



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

21 NOVEMBER 2011

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 31ST OCTOBER 2011

PUBLIC FORUM

DECLARATION OF INTEREST

MAYORAL MINUTES - NIL

NOTICE OF RESCISSIONS - NIL

NOTICES OF MOTION -

- Councillor M F Ticehurst - Increase in the Number of Council Full Time Equivalent Staff
- Councillor M F Ticehurst - State Environmental Planning Policy (Rural Lands) 2008
- Councillor M F Ticehurst - Lithgow City Council Administered Elections 2012

CORRESPONDENCE AND REPORTS

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

COMMITTEE MEETINGS

- Environmental Advisory Committee
- Crystal Theatre Committee
- Sports Advisory Committee
- South Littleton Hall Section 355 Committee

REPORTS FROM DELEGATES - Local Government Association Annual Conference 2011

BUSINESS OF GREAT URGENCY

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

CLOSED REPORTS - NIL

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NOTICE OF MOTIONS

ITEM-1 NOTICE OF MOTION - 21/11/11 - INCREASES IN THE NUMBER OF COUNCIL FULL TIME EQUIVALENT STAFF - COUNCILLOR M F TICEHURST

REFERENCE

Division of Local Government Circular 11 – 24 dated 24 September 2011 'Snapshot of NSW Councils - Comparative Information on NSW Local Government Councils for 2009/10.

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/11-24.pdf> and related publication http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Comparatives/Comparatives_2009_10.pdf.

COMMENTARY

Further to the Division of Local Government Circular 11 – 24 dated 24 September 2011 'Snapshot of NSW Councils - Comparative Information on NSW Local Government Councils for 2009/10' and related publication, the following Question with Notice is submitted.

Q. Could the General Manager and Senior Council Officers provide a report to the Council, ratepayers and residents behind the following ongoing increases in Lithgow City Councils 'Full Time Equivalent Staff' (FTES) over the following financial years of:

- 2007/2008 173;
- 2008/2009 182; and
- 2009/2010 186.

Q. Could the General Manager and Senior Council Officers provide a report to this Council Meeting on what the Councils 'Full Time Equivalent Staff' numbers were as at 30 June 2011, the end of the financial year 2010/2011?

RECOMMENDATION

THAT:

1. The General Manager and Senior Council Officers provide a report to the Council, ratepayers and residents behind the following ongoing increases in Lithgow City Councils 'Full Time Equivalent Staff' (FTES) over the following financial years of:
 - 2007/2008 173;
 - 2008/2009 182; and
 - 2009/2010 186.
2. The General Manager and Senior Council Officers provide a report to this Council Meeting on what the Councils 'Full Time Equivalent Staff' numbers were as at 30 June 2011, the end of the financial year 2010/2011?

ITEM-2 NOTICE OF MOTION - 21/11/11 - STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008 - COUNCILLOR M F TICEHURST

REFERENCE

NSW Department of Planning Question and Answer Information Sheet (May 2008) on State Environmental Planning Policy (Rural Lands) 2008.

Link:

http://www.planning.nsw.gov.au/planningsystem/pdf/sepp_rural_lands_question_and_answer.pdf

COMMENTARY

At a recent Ordinary Meeting of Lithgow City Council, a question was asked to the Council from the Public Gallery in respect of the status of rural 'Concessional Lots'.

For the information of the Council, ratepayers and in particular rural residents, the following Questions and Answers prepared and issued by the NSW Department of Planning in May 2008 may be of assistance.

STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008

Q. Why was the Rural Lands SEPP introduced?

A. Agriculture is a significant industry worth approximately \$7.3 billion to the economy of NSW (2006–07) and contributes 79,000 jobs to the State's workforce. The ongoing orderly and economic development of the rural lands in NSW is vital to the State economy. In addition to the importance of agriculture to the State's economy the proper planning of rural lands provides opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.

It is vital that we properly plan for these issues, so that rural NSW can enjoy the best of both worlds – a strong commercial farming economy and rural lifestyle and housing growth opportunities.

There was concern about the lack of a clear State-wide planning framework to properly plan for these issues. State Environmental Planning Policy (Rural Lands) 2008 (the Rural Lands SEPP) moves to provide this framework, while still ensuring the local councils have flexibility to undertake local planning in line with local conditions.

Q. What does the Rural Lands SEPP say about my ability to subdivide rural land?

A. Each council in NSW has planning controls – their local environmental plan (LEP) – to regulate subdivision in rural areas. In most instances an LEP specifies the minimum lot size(s) for rural subdivision. Some LEPs also permit rural residential subdivision or other forms of rural subdivision. The SEPP does not change these rules, with the exception of concessional lots provisions discussed below. You should contact your local council to see what subdivision controls apply to your land.

Q. Does the Rural Lands SEPP require a council to change its minimum rural lot size provisions?

- A. No.** The SEPP does not require councils to review their minimum lot size(s) or change those lot sizes in an existing LEP. Councils have the option to transfer the existing minimum lot size(s) currently applying in its local government area into a new LEP. However, if a council chooses to review its minimum lot size(s) it must do so in accordance with the Rural Subdivision Principles (clause 8). The Minister for Planning may direct a council to review its minimum lot size(s) under section 55 of the *Environmental Planning and Assessment Act 1979*.

Q. Does the Rural Lands SEPP prohibit dwellings in rural areas?

- A. No.** The Rural Lands SEPP does not remove any dwelling entitlements in rural areas (clause 11). The existing rules in the LEP applying to the land for the erection of dwellings in rural areas remain unchanged.

Q. What does the Rural SEPP say about subdividing rural land for agriculture (with no dwelling entitlement)?

- A.** There is a special provision in the Rural Lands SEPP to allow farmers to subdivide land below the minimum lot size in the LEP to sell it to another farmer for agricultural purposes. This will enable flexibility in primary production and allow farm adjustment to respond to changing trends in agriculture. The lot proposed to be subdivided for NSW Department of Planning primary production cannot be created if a dwelling is built on it. A dwelling cannot be built on a vacant lot created under this provision of the SEPP (clause 9).

Q. If I want to subdivide my land to sell a lot to my neighbour for agriculture can I still retain my house?

- A. Yes,** provided the lot subdivided for primary production does not have a house erected upon it (clause 9).

Q. What does the Rural Lands SEPP say about concessional lots?

- A. As noted above,** the Rural Lands SEPP does not prohibit rural subdivision. The only change the SEPP makes to subdivision is removing the ability to subdivide concessional lots if permitted by the local planning controls applying to the land (clause 11). This is in line with the recommendation of the Central West Rural Land panel (see below).

Any other types of subdivision currently permitted by the local planning controls are unaffected by the SEPP i.e. subdivision to the minimum lot size, rural residential subdivision etc.

Q. Why remove concessional lots?

- A.** Concessional lot provisions have traditionally allowed the creation of one or more small rural residential lots within a much larger farm. The report of the Central West Panel strongly recommended the removal of this type of subdivision. This panel was chaired by former State MP and Minister Garry West and also included NSW Farmers' Association president Jock Laurie, Local Government and Shires Associations secretary Bill Gillooly and former Department of Planning Director-General Gabrielle Kibble. As such, its findings were guided by farmers and local government. Clearly issues in regard to concessional lots in the Central West are relevant to all parts of NSW.

As noted by the panel, concessional lot provisions have in many instances in the past been misused. The provisions have resulted in the unplanned creation of rural residential lots occupied by out-of-town rural lifestylers located next to large commercial farms. As such concessional lots have resulted in a range of unintended impacts, e.g. fragmentation of rural land, land use conflicts and increased demand for infrastructure and services in remote areas.

Q. Can minimum lot sizes standards in an LEP be varied?

- A. Yes.** Under the provisions of State Environmental Planning Policy No 1 – Development Standards a development standard such as minimum lot size can be varied with the concurrence of the Director General of Planning. The Rural Lands SEPP enables the Minister to establish an independent Rural Lands Planning Panel to provide advice to the Director-General of the Department of Planning on applications which seeks to vary a development standard (clauses 14–22). The report from the Central West Panel strongly recommended this approach to ensure applications of exceptional merit could be considered by an expert panel and such advice could be given to the Director General prior to determining the matter. At the time of gazettal of the SEPP no Panels have been established.

Q. Does the Rural Lands SEPP assist in protecting agriculture in NSW?

- A. Yes.** The SEPP provides for protection of rural lands in NSW while at the same time enabling flexibility on planning controls to respond to the changing nature of agriculture. The SEPP contains a framework to identify agricultural land of State significance for special protection (clauses 12 and 13).

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be noted.

**ITEM-3 NOTICE OF MOTION - 21/11/11 - LITHGOW CITY COUNCIL
ADMINISTERED ELECTIONS 2012 - COUNCILLOR M F TICEHURST**

REFERENCE

Agenda Item 6: Local Government Elections at the Ordinary Meeting of the Lithgow City Council on 31 October 2011.

Division of Local Government Circular 11 – 35 dated 3 November 2011.

COMMENTARY

Further to Agenda Item 6: Local Government Elections at the Ordinary Meeting of the Lithgow City Council on 31 October 2011, the Acting Chief Executive of the Division of Local Government advised all Councils vide Circular 11 – 35 dated 3 November 2011 that:

COUNCIL ADMINISTERED ELECTIONS 2012

Councils will be aware that pursuant to section 287 of the *Local Government Act 1993* (the Act), ordinary elections of councillors are held on the second Saturday in September every four years. The next ordinary elections will occur on 8 September 2012.

The Act was amended in June this year to return responsibility for administering elections, constitutional referendums and polls to general purpose councils. If councils prefer, they can engage the services of the New South Wales Electoral Commission (NSWEC) to administer the September 2012 elections on their behalf (see Circular to Councils 11-22).

Councils are reminded that if they wish to pursue this option, a resolution to this effect *must be made by 30 November 2011*. There are no provisions in the legislation for an extension to be granted or for councils to approach the NSWEC at a later date.

To enable the NSWEC to provide more detailed costings to the councils that will be its clients, it needs certainty that the advice it receives by 30 November will not change. For this reason, councils that have advised the NSWEC that they will be engaging it to conduct the 2012 elections cannot rescind the resolution at a later date, as it would be contrary to the spirit and intention of the legislation.

While a council's resolution to engage the NSWEC needs to be unconditional as part of these transitional arrangements for the 2012 elections, councils will be able to customise certain aspects (for example, placement of statutory advertising) in consultation with the NSWEC.

All councils that resolve to engage the NSWEC are required by clause 102 of Schedule 8 to the Act to notify the Electoral Commissioner and the Division of Local Government as soon as possible of this resolution.

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council engage the services of the New South Wales Electoral Commission (NSWEC) to administer their September 2012 Lithgow City Council Elections; and
2. Council, as required by clause 102 of Schedule 8 to the Act, notify the Electoral Commissioner and the Division of Local Government as soon as possible of this resolution.

General Manager Comment

Councillor M F Ticehurst was advised that this matter is the subject of a staff report already drafted and asked if he wished to withdraw the NOM. Councillor Ticehurst said "No".

GENERAL MANAGERS REPORTS

ITEM-4 GM - 21/11/11 - QUARTERLY PERFORMANCE REPORT ON 2011/12 TO 2014/15 MANAGEMENT PLAN FOR THE PERIOD 1 JULY 2011 TO 30 SEPTEMBER 2011

REPORT FROM: CAROL FARNSWORTH, INTERNAL SERVICES MANAGER

REFERENCE

Min No 11-211: Ordinary Meeting of Council 30 May 2011
 Min No 11-326: Ordinary Meeting of Council 22 August 2011

SUMMARY

This report provides the Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan for the period of 1 July 2011 to 30 September 2011 with a recommendation that the adjusted surplus of \$191,690 be noted.

COMMENTARY

The September Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan has been prepared and details are provided with the attachment to the Business Paper.

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

2011/12 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	66,461	66,461	0
September Quarter	71,460	71,268	192

The revised 2011/12 Management Plan has been adjusted for works in progress as at 30 June 2011 which have been brought forward from 2010/11 to 2011/12.

2010/11 Quarterly Budget Variations			
Budget			Variation (\$'000)
Variations >	\$4,000 Reported		
2009/10 UNEXPENDED RESTRICTED	GRANTS		
DIPNR Community Partnerships	From 10/11	C/Fwd Reserve	6,192
Eskbank Archival Records	From 10/11	C/Fwd Reserve	3,527
Xstrata Precinct Study	From 10/11	C/Fwd Reserve	8,357

Xstrata Social Involvement Program	From 10/11	C/Fwd Reserve	50,000
Museum Advisor	From 10/11	C/Fwd Reserve	6,000
Urban Sustainability	From 10/11	C/Fwd Reserve	22,865
Arts Advisory Interpretive Signage	From 10/11	C/Fwd Reserve	7,070
NSW Industry & Dev Creative Industry	From 10/11	C/Fwd Reserve	4,845
NSW Industry & Dev Business Network	From 10/11	C/Fwd Reserve	2,007
Investment Prospectus & Economic Profile	From 10/11	C/Fwd Reserve	5,800
Dept Trade & Investment - Econ Dev / Tourism Strategy	From 10/11	C/Fwd Reserve	6,319
Dept Comm - Pool Complex	From 10/11	C/Fwd Reserve	597,223
Dept Comm - Pool Complex DELTA	From 10/11	C/Fwd Reserve	20,000
Dept Comm - Pool Complex Centennial Coal	From 10/11	C/Fwd Reserve	30,000
Country Passenger Infrastructure Program	From 10/11	C/Fwd Reserve	21,388
RCLIP Round \$208k	From 10/11	C/Fwd Reserve	44,249
RCLIP Round \$212k	From 10/11	C/Fwd Reserve	158,376
Total General Fund			994,218
WASTEWATER			
STP Wallerawang	From 10/11	C/Fwd Reserve	20,914
Total Wastewater Fund			20,914
WATER			
Delta Water Saving	From 10/11	C/Fwd Reserve	8,771
Total Water Fund			8,771
TOTAL 2010/11 UNEXPENDED GRANTS			1,023,903
2010/11 INTERNAL RESTRICTED WORKS IN PROGRESS C/FWD			
Portland Library	From 10/11	C/Fwd Reserve	34,430.00
Museum Advisor	From 10/11	C/Fwd Reserve	6,000.00
Book Fair	From 10/11	C/Fwd Reserve	1,280.00
Financial Assistance Advance 11-12	From 10/11	C/Fwd Reserve	840,633.00
Financial Assistance			

Advance Roads 11-12	From 10/11	C/Fwd Reserve	275,822.00
Executive Promotion Strategy	From 10/11	C/Fwd Reserve	40,700.00
Property System	From 10/11	C/Fwd Reserve	43,677.00
Network Upgrade	From 10/11	C/Fwd Reserve	10,269.00
Footpaths	From 10/11	C/Fwd Reserve	29,262.00
Rural Reseals	From 10/11	C/Fwd Reserve	38,846.00
Urban Reseals	From 10/11	C/Fwd Reserve	99,322.00
Infrastructure Special Rate Roads	From 10/11	C/Fwd Reserve	190,000.00
Infrastructure Special Rate Halls	From 10/11	C/Fwd Reserve	35,000.00
Infrastructure Special Rate Mens shed	From 10/11	C/Fwd Reserve	10,000.00
Golf Club Drainage	From 10/11	C/Fwd Reserve	2,628.00
Swimming Pool Improvements	From 10/11	C/Fwd Reserve	12,130.00
TL Top Dressing	From 10/11	C/Fwd Reserve	7,000.00
SES Lithgow	From 10/11	C/Fwd Reserve	3,200.00
SES Portland	From 10/11	C/Fwd Reserve	3,200.00
Fuel Bowsers	From 10/11	C/Fwd Reserve	244,636.00
Cullen Bullen Septic	From 10/11	C/Fwd Reserve	19,940.00
Develop Sec 94 Plan	From 10/11	C/Fwd Reserve	25,816.00
DCP Code Review	From 10/11	C/Fwd Reserve	15,000.00
DCP Heritage Strategy & Policy	From 10/11	C/Fwd Reserve	21,626.00
Community Plans of Management	From 10/11	C/Fwd Reserve	41,000.00
Open Space & Rec	From 10/11	C/Fwd Reserve	61,164.00
Land Use & Property	From 10/11	C/Fwd Reserve	29,137.00
State of Env Audit	From 10/11	C/Fwd Reserve	10,000.00
Floodplain Risk Manage Study	From 10/11	C/Fwd Reserve	10,000.00
Marketing Strategy Econ Dev	From 10/11	C/Fwd Reserve	3,280.00
Economic Dev Implementation Strategy	From 10/11	C/Fwd Reserve	17,396.00
Marketing Strategy Publications	From 10/11	C/Fwd Reserve	10,000.00
Economic Promotions Strategy	From 10/11	C/Fwd Reserve	19,084.00
Signage Plan			

	From 10/11	C/Fwd Reserve	35,695.00
Tourism Promotional Material	From 10/11	C/Fwd Reserve	6,635.00
Tourism Blue Mts Region Strategy Implement	From 10/11	C/Fwd Reserve	2,400.00
Flash Gift	From 10/11	C/Fwd Reserve	8,607.00
Television Advertising	From 10/11	C/Fwd Reserve	5,330.00
Photographic Library	From 10/11	C/Fwd Reserve	4,114.00
Signage Tableland Way	From 10/11	C/Fwd Reserve	9,367.00
Forto Funding	From 10/11	C/Fwd Reserve	44,740.00
Signage Plan	From 10/11	C/Fwd Reserve	49,350.00
Wonderpass / Lith Acc Book	From 10/11	C/Fwd Reserve	42,445.00
Tourism Promotion Strategy	From 10/11	C/Fwd Reserve	16,597.00
Total General Fund	From 10/11	C/Fwd Reserve	2,436,758
WATER	From 10/11	C/Fwd Reserve	
Lithgow No 1 & 2 Dams	From 10/11	C/Fwd Reserve	113,500
Lith Established Mains	From 10/11	C/Fwd Reserve	50,000
Sth Bowen Trunk Main	From 10/11	C/Fwd Reserve	60,000
Sth Bowen New Ret Mains	From 10/11	C/Fwd Reserve	200,000
Wallerawang Mains Renewal	From 10/11	C/Fwd Reserve	2,190
Portland Mains Renewal	From 10/11	C/Fwd Reserve	20,000
Lith Shared Telemetry	From 10/11	C/Fwd Reserve	49,687
Mains & Services	From 10/11	C/Fwd Reserve	7,884
Sth Bowenfels Land Acquist	From 10/11	C/Fwd Reserve	170,000
Water Treatment Equipment	From 10/11	C/Fwd Reserve	58,335
Water Quality Audit	From 10/11	C/Fwd Reserve	22,000
Total Water Fund			753,596
WASTEWATER			
Wallerawang Desludge	From 10/11	C/Fwd Reserve	48,870
Portland Desludge	From 10/11	C/Fwd Reserve	21,727
Portland Improvements Env	From 10/11	C/Fwd Reserve	35,994
Portland upgrade	From 10/11	C/Fwd Reserve	20,000

PS New Treeview	From 10/11	C/Fwd Reserve	360,000
PS New South Littleton	From 10/11	C/Fwd Reserve	342,100
Lithgow Established Extension	From 10/11	C/Fwd Reserve	76,500
Gantry Renewals	From 10/11	C/Fwd Reserve	50,000
Overflow Protection	From 10/11	C/Fwd Reserve	38,192
Total Wastewater Fund			993,383
WASTE			
Waste & recycling Strategy	From 10/11	C/Fwd Reserve	8,135
New Garbage & Recycle Contract	From 10/11	C/Fwd Reserve	20,000
Lithgow tip extend life	From 10/11	C/Fwd Reserve	82,855
Env Compliance audit	From 10/11	C/Fwd Reserve	30,000
Tarana Transfer station	From 10/11	C/Fwd Reserve	57,300
Waste education & promotion	From 10/11	C/Fwd Reserve	7,789
Total Waste Fund			206,079
SEPTEMBER REVIEW EXECUTIVE:			
Rate Adjustments: Res	Increase	Income	11,508
Rate Adjustments: Bus	Increase	Income	5,000
Rate Adjustments: F/Lan	Increase	Income	7,708
Rate Adjustments: Mining due to objection in val approved by VG	Decrease	Income	69,000
Rate Adjustments: Storm Levy	Increase	Income	1,000
OD ELE from reserve	Increase	Income	33,000
FAGS: Adjust to Grant commission advice	Increase	Income	158,929
TRANSPORT:			
RTA Regional Rds Advice	Inc/ Dec	Income /Exp	6,900
WOC	Inc/ Dec	Income /Exp	5,000
High Winds Grant July 11	Inc/ Dec	Income /Exp	87,000
Browns Gap Rehab: Alter Capt program	Inc/ Dec	Income /Exp	400,000
POLICY & PLANNING:			
Grant EDO	Increase	Income	38,000
DEVELOPMENT:			
Shed Bridge St Min 11.10.10	Increase	Expenditure	6,000
SEWERAGE:			
Rate Adjustment	Increase	Income	34,000
WASTE:			
Rate Adjustment	Increase	Income	37,000

2011/12 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original			
- General	44,339	44,339	0
- Water	7,502	7,502	0
- Sewerage	14,620	14,620	0
TOTAL	66,461	66,461	0
September Quarter			
- General	47,590	47,432	158
- Water	8,252	8,218	34
- Sewerage	15,618	15,618	0
TOTAL	71,460	71,268	192

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the June Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2011/12 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Quarterly Report 1 July 2011 – 30 September 2011

RECOMMENDATION

THAT:

1. The surplus of \$191,690 for the 2011/12 to 2014/15 Management Plan as detailed in the Quarterly Performance Report for the period 1 July 2011 to 30 September 2011 be noted;
2. Council authorise the variations to the Council budget as authorised in the report; and
3. The Council notes that the Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

**ITEM-5 GM - 21/11/11 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL
2012 REVIEW OF CATEGORIES**

REFERENCE

NIL

SUMMARY

The Local Government Remuneration Tribunal will be reviewing the categories of councils as part of its annual review for 2012.

COMMENTARY

The Local Government Remuneration Tribunal is constituted under the NSW Local Government Act 1993. The Tribunal is responsible for categorising councils, county councils and mayoral offices to determine the maximum amounts of fees to be paid to councillors, members of county councils and mayors in each category.

The Tribunal is required to make a determination by no later than 1 May each year and make a report to the Minister within 7 days of making that determination. The Report is to be published in the Government Gazette and also laid before each House of Parliament.

Councils will be asked shortly if they wish to make a submission seeking a change to their respective category. If they do then they will need to have regard to Section 240 of the NSW Local Government Act.

Section 240 of the Tribunal to determine categories according to the following matters:

- The size of areas.
- The physical terrain of areas.
- The population of areas and the distribution of the population.
- The nature and volume of business dealt with by each Council.
- The nature and extent of the development of areas.
- The diversity of communities served.
- The regional, national and international significance of the Council.
- Such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective Local Government.
- Such other matters as may be prescribed by the regulations.

Lithgow City Council is currently categorised as Rural by the Tribunal. Rural is the lowest category in the system by the Tribunal and 77 councils are identified here. Lithgow would be amongst the top six of the councils in this category. Above Rural is the Regional Rural Category with 32 councils identified and includes:

Albury	Greater Taree
Armidale Dumaresq	Griffith
Ballina	Hawkesbury
Bathurst	Kempsey
Bega Valley	Lismore
Blue Mountains	Maitland

Broken Hill	Orange
Byron	Port Macquarie-Hastings
Cessnock	Port Stephens
Clarence Valley	Shellharbour
Coffs Harbour	Shoalhaven
Dubbo	Tamworth
Eurobodalla	Tweed
Great Lakes	Wagga Wagga
Goulburn Mulwaree	Wingecarribee
Queanbeyan	Wollondilly

The fees are presently:

Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*		
Minimum	Maximum	Minimum	Maximum	
Principal City	22,680	33,270	138,780	182,610
Major City	15,110	24,960	32,140	72,710
Metropolitan Major	15,110	24,960	32,140	72,710
Metropolitan Centre	11,340	21,170	24,100	56,250
Metropolitan	7,550	16,640	16,080	36,320
Regional Rural	7,550	16,640	16,080	36,320
Rural	7,550	9,970	8,020	21,770
County Council – Water	1,500	8,320	3,220	13,660
County Council - Other	1,500	4,980	3,220	9,080

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

A change in category would result in a variation in fees paid to councillors – see the table above.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the report on the NSW Local Government Remuneration Tribunal review of categories.

ITEM-6 GM - 21/11/11 - LOCAL GOVERNMENT ELECTIONS

REFERENCE

NIL

SUMMARY

As indicated at the Council Meeting held on 31 October 2011 a further report was to come to Council in relation to this issue. This report is to provide a further update to Council in relation to the position on Local Government Elections.

A decision by Council is now required on the matter.

COMMENTARY

Earlier this year the NSW Parliament passed the *Local Government Amendment (Elections) Act 2011*. The Amending Act related, in part, to the conduct of council elections.

The Act now provides that council elections and constitutional referendums and polls are to be administered by the general manager of the council concerned. However, a council may, within 12 months after an ordinary election of councillors for the area, resolve to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the council (other than elections of mayors and deputy mayors by councillors). If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election for councillors.

The Act also provides that a council need not invite tenders before entering into a contract with the Electoral Commissioner for the administration of these.

For the purposes of the conduct of the September 2012 ordinary elections **only** the Act currently provides that a council may resolve, before 30 November 2011 to retain the Electoral Commissioner to administer its elections.

At the time the Local Government and Shires Associations of NSW (LGSA) applauded the passing of the Bill. The LGSA however requested a deferral of the decision date by which councils must decide how they are running their elections from 30 November 2011 to 31 March 2012. It was felt that this deferment was essential to enable councils to go through the correct procurement processes and adequate decision making process.

Despite requests for a further extension of time for councils to pass a resolution in relation to the conduct of the 2012 Local Government Elections no extension has been granted.

It has been indicated that to enable the NSWEC to provide more detailed costings to the councils that will be its clients, it needs certainty that the advice it receives by 30 November will not change. The Division of Local Government also advises councils that have advised the NSWEC that they will be engaging it to conduct the 2012 elections cannot rescind the resolution at a later date.

While a council's resolution to engage the NSWEC needs to be unconditional as part of these transitional arrangements for the 2012 elections, councils will be able to customise certain aspects (for example, placement of statutory advertising) in consultation with the NSWEC.

All councils that resolve to engage the NSWEC are required by clause 102 of Schedule 8 to the Act to notify the Electoral Commissioner and the Division of Local Government as soon as possible of this resolution.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The cost to Lithgow Council for the 2008 election was \$102,631.

LEGAL IMPLICATIONS

Should Council fail to make a decision on this issue by the specified time then the conduct of the 2012 election will be automatically allocated to the Council's general manager.

ATTACHMENTS

1. Circular 11-35 Council Administered Elections 2012
2. LGSA Media Release - Premier "Farrell has failed, say Council".
3. LGA Presidents Letter
4. LGA Premier Letter
5. Presidents Letter to Premier

RECOMMENDATION

THAT Council:

1. Engage the NSW Electoral Commission to conduct the 2012 Council elections;
and
2. Notify the Electoral Commissioner and the Division of Local Government of this resolution.

ITEM-7 GM - 21/11/11 - CHRISTMAS AND NEW YEAR CLOSURE

REFERENCE

NIL

SUMMARY

This report advises Council of the closure of the administration office between Christmas and New Year and the essential service operations that will operate over this time

COMMENTARY

Council has closed part or all of its business over the Christmas to New Year period in past years and will again cease operations over this period from 3.00pm on Friday 23 December 2011 and reopen on Tuesday 3rd January 2012.

The following arrangements have been decided on for the Christmas closure for 2011:

- Council administration areas and depots will close for business from close of business on Friday 23 December 2011 and will re-open on Tuesday 3rd January 2012.
- Staff will have similar arrangements as previous years for leave.
- Outdoor staff will be required to use their RDO's, accrued leave or annual leave to cover the closure period.
- An outdoor "skeleton" crew will be required to work during this period to attend to emergencies.
- A number of staff, supervisors and managers will be required to be on call/available during the period for emergency situations.

Essential service and works staff will remain on duty during the period to ensure all such matters are attended to. An advertising program will be conducted to advise the community along with advertising advice to many of the Council clients.

Essential Services Operating over Christmas/New Year

- Lithgow Visitor Information Centre
- Ranger
- Eskbank House Museum
- Rural Tip Controller
- Cleaner Driver (emptying street bins)
- Streetsweeper
- Water and Sewerage Treatment Plants
- Cleansing Unit

CONCLUSION

This report has advised Council on the office closure during Christmas and New Year in line with many councils, Government Departments and private organisations in New South Wales and Australia.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the report on the Christmas and New Year Closure from 3.00pm Friday 23rd December 2011 and reopen on Tuesday 3rd January 2012.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-8 ENVIRO - 21/11/11 - 048/11DA - SUBDIVISION ONE LOT INTO TWO LOTS - 991 GREAT WESTERN HIGHWAY BOWENFELS 2790

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Nil

SUMMARY

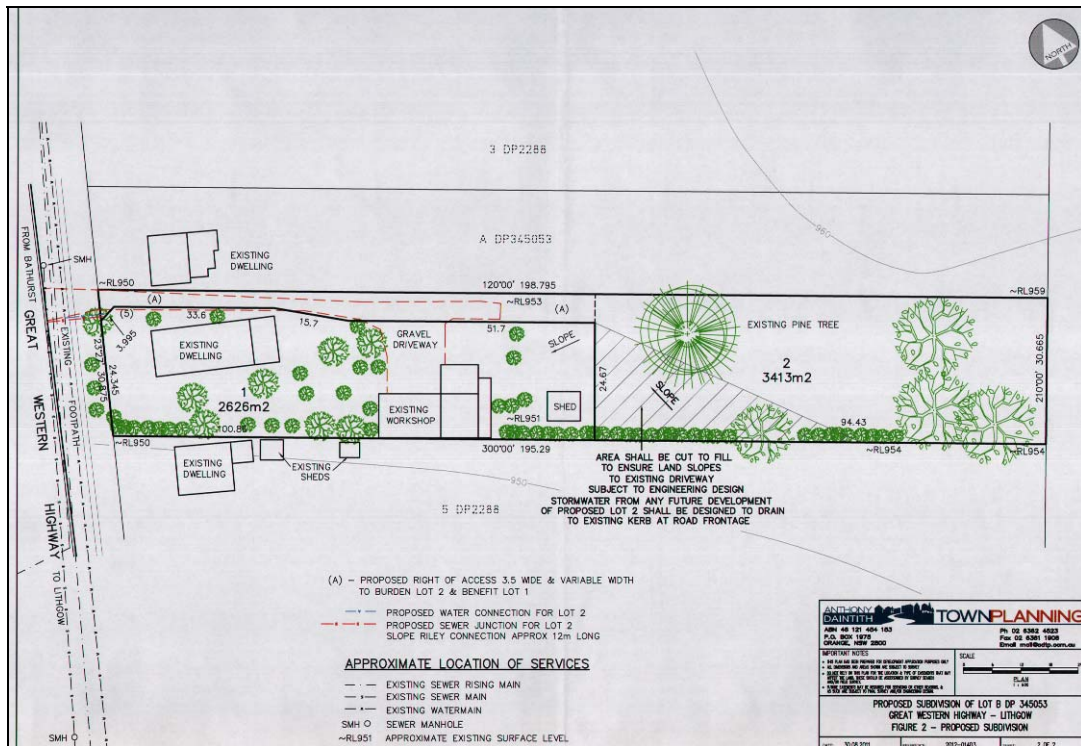
To recommend determination of development application 048/11DA for a 2 Lot subdivision on Lot B in DP 345053 being 991 Great Western Highway Bowenfels NSW. As one of the proposed allotments will be a battle axe allotment, contrary to the South Bowenfels DCP, the matter is submitted to Council for determination.

COMMENTARY

Council is in receipt of Development Application 048/11 for a 2 Lot subdivision on Lot B in DP 345053 being 991 Great Western Highway Bowenfels NSW.

The total area of the property is 6039m². The area of proposed Lot 1 is to be 2626m² and the area of proposed Lot 2 is to be 3413m². It is proposed that Lot 2 will be a battle-axe lot which would utilise the existing access point off the Great Western Highway.

Proposed Lot 1 would be located at the front of the property and will have access from the Great Western Highway via a Right of Carriageway over the existing access at the north western corner of the site. Proposed Lot 2 would be located behind proposed Lot 1 and would have direct access from the Great Western Highway via a battleaxe handle (see plan below). Proposed Lot 1 currently contains an existing dwelling, a workshop and a shed. Proposed Lot 2 currently contains a large pine tree and other large trees.



The South Bowenfels Development Control Plan (DCP) is applicable to the proposal. This report relates specifically to non-compliance with provisions relating to battleaxe allotments.

The DCP defines a Battleaxe Allotment as “a Lot which does not have a street frontage (other than the access driveway) and is accessed via a single or shared driveway.”

The DCP provides the following variation requirements:

1.8 Variation Requirements

The controls contained in this DCP should be complied with. However, there may be extenuating circumstances (context or site specific) where a minor variation may be justified in the interests of excellence in design.

Council may consider variations to development standards where it can be demonstrated that the objectives of the particular standard can be achieved without detriment having regard to good planning principles.

Any application wishing to vary a standard in this DCP must request the variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.

The DCP provides the following prescriptive measures for battleaxe allotments:

PART FIVE - SUBDIVISION
5.1 Lot Layout and Size
5.1.3 Prescriptive Measures

The following identifies dimension and frontage requirements that apply to “standard residential allotments and “corner allotments” which are primarily for the siting of a single dwelling.

NB: Battleaxe Lots will not be approved on land to which this DCP applies.

Comment: The development would need to utilise Clause 1.8 above, as the development relates to ‘battleaxe Lots’ and Section 5.1.3 *Prescriptive Measures* does not allow battleaxe Lots to be approved on land to which this DCP applies.

The note “*Battleaxe Lots will not be approved on land to which this DCP applies*”, is not actually a performance standard, rather it’s a prohibition. Strictly speaking DCP’s do not actually have to power to prohibit something if permitted in a Local Environmental Plan accordingly the note has doubtful weight. However, what this means is the Council does have the power to agree to a variation of this provision if it so desires.

It can be demonstrated that the development can comply with the objectives of the clause, see below:

5.1.1 Objectives

The objectives are to:

- (a) provide a range of allotment sizes to suit a variety of residential developments;*
- (b) provide for lot dimensions and areas which are adequate to ensure development responds to streetscape, solar and daylight access, privacy, landscaping, outdoor space, vehicle access and parking;*
- (c) ensure that the size of an allotment is sufficient to accommodate all the functions associated with a single detached dwelling such as building envelope, landscaping and access;*
- (d) minimise any likely impact of subdivision and development on the amenity of the neighbouring properties;*
- (e) minimise any likely impact of subdivision and development on significant topographical and natural features of an allotment (including watercourses, wetlands, riparian corridors, and buffers, remnant native vegetation and ecological corridors);*
- (f) control the scale of development so that it is compatible with the housing characteristics*
- (g) of the locality; and*
- (h) ensure the efficient or "productive" use of land and of the public capital investment in infrastructure.*

Comment:

- (a) The proposed lots both exceed 2600m², accordingly the proposed new lot will provide a larger lot option to the locality than other new subdivisions in the area.
- (b) The 2 lots are proposed to face north-west, as well as having existing landscaping and providing vehicle access and parking to each lot.

- (c) The size of the proposed lots will contain be sufficient to accommodate all functions associated with a single detached dwelling. For example, proposed Lot 1 would retain an existing dwelling, workshop and shed, whereas Lot 2 is proposed to have a larger area which would be able to accommodate a dwelling and surrounding buildings in the future.
- (d) Due to the large nature of the lots and the unchanged access, it is considered that the amenity of the area will not change as a result of the proposed subdivision.
- (e) No natural or topographical features exist on the property or surrounding land uses.
- (f) It is not anticipated that future development of proposed Lot 2 would be incompatible with the housing characteristics of the locality. However, any future development of the allotment would be subject to a separate application at a later stage.
- (g) It is considered that the proposed subdivision is a more productive use of the property than just a single dwelling and infrastructure is existing to the locality.

The development therefore meets the above objectives for Lot Layout and Size.

Additionally the development represents a positive planning outcome as:

- Both proposed lots are substantially larger than then the 700m² average lot size (Lot 1 having an area of 2626m² and Lot 2 having an area of 3413m²).
- Lot 2 can accommodate a building footprint of greater than 15 metres by 20 metres
- There is an existing driveway in existence off the Great Western Highway and internal driveway to service Lot 2. There would be no additional access points to the Great Western Highway
- There will be no overlooking or privacy issues to adjoining allotments.
- There will be no change to the streetscape of the Great Western Highway.
- All lots are to be adequately serviced
- Lot 1 complies with the DCP provisions regarding frontage (30.87 metres wide), depth (23 metres) and average lot size (2626 metre squared).

Given the above justification, the applicant seeks the elected Council see fit to vary the South Bowenfels Development Control Plan to allow a battleaxe lots to be approved on the property in question.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A complete Section 79C report.

RECOMMENDATION

THAT:

1. Council approve DA 048-11 in accordance with the conditions outlined in the attached Section 79C report; and
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

ITEM-9 ENVIRO - 21/11/11 - TENDERS FOR CONSTRUCTION OF QUEEN ELIZABETH PARK TOILETS

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-184: Ordinary Meeting of 9 May 2011

SUMMARY

This report provides an outline of the selective tender process undertaken for the construction of the new toilet block in Queen Elizabeth Park.

COMMENTARY

The tender process for engaging suitable contractors was undertaken through a selective tender process previously reported to Council on 9 May 2011. Seven (7) building companies were selected to tender and issued with tender documentation.

Six (6) of the seven selected submitted a tender for the project. These ranged in price from \$275,200 to \$321,270.

• Dean Horton Builder - Lithgow	\$275,200.00
• O'Brien Constructions - Blayney	\$282,815.45
• DSL Construction – Bathurst	\$282,170.00
• M.Bruton Building Co. – Annangrove	\$315,330.00
• CCA Projects – Mudgee/Newcastle	\$320,000.00
• Paintrite Management P/L – Dubbo	\$321,270.00

Council's budget for this project through the current Management Plan is **\$150,000**, being a shortfall of **\$125,200** between funds available and the total project cost. The \$150,000 budget was requested through the Management Plan process based on cost estimates determined using Cordell's Commercial Building Cost Guide.

This was also compared against the cost of the new toilet block at Tony Luchetti Sportsground which is almost exactly twice the floor area of the proposed Queen Elizabeth Park facility and cost just over \$260,000. On this basis the estimate for budgeting purposes is considered reasonable. Whilst a final cost is always difficult to determine until going to the market place the difference between the budget estimate and the lowest tender in this instance is extreme.

It is considered that there may be potential savings which could be achieved through design modifications. The brief to the architect was for a high quality building that would complement the location in Council's most prominent park. It may be necessary to modify the design based on budget constraints. Whether this can reduce the costs to within the budget provided remains to be seen.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Insufficient funds exists to complete the project with these tenders. The project budget is \$150,000.

LEGAL IMPLICATIONS

Clause 178 of the Local Government Act (General) Regulation states:

178 Acceptance of Tenders

- (1) After considering the tenders submitted for a proposal contract, the council must either:
 - (a) Accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) Decline to accept any of the tenders

At this stage it is not proposed to award a contract pending resolution of the funding shortfall. Council if it is not to award the contract, must comply with the provisions of Clause 178(3) of the Regulation by resolving to do one of the following:

- a. postpone or cancel the proposal for the contract
- b. invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- c. invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- d. invite, in accordance with clause 169, fresh applications from persons interested in tendering for contract of the same kind as the proposed contract,
- e. enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- f. carry out the requirements of the proposed contract itself.

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council decline to accept any of the tenders submitted;
2. Council officers hold discussions with the Architect to review the design of the building to reduce construction costs; and
3. Once the design review is complete, invite fresh tenders from selected parties that have already lodged an expression of interest to be included on the tenderers list for the project

OPERATION SERVICES REPORTS

ITEM-10 OPER - 21/11/11 - SOUTH BOWENFELS SEWERAGE PUMP STATION - TRANSFER GRANTING EASEMENT

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

REFERENCE

NIL

SUMMARY

This report provides information on Councils intent to acquire easements for the existing sewerage pumping station and sewerage line easement off Hassan Street, South Bowenfels.

COMMENTARY

Council has been negotiations with the owners of Lot 401 in Deposited Plan No 1086154. The owners have agreed to grant the following easements to Lithgow City Councils as follows:

1. An Easement for existing Sewerage Pumping Station
2. An easement for drainage of Sewerage and
3. An Easement to drain water (Storm water) through the above listed property.

The creation of the easements is necessary to formally provide access to existing sewer assets located upon Lot 401. The easements will allow Council to enter upon the land for the sole purpose of and limited only to the extent necessary for the surveying, construction, installation, operations and maintenance of the existing sewerage pumping station and water drainage pipeline.

A 'Transfer Granting Easement' document has been forward to Council by Le Fevre & Co Solicitors on behalf of their client ("The owners of Lot 401') providing agreement for formal easement creation. The creation of this easement is beneficial to Council and will provide for a legalized access. If Council is to accept this offer it is requested that all preparation, registration and legal costs be bourne by Council in return.

As part of this agreement a Schedule of 'Ancillary Works' will need to be fully bourne and constructed by Council. These works consist of:

1. Installation of piped storm water drainage upon Lot 401 which incorporates all storm water flow from Kirkley Street.
2. Erection of a Security fence and Screen Planting of Trees around the perimeter of the Sewerage Easement Pumping Station.
3. Bitumen sealing of a two-way Carriageway upon the Right of Carriageway, over Lot 51 DP1107410 and Lot DP1086154 from Hassan Street to the entrance of the Public reserve on the western side of Lot 401.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funding for formalisation of the easements already catered for in 2011/2012 Financial Management Plan. Funding for the 'Ancillary Works' has been allowed for in the 2011/2012 Sewerage Pump Station Refurbishment Works.

LEGAL IMPLICATIONS

That all easement formalisation and legal costs are to be borne by Council in benefit of formalised easements.

ATTACHMENTS

1. Copy of 'Annexure A' to Transfer Granting Easement Plan.
2. Sketch illustrating proposed storm water pipeline location to be supplied and constructed by Council.

RECOMMENDATION

THAT Council authorise the affixing of the Common Seal to the 'Transfer Granting Easement' for and any other necessary documents the creation and formalisation of Easements off Hassan Street, South Bowenfels.

ITEM-11 OPER - 21/11/11 - CENTROC PROCUREMENT CONTRACT - FAIR VALUE ELECTRICITY

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

REFERENCE

NIL

SUMMARY

The report is to advise Council that Centroc is endeavouring to procure a new electricity contract as part of a regional tender with other Centroc member Councils. The contract is due for renewal 30 June 2012. Good savings have been had regionally by participating in the Centroc contract in the past.

COMMENTARY

A comparison of value for money and compliance with Local Government Act tendering regulations through varying electricity procurement methodologies was provided to the General Managers Advisory Council meeting of July 2011. General Managers subsequently resolved to procure the next electricity contract through Local Government Procurement (LGP). This was ratified at the Centroc Board meeting in August.

Besides the anticipated cost savings of regional procurement, Council will pay no monies to be part of this process and it will deliver a compliant procurement process under the Local Government Act. A management fee will be paid by retailers to LGP.

LGP also advises Centroc Councils that in considering tenders it has the option of entering into clarifications or negotiations with electricity suppliers should that be necessary and also that LGP aims to exercise the options (with due governance) that will achieve the best outcome available at that time for Centroc Councils.

Council needs to be conscious that electricity is a “commodity” and market prices, like the share market, can be quite volatile. LGP stresses that ONLY a commercially viable price will be accepted.

What can Council expect?

The process:

1. All Centroc councils wishing to participate will be asked to have their General Manager sign a commitment form. This will bind the participants to accept LGP’s recommended tender outcome where that outcome equals or betters a pre-agreed target price.
2. Simultaneously, LGP will invite participation from other interested councils and NFP’s. (This is to maximise the aggregated consumption and thus maximise pricing leverage during the process.)
3. LGP will recommend a price band that it would consider appropriate for each electricity category councils require.
4. LGP will monitor market activity and when appropriate, will seek bids from the LGP Electricity Retailers panel via a closed RFT.
5. The electricity supply categories tendered will be Large Sites >160 MWh pa, Small Tariff Sites, Unmetered Street Lighting and Green Power.
6. LGP expects to require that pricing remain valid for up to 7 calendar days. (A significantly shorter period would enable the most competitive pricing, but the process could not conceivably be finalised in that time.) Once received, the priced offers will be quickly analysed and a decision will be made based on the pre-approved target price.
7. The offers will be evaluated by a Tender Evaluation Team comprising LGP staff supported by TTEG staff. TTEG is a recognised energy consultant and was involved in the earlier successful LGP processes. The Tender Evaluation Team will be further supported by a Tender Evaluation Working Group comprising up to 6 staff from participating CENTROC councils. Large sites, Unmetered Street Lighting and Green Power will be analysed firstly followed by Small Tariff sites.
8. Clarifications, if necessary, will be carried out and negotiations entered into if warranted.

9. A report will be drafted by LGP after evaluation of submissions. It will be forwarded to the Tender Evaluation Working Group for review and feedback. Once finalised, the report will be presented to council General Managers. However councils should note that in originally nominating to participate and signing the General Manager Authorisation Form, the General Manager has agreed to LGP advising the successful tenderer of the outcome and of the council's agreement to enter a contract with the electricity retailer. Before doing this of course, LGP will be allowing the input of the Tender Evaluation Working Group (comprised of council representatives) and feedback from the general managers themselves.

10. Once a Retailer is selected by LGP via the evaluation process, the terms of the contract will be put to the council, including details of the selected Retailer and the selected contract price. The council (via the General Manager), will be given a minimum of 2 full working days to review the pricing under the proposed contract and indicate its acceptance or rejection of the contract. Note that a recommendation for Large sites, Unmetered Street Lighting and Green Power will be made some days earlier than the Small Tariff sites.

The Projected Timeframe

Indicative milestones for this project are below:

Action	Date
Release of RFT:	To be Determined
Expected closing date	
• Buildings and facilities and street lighting	3 weeks later
• Smaller "tariff" sites	4 weeks later
Tender evaluation	
• Buildings and facilities and street lighting	Within 1 week of tender pricing
• Smaller "tariff" sites	Within 1 week of tender pricing To be Determined
Report to Tender Evaluation Working Group for review **	Within 2 days of tender pricing
Tender Evaluation Working Group feedback **	Within 1 day
Report to council General Managers for information **	Within 4 days of tender pricing
Notification of outcome to tenderers **	Within 7 days of tender pricing

*Small tariff sites lag by 2 to 4 days

Options

Council can:

1. Include itself in the Regional Procurement of Electricity with other Centroc members
2. Procure electricity as a stand alone.

3. Investigate other options – note once the Regional Centroc contract has “moved on”
Council will not be able to opt in or out of the process or
4. Resolve in some other way.

Given the value for money through Centroc contracts have developed in the past and LGP’s prescription status offering Council compliance under the Tendering Regulation of the Local Government Act, it is recommended Council resolve to take part in the Centroc Electricity Contract using the service of LGP and nominate the Group Manager Operations to be the staff member for inclusion in the process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Potential ongoing savings may be achieved.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

Advice regarding Centroc, its objectives and activities can be provided on the Centroc website at <http://centroc.com.au>

RECOMMENDATION

THAT Council:

1. Participate in the Centroc Electricity Contract using the services of LGP; and
2. General Manager be authorised on Councils behalf to sign relevant documentation accepting or rejecting Council to the best value contract once Tender Evaluation has been completed.

**ITEM-12 OPER - 21/11/11 - PROPOSED 2011/2012 FINANCIAL
MANAGEMENT PLAN CHANGES TO FUND BROWNS GAP SLOPE
REMEDIAION WORKS**

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

REFERENCE

Min No 11-442: Council Meeting 31 October 2011

Min No 11-258: Council Meeting 11 July 2011

SUMMARY

This report provides information regarding proposed changes to the 2011/2012 Financial Management Plan to fund necessary slope remediation works to the upper sections of Browns Gap Road. Reference to Golder Associates 'Slope Risk Assessment & Remedial Options Report (October 2011).

COMMENTARY

Council will recall the following resolution made at the Ordinary Meeting of Council 31 October requesting that a report regarding allocation of funds for works on Browns Gap Road be brought before this meeting of Council for discussion.

11-442 RESOLVED

THAT Council:

1. Accept the report prepared by Golder Associates in regard to the instability of Browns Gap escarpment;
2. Investigate possible funding sources from the State and Federal Governments to assist in financing the works;
3. Review at the next Council meeting the allocation of funds to specific road projects in the 2011/12 works programme with a view to providing funds totalling \$400,000 for this identified remediation works; and
4. Notify Council's Insurer of the Golder Associates's report and recommendations.

Council will also recall the report provided to Council by consultants Golder Associates (October 2011). This report identified the necessity to carry out immediate works within a 700 metre upper section of the Browns Gap Road. The report evidently highlighted the areas of 'High Risk' that Council must address immediately in accordance with Golder Associates recommendations as follows:

Estimated Construction Costs

- Section 2 (2.3) Risk ARL 1: \$140,000
- Section 2 (2.4) Risk ARL 2: \$ 55,000
- Section 4 (4.2) Risk ARL 2: \$115,000 + \$70,000
\$380,000

As previously indicated Council will need to develop a formal 'Construction Management Plan' in order to physically implement the required remedial works. It has been estimated that this plan could cost approx \$12,000 in addition to the estimated construction costs listed above.

The immediate areas of work identified have been classified as having the highest potential risk threat to users of Browns Gap, whilst not discounting the need to carry out further remediation works in future years as recommended in the report. Initially by immediately completing the above listed works, will resolve issues raised by Council's insurer Statewide.

In order to fund these essential works it has been proposed to make the following changes to the current 2011/2012 Financial Management Plan:

1. <u>Infrastructure Levy Program (Special Rate Variation)</u>	
10mm Re-seals	\$101,365
Magpie Hollow Road	\$144,294
2. <u>Rural Sealed Rehabilitation Program</u>	
Glen Alice Road	\$100,000
3. <u>Street Maintenance Program</u>	
Main Street Pavers Maintenance Lithgow	\$50,000
<u>Total</u>	<u>\$395,659</u>

The Department of Local Government have advised that in accordance with this 'Special Rate Variation' for Council's 'Infrastructure Levy Program' that:

"Although a 10 year works program was included as part of the application it is recognised that priorities may change during the life of any special variation.

It is important to note in any deliberations regarding changes to the works program, that Council is accountable to the community for any changes to its commitment to that works program. Where possible the community should be involved in any decision making process or at least advised of changes made".

The funding that is proposed for reallocation from the roads programs to Browns Gap work is portion ONLY of allocated funds intended to be withdrawn this financial year, whilst the following works will still occur on the following roads:

- Glen Alice Road to receive \$160,000 through 'Roads to Recovery' program.
- Magpie Hollow Road to receive \$100,000 through Council funding

As a further alternative council may take out a loan to pay for these works. Should this occur then all programmed works may not be completed in the current financial year.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Alterations to three Operational Works Programs in the 2011/2012 Financial Management Plan to fund necessary remedial slope works.

LEGAL IMPLICATIONS

Potential Insurance risks if works are not undertaken in accordance with Golder & Associates Report (October 2011), could result in the temporary closure of this road until works are completed.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Adopt the recommended changes to the 2011/2012 Financial Management Plan totalling \$395,659 to fund the recommended remedial slope works identified by Golder Associates; and
2. Notify its immediate insurer Statewide of actions to rectify identified risks.

ITEM-13 OPER - 21/11/11 - OPEN TENDER - WOLGAN GAP FLOOD DAMAGE RESTORATION WORKS

REPORT BY: WORKS MANAGER - CHRIS SCHUMACHER

REFERENCE

Nil

SUMMARY

This report provides information regarding a proposal to proceed with 'Open Tendering' in order to rectify the recent slip damage that occurred on Wolgan Gap early in 2011.

COMMENTARY

Council will recall the flood events of January 2011 that caused significant damage to many rural roads within the LGA. In particular the Wolgan Gap Road experienced a landslip to an upper 100m section of hillside, triggering damage to the immediate road pavement below. As a result the damage was noted through the 'Natural Disaster Funding Program' and approval for repairs has been granted through the RTA administrators.

Council did seek quotations from two specialist firms for repairs to the road and upper section of hillside; however prices indicate that the required works to rectify this area of the Wolgan Gap will exceed the \$150,000 threshold and will be required to go to an Open Tender.

As such the RTA have given Council approval to seek Tenders for the repair works and have guaranteed that 100% funding will be available subject of tender selection.

It is anticipated to place a 'Design & Construct' Tender out to the public in the coming weeks with the view to selecting a suitably qualified contractor to commence restoration works early in the New Year.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Fully funded works as part of the 'Natural Disaster Funding Program' for flood damage.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council proceed to place an 'Open Tender' for design and construct works associated with the land slip and road pavement damage upon Wolgan Road.

COMMUNITY AND STRATEGY REPORTS

ITEM-14 **COMM - 21/11/11 - SECTION 356 FINANCIAL ASSISTANCE TO COMMUNITY ORGANISATIONS**

REPORT FROM: MATTHEW JOHNSON - MANAGER COMMUNITY AND CULTURE

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

SUMMARY

This report considers the following requests for Financial Assistance:

1. Requests from community organisations under Round 2 of 2011/12 Non-Recurrent Financial Assistance.
2. A request from Mountain Sports for financial sponsorship of the 2012 Lithgow Triathlon event.
3. A request from Bogee Rural Fire Brigade for financial assistance to meet the cost of Development Application fees in relation to construction of a new bushfire shed on Council land at Bogee.
4. A request from the Lithgow Show Society for the waiver of Council fees for the Lithgow Showground and Civic Ballroom in respect of the 2012 Lithgow Show.
5. This report also advises Council of details of Financial Assistance provided to the Lithgow Business Association for Celebrate Lithgow and the Lithgow Business Awards.

COMMENTARY

1. Round 2 of 2011/12 Non-Recurrent Financial Assistance

Council provides financial assistance to community organisations under Section 356 of the Local Government Act. Council has allocated \$53,900 in the 2011/12 budget for Non-Recurrent Financial Assistance.

\$44,452 was allocated in Round 1 in April 2011 and a further \$7,300 has since been allocated by Council resolution. Council has also been advised by a successful applicant that a further amount of \$252, allocated in Round 1, is no longer required. This leaves \$2,400 for allocation in Round 2.

Applications from the community for Round 2 of 2011/12 Non-Recurrent Financial Assistance were open from 1 – 31 October 2011.

6 applications to the value of \$16,219.24 have been received as follows:

Applicant and Project Name	Amount Requested	Amount Recommended
National Heart Foundation Produce fact sheets and wallet cards for Lithgow residents on heart attack warning signs in line with current national campaign.	\$2,922	No financial assistance is recommended as this is a national body which is currently running a national media campaign on this issue.
Portland Bowling Club Co-Op Shading for green seating	\$5,200	\$500 is recommended
Lithgow Muzzleloading and Archery Clubs Rate reimbursement	\$1,000	\$500 partial donation is recommended
Zig Zag Railway Co-Op Transport costs for 1,000 donated railway sleepers to enable wooden carriages to be housed undercover	\$2,400	\$900 is recommended
Central West Communities and Kids Parenting Young program	\$2,800	No financial assistance is recommended as Round 1 2011/12 Financial Assistance was provided to Central West Communities and Kids for another project
Cullen Bullen Progress Association Rates and insurance costs	\$1,455.03 insurance \$442.21 General Component of rates	\$400 financial assistance towards the General Component of rates is recommended.
Total Applications	\$16,219.24	Amount Recommended \$2,300

2. Lithgow Triathlon

Mountain Sports advises that the 2012 Lithgow Triathlon will be a major part of the Lithgow Flash Gift event and that the Triathlon event will be integrated with the Flash Gift activities. It is recommended that Council provides Mountain Sports with \$500 sponsorship towards the 2012 Lithgow Triathlon event.

3. Bogee Rural Fire Brigade

Bogee Rural Fire Brigade is seeking Council assistance with the cost of Development Application fees in relation to construction of a new bushfire shed on Council land at Bogee. The cost is \$944.51. It is recommended that Council provides Bogee Rural Fire Brigade with \$944.51 financial assistance for this purpose.

4. Lithgow Show

Council provides the Lithgow Show Society with Recurrent Financial Assistance each year towards the cost of holding the Lithgow Show. The Lithgow Show Society will receive \$8,224 cash in 2011/12 together with \$2,000 in-kind assistance. In accordance with Council's Management Plan, the Lithgow Show Society is charged a fixed fee of \$3,450 for the hire of the Showground and Civic Ballroom which represents a discount of \$2,130 below the normal hire fee of approximately \$5,580.

The Show Society have requested that Council waive Showground and Civic Ballroom hire charges for the 2012 Lithgow Show due the escalating cost of holding the Show and that after the payment of Council fees, they have insufficient funds to meet operating costs.

In view of the small amount of remaining Financial Assistance funds and the level of financial and in-kind assistance already provided by Council to the Lithgow Show Society, it is recommended that Council not waive Civic Ballroom and Showground hire fees for the 2012 Lithgow Show.

5. Lithgow Business Association

Council provides the Lithgow Business Association (LBA) with Recurrent Financial Assistance each year towards the cost of holding Celebrate Lithgow and the Lithgow Business Awards. This amount is \$11,012 in 2011/12. For the past two years, the Lithgow Business Awards have not been held with the LBA holding 50% of the Financial Assistance provided by Council towards the cost of a future event which they hoped to hold in 2011/12. The LBA has since decided not to hold a Lithgow Business Awards event in 2011/12 although they would still like to do so at a future time.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

This allocation includes \$79,149 in Recurrent Financial Assistance (fully allocated) and \$53,900 in Non-Recurrent Financial Assistance of which \$51,500 has already been allocated, leaving \$2,400 for further allocation.

The allocation of \$2,300 to Round 2 Non-Recurrent Financial Assistance, sponsorship of \$500 to Mountain Sports for the 2011 Lithgow Triathlon and \$944.51 to Bogee Rural Fire Brigade will leave a deficit of \$1,344.51 which can be adjusted in the 2011/12 mid-year budget review.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Letter from Mountain Sports
2. Letter from Lithgow Show Society
3. Letter from Bogee Rural Fire Brigade

RECOMMENDATION

THAT Council:

1. Council provides Round 2 Non-Recurrent Financial Assistance to the following organisations:

Applicant Name	Project Name	Amount Recommended
Portland Bowling Club Co-Op	Shading for green seating	\$500
Lithgow Muzzleloading and Archery Clubs	Donation for rates	\$500
Zig Zag Railway Co-Op	Transport costs for 1,000 donated railway sleepers to enable wooden carriages to be housed undercover	\$900
Cullen Bullen Progress Association	Rates and insurance donation	\$400
Total Applications		\$2,300

2. Council provides Mountain Sports with \$500 sponsorship towards the 2012 Lithgow Triathlon;
3. Council provides Bogee Rural Fire Brigade with \$944.51 to offset the cost of Development Application fees in relation to construction of a new bushfire shed at Bogee;
4. Council NOT waive Civic Ballroom and Showground hire fees for the 2012 Lithgow Show; and
5. Council notes the information provided by the Lithgow Business Association.

ITEM-15 COMM - 21/11/11 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS

REPORT FROM: CORPORATE STRATEGY AND COMMUNICATIONS OFFICER – DEBORAH MCGRATH

REFERENCE

Min No 07-541: Ordinary Meeting of Council 17 December 2007
Min No 008-194: Ordinary Meeting of Council 18 November 2008
Min No 09-505: Ordinary Meeting of Council 23 November 2009
Min No 10-487: Ordinary Meeting of Council 22 November 2010

SUMMARY

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

COMMENTARY

The Local Government Act 1993 states:

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

It goes on to also state:

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

The Annual and State of the Environment Reports for the year 2011/11 have been prepared and will be forwarded to the Department of Local Government. A copy of both Reports has been provided to Councillors within their Business Paper Packages. In addition, the Reports will be placed on Council's website and a hard copy will be available for viewing at the Council's Administration Centre and the Lithgow Library and Learning Centre.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Annual Report 2010/11
2. State of the Environment Report 2010/11

RECOMMENDATION

THAT the Council:

1. Receives the Lithgow City Council Annual Report 2010/11; and
2. Receives the Lithgow City Council State of the Environment Report 2010/11.

ITEM-16 COMM - 21/11/11 - ADVENTURE PLAYGROUND INVESTIGATION

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

NIL

SUMMARY

Preliminary investigations have been undertaken by the Community and Culture Division of Council into the likely costs and possible location options for an adventure playground in Lithgow.

COMMENTARY

Background

An increasing number of adventure playgrounds are being built in different communities around Australia. They provide fun, safe, interesting and unstructured play areas for children.

Depending on the location, they may be equipped with flying foxes, climbing structures, trampolines, cubbies, water activities and natural play spaces which develop creative, social and cognitive skills in children.

For many families, these playgrounds provide a support network, a place for their children to learn new skills, build friendships, develop communication and language skills, and link to the wider community.

An adventure playground can contribute significant social and recreational benefits to a community. They not only benefit the local community and encourage the adoption of healthy lifestyles, they can also be an attractor for visitors and tourists which provides economic benefits to the community.

The 2011 Open Space and Recreation Needs Study undertaken for Council by Ross Planning, identifies a number of trends in relation to sport, recreation and physical activity, in particular the trend towards walking and participation in structured recreational activities compared to participation in structured sporting activities.

The Ross Planning Study also highlights the importance of the play experience for promoting children’s physical, emotional and social competencies. Playgrounds should offer a play experience that is exciting and vibrant and utilises the natural landscape to create interesting and interactive play spaces and does not necessarily need to have lots of very expensive equipment. The Ross Planning Study also finds that much of the formal play areas within Lithgow LGA consist of kit style playground equipment that don’t offer sufficient engaging and stimulating play opportunities. While there is place for this type of equipment at the neighbourhood level, there is a need for some playgrounds that offer a higher level of play experience.

Bathurst Adventure Playground

The following information has been provided by Bathurst Council:

The Bathurst adventure playground is situated in Victoria Park on the corner of Durham and Hope Streets Bathurst, below Bathurst Base Hospital and adjacent to the John Mathews Sports Complex. Victoria Park is approximately 4 hectares, while the playground itself is approximately 1.2 hectares in size. A modern accessible toilet block is adjacent to the playground.

The playground offers a variety of activities for a range of lifestyles and people - an “all abilities” playground. The design and structure incorporates the natural landscape (a sloped site with different levels and rocks), and while this involved extra cost, it has given the playground a spectacular look and feel compared to conventional playgrounds built on flat sites.

Bathurst adventure playground is close to the Bathurst CBD and Mid Western Highway making it accessible for visitors and tourists while it is also centrally located for the Bathurst community. It is easily accessed by pedestrians, cyclists and motor vehicles. It is central to other facilities in the town, such as the sporting precinct area, and near the cycle path network.

An extensive community consultation process was undertaken to design the adventure playground. A design technician was commissioned who held numerous workshops and opinion forums to determine community preferences. Schools were consulted to gain an insight into what children and young people would like to see as part of the playground.

The adventure playground has a “Jurassic Park” theme which links the playground to other features in Bathurst such as the Dinosaur Museum. The playground equipment includes flying foxes, climbing walls, fossil sculptures, rope climbing webs, swings and a stockyard maze.

The total cost was \$1.1 million with some additional post-construction costs for repair and maintenance.

The project was internally funded by Bathurst Council and involved a 2-3 year planning and consultation process prior to construction.

Bathurst Council hopes at a future date to construct Stage 2 which will involve water features that would appeal to older children.

There appears to have been minimal vandalism to the playground.

Blayney Council

Blayney Council has also established an adventure playground in recent years, located in Heritage Park at the southern end of the main street. The adventure playground includes a wetlands area on the eastern end, which links into Blayney Council's Sustainability and Development Plan.

The playground was designed and constructed "in house". Blayney Council financed the project by sourcing funds from Nestle, a local mine, Rotary and a number of other organizations. The total cost was about \$500,000.

The overall theme of the Blayney adventure playground is to offer the general public a variety of activities that are challenging and exciting, while providing areas that are peaceful and intellectually stimulating.

The adventure playground aims to cater for a broad cross-section of the community and the equipment chosen includes a mouse house, space net, flying fox, amphitheatre, pentagonal swing set and slides.

A wide pathway interlinking each activity allows for bicycles as well as pedestrians and has potential for future linking with the town's cycle network. The wide pathway also allows people that are wheelchair bound or using prams to move about with ease.

Potential Locations in Lithgow

A number of sites within Lithgow have been considered, in a preliminary way, for their potential for locating an adventure playground. Further detailed site assessment will be required prior to any decision by Council.

Assessment criteria used include; population catchment; ability to attract external visitation; good linkage to other recreational facilities; positive economic benefits; safe location and low risk of vandalism; availability of existing facilities eg toilets and power; good parking and no traffic constraints; shade, and site slope.

Endeavour Park offers considerable benefits due to its prominent location, proximity to population catchments, visibility for visitors and tourists, parking and toilets (although toilets require considerable upgrade) are available and the slope offers opportunities for creative playground design. Negatives include that is not well connected to other recreational facilities, is potentially at greater risk of vandalism and does not draw visitors into the centre of town.

Queen Elizabeth Park offers most of the benefits of Endeavour Park as well as a greater potential for drawing visitors into the town but is constrained by limited available land and limited parking.

The Aquatic Centre Precinct is centrally located and would contribute to creating a recreation hub that includes the aquatic centre, showground and skate park. It is unclear if there will be sufficient available land on the site once the current and subsequent stages of the Aquatic Centre upgrade are complete. There may also be parking and traffic constraints on this site.

Blast Furnace Park has a number of constraints including lack of services, isolation and potential conflicts with the site's heritage values, however it does offer the opportunity for creating an adventure playground with a theme that is associated with the industrial heritage of Lithgow.

Lake Wallace and Portland

In determining the best location option for an adventure playground, consideration will also be given to options for the upgrade of playground equipment at Lake Wallace and Portland, possibly in the form of smaller upgrades on an adventure playground theme. Councillors are asked to note that Council has recently submitted a funding application to the NSW Government's Community Building Partnership Program for \$50,000, matched dollar for dollar by Council, for the upgrade of Lake Wallace playground equipment. No announcement has yet been made.

Conclusion

As detailed in this report, an adventure playground can have significant social and recreational benefits for the local community and can be an attractor for visitors and tourists. This supports Council's goals of creating a vibrant and liveable community that encourages young people to stay and attracts new families to the area.

Investigation of the experience of Bathurst and Blayney Councils has shown that the adventure playgrounds in both communities have been very well received and used by residents, have attracted little vandalism and have been a significant attractor for visitors. While an adventure playground is a relatively new concept for Councils, communities are increasingly looking to councils to provide more than the standard playground. A well designed adventure playground linked to other facilities and walking/cycling routes, will benefit not only children, but their parents, grandparents and the general community.

Preliminary site assessments that have been undertaken indicate a number of potential suitable sites. Further detailed site assessment is to be undertaken with a further report to be brought to Council in early 2012 recommending a preferred site.

Based on the experience of Bathurst and Blayney Councils and allowing for rising costs, the cost of design and construct could be in the order of \$1m plus. Any consideration of the costs and benefits of proceeding also requires consideration of ongoing maintenance and repair costs.

Council has allocated \$50,000 in the 2011/12 budget for the investigation and design of a adventure playground. Following adoption of a site by Council, these funds will be used to undertake detailed design, including community consultation.

Council has also allocated \$106,000 in the 2012/13 budget forward estimates and \$109,000 in the 2013/14 budget forward estimates for adventure playground construction. These allocations are to be confirmed in the 2012/13 and 2013/14 budget deliberations.

An alternative approach, at least in the short term, would be for Council to undertake a limited redesign and upgrade of the Queen Elizabeth Park playground to enhance the play experience it offers and its linkage with the rest of the park.

This would also potentially increase the number of local people and visitors using the park and enhance its position as Lithgow's premier park. An amount of \$100,000 has been suggested for this work.

Such an approach could then be extended over time to Wallerawang and Portland.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has allocated \$50,000 in the 2011/12 budget for the investigation and design of a adventure playground. Following adoption of a site by Council, these funds will be used to undertake detailed design, including community consultation.

Council has also allocated \$106,000 in the 2012/13 budget forward estimates and \$109,000 in the 2013/14 budget forward estimates for adventure playground construction. These allocations are to be confirmed in the 2012/13 and 2013/14 budget deliberations.

Subject to the design adopted and based on the experience of Bathurst and Blayney Councils and allowing for rising costs, the cost of design and construct could be in the order of \$1m plus.

Ongoing maintenance and repair costs will be additional.

The cost of a limited redesign and upgrade of the Queen Elizabeth Park playground to enhance the play experience it offers and its linkage with the rest of the park would be in the order of \$100,000.

Council has recently submitted a funding application to the NSW Government's Community Building Partnership Program for \$50,000, matched dollar for dollar by Council, for the upgrade of Lake Wallace playground equipment.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Notes the above report on the adventure playground investigations;
2. Notes that a further report will be brought to Council in early 2012 recommending a preferred site for an adventure playground; and
3. Notes that following adoption of a site by Council, a detailed design with costings will be developed.

ITEM-17 COMM - 21/11/11 - MEMORANDUM OF UNDERSTANDING - BICENTENARY CELEBRATIONS, CROSSING OF THE BLUE MOUNTAINS ALLIANCE (LITHGOW, PENRITH & BLUE MOUNTAINS CITY COUNCILS)

REPORT BY: SUZANNE LOLLBACK, GROUP MANAGER COMMUNITY & STRATEGY

REFERENCE

- Min No 10-125: Ordinary Meeting of Council 12 April 2010
- Min No 10-276: Ordinary Meeting of Council 12 July 2010
- Min No11-229: Ordinary Meeting of Council 11 June 2011
- Min No 11-338: Ordinary Meeting of Council 28 August 2011

SUMMARY

This report recommends that Council consider entering into a Memorandum of Understanding between Lithgow, Blue Mountains and Penrith City Councils in relation to the Bicentennial crossing of the Blue Mountains.

COMMENTARY

As the Bicentenary of the 1813 Crossing of the Blue Mountains and the 1815 construction of the Cox's Road approaches, Blue Mountains City Council has requested a Memorandum of Understanding be entered into with them and Penrith City Council to formalise intentions between the three Council's in relation to the planning and scheduling of events in support of the commemorations of the Bicentenary Crossings of the Mountains to be held during 2013-2015 period.

At the Ordinary meeting of Council dated 11 June 2011 (Min 11-229) Council resolved to establish a Sec 355 Committee for the purposes of coordinating activities regarding the commemoration of the Bicentenary of the Crossing of the Blue Mountains. A purpose and key responsibility of the committee was to assist Council to liaise with other Councils and relevant organizations. This committee will function until the conclusion of the program of commemorative events in 2015.

Representatives of Penrith City Council, Lithgow City Council and Blue Mountains City Council met for an initial meeting to discuss an alliance between these three Councils on 2 June 2011 at which time it was agreed that a Memorandum of Understanding be entered into to allow effective planning and scheduling of events, cooperation between the three Councils and formalise the intentions of the three Councils in relation to the Bicentennial Crossing of the Mountains.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council allocated \$5,000 in the 2011/12 Management Plan for the Blue Mountains Crossing Bicentenary to commence preparations.

Council may wish to allocate further funding in 2012/13 budget for celebrations to do with the Crossing of the Blue Mountains and in the following year for celebrations for the building of the road by Cox.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 355

ATTACHMENTS

1. MOU Bicentenary Crossing of the Mountains Alliance

RECOMMENDATION

THAT Council enters into a Memorandum of Understanding with Penrith City Council and Blue Mountains City Council to formalise intentions to work cooperatively in the planning and scheduling of events and in liaison with State and Federal government agencies in support of the commemorations of the Bicentenary Crossing of the Mountains to be held during the period 2013-2015.

ITEM-18 COMM - 21/11/11 - COUNCIL ARTWORK COLLECTION

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 11-108 Ordinary Meeting of Council 28 March 2011

SUMMARY

Council resolved at the Ordinary Meeting of Council dated 28 March 2011 (Min 11-108):

THAT *the General Manager and Council Officers provide the Council, Councillors and ratepayers with a report to Council on the current status of the collection of artworks owned and held by the Lithgow City Council, including their individual and purchase value and their current locations.*

The cataloguing of Council's artwork collection has recently been completed. This report provides details of the collection.

COMMENTARY

The Council artwork collection comprises 166 items in a number of locations. Approximately 80 works (48%) are on display in the Council Administration Centre, Lithgow Library and Eskbank House and 86 works (52%) are in storage in the Hoskins Building and Eskbank House. There are a further 18 items that were identified in earlier cataloguing processes undertaken in 1983 and 1992 which have not been located at this point. Work will continue with regards locating the further 18 works which are currently missing.

The collection was last catalogued in 2007. All items catalogued in 2007 have been located during the 2011 cataloguing process.

The collection has been catalogued by artist, title, production date, location, purchase cost where known, and whether the item is by a prominent artist or is of local significance. The collection includes a number of artworks by prominent artists and a number of local significance. These include the following:

Prominent Artists

Helidore Hawthorne (Brendorah)

Helidore Hawthorne also known as Brendorah was a modernist artist from the mid 20th Century. Her collection of artworks produced during the Second World War while she was working in the Lithgow Small Arms Factory has local, national and international significance due to its depictions of the life of the workers in the factories during the war years. Her art is in collections in the Australian War Memorial and Lithgow Small Arms Factory. Seven of her works are in Council's collection.

Paul Robaix

Paul Robaix is a well known Australian landscape artist from the early 1800s. Two of his paintings are in Council's collection.

Malcolm King

Malcolm King is a prominent Australian artist who specialises in printmaking. His work is held in collections in Australia and overseas. Eight of his prints are in Council's collection.

Suzanne Sommer

Suzanne Sommer is a prominent Australian artist who specialises in oil, acrylic and pastel art focusing mainly of figurative work and romantic cottage scenes. Her work is held in collections in Australia and overseas. Two of her prints are in Council's collection.

Ted Lewis

Ted Lewis is a contemporary landscape artist who predominantly paints Australian bush and beach scenes. His works are in collections all over Australia, USA, England, Norway, New Zealand and Europe. Two of his paintings are in Council's collection.

J. Crocker

J. Crocker was an international landscape artist. He predominantly worked in water colours and is held in collections all over the world. Two of his paintings are in Council's collection.

Ian McKenzie

Ian McKenzie is a contemporary artist located in the Blue Mountains. His work is held in collections throughout the state. Three of his paintings are in Council's collection.

Walter Brunner

Walter Brunner is a prominent local oil and watercolour landscape artist from the 1970s and 1980s. He specializes in industrial and urban landscapes. Four of his paintings are in Council's collection.

Hans Leibhart

Hans Leibhart is a prominent local artist. He specialises in pencil and ink architectural landscape sketches. Two of his paintings are in Council's collection.

John Barnes

John Barnes is a well known local artist and historian from the Lithgow area. He specializes in landscape and architectural drawings and paintings of the local area. Three of his paintings are in Council's collection.

Most common artists in collection

Malcolm King - 8 works

Brendorah (Dora Hawthorne) – 7 works

Walter Brunner – 4 works

David Middlemis – 4 works

R. Christian – 3 works

Ian McKenzie – 3 works

John Barnes - 3 works

Yvonne Jenkins – 3 works

Ayrton – 3 works

Works of Interest

The collection includes:

- 34 works of international, national and state interest
- 123 works of local interest
- 9 works of no known interest

All artworks have been photographed during the cataloguing process.

Further Work on the Collection

- The collection has been catalogued using a web based collection management system called eHive which enables Council to catalogue and manage its collection and to allow the public to view details and photographs of the collection online. It is intended that online public access be provided to the collection in the near future.
- Further research is being undertaken on artists within the collection.
- It is further intended that a policy be developed for accessioning new artwork to the collection and for de-accessioning artwork out of the collection.
- Archival storage facilities are to be established at Eskbank House and Museum and in the Hoskins Building Basement.
- An annual one month exhibition will be held at Lithgow Learning Centre or Eskbank House and Museum of a selection of art works from the collection.

Suggested themes include:

- Most significant artworks
- Art works of the Lithgow area
- Art works within particular dates/eras
- Art works with little recorded detail (with the aim of collecting information from locals)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. Spreadsheet with details of Council's artwork collection.

RECOMMENDATION

THAT Council notes the above report, including that:

1. Further research is being undertaken on artists within the collection;
2. A policy will be developed for accessioning new artwork to the collection and for de-accessioning artwork out of the collection;
3. Archival storage facilities are to be established at Eskbank House and Museum and in the Hoskins Building Basement; and
4. An annual one month exhibition will be held at Lithgow Learning Centre or Eskbank House and Museum of a selection of art works from the collection.

FINANCE REPORTS

**ITEM-19 FINAN - 21/11/11 - NEGOTIATION OF LOAN FUNDS FOR THE
 2011/12 LOAN BORROWING PROGRAM**

REPORT FROM: FINANCE MANAGER - CAROL FARNSWORTH

REFERENCE

Min No 10-245- Adoption of 10/11 – 13/14 Management Plan
 Min No 11-211- Adoption of 11/12 – 14/15 Management Plan

SUMMARY

To advise Council of future negotiations to drawdown the 11/12 loan borrowing program of \$1,608,000 and also \$6,006,000 carried forward from 2010/11.

COMMENTARY

Council proposed in the 2011/12 Management Plan to borrow \$1,608,000, and also carried forward part of the 2010/11 loan program of \$6,006,000, for the upgrade of major Wastewater infrastructure, including work at Lithgow and Wallerawang treatment plants.

The carried forward 2010/11 loan program was proposed as \$9,574,000 but has been adjusted for the upgrade of the Wallerawang STP which received an interest free loan, from the State Government, of \$4,897,000. Council will no longer require to borrow the original loan estimate.

PURPOSE	2010/11 Loan Program C/Fwd	2011/12 Loan Program
WASTEWATER FUND:		
STP Lithgow	6,006,000	0
STP Wallerawang	0	1,383,000
Sth Bowenfels Infrastructure	0	225,000
TOTAL	6,006,000	1,608,000

The Department of Local Government, in Circular 09-21, advised that the Minister for Local Government handed down revised orders for Council loan borrowings.

The Minister for Local Government, Barbara Perry MP, pursuant to Section 624 of the Local Government Act 1993, released restrictions on borrowings by a Council. From the date of the Order, 13 May 2009, Councils may not borrow from any source outside the Commonwealth of Australia nor in any other currency other than Australia currency.

Circular 09-21 also reminds Councils that under their Charter they must have regard to the long term and cumulative effects of their decisions, and accordingly must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds.

In accordance with the regulations (Clause 230 of the Local Government (General) Regulation 2005) Council is required, pursuant to DLG Circular 09-13 of 13 April 2009, to advise the Director General when funds borrowed have been completed.

It is proposed to obtain quotes for a loan of \$2,500,000 immediately and draw down the remaining funds of \$5,114,000 as the projects progress and final contracts known. All quotes will be obtained from lending institutions and Council will only have 24 hours to respond once an interest rate has been quoted.

It is appropriate for Council to provide delegate authority to the General Manager to negotiate and sign with lending institutions and once loans are finalised they will be reported to a future meeting of Council.

The 2010/11 General Purpose Financial Reports disclosure the following in relation to long term debt:

Schedule 2a:

• Principal Outstanding 1 July 2010	\$14,300,000
• New Loans Raised 2010/11	\$ 3,546,000
• Debt Redemption 2010/11	\$ 984,000
• Principal Outstanding 1 June 2011	\$16,862,000
• Interest Paid during 2010/11	\$ 830,000

Note 13:

Debt Service Ratio:

Debt Cost:	<u>\$ 1,818,000</u> 6.25%
Income from Cont Operations exc Capt items and Specific Grants & contributions	\$29,100,000

Following is a quote from the 2010/11 'Conduct of Audit Report' by the Morse Group in relation to Council's Debt Service Ratio:

Debt Service Ratio

"The cost of repaying debt is reflected in the debt service ratio, which expresses that cost as a percentage of revenue from ordinary activities.

Whilst there is no definitive guide on what constitutes an acceptable ratio it is generally recognised that a ratio of up to 20% depending on the level of long-term development (infrastructure) plans, is considered tolerable. At 6.25% (2010 – 2.88%) the Council’s ratio is below these industry benchmarks, indicating a capacity to take on debt finance but Council’s ability to service such commitments must be critically assessed before any new loans are funded.”

Loan Borrowing Program Lithgow & Wallerawang STPs:

PURPOSE	LOAN PROGRAM
LITHGOW STP:	
Borrowed: 2009/10	5,450,000
Borrowed: 2010/11	1,671,000
Proposed: 2011/12 ***	6,006,000
Total	13,127,000
WALLERAWANG STP:	
Borrowed: 2009/10 (Interest Free)	4,897,000
Proposed: 2011/12***	1,383,000
Total	6,280,000

Note: As projects progress and final contracts values known any adjustment to the loan borrowing program will be reported.

POLICY IMPLICATIONS

Loan funds are borrowed in accordance with:

- Local Government Act 1993 - Section 621 to 624
- Local Government Act 1993 – Borrowing Order dated 13 May 2009
- Local Government (General) Regulation 2005

FINANCIAL IMPLICATIONS

Negotiation and drawdown of loans for \$7,614,000, being the 2011/12 Management Plan to borrow \$1,608,000, and the carried forward loans from the 2010/11 loan program of \$6,006,000.

LEGAL IMPLICATIONS

Loan Agreements

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council:

1. Authorise borrowings of \$2,500,000 immediately;
2. Authorise, if required, the balance of the loan program of \$5,114,000 be borrowed, if required, as council projects progress; and
3. Authorise the General Manager to negotiate and sign with appropriate lending institutions to borrow funds outlined in 1 and 2 above.

ITEM-20 FINAN - 21/11/11 - COUNCIL INVESTMENTS HELD ON 31ST OCTOBER 2011

REPORT FROM - FINANCE MANAGER C FARNSWORTH

REFERENCE

Min No 11-342: Ordinary Meeting of Council 22 August 2011 (July 2011)
Min No 11-374: Ordinary Meeting of Council 12 September 2011 (Aug 2011)
Min No 11-411: Ordinary Meeting of Council 10 October 2011 (Sept 2011)

SUMMARY

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

COMMENTARY

Council's total investment portfolio, as at 31 October 2011 when compared to 30 September 2011, has decreased by \$1,912,478.56 from \$13,361,618.87 to \$11,449,140.31.

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

INVESTMENT REGISTER 2011/12								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.09.11	VALUE 31.10.11	% OF TOTAL
ANZ	TD	14.09.11	13.12.11	90	5.80	806,060.04	806,060.04	7.04%
	TD	14.10.11	14.12.11	60	5.42	504,646.03	509,407.68	4.45%
CBA	On Call				4.70	1,243,438.86	754,589.37	6.59%
						1,000,000.00	00.00	0.00%
						500,000.00	0.00	0.00%
		02.09.11	01.11.11	60	5.71	500,000.00	500,000.00	4.37%
IMBS	TD	30.08.11	28.11.11	90	5.80	1,076,452.37	1,076,452.37	9.40%
	TD	01.09.11	30.11.11	90	5.80	713,798.54	713,798.54	6.23%
	TD	15.09.11	14.12.11	90	5.85	1,014,871.23	1,014,871.23	8.86%
NAB	TD	10.08.11	11.11.11	91	5.91	1,066,672.63	1,066,672.63	9.32%
WESTPAC	TD	08.07.11	08.01.12	182	6.00	276,407.00	276,407.00	2.41%
	TD	08.07.11	08.01.12	182	6.00	552,814.03	552,814.03	4.83%
	TD	29.10.11	30.01.12	91	5.77	1,107,581.64	1,140,370.61	9.96%
ST GEORGE	On Call				4.75	557,230.19	563,928.34	4.93%
		27.09.11	04.01.12	94	5.81	513,948.24	513,948.24	4.49%
	TD	19.10.11	19.04.12	182	5.90	800,805.14	832,927.30	7.28%
SUNCORP	TD	10.08.11	08.11.11	90	5.85	1,126,892.93	1,126,892.93	9.84%
			TOTAL			13,361,618.87	11,449,140.31	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

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

On the graph below historical and current investments are shown for 2011/12 to 31 October 2011.



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 31 October 2011 is \$163,456.08 of an estimated \$550,802.00 shown in the 2011/12 Management Plan. Interest is paid on the maturity date of the investment. Accrued interest to 30 June 2011 has been reversed for the 2011/12 financial year as part of end of year processing.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2012
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

RECOMMENDATION

THAT Investments of \$11,449,140.31 for the period ending 31 October 2011 be noted.

**ITEM-21 FINAN - 21/11/11 - AUDIT PRESENTATION OF THE 2010/11
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

REFERENCE

Min No 11-408: Ordinary Meeting of Council 10 October 2011

Min No 11-448: Ordinary Meeting of Council 31 October 2011

SUMMARY

To advise Council that Auditors, The Morse Group, will be at the meeting of 21 November 2011 to make a presentation of the 2010/11 General Purpose and Special Purpose Financial Reports.

COMMENTARY

In compliance with Section 418 (3) of the Local Government Act due notice has been provided in the local media, at the Administration Centre, Libraries and on Council's website that Auditors, The Morse Group, will present the 2010/11 audited reports to the meeting of the 21st November 2011. All interested members of the public have been invited to attend and in accordance with Section 420 of the Local Government Act 1993, Council will accept submissions, in writing, for a period of seven days following the audit address. Submissions will close at 4.30pm on the 28 November 2011.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2010/11 General Purpose Financial reports and Special Purpose Schedules represent Council's position as at 30 June 2011.

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Hear a presentation by the Morse Group on Councils Financial Reports;
2. Council thank Ms Leanne Smith of the Morse Group for her presentation; and
3. Council accept submissions, in writing, for a period of seven days following the audit address. Submissions will close at 4.30pm on the 28 November 2011.

ITEM-22 FINAN - 21/11/11 - REVIEW OF POLICIES

REPORT FROM – FINANCE MANAGER CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

This report is to advise Council that Policies 9.13,8.3,9.3,8.5,8.2 have been reviewed and includes a recommendation that they be publically advertised for a period of 21 days prior to final consideration by Council.

COMMENTARY

The following policies have been reviewed and it is recommended that they be advertised for a period of 21 days prior to final adoption:

- Draft Policy 9.13 Protected Disclosure Policy
- Draft Policy 8.3 Hardship
- Draft Policy 9.3 Business Ethics
- Draft Policy 8.5 Pension Rebates
- Draft Policy 8.2 Investment Policy

POLICY IMPLICATIONS

Draft policies as above

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Policy 9.13 Protected Disclosure Policy,
2. Draft Policy 8.3 Hardship,
3. Draft Policy 9.3 Business Ethics,
4. Draft Policy 8.5 Pension Rebates,
5. Draft Policy 8.2 Investment Policy

RECOMMENDATION

THAT Council advertise the following revised draft for a period of 21 days prior to further consideration:

- Draft Policy 9.13 Protected Disclosure Policy
- Draft Policy 8.3 Hardship
- Draft Policy 9.3 Business Ethics
- Draft Policy 8.5 Pension Rebates
- Draft Policy 8.2 Investment Policy

DELEGATES REPORTS

ITEM-23 DELEGATES REPORT - 21/11/11 - LOCAL GOVERNMENT ANNUAL CONFERENCE 2011

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

Recently the Local Government Conference was held in Nowra from 23rd to 26th October 2011.

Lithgow Council was represented by Councillor Wayne Marshall, Councillor Colin Hunter, the General Manager and myself.

The opening of the Conference took place on Sunday 23rd October and apart from the normal formalities, Councillor Keith Rhodes, President of the Local Government Association describe the challenges that will face local government now and into the future.

Monday 24th October saw a wide range of speakers covering a large variety of themes. A number of Members of Parliament were on stage for an interactive panel.

The Hon Don Page, MP Minister for Local Government gave an address. A number of other speakers addressed the conference during the late morning and the afternoon.

Tuesday saw the first of the motions debated, however, less than 60 of the motions were voted upon of over 200 that were on the agenda.

What was most concerning was Wednesday's events where a quorum was not present to be able to run the business of the agenda.

Lithgow delegates were present at every vote and were also present on Wednesday ready to vote and were very disappointed that a number of other delegates were not there. A number of suggestions were made to the Executive to try to change the way the agenda is settled, also about the way of limiting the number of speakers and to see if another way of calculating the quorum can be organised. Unless some of these suggestions are taken on board the three Councillors who attended see very little reason to attend in the future.

Part of the reason why so few motions were discussed and voted upon, is that many of the issues raised were in fact related to other levels of government which have little relevance to local government.

Some of the issues that were discussed were asylum seekers, carbon tax and waste management levies being collected on behalf of the State Government.

Some of the issues that were discussed and voted on which were related to local government were things such as rate settings, future conduct of local government elections, the reimbursement of funds regarding elections, provisions with works compensation and the possibility of City of Sydney Council having local laws similar to what exists in other capital cities.

RECOMMENDATION

THAT Council:

1. Note the report on the Local Government Annual Conference held from 23rd to 26th October 2011 in Nowra; and
2. Write to the Local Government Association putting forward ideas to help to improve the conference for upcoming years.

COMMITTEE MEETINGS

ITEM-24 ENVIRO - 21/11/11 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES - 12TH OCTOBER 2011

REPORT BY: ANDREW MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-84: Ordinary Meeting of 7 March 2011
Min No 11-125: Ordinary Meeting of 28 March 2011
Min No 11-219: Ordinary Meeting of 30 May 2011
Min No 11-285: Ordinary Meeting of 11 July 2011

SUMMARY

This report details the minutes of the Environmental Advisory Committee meeting held 12 October 2011.

COMMENTARY

At the Environmental Advisory Committee held on 12 October 2011, there were ten (10) items discussed by the committee.

1. Present and Apologies
2. Previous Minutes
3. Business Arising From Previous Minutes
4. HNCMA Regional Landcare Facilitator Presentation
5. Sustainability Project Update
6. Hassans Walls Update
7. Request for Council Energy Audit
8. HNCMA Western Landscapes Reference Group
9. Development of a Position Description for an Environmental Position at Council
10. General Business
11. Historic Items

The EAC made a number of recommendations to Council as follows:

Item 9 Development of a Position Description - Environmental

THAT Council consider and investigate an Environmental Levy to fund an Environmental Position.

Item 10: General Business

THAT Council provide explanation why professional indemnity insurance is required for general contract work such as bushland regeneration.

THAT Council provide a break down of spending on environment and health services and an explanation as to why Council has one of the lowest expenditures per capita in the state.

Group Managers Comment – The adopted terms of reference for the Environmental Advisory Committee provide it with the following responsibilities:

Committee’s responsibilities

The principal responsibilities of the Committee are to advise Council on environmental issues with a focus on natural resource management and urban environmental sustainability.

The Committee will:

- Provide local knowledge and expertise about the natural environment within the Local Government Area.
- Provide informed and constructive advice in regard to urban environmental sustainability, including cycle and walkways, green areas, threatened species within urban areas, urban bushland regeneration, connectivity to natural areas, community nurseries and gardens.
- Identify emerging issues of concern to the health of the natural environment within the Local Government Area.
- Provide specific and targeted feedback on a range of Council policies, strategies and management plans that relate to natural resource management and urban environmental sustainability.

The items raised in items 9 and 10 of the committee run beyond the committee’s terms of reference. The issue of a Biodiversity and Bushland Officer has been previously considered by Council on 11 July 2011 where it resolved “The Environmental Advisory Committee prepare a scope of duties, suggested funding sources and business case for the proposed Biodiversity and Bushland Officer.” Whilst it is questionable that the committees consideration of this issue is within its terms of reference, Council has previously advised the committee that if it wants to pursue such a position then it will have to do more work to justify the position.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Environmental Advisory Committee held 12 October 2011.

RECOMMENDATION

THAT:

1. Council notes the minutes of the Environmental Advisory Committee held 12 October 2011;
2. Council advise that it cannot consider the requests and recommendations made by the Environmental Advisory Committee for items 9 and 10 as they are beyond the Committees Terms of Reference;
3. Council reiterate that if the committee wishes to pursue the position of Biodiversity and Bushland Officer that it is up to the Environmental Advisory Committee to prepare a scope of duties, suggested funding sources and business case; and
4. Council reiterate to the Committee that it must conduct its business within the Terms of Reference adopted by Council.

**ITEM-25 ENVIRO - 21/11/11 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MEETING MINUTES - 8TH NOVEMBER 2011**

**REPORT BY: ANDREW 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 8 November 2011.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 8 November 2011, there were a number of items discussed.

The minutes are attached for formal ratification by Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 8 November 2011.

RECOMMENDATION

THAT Council note the minutes of the Crystal Theatre Management Committee Meeting held on 8 November 2011.

ITEM-26 OPER - 21/11/11 - SPORTS ADVISORY COMMITTEE MEETING - MINUTES 31ST OCTOBER 2011

REPORT BY: ASSETS AND PROJECT ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 31 October 2011 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 31 October 2011, there were seven (7) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards – September 2011
- Booking Requests
 - Lithgow High School
 - Namaste 22
 - Doug Lowry
 - Ironfest
- General Business including:
 - Maintenance requests for Tony Luchetti Sportsground (Lithgow Bears RLFC), Jim Monaghan Athletics Oval (Lithgow Athletics Club), Watsford Oval (Lithgow District Cricket Association Inc), Conran Oval (Lithgow District Cricket Association Inc); and
 - Infringement enforcement request for Council's sporting fields

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 31 October 2011.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 31 October 2011.

**ITEM-27 COMM - 21/11/11 - SOUTH LITTLETON HALL SECTION 355
 COMMITTEE**

REPORT BY: MATTHEW JOHNSON, COMMUNITY AND CULTURE MANAGER

REFERENCE

Min No 10-452: Ordinary Meeting of Council held 1 November 2010.

SUMMARY

This report provides an update to the Council on progress of the Lithgow Men's Shed and the refurbishment of the South Littleton Hall.

COMMENTARY

Council resolved at the Ordinary Meeting of Council dated 1 November 2010 (Min 10-452):

THAT Council:

1. Supports the proposal from the Lithgow Men's Shed Group to use and undertake renovations of the South Littleton Hall.
2. Establish an s355 Committee of Council for the purpose of undertaking the renovation of the South Littleton Hall.
3. The Committee to be known as "The South Littleton Hall Renovations Committee".
4. The Terms of Reference for the Committee to be:
 - Develop a plan for the renovation of the South Littleton Hall, including works to be undertaken and recommended timeframes.
 - Liaise with the broader community in terms of long-term use of the hall
 - Undertake the renovation of prescribed areas of the South Littleton Hall
 - Seek and advocate for funds and grants for carrying out the works.
5. Membership of the Committee to consist of:
 - 2 Councillors
 - 6 community members from the Lithgow Mens Shed Group
 - 1 officer from Council's Regional Services
 - 1 officer from Council's Community and Cultural Services
6. The term of the Committee be for the duration of the renovations.
7. After an agreed timeframe, the hall to become available for community use.
8. Consider allocating funds to the renovation of South Littleton Hall as part of Council's budget review process.
9. Appoints two Councillors to the Committee.
10. Seek advice in relation to the above.

The South Littleton Hall Renovations Committee has been meeting monthly since early 2011 to plan for renovation of the South Littleton Hall.

While minutes of the meeting have been taken at all of the meetings held, these minutes have not been previously put to the absence of a Community Development Officer. They are now tabled.

Renovation Works

Renovation work commenced in September 2011 following the engagement by Council of contractors to remove asbestos fibro sheeting from the rear wall and to pour the toilet block slab.

With these works completed, the South Littleton Hall Renovations Committee were able to commence work on framing the toilet block, re-cladding some sections of exterior walls and exterior painting. Considerable progress has since been made with the toilet block roof now close to complete. Completion of exterior cladding, exterior painting, toilet block fitout and hall gyprock sheeting is scheduled before Christmas 2011.

Since commencement of work there has been a considerable increase in the number of men involved in the project, up to 20 at a time. This has demonstrated that there is a lot of interest among local men in participating in the project and in engaging with other men. A further positive outcome of the project has been the level of interest shown by nearby residents.

It is anticipated that the majority of renovation work will be completed by 31 December 2011.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council holds \$15,000 funding under the NSW Government's Community Building Partnership Program for the purpose of renovating the South Littleton Hall. This funding is for materials only and is to be fully spent by 31 December 2011. An amount of \$9,425.50 remains unspent from this grant. With a number of significant cost items still to be purchased, it is anticipated that this grant will be fully expended by 31 December 2011.

Council holds a further \$15,000 funding under the Commonwealth Government's Regional and Local Community Infrastructure Program (RLCIP) for the purpose of renovating the South Littleton hall. This funding is for materials only and is to be fully spent by 31 December 2011. An amount of \$9,425.50 remains unspent from this grant. With a number of significant cost items still to be purchased, it is anticipated that this grant will be fully expended by 31 December 2011.

Council has allocated a further \$10,000 for labour costs towards undertaking work that could not be undertaken by the South Littleton Hall Renovations Committee including asbestos removal. \$3,461.60 of this allocation remains unspent.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

ATTACHMENTS

1. South Littleton Hall Renovations Committee meetings dated:

- 8 February 2011
- 5 April 2011
- 3 May 2011
- 7 June 2011
- 5 July 2011
- 9 August 2011
- 4 October 2011

RECOMMENDATION

THAT Council notes the minutes of the South Littleton Hall Renovations Committee meetings of:

- 8 February 2011;
- 5 April 2011;
- 3 May 2011;
- 7 June 2011;
- 5 July 2011;
- 9 August 2011
- 4 October 2011.

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.*