ancestors and provide a place where traditional culture can be sustained. The area is used by the Aboriginal community as a 'bush school room' where young people can hear stories from Elders and learn to collect and use bush food and natural medicine.

What's on the ground?

Rock shelters and evidence of past camping can be found at Blackfellows Hand Aboriginal Place. The largest rock shelter contains evidence of past Aboriginal occupation as well as stencil art (hands, a hatchet (axe), a boomerang) and paintings (human figure) produced with red, white and yellow ochres.

Nature of the environment

Situated on the western edge of the Newnes Plateau, the area lies within an amphitheatre of cliffs at the head of a tributary of the Coxs River. The area's sheltered slopes and gullies support a vegetation of eucalypt forest. The area is accessed via the Blackfellows Hand Trail, an unsealed fire trail.

What's the land used for?

Blackfellows Hand Aboriginal Place is located on Crown land reserved for public recreation. The area is visited by tourists and a few businesses operate tours to the area. TAFE students and school groups also visit the area. The Aboriginal place is almost entirely surrounded by state forest - Ben Bullen State Forest to the east and Newnes State Forest to the west.

Land status

The Blackfellows Hand Aboriginal Place is located on public land owned and managed by the Lithgow City Council.

Recently, the State Government financed and provided substantial Signage equipment for installation within the Blackfellows Hands Aboriginal Place. It was originally proposed that the Signage equipment was to be installed by members of a local Aboriginal organisation.

However, due to unforeseen circumstances the proposed installation of the substantial Signage equipment cannot now be undertaken by the local Aboriginal organisation.

RECOMMENDATION

THAT Council provide assistance for the installation of the State Government financed and provided substantial Signage equipment within the Blackfellows Hands Aboriginal Place.

ITEM-19 NOTICE OF MOTION - 07/09/15 - PROPOSED CULLING OF KANGAROOS SURROUNDING MARRANGAROO FIELDS AND LITHGOW GOLF COURSE - COUNCILLOR MARTIN TICEHURST

REFERENCE

WIN TV News Report Lithgow Kangaroos aired 20 August 2015.

COMMENTARY

On the 20 August 2015, WIN TV News reported on increasing numbers of kangaroos in and around Lithgow, but in particular in and around the Marrangaroo Fields Estate and the adjoining Lithgow Golf Course.

- Q. Could the General Manager and/or Senior Council Officers provide a report to Councillors at this Ordinary Meeting of the Lithgow City Council on the current status of increasing numbers of kangaroos in and around Lithgow, but in particular in and around the Marrangaroo Fields Estate and the adjoining Lithgow Golf Course?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide a report to Councillors at this Ordinary Meeting of the Lithgow City Council on the current status of increasing numbers of kangaroos in and around Lithgow, but in particular in and around the Marrangaroo Fields Estate and the adjoining Lithgow Golf Course.

**ITEM-20 NOTICE OF MOTION - 07/09/15 - PROPOSED (INTERIMPOLICY)
PUBLIC DONATIONS - COUNCILLOR MARTIN TICEHURST**

REFERENCE

Council Resolution 15-186134 at the Ordinary Meeting of the Lithgow City Council on 27 July 2015.

COMMENTARY

At the Ordinary Meeting of the Lithgow City Council on 27 July 2015, the Minutes confirm that the Council resolved as follows:

15-186 RESOLVED

THAT the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on how the Lithgow City Council can, in the event of a sudden tragic or major heart breaking incident occurring, can arrange for the immediate receipt of monetary contributions from the community which can shortly thereafter be surrendered to a third party to assist those involved or in need.

MOVED: Councillor M F Ticehurst **SECONDED:** Councillor J J McGinnes.

Following further inquiries on my previous Recommendation and Council Resolution, a Draft (Interim Policy) for Public Donations has been developed and is set out below for the information of Council, Councillors and the general public.

The Draft (Interim Policy) for Public Donations as set out is open to any suggested additions and clarifications.

(INTERIM POLICY) PUBLIC DONATIONS

OBJECTIVE

To provide an urgent administration and non-judgemental process for ratepayers, residents and other members of the public who may wish to provide immediate financial support for people involved in tragic accidents or incidents.

POLICY

Without being judgemental, upon becoming aware of or advised of any tragic accident or incident in the Lithgow City Council area, the Mayor and/or Deputy Mayor may at their discretion: -

In consultation with and with the written consent of those people involved, the Council will urgently arrange to set up an internal Council Bank Account for the receipt of any small or large financial donations by ratepayers, residents and other members of the public;

Publicise the relevant Council Bank details for the receipt of any small or large financial donations from both within and outside of the Lithgow City Council area;

The Lithgow City Council's role will be to solely act as the facilitator for the receipt of any small or large financial donations from both within and outside of the Lithgow City Council area;

All small or large financial donations received from both within and outside of the Lithgow City Council area by the Council will not be tax deductible;

15 business days after the opening of any internal Council Bank Account for the receipt of any small or large financial donations by ratepayers, residents and other members of the public, the account is to be closed unless extended by a resolution of the Council as a Whole.

Once the Public Donation Council Bank Account is closed, the Councils Corporate and Community Manager will arrange to provide all public donations received to a registered charitable organisation such as Red Cross, Salvation Army, St Vincent De Paul, etc. who at their discretion, will provide those involved in any tragic accident or incident in the Lithgow City Council area with current and ongoing financial support.

All small or large financial donations received from both within and outside of the Lithgow City Council area by the Council and provided to a registered charitable organisation such as Red Cross, Salvation Army, St Vincent De Paul, etc. for those involved in any tragic accident or incident will remain Confidential.

The Lithgow City Council will not accept any responsibility for how, when or where any financial donations received by the Council and transferred to a registered charitable organisation such as Red Cross, Salvation Army, St Vincent De Paul, etc. are distributed or spent.

REVIEW

The Council's Community & Corporate Manager will report back to the Council in December this year on how the Interim Policy is progressing and if any changes are required.

The Council will review this Policy prior to the end of each Financial Year.

RECOMMENDATION

THAT subject to any suggested additions and clarifications, Council adopt as proposed the (Interim Policy) on Public Donations.

ITEM-21 NOTICE OF MOTION - 07/09/15 - INSTALLATION OF SPEED CAMERA ON VICTORIA PASS, MT VICTORIA - COUNCILLOR MARTIN TICEHURST

REFERENCE

Roads and Maritime website - <http://www.rms.nsw.gov.au/business-industry/heavy-vehicles/safety-compliance/speeding-camera-enforcement/fixed-cameras.html>

State Opposition Media Release, Speed Cameras deliver cash bonanza for Baird.

COMMENTARY

A recent media report confirmed that the Mike Baird NSW State Government:

- pocketed more than \$178 million in fines from speed (and red light cameras) in the last financial year – a 66 per cent increase over the last four years.
- their latest Office of State Revenue data, mobile speed camera revenue has seen the highest growth – skyrocketing 142 per cent in the last financial year.
- revenue from red light/speed cameras has shot up 17 per cent in the last financial year.
- pocketed more than \$568 million in revenue from 2.7 million (red light) and speed camera fines over the last four years.
- Last year the State Government significantly increased the number of hours mobile speed cameras are operating from 930 hours per month to 7,000 – an increase of 650 per cent.
- At the same time, the latest NSW Road Toll Statistics show a tragic 12 per cent increase in deaths in comparison to this time last year.

The Roads and Maritime (RMS) website confirms that:

Fixed digital speed cameras operate in New South Wales because of their proven ability to deter drivers from speeding, thereby reducing crashes and preventing deaths and injuries.

Fixed speed cameras are installed at sites that meet criteria developed by Transport for NSW (Centre for Road Safety) in consultation with NRMA and the NSW Police.

The criteria is based on crash rates and travelling speeds.

Every fixed speed camera is accompanied by highly visible advance warning signs.

The community is also advised of the installation of a speed camera via local media and the Transport for NSW (Centre for Road Safety) website.

Details include the camera location, crash history at the site or reason for the camera's installation and the date of operation.

There are three warning signs installed on the approach to a regular fixed digital speed camera.

These signs all display an image of a speed camera, a warning message and the regulatory speed limit.

The three signs appear in the following order on approach to the speed camera:

- * 'Speed camera 24 hours'
- * 'Speed camera ahead'; and or 'speed camera in use'
- * 'Heavy fines loss of licence'.

The use of camera advisory signs is not legally required in NSW but is part of a Roads and Maritime Services policy to alert motorists that they are approaching a fixed digital speed camera.

The RMS website is now confirming:

A fixed speed camera on the Great Western Highway, Victoria Pass - installed in conjunction with the Mount Victoria to Lithgow road upgrades - is now due to commence enforcement.

All speed camera locations include warning signage and a four week warning letter period on first activation.

RECOMMENDATION

THAT Council note the information.

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-22 **CLOSED COUNCIL - OPER - 07/09/15 - CCTV CONDITION ASSESSMENT OF SEWER MAINS**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

Reason for Confidentiality

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

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

SUMMARY

This report recommends that Council enter into a 3 year contract for sewer main inspections and condition assessments using CCTV. Centroc member councils, through the Centroc Water Utilities Alliance, expressed interest in having another regional contract for CCTV condition assessments following the conclusion of the previous contract in April 2015.

RECOMMENDATION

THAT Council consider the contract for sewer main inspections using CCTV in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

**ITEM-23 CLOSED COUNCIL - OPER - 07/09/15 - REGIONAL CONTRACT FOR
SEWER MAIN REHABILITATION**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

Reason for Confidentiality

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

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

SUMMARY

This report recommends that Council to enter into a 12 month contract for Sewer Rehabilitation pipe relining.

RECOMMENDATION

THAT Council consider the contract for Sewer Rehabilitation pipe relining in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

ITEM-24 CLOSED COUNCIL - OPER - 07/09/15 - SMOKE TESTING OF SEWER MAINS

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

Reason for Confidentiality

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

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

SUMMARY

This report recommends that Council enter into a 3 year contract for smoke testing of sewer mains. Centroc member councils, through the Centroc Water Utilities Alliance, expressed interest in having another regional contract for smoke testing following the conclusion of the previous contract in April 2015. Smoke testing of sewer mains is a method of detecting illegal stormwater connections into the sewer main, as well as cracks in pipes which result in infiltration.

RECOMMENDATION

THAT Council consider the contract for smoke testing of sewer mains in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.